

2023 HOUSE EDUCATION

HB 1532

2023 HOUSE STANDING COMMITTEE MINUTES

Education Committee
Coteau AB Room, State Capitol

HB 1532
2/1/2023

Relating to the establishment of an educational reimbursement program; to provide an appropriation; and to provide an effective date.

2:45 PM

Chairman Heinert opened the hearing. **Members present:** Chairman Heinert, Vice Chairman Schreiber-Beck, Representatives Conmy, Dyk, Hager, Hauck, Heilman, Hoverson, Jonas, Longmuir, Marschall, Murphy, Novak, and Timmons.

Discussion Topics:

- Parental rights
- Freedom of choice
- Private or Christian school
- Financial burden
- Qualified educational expenses
- Nonpublic school
- Parents imitative
- Accountability
- Protections
- Finance transparency
- Religious and civil liberties
- Constitution Preamble
- Public dollars public schools
- Parents' choice
- Schools' choice
- Article 8 Section 5

Representative Claire Cory, District 42, Grand Forks, introduced HB 1532 in support (#18573).

Shane Goettle, registered lobbyist, State Association of Nonpublic Schools, testified in support (#18581).

Gerald Vetter, President of North Dakota Association of Nonpublic Schools, testified in support (#18513).

Dr. Christopher Dodson, Educational Director of North Dakota Catholic Conference, testified in support (#18574).

Tom Tracy, Jamestown, testified in support (#18415).

Sara Dudley, Principal at St. Michaels in Grand Forks, testified in support (#18163).

Jacob Odermann, rancher in Belfield, Billings Co., testified in support (#18282).

Kimberly Effa, District 42, Grand Forks, testified in support (#18325).

Father Jady N Nelson, Bishop Ryan School, Minot, testified in support (#18291).

Bob Otterson, President of Oak Grove Lutheran School, Fargo, testified in support (#20974).

Heather Huighe, parent, Minot, District 5, student at University of North Dakota, student teacher, testified in support (#18305).

Danielle Wangler, parent, testified in support (#18469).

Jeff Ringstad, Administrator with Our Redeemer's Christian School in Minot, testified in support (#17770).

Dr. Aimee Copas, Executive Director with North Dakota Council of Educational Leaders, verbally testified in opposition.

Nick Archuleta, President of North Dakota United, testified in opposition (#18466).

Alexis Baxley, Executive Director with North Dakota School Boards Association, testified in opposition (#18296).

Mike Bitz, Superintendent with Mandan School District, testified in opposition (#18323).

Dr. Jason Hornbacher, Superintendent of Bismarck Public Schools, verbally testified in opposition.

Amber Vibeto, District 3, testified in opposition (#18379).

Landis Larson, President of AFL-CIO, testified in opposition (#18312).

Additional written testimony:

<u>Support:</u>	<u>Testimony #</u>
Loren Artz, Bismarck	18590
Jeffrey McGee, Grand Forks	18587
Derrick Nagel, Principal of Christ the King School	18586
Jonathan Artz, Bismarck	18583
Christine Larson, Lincoln	18579
Jennifer Jundt, Minot	18571
Paul Belzer, Jamestown	18566
Jaimie Brunner, Minot	18565
James Olson, Minot	18562
Cody Champagne, Jamestown	18554
Paul Hensrud, Grand Forks	18553
Shannon Schmidt, Minot	18546

Cassandra Baker, Christ the King School	18544
Jesse Beckers, Bismarck	18539
Colt Iseminger, Grand Forks	18538
Jennifer Dockter, parent of St. John's Academy student	18537
Elizabeth Beckers, White	18533
Lindsey Peterson, Bismarck	18532
Karen Erickson, Bismarck	18529
Cindy Waind, Grand Forks	18528
April Zimney, Jamestown	18527
Allison Lengenfelder, Bismarck	18523
Kellee Hollenbeck, parent of St. Mary's High student	18520
Lindi Michlitsch, Bismarck	18519
Tabitha Talkington, Dickinson	18517
Annie Hancock, parent of St. John's Academy student	18512
David Neff, Bismarck	18507
Shauna Kemp, Jamestown	18506
Amy Lee, Surrey	18503
Melissa Olson, parent of Bishop Ryan Catholic School student	18501
Marya Skaare, Dickinson	18500
Rodney Thompson, Bismarck	18499
John Sisk, Sheriff's Deputy in Bismarck	18498
Paul Wilburn, Fargo	18487
Karla Wohlers, Fargo	18486
Lisa Brintnell, United States Air Force	18484
Jennifer Flemmer, Bismarck	18483
Andrea Honeyman, Bismarck	18482
Dan Beauchamp, Fargo	18479
Susan Carlson, Grand Forks	18477
Alex Cournoyer, Bismarck	18472
Natalie Hitchcock, Shiloh Christian School parent	18471
Beth Ivesdal, Bismarck	18467
Shantelle Smith, Fargo	18465
Maren Wright, Fargo	18464
Kathryn Kost, Bismarck	18463
Claudia Olson, Ole Olson's Towing and Recovery	18445
Rachel Pankratz, Christ the King School	18443
Jason Jacobs, Dickinson	18442
Dawn Hanson, Minot	18440
Raymond Kopp, Des Lacs	18437
Jane Schlinger, Bismarck	18435
Emily Johnson, Bismarck	18434
Jarid Lundeen, Bishop Ryan Catholic Schools	18431
Cassidy Horner, Bismarck	18429
Frederick Ilunga, Lincoln	18427
John Odermann, Dickinson	18412
Craig Erickson, Mandan	18411
Mary Finley, Minot	18405
Carl Jackson, Bismarck	18398

Jessica Pathroff, Bismarck	18394
Meredith Quinn, St. Michael's Catholic School	18384
Tina Sackett, Valley City	18381
Ashley Johnson, Mandan	18370
Adam Johnson, Mandan	18369
Susan Canham, Bismarck	18368
Rebecca Marshall, Grand Forks	18366
Nicholas Scotten, Valley City Christian School	18362
Mark Williamson, Buxton	18359
Sean Stanga, physician at Trinity Health	18357
Matthew Voeller, Bismarck	18356
Jeffrey Skaare, Dickinson	18355
Nathan Harling, Lincoln	18354
Janel Johnson, Grand Forks	18349
Jean Lenz, physician in Mandan	18348
Chris Eslinger, Mandan	18343
Stephanie Fortner, Bismarck	18339
Mark Jorritsma, North Dakota Family Alliance	18334
Kimberly Zimmel, Fargo	18333
Mary Saxer, Minot	18331
Kacie Iglehart, Bismarck	18327
Matthew Graves, Bismarck	18318
Ann Olson, Bishop Ryan Catholic School	18313
Natasha Dosch, Bismarck	18309
Jeannie Jagow, Grand Forks	18306
David Dreher, Bismarck	18304
Carinna Hendrickson, Bismarck	18302
Joelle Loftis, Bismarck	18299
Theresa Deckert, North Dakota Home School Association	18298
Nicole Forsness, Gladstone	18292
Tanya Steckler, Minot	18290
Jane Schafer, Bismarck	18277
Jessica Kuntz, Bismarck	18252
Corey Dutchuk, Bismarck	18251
Nancy Lefor, Dickinson	18238
Chad Gion, Pastor at Saint Bernard Mission School	18232
Keith Braunberger, Pure Powersports	18229
Michaela Woiwode, Bismarck	18217
Clint Feland, Bismarck	18213
Daniel Neff, Light of Christ Schools	18212
Elaine Feland, Bismarck	18194
Greg Johnson, Grand Forks	18192
Thomas Bradbury, American Conservative Union	18190
Emily Bakken, Bismarck	18185
Bridgett Bahm, Bismarck	18183
Brad Kostelecky, Bismarck	18181
Sascha Demory, Minot	18180
Lisa Roers, Dickinson	18175

Tyler Schafer, Bismarck	18162
Shawna Helbling, Mandan	18161
Denise Wolfgram, Martin Luther School	18160
Shannon Indovina, Bismarck	18159
Jason Vadnie, West Fargo	18156
Brooke Nichols, Bismarck	18132
Marissa Czczok, Dickinson	18123
MacKenzie Dutchuk, Bismarck	18114
Jayne Ketterling, Trinity High School	18113
Jessica Engelhardt, Bismarck	18110
Bobbie Mertens, Devils Lake	18108
Diane Hendrickson, Bismarck	18100
Rachel Bergsagel, West Fargo	18051
Randy Kollman, Jamestown	18050
Dora Tschosik, Bismarck	18044
John Ferderer, Bismarck	18040
Hannah Hauff, Bismarck	18020
Stacy Johnston, Grand Forks	18014
Sasha Dykema, Fargo	18008
John Devney, Bismarck	17991
Chase Betz, Bismarck	17986
Bob Bartlett, Reverend at Sumberg Church	17985
Melanie Schwab, Mandan	17949
Julie Brendel, Bismarck	17948
Jeff Chamberlain, Bismarck	17945
Jennifer Winterberg, Bismarck	17925
Arthur Weidner, West Fargo	17913
Kari Sornsin, Fargo	17895
Kathryn Dockter, Mandan	17888
BriAnna Wanner, Bismarck	17883
Wendy Schmidt, Bismarck	17879
Lu Jin, Grand Forks	17873
Nichole Montgomery, St. Michaels School	17872
Katelyn Denne, Minot	17859
Melissa McCulley, Fargo	17853
Ryan Christenson, Dickinson	17851
Tera Miller, Bismarck	17841
Amanda Jensen, Mandan	17810
Lindsey Flicker, West Fargo Public Schools	17799
Beck Hruby, Mandan	17788
Stephen Miller, Grand Forks	17758
Pamela Givan, Bismarck	17755
Tracy Boyle, Fargo	17726
Sandra Richter, Bismarck	17681
Jim Deichert, Dickinson	17680
Miranda Grafing, Valley City	17674
Amanda Pickard, Valley City	17667
Shawna Grubb, Bismarck	17619

Vicki Grafing, North Dakota Innocence Project	17616
Stephen Miller, Grand Forks	17600
April Corell, Jamestown	17599
Tricia Vandermay, Bismarck	17580
Amanda Dukart, Mandan	17562
Robin McCurry, Minot	17561
Rachel Haidle, Bismarck	17541
Benjamin Imdieke, Bismarck	17538
Justin Haag, Novaspect	17527
Courtney Lanes, Fargo	17521
Juleen Roszkowski, Dickinson	17520
Marie Hetzel, Dickinson	17519
Will Gardner, Century 21 Morrison Realty/BisManOnline.com	17515
Laura Gardner, Mandan	17483

Opposition:

	<u>Testimony #</u>
Sarah Grossbauer, Grand Forks	18564
Paul and LaRissa Wiley, Millarton	18556
Sarah Lerud, Valley City	18552
Madeline Luke, Valley City	18550
Samantha Harrison, Mandan	18543
Erin Power, Fargo	18478
Monica Klein, Mandan	18397
Brenda Seehafer, North Dakota United	18383
Mary Eldredge Sandbo, Des Lacs Burlington High School	18283
Sylvia Bull, Bismarck	18265
Amy Phillips, Fargo	18233
Zac Echola, BOFA	18112
Katie Christensen, Fargo School Board	18053
Terri Hedman, Fargo	17998
Whitney Oxendahl, Fargo	17860
Daniel Rice, Fargo	17499

Neutral:

	<u>Testimony #</u>
Theresa Deckert, North Dakota Home School Association	18298

4:42 PM **Chairman Heinert** closed the hearing.

Kathleen Davis, Committee Clerk

Minutes completed by Mary Brucker, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Education Committee
Coteau AB Room, State Capitol

HB 1532
2/6/2023

relating to the establishment of an educational reimbursement program; to provide an appropriation; and to provide an effective date.

10:07 AM

Chairman Heinert opened the meeting. Members present: Chairman Heinert, Vice Chairman Schreiber-Beck, Representatives Conmy, Dyk, Hager, Hauck, Heilman, Hoverson, Jonas, Longmuir, Marschall, Murphy, Novak, and Timmons.

Discussion Topics:

- Private schools
- Qualified students
- State's responsibility for child's education
- Change requests
- Discrimination
- Taxpayer dollars
- Open records, open meetings
- Elected members
- No discrimination
- Fiscal audits annually
- Public money
- Parental choice
- State funds
- Best for the child
- Property taxes
- Exodus out of the public school system.
- Funding formula
- Proficiency scores of private schools

Committee Discussion on HB 1532.

10:45 AM Chairman Heinert closed the meeting.

Kathleen Davis, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Education Committee
Coteau AB Room, State Capitol

HB 1532
2/6/2023

relating to the establishment of an educational reimbursement program; to provide an appropriation; and to provide an effective date.

11:12 AM

Chairman Heinert opened the meeting. **Members present:** Chairman Heinert, Vice Chairman Schreiber-Beck, Representatives Conmy, Dyk, Hager, Hauck, Heilman, Hoverson, Jonas, Longmuir, Marschall, Murphy, Novak, and Timmons.

Discussion Topics:

- Committee work

Representative Schreiber-Beck proposed an amendment (#19522).

Committee discussion.

11:20 AM **Chairman Heinert** closed the meeting.

Kathleen Davis, Committee Clerk

Minutes completed by Mary Brucker, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Education Committee Coteau AB Room, State Capitol

HB 1532
2/6/2023

relating to the establishment of an educational reimbursement program; to provide an appropriation; and to provide an effective date.

4:00 PM

Chairman Heinert opened the meeting. Members present: Chairman Heinert, Vice Chairman Schreiber-Beck, Representatives Conmy, Dyk, Hager, Hauck, Heilman, Hoverson, Jonas, Longmuir, Marschall, Murphy, Novak, and Timmons.

Discussion Topics:

- Committee action

Shane Goettle, lobbyist for Association of Non-Public Schools was called forward to answer questions.

Rep Hoverson moved a Do Pass, seconded by Rep Dyk. Rep Hoverson and Rep Dyk withdrew their motion.

Rep Hauck presented a suggested amendment (#19392), seconded by Rep Dyk. Voice vote was not clear if passed or not so a Roll Call Vote was made.

Roll call vote:

Representatives	Vote
Representative Pat D. Heinert	Y
Representative Cynthia Schreiber-Beck	N
Representative Liz Conmy	N
Representative Scott Dyk	Y
Representative LaurieBeth Hager	N
Representative Dori Hauck	Y
Representative Matt Heilman	Y
Representative Jeff A. Hoverson	Y
Representative Jim Jonas	N
Representative Donald W. Longmuir	N
Representative Andrew Marschall	Y
Representative Eric James Murphy	N
Representative Anna S. Novak	Y
Representative Kelby Timmons	Y

8-6-0 Motion carried.

Rep Schreiber-Beck moved to further amend (#19522), seconded by Rep Murphy.

Roll call vote:

Representatives	Vote
Representative Pat D. Heinert	N
Representative Cynthia Schreiber-Beck	Y
Representative Liz Conmy	N
Representative Scott Dyk	N
Representative LaurieBeth Hager	Y
Representative Dori Hauck	N
Representative Matt Heilman	N
Representative Jeff A. Hoverson	N
Representative Jim Jonas	N
Representative Donald W. Longmuir	N
Representative Andrew Marschall	N
Representative Eric James Murphy	Y
Representative Anna S. Novak	N
Representative Kelby Timmons	N

3-11-0 Motion failed.

Rep Novak moved to further amend change State Treasurer to Superintendent of Public Instruction and in section 1 recommends an audit report be disclosed, in section 2 include any nonpublic schools receiving state funds must follow federal regulations and allow students to enroll that has capacity. Seconded by Rep Hager.

Roll call vote:

Representatives	Vote
Representative Pat D. Heinert	N
Representative Cynthia Schreiber-Beck	Y
Representative Liz Conmy	N
Representative Scott Dyk	N
Representative LaurieBeth Hager	Y
Representative Dori Hauck	N
Representative Matt Heilman	N
Representative Jeff A. Hoverson	N
Representative Jim Jonas	N
Representative Donald W. Longmuir	N
Representative Andrew Marschall	N
Representative Eric James Murphy	Y
Representative Anna S. Novak	Y
Representative Kelby Timmons	N

Motion fails 4-10-0

Rep Hager proposed an amendment to incorporate a legislative study.

Rep Schreiber-Beck seconded the motion.

Roll call vote:

Representatives	Vote
Representative Pat D. Heinert	N
Representative Cynthia Schreiber-Beck	Y
Representative Liz Conmy	Y
Representative Scott Dyk	N
Representative LaurieBeth Hager	Y
Representative Dori Hauck	N
Representative Matt Heilman	N
Representative Jeff A. Hoverson	N
Representative Jim Jonas	N
Representative Donald W. Longmuir	N
Representative Andrew Marschall	Y
Representative Eric James Murphy	N
Representative Anna S. Novak	N
Representative Kelby Timmons	N

Motion fails 4-10-0

Rep Heilman moved a Do Pass as Amended and Refer to Appropriations.

Rep Dyk seconded the motion.

Roll call vote:

Representatives	Vote
Representative Pat D. Heinert	Y
Representative Cynthia Schreiber-Beck	N
Representative Liz Conmy	N
Representative Scott Dyk	Y
Representative LaurieBeth Hager	N
Representative Dori Hauck	Y
Representative Matt Heilman	Y
Representative Jeff A. Hoverson	Y
Representative Jim Jonas	N
Representative Donald W. Longmuir	N
Representative Andrew Marschall	Y
Representative Eric James Murphy	N
Representative Anna S. Novak	Y
Representative Kelby Timmons	Y

Motion carried 8-6-0

Rep Hauck is the bill carrier.

4:44 PM Chairman Heinert closed the meeting.

Kathleen Davis, Committee Clerk
Mary Brucker, Committee Clerk

February 6, 2023

JA 2-6-23

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1532

Page 2, line 9, replace "not less than fifteen percent and" with "equivalent to the qualified education expenses, but"

Renumber accordingly

↑

REPORT OF STANDING COMMITTEE

HB 1532: Education Committee (Rep. Heinert, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (8 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1532 was placed on the Sixth order on the calendar.

Page 2, line 9, replace "not less than fifteen percent and" with "equivalent to the qualified education expenses, but"

Renumber accordingly

2023 HOUSE APPROPRIATIONS

HB 1532

2023 HOUSE STANDING COMMITTEE MINUTES

Appropriations Committee
Brynhild Haugland Room, State Capitol

HB 1532
2/15/2023

Relating to the establishment of an educational reimbursement program

10:45 AM Chairman Vigesaa- Meeting was called to order and roll call was taken:

Members present; Chairman Vigesaa, Representative Kempenich, Representative B. Anderson, Representative Brandenburg, Representative Hanson, Representative Kreidt, Representative Martinson, Representative Mitskog, Representative Meier, Representative Mock, Representative Monson, Representative Nathe, Representative J. Nelson, Representative O'Brien, Representative Pyle, Representative Richter, Representative Sanford, Representative Schatz, Representative Schobinger, Representative Strinden, Representative G. Stemen and Representative Swiontek.

Members not Present Representative Bellew

Discussion Topics:

- Education Reimbursement Program
- Private School Students
- Funds Used for Tuition

Representative Heinert, District 32- Introduces HB 1532

Chairman Vigesaa Closed the meeting for HB 1532 @ 11:13 AM

Risa Berube, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Appropriations Committee Brynhild Haugland Room, State Capitol

HB 1532
2/15/2023

Relating to the establishment of an educational reimbursement program

5:40 PM Chairman Vigesaa- Meeting was called to order and roll call was taken:

All Members present; Chairman Vigesaa, Representative Kempenich, Representative B. Anderson, Representative Bellew, Representative Brandenburg, Representative Hanson, Representative Kreidt, Representative Martinson, Representative Mitskog, Representative Meier, Representative Mock, Representative Monson, Representative Nathe, Representative J. Nelson, Representative O'Brien, Representative Pyle, Representative Richter, Representative Sanford, Representative Schatz, Representative Schobinger, Representative Strinden, Representative G. Stemen and Representative Swiontek.

Discussion Topics:

- Amendments

Representative Hanson- Introduces amendment 23.0143.07002 (Testimony #20942)

Representative Hanson- Move to adopt the amendment.

Representative J. Nelson-Seconds the motion.

Committee discussion Roll call vote

Representatives	Vote
Representative Don Vigesaa	N
Representative Keith Kempenich	N
Representative Bert Anderson	N
Representative Larry Bellew	N
Representative Mike Brandenburg	N
Representative Karla Rose Hanson	Y
Representative Gary Kreidt	N
Representative Bob Martinson	Y
Representative Lisa Meier	Y
Representative Alisa Mitskog	N
Representative Corey Mock	Y
Representative David Monson	Y
Representative Mike Nathe	N
Representative Jon O. Nelson	Y
Representative Emily O'Brien	Y
Representative Brandy Pyle	Y
Representative David Richter	Y
Representative Mark Sanford	Y

Representative Mike Schatz	N
Representative Randy A. Schobinger	N
Representative Greg Stemen	N
Representative Michelle Strinden	N
Representative Steve Swiontek	Y

Motion Fails 11-12-0

Representative J. Nelson- Move to amend by Superintendent of Public Instruction replace the state treasure, report to legislative management, legislative management study.

Representative Hanson- Seconds the motion.

Committee discussion- Roll call vote

Representatives	Vote
Representative Don Vigesaa	Y
Representative Keith Kempenich	Y
Representative Bert Anderson	Y
Representative Larry Bellew	N
Representative Mike Brandenburg	Y
Representative Karla Rose Hanson	N
Representative Gary Kreidt	Y
Representative Bob Martinson	Y
Representative Lisa Meier	Y
Representative Alisa Mitskog	Y
Representative Corey Mock	Y
Representative David Monson	Y
Representative Mike Nathe	Y
Representative Jon O. Nelson	Y
Representative Emily O'Brien	Y
Representative Brandy Pyle	Y
Representative David Richter	Y
Representative Mark Sanford	Y
Representative Mike Schatz	N
Representative Randy A. Schobinger	N
Representative Greg Stemen	Y
Representative Michelle Strinden	Y
Representative Steve Swiontek	Y

Motion Carries 19-4-0

Representative Kempenich- Move to amend by removing section 4 of marked up version (#23073).

Representative B. Anderson- Seconds the motion.

Committee discussion- Roll call vote

Representatives	Vote
Representative Don Vigesaa	Y
Representative Keith Kempenich	Y
Representative Bert Anderson	Y
Representative Larry Bellew	Y
Representative Mike Brandenburg	Y
Representative Karla Rose Hanson	N
Representative Gary Kreidt	Y
Representative Bob Martinson	N
Representative Lisa Meier	N
Representative Alisa Mitskog	Y
Representative Corey Mock	N
Representative David Monson	Y
Representative Mike Nathe	Y
Representative Jon O. Nelson	Y
Representative Emily O'Brien	N
Representative Brandy Pyle	Y
Representative David Richter	N
Representative Mark Sanford	N
Representative Mike Schatz	Y
Representative Randy A. Schobinger	N
Representative Greg Stemen	Y
Representative Michelle Strinden	Y
Representative Steve Swiontek	N

Motion Carries 14-9-0

Representative Kempenich Do Pass as Amended

Representative Meier Seconds the motion.

Committee discussion Roll call vote

Representatives	Vote
Representative Don Vigesaa	N
Representative Keith Kempenich	Y
Representative Bert Anderson	Y
Representative Larry Bellew	Y
Representative Mike Brandenburg	N
Representative Karla Rose Hanson	N
Representative Gary Kreidt	N
Representative Bob Martinson	N
Representative Lisa Meier	Y
Representative Alisa Mitskog	N
Representative Corey Mock	N
Representative David Monson	N
Representative Mike Nathe	Y
Representative Jon O. Nelson	N

Representative Emily O'Brien	N
Representative Brandy Pyle	N
Representative David Richter	N
Representative Mark Sanford	N
Representative Mike Schatz	Y
Representative Randy A. Schobinger	N
Representative Greg Stemen	Y
Representative Michelle Strinden	Y
Representative Steve Swiontek	N

Motion Fails 8-15-0

Representative Pyle- Move for a Do Not Pass as Amended

Representative Hanson Seconds the motion.

Roll call vote.

Representatives	Vote
Representative Don Vigesaa	Y
Representative Keith Kempenich	N
Representative Bert Anderson	N
Representative Larry Bellew	N
Representative Mike Brandenburg	Y
Representative Karla Rose Hanson	Y
Representative Gary Kreidt	Y
Representative Bob Martinson	Y
Representative Lisa Meier	N
Representative Alisa Mitskog	Y
Representative Corey Mock	Y
Representative David Monson	Y
Representative Mike Nathe	N
Representative Jon O. Nelson	Y
Representative Emily O'Brien	Y
Representative Brandy Pyle	Y
Representative David Richter	Y
Representative Mark Sanford	Y
Representative Mike Schatz	N
Representative Randy A. Schobinger	Y
Representative Greg Stemen	N
Representative Michelle Strinden	N
Representative Steve Swiontek	Y

Motion Carries 15-8-0 Representative Monson will carry the bill.

6:31 PM Chairman Vigesaa Closed the meeting for HB 1532

Risa Berube, Committee Clerk

DR
172
2-14-23

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1532

Page 1, line 2, after the semicolon insert "to provide for a legislative management study; to provide for a legislative management report; and"

Page 1, line 3, remove "; and to provide an effective date"

Page 2, line 24, replace "**State treasurer**" with "**Superintendent of public instruction**"

Page 2, line 25, replace "state treasurer" with "superintendent of public instruction"

Page 2, line 30, replace "state treasurer" with "superintendent of public instruction"

Page 2, line 31, replace "state treasurer" with "superintendent of public instruction"

Page 3, line 3, replace "state treasurer" with "superintendent of public instruction"

Page 3, line 4, replace "state treasurer" with "superintendent of public instruction"

Page 3, line 10, replace "state treasurer" with "superintendent of public instruction"

Page 3, line 10, replace the second "treasurer" with "superintendent"

Page 3, line 14, remove "state treasurer."

Page 3, line 16, replace "treasurer" with "superintendent of public instruction"

Page 3, line 17, replace "treasurer" with "superintendent of public instruction"

Page 3, after line 21, insert:

"3. The superintendent of public instruction shall audit program funds disbursed to a qualified school."

Page 3, line 22, after "**Applicability**" insert "**- Report to the legislative management**"

Page 3, line 23, after the underscored period insert "On or before September 25, 2025, and annually each year thereafter, the superintendent of public instruction shall report to the legislative management any educational reimbursement program expenditures and supporting data."

SECTION 2. LEGISLATIVE MANAGEMENT STUDY - FUNDING OF NONPUBLIC SCHOOLS.

1. During the 2023-24 interim, the legislative management shall consider studying the funding of nonpublic schools. The study must include:
 - a. An evaluation of how other states fund nonpublic schools, including accountability and oversight methods;
 - b. A comparison of funding based on need versus funding every student;
 - c. An evaluation of the impact funding nonpublic schools would have on equity related to rural schools and students affected by federal education regulations;

- d. A review of the number of students denied admission by nonpublic schools; and
 - e. An evaluation of the impact funding nonpublic schools would have on public schools situated within the same school district.
2. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-ninth legislative assembly."

DR
242
2-16-23

Page 3, remove line 30

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1532, as engrossed: Appropriations Committee (Rep. Vigesaa, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (15 YEAS, 8 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1532 was placed on the Sixth order on the calendar.

Page 1, line 2, after the semicolon insert "to provide for a legislative management study; to provide for a legislative management report; and"

Page 1, line 3, remove "; and to provide an effective date"

Page 2, line 24, replace "**State treasurer**" with "**Superintendent of public instruction**"

Page 2, line 25, replace "state treasurer" with "superintendent of public instruction"

Page 2, line 30, replace "state treasurer" with "superintendent of public instruction"

Page 2, line 31, replace "state treasurer" with "superintendent of public instruction"

Page 3, line 3, replace "state treasurer" with "superintendent of public instruction"

Page 3, line 4, replace "state treasurer" with "superintendent of public instruction"

Page 3, line 10, replace "state treasurer" with "superintendent of public instruction"

Page 3, line 10, replace the second "treasurer" with "superintendent"

Page 3, line 14, remove "state treasurer."

Page 3, line 16, replace "treasurer" with "superintendent of public instruction"

Page 3, line 17, replace "treasurer" with "superintendent of public instruction"

Page 3, after line 21, insert:

"3. The superintendent of public instruction shall audit program funds disbursed to a qualified school."

Page 3, line 22, after "**Applicability**" insert "**- Report to the legislative management**"

Page 3, line 23, after the underscored period insert "On or before September 25, 2025, and annually each year thereafter, the superintendent of public instruction shall report to the legislative management any educational reimbursement program expenditures and supporting data."

SECTION 2. LEGISLATIVE MANAGEMENT STUDY - FUNDING OF NONPUBLIC SCHOOLS.

1. During the 2023-24 interim, the legislative management shall consider studying the funding of nonpublic schools. The study must include:
 - a. An evaluation of how other states fund nonpublic schools, including accountability and oversight methods;
 - b. A comparison of funding based on need versus funding every student;
 - c. An evaluation of the impact funding nonpublic schools would have on equity related to rural schools and students affected by federal education regulations;

- d. A review of the number of students denied admission by nonpublic schools; and
 - e. An evaluation of the impact funding nonpublic schools would have on public schools situated within the same school district.
2. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-ninth legislative assembly."

Page 3, remove line 30

Renumber accordingly

2023 SENATE EDUCATION

HB 1532

2023 SENATE STANDING COMMITTEE MINUTES

Education Committee
Room JW216, State Capitol

HB 1532
3/14/2023

Relating to the establishment of an educational reimbursement program; provide for a legislative management study; provide for a legislative management report; provide an appropriation.

9:00 AM Chair Elkin opened the hearing. Present: Chair Elkin, Vice Chair Beard, Sen Axtman, Sen Conley, Sen Lemm, and Sen Wobbema.

Discussion Topics:

- Equal choices
- Financial cost
- Non-public school funding
- Accountability
- Constitutionality

Rep Cory, Dist 42, bill sponsor testified in support #24749.

Rep Heinert, Dist 32, testified in support with no written testimony.

Shane Goettle, ND Nonpublic Schools, testified in support #24682, #24681, 24941.

Gerald Vetter, Pres Light Christ Schools, testified in support #24721.

Kimberly Efta, parent, Grand Forks, ND testified in support #24251.

DeAnn Scheeler, Trinity Catholic, Dickinson, ND testified in support #24330.

Kevin Leier, Principal Little Flower School testified in support #24589.

Danielle Wangler, teacher, Minot, ND, testified in support. #24543.

Christopher Dodson, Catholic Conference, testified in support #24712.

Britney Bachmeier, Full Circle Academy, Fargo, ND testified via TEAMS in support. #24660.

Sara Dudley, Principal St Michaels, Grand Forks, ND testified via TEAMS in support #24541.

Jeff Ringstad, Our Redeemers, Minot, ND testified in support #24281.

Travis Jordan, Principal Beulah School, testified opposed #24253.

Brandt Dick, Bismarck, ND testified opposed #24327.

Rick Diegel, Supt Kidder County, Linton School testified opposed #24841

Mike Bitz, Supt Mandan Schools, testified opposed #24376.

Nick Archuleta, ND United testified opposed #24702.

Scott Davis, Belcourt Schools and citizen, testified opposed with no written testimony.

Michael Heilman, ND Small Organized Schools, testified opposed #24722.

Stephanie Hunter, Dickinson, ND testified opposed via TEAMS #24650, #24651.

Sonia Meehl, Oakes, ND testified via TEAMS opposed #24234.

Rep Scott Louser, testified opposed #24899.

Jim Upgren, Dept Public Instruction testified neutral #24943.

Joe Kolosky, Dept Public Instruction, answered a question.

Additional written testimony:

Derrick Nagel, Principal Christ the King Montessori, Mandan, ND in support #24713.

Jason Riter, Grand Forks, ND in support #24706.

Matthew Ellerkamp, Dickinson, ND in support #24679.

Chauncey Klein, Minot, ND in support #24321.

Jennifer Baker, Minot, ND in support #24320.

Kristin Sharbono, Fargo, ND in support #24676.

Lisa Jacobs, Dickinson, ND in support #24678.

Joanne Christianson, Minot, ND in support #24674.

Jonathan Artz, Bismarck, ND in support #24383.

Tana Roedocker, Minot, ND in support #24386.

Mary Finley, Minot, ND in support #24394.

Susan Carlson, Grand Forks, ND in support #24382.

Moria Awuku, Fargo, ND in support #23621.

Cassandra Baker, Bismarck, ND in support #24609.

Dan Beauchamp, Fargo, ND in support #23947.

Brad Boyle, Fargo, ND in support #23965.

Keith Braunberger, Minot, ND in support #24270.

Lisa Brintnell, Minot, ND in support #24239.

Samantha Bryans, Minot, ND in support #24305.

Tavia Burgardt, Minot, ND in support #23698.

Sharon Carlson, Bathgate, ND in support #23909.

Kathleen Charley, Minot, ND in support #24562.

Alexie Adair, Lisbon, ND opposed #23679.

LaNae Adair, Enderlin, ND opposed #24570.

Robert Blunck, Plaza, ND opposed #23664.
Megan Brejcha Wahpeton, ND opposed #24513.
Robert Bubach, Munich School, opposed #24409.
Melissa Buchhop, Grand Forks, ND opposed #24638.
Mitch Carlson, LaMoure, ND opposed #23894.
Katie Christensen, Fargo, ND opposed #24487.
Katrina Christiansen, Jamestown, ND opposed #23771.
Daren Christianson, Langdon, ND opposed #24183.
Brian Christopherson, New Salem, ND opposed #24379.
Hope Coleman, LaMoure, ND opposed #24369.
Kyle Coleman, LaMoure, ND opposed #24385.
Dr Aimee Copas, Bismarck, ND opposed #24529, #24528.
Andrew Currie, Grand Forks, ND #24700.
Alexis Baxley, ND School Boards Association, Bismarck, ND opposed #24625.
Theresa K Deckert, ND Home School Association, Bismarck ND In Favor #24564
Anna Denault, Grand Forks, ND In Favor #24283
Kathleen A Dimmer, Wahpeton, ND opposed #24555
Sally Dockter. Manvel, ND opposed #23727
Karl Downer, Williston, ND In Favor #24560
Joseph Drumm, Grand Forks, ND opposed #24603
Annalise Duffy, Fargo, ND opposed #24308
Amanda Dukart, Mandan, ND In Favor #23809
April Dutchuk, Killdeer, ND opposed #23676
Mary Eldredge Sandbo, Des Lacs, ND opposed #23876
Lyndsi J Engstrom, Westhope, ND opposed #24719
Amber Ertelt, Fargo, ND In Favor #24349
Charlotte J Ewals, Grand Forks, ND In Favor #23898
William Ewals, Grand Forks, ND In Favor #23904
Karen Feldner, Devils Lake, ND opposed #24236
Brad T Fitzgerald, St. John, ND opposed #23678
Sarah Foarty, Williston, ND In Favor #24583
Daniel M Frame, Wahpeton, ND opposed #24504
Justin Fryer, Lisbon, ND opposed # 24248
Lilly R Funk, Minot, ND In Favor #23813
Will L Gardner, Mandan, ND In Favor #23757
Shari Gerszewski, Gackle, ND opposed #24428
Marci Gilstad, New Salem, ND opposed #24701
Tammy Gilstad, New Salem, ND opposed, #24699
Chad Gion, Fort Yates, ND In Favor #24343
Christine A Goerke, Grand Forks, ND In Favor # 24178
Shawn Gray, Fargo, ND In Favor #23841
Jessica L Gregerson, Valley City, ND opposed # 24468
Moorea Griffen, Grand Forks, ND In Favor #24227
Shawna Grubb, Bismarck, ND In Favor #23943
Justin Haag, Dickinson, ND In Favor #23820
Dustin Hager, Rugby, ND opposed #24646
Rachel Haidle, Bismarck, ND In Favor #24605
Natalie Hauf, Max, ND opposed #24622

Mike and Shelly Heilman, Bismarck, ND opposed #24733
Steven Heim, Anamoose, ND opposed #24144
Aleisha Hellman, Bismarck, ND In Favor #23703
Collette M Hertz, Bismarck, ND opposed # 24497
Penny Hetletved, Washburn, ND opposed #24728
Karl L Hill, Willow City, ND opposed #23970
Susan Jahnke, Fargo, ND In Favor #24353
Amanda Jensen, Mandan, ND In Favor #24195
Lu Jin, Grand Forks, ND In Favor #23991
Olivia Johnson, Jamestown, ND opposed #24770
Steven Johnson, Fort Ransom, ND opposed #25019
Richard S Jones, Minot, ND In Favor #24456
Mark Jorritsma, Bismarck, ND In Favor #24593
Jim Kaiser, Grand Forks, ND In Favor #24029
Michael Kaiser, Wahpeton, ND opposed #24716
Jennifer J Kallenbach, Steele, ND opposed #23925
Ashley Kautzman, New Salem, ND opposed #24282
Kristen Klein, Minot, ND In Favor #24257
Shawna Knipp, Dickinson, ND opposed #24558
Mary Knox-Johnson, Bemidji MN, opposed #24438
Britany L Kralicek, Dickinson, ND In Favor #23732
Michael L Kreitingner, Dickinson, ND In Favor #24466
Evan Kritzberger, Hillsboro, ND opposed #24388
Shannon R Krueger, Minot, ND opposed #24089
Elizabeth G Kruger, Valley City, ND opposed #24710
Lee Kruger, Valley City, ND opposed #24729
Jennifer LaGosh, Fargo, ND In Favor #24604
Courtney Lanes, Fargo, ND in Favor #23810
Robert Lanes, Fargo, ND In Favor #23811
Chris D Larson, Milnor, ND opposed #24228
Larry Lasch, Wahpeton, ND opposed #24557
Mike Lautenschlager, Berthold, ND opposed #24635
Amy Lee, Surrey, ND In Favor #23975
Philomena Leininger, Grand Forks, ND In Favor #23907
Kathleen Lentz, Valley City, ND opposed #24473
Sarah E Lerud, Valley City, ND opposed #24403
Shanshan Li, Grand Forks, ND In Favor #24212
Amy L Liebel, Williston, ND opposed #23748
Matthew Liebel, Williston, ND opposed #23747
Cassidy Lyngaas, Pettibone, ND opposed #24661
Anaka R Lysne, Wahpeton, ND opposed #24549
Joel Lysne, Wahpeton, ND opposed #24549
Rosanne R Lysne, Wahpeton, ND opposed #24549
Joy Marimon, Wing, ND opposed #24469
Brittany Mark, Horace, ND opposed #24247
Michelle Mart, West Fargo, ND, opposed #23866
Samantha McCloud, Maddock, ND opposed #23690
Rachel Meyer, Dickinson, ND In Favor #24654

Colette Middlestead, Ellendale, ND opposed #23713
Ken L Miller, Hazen, ND opposed #24585
LeeAnn Miller, Grand Forks, ND opposed #24230
Shannon R Miller, Rugby, ND opposed #24405
Carolyn Moore, Minot, ND In Favor #23879
Angie Moser, Lisbon, ND opposed #23677
Kate Mund, DeLamere, ND, opposed #23985
Amy Neal, Minot, ND opposed #24566
Daniel R Neff, Bismarck, ND In Favor #23729
Gayle M Nelson, Jamestown, ND opposed #24657
Jadyn Nelson, Minot, ND In Favor #23697
Matthew A Nielson, Valley City, ND opposed #24546
Taryn Nims, Lisbon, ND opposed #24495
Brian S Nolan, Hazen, ND opposed #24730
Rhonda L Nudell, Buffalo, ND opposed #24571
Bob Nutsch, Mandan, ND In Favor #24642
Danielle O'Brien, Belfield, ND opposed #24514
Jacob A Odermann, Belfield, ND In Favor #24397
James D Olson, Minot, ND In Favor #23891
Sheri Olson, Devils Lake, ND opposed #23683
Bob Otterson, Fargo, ND In Favor #24350
Whitney Oxendahl, Fargo, ND opposed #23977
P. Amber, In Favor #24498
Rachel Pankratz, Mandan, ND In Favor #24568
Daphne Pedersen, Grand Forks, ND opposed #24094
Matthew Perdue, Jamestown, ND opposed #24707
Megan Petersen, Grand Forks, ND In Favor #23723
Cale Peterson, Wahpeton, ND opposed #24398
Travis M Peterson, Valley City, ND opposed #24452
Whitney Peterson, Wahpeton, ND opposed #24494
Kelly Pierce, Scranton, ND opposed #24407
Nicole R Powers, Oriska, ND opposed #24559
Lisa M Pulkrabek, Mandan, ND In Favor #24099
Monica Reiner-Pletan, New Salem, ND opposed #24611
Julie Reis, Fairfield, ND opposed #24637
Danee T Riley, Wahpeton, ND opposed #24474
Lisa D Roers, Dickinson, ND In Favor #24258
Shirley Ryberg, Bismarck, ND opposed #23744
Mary Saxer, Minot, ND In Favor #23824
Aneesha Schaefer, Grand Forks, ND In Favor #23942
DeAnn M Scheeler, Dickinson, ND In Favor #24330
Shannon Schmidt, Minot, ND In Favor #24538
Richard Schmit, Lisbon, ND opposed #23666
Alexis J Schommer, West Fargo, ND In Favor #23834
Jessica Schumacher, Grand Forks, ND In Favor #23878
Darin Seamands, Hettinger, ND opposed #24455
Drenda A Seehafer, Rolla, ND opposed #23892
Doug Sharbono, Fargo, ND In Favor #24673

Marya Skaare, Dickinson, ND In Favor #24533
Beth Slette, West Fargo, ND opposed #24624
Christian Smith, Dickinson, ND In Favor #24667
Byron L Snider, Fargo, ND In Favor #24173
Marian Sorum, Minot, ND In Favor #24421
Chip Sundberg, Ellendale, ND opposed #23705
Mona Tedford Rindy, Portland, ND opposed #24218
Lynnae Tiedman, Fargo, ND opposed #23896
Liz Tofteland, Westhope, ND opposed #24740
Katie Trumble, Surrey, ND In Favor #24245
Marie Vetter, Grand Forks in Favor #23905
Timothy Vetter, Grand Forks, ND In Favor #23906
Emma L Waloch, Gwinner, ND opposed #23855
Keven Wanner, Bismarck, ND In Favor #24617
Arthur Weidner, West Fargo, ND In Favor #23940
Breanne Welk, Rugby ND opposed #24444
Terry Welle, Fargo, ND In Favor #23812
Dave Wheeler, Manvel, ND opposed #24378
Mercedes L Wulf, Kulm, ND opposed #24548
Trisha L Yearwood, Grand Forks, ND In Favor #24332
Dana Zaback, Minot, ND In Favor #24630
Melodie Zach, Dickinson, ND In Favor #24663
Lisa Zenker, Gackle, ND opposed #24429
Ryan Moser, Gwinner, ND opposed #23681

11:10 AM Chair Elkin closed the hearing.

Pam Dever, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Education Committee
Room JW216, State Capitol

HB 1532
3/21/2023

Relating to the establishment of an educational reimbursement program; to provide for a legislative management study; provide for a legislative management report; provide an appropriation.

10:35 AM Chair Elkin opened committee work. Present: Chair Elkin, Vice Chair Beard, Sen Axtman, Sen Conley, Sen Lemm, and Sen Wobbema.

Discussion Topics:

- Funding
- Committee action

Shane Goettle explained and answered questions.

Sen Conley moved amendment. #24899 Failed due to lack of a second.

Sen Beard moved amendment LC 23.0143.08003. Sen Axtman

seconded. Senators	Vote
Senator Jay Elkin	Y
Senator Todd Beard	Y
Senator Michelle Axtman	Y
Senator Cole Conley	Y
Senator Randy D. Lemm	Y
Senator Michael A. Wobbema	Y

VOTE: YES – 6 NO – 0 Absent – 0

Motion PASSED

Sen Beard moved a DO PASS as Amended and be Referred to Appropriations.
Sen Wobbema seconded.

Senators	Vote
Senator Jay Elkin	Y
Senator Todd Beard	Y
Senator Michelle Axtman	Y
Senator Cole Conley	N
Senator Randy D. Lemm	N
Senator Michael A. Wobbema	Y

VOTE: YES – 4 NO – 2 Absent – 0

Motion PASSED

Sen Beard will carry the bill.

11:00 AM Chair Elkin adjourned the meeting.

Pam Dever, Committee Clerk

March 21, 2023

JA
3/21/23

PROPOSED AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1532

Page 3, line 27, replace "superintendent of public instruction" with "state auditor"

Page 3, line 29, replace "**Applicability**" with "**Educational reimbursement program expenditures**"

Page 3, line 29, remove "**to the legislative management**"

Page 3, line 30, remove "Funds must be available to qualified schools starting with the 2024-25 school year."

Page 3, line 31, replace "2025" with "2024"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1532, as reengrossed: Education Committee (Sen. Elkin, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1532 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 3, line 27, replace "superintendent of public instruction" with "state auditor"

Page 3, line 29, replace "**Applicability**" with "**Educational reimbursement program expenditures**"

Page 3, line 29, remove "**to the legislative management**"

Page 3, line 30, remove "Funds must be available to qualified schools starting with the 2024-25 school year."

Page 3, line 31, replace "2025" with "2024"

Renumber accordingly

2023 SENATE APPROPRIATIONS

HB 1532

2023 SENATE STANDING COMMITTEE MINUTES

Appropriations - Education and Environment Division Sakakawea Room, State Capitol

HB 1532
3/28/2023

A BILL for an Act relating to the establishment of an educational reimbursement program; to provide for a legislative management study; to provide for a legislative management report; and to provide an appropriation.

8:31 AM Chairman Sorvaag opened the hearing on HB 1532.

Members present: Senators Sorvaag, Krebsbach, Rust, Schaible, and Meyer

Discussion Topics:

- Educational reimbursement program
- Reimbursement to parents
- Voucher system
- Education costs
- Public/non-public schools
- School regulation
- Constitutional provision
- Religious schools
- Parental choice
- Special needs inclusion
- Options for education
- Options for funds

8:33 AM Representative Claire Cory, introduced the bill, testified neutral, testimony # 26841.

8:40 AM Shane Goettle, State Association for Non-public schools, introduced the language of the bill, testified in favor, testimony # 26845.

8:45 AM Gerald Vetter, Light of Christ Catholic Schools, testified in favor, testimony # 26814.

8:59 AM Christopher Dodson, North Dakota Catholic Conference, testified in favor, testimony # 26804.

9:15 AM Kimberly Efta, Grand Forks resident and realtor, testified in favor, testimony #26821.

9:19 AM Brittany Bachmeier, Full Circle Academy, testified in favor, testimony # 26752.

9:22 AM Katie Kost, Bismarck resident, testified in favor, testimony # 26791.

9:28 AM Kevin Leier, Principal Little Flower Elementary School, testified in favor, testimony # 26800.

9:00 AM Katie Vidmar, parent of school children, testified in favor, testimony # 26825.

9:34 AM Sara Dudley, Principal St Michael's School, testified in favor, testimony # 26595.

9:38 AM Meghan Stegman, parent of school children, testified in favor, testimony # 26835.

9:39 AM Bob Otterson, President Oak Grove Lutheran School, testified in support, testimony # 26784

9:43 AM Jennifer Lagosh, parent of school children, testified in support, testimony # 26855.

9:46 AM Jeff Ringstead, School Administrator, testified in favor, testimony # 26854.

9:52 AM Jadyn Nelson, Bishop Ryan, testified in favor, testimony # 26856.

9:58 AM Carolyn Moore, parent of school children, testified in support, no written testimony.

10:01 AM Diane Jilek, parent of school children, testified in favor, testimony # 26745.

10:04 AM Marie Vetter, parent of school children, testified in favor, testimony # 26596.

10:08 AM Karen Backman, testified in favor, testimony # 26636.

10:10 AM Paxtyn Steckler, parent of school children, testified in favor, no written testimony.

10:12 AM Recess

10:21 AM Travis Jordan, Superintendent Beulah Schools, testified against, testimony #26731.

10:26 AM Aimee Copas, North Dakota Council of Educational Leaders, testified against, testimony # 26861.

10:37 AM Nick Archuleta, North Dakota United, testified against, testimony # 26864.

10:45 AM Mike Heilman, Executive Director Small Organized Schools, testified against, testimony # 26865.

Additional written testimony:

- **Dan Beauchamp, testimony in favor # 26798**
- **Jill Abbott, testimony in favor #26793**
- **Florian Fiedt, testimony # 26795**
- **Kristie Klein, testimony # 26796**
- **Lexi Steiner, testimony # 26797**
- **Nicholas Schmaltz, testimony in favor #26801**

- **Jeffrey Skaare, testimony in favor # 26806**
- **Lindsay Thorfinnson, testimony in favor #26807**
- **Grant Thorfinnson, testimony in favor #26808**
- **Marya Skaare, testimony in favor #26810**
- **Theresa Boltz, testified in favor #26822**
- **Jaimie Brunner, testimony in favor #26831**
- **Dale Lawson, testimony in favor #26783**
- **David Neff, testified in favor # 26792**
- **Daniel Neff, testified in favor # 26833**
- **Catrin Wigfall, testified in favor #26834**
- **Maria Redfield, testimony in favor # 26789**
- **Perry Olson, testified in favor #26734**
- **Samantha Bryans, testified in favor # 26656**
- **Christine Roemmich, testified in favor #26675**
- **Becky Hruby, testified in favor #26679**
- **Danielle Wangler, testified in favor #26681**
- **Shawna Helbling, testified in favor #26697**
- **Jennifer Holle, testified in favor #26698**
- **Jeremy Schmaltz, testified in favor #26701**
- **Jennifer Baker, testified in favor #26732**
- **Deanne Scheeler, testified in favor #26746**
- **Shanshan Li , testified in favor #26749**
- **Jonathan Artz, testified in favor #26755**
- **Amber Ertelt, testified in favor #26579**
- **Britainy Kralicek, Testified in favor #26581**
- **Dana Zaack, testified in favor #26625**
- **Jessica Schumacher, testified in favor #26643**
- **Kurtis Gunwall, testified in favor #26588**
- **Paul O'Donnell, testified in favor #26590**
- **Megan Peterson, testified in favor #26608**
- **Kevin Wanner, testified in favor #26602**
- **Barbara Johnson, testified in favor #26605**
- **Lu Jin, testified in favor #26598**
- **Stephanie Robinson, testimony against #26802**
- **Collin Pigeon, testified against #26770**
- **Connie Hoffman, testified against #26760**
- **Brady Gudgel, testified against #26585**
- **Jeff Ralph, testified against #26589**
- **Noah Brenden, testified against #26604**

10:54 AM Acting Chairman Schaible closed the hearing.

Kathleen Hall, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Appropriations - Education and Environment Division Sakakawea Room, State Capitol

HB 1532
4/3/2023

A BILL for an Act relating to the establishment of an educational reimbursement program; to provide for a legislative management study; to provide for a legislative management report; and to provide an appropriation.

3:07 PM Chairman Sorvaag opened the hearing on HB 1532.

Members present: Senators Sorvaag, Krebsbach, Rust, Schaible, and Meyer

Discussion Topics:

- Educational reimbursement
- School voucher program
- Tuition costs
- Qualified schools
- Committee discussion

3:07 PM Senator Schaible introduced amendment LC 23.0143.08004, testimony # 27243.

3:18 PM Chairman Sorvaag closed the hearing. (no action taken)

Kathleen Hall, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Appropriations - Education and Environment Division Sakakawea Room, State Capitol

HB 1532
4/5/2023

A BILL for an Act relating to the establishment of an educational reimbursement program; to provide for a legislative management study; to provide for a legislative management report; and to provide an appropriation.

9:22 AM Chairman Sorvaag opened the hearing on HB 1532.

Members present: Senators Sorvaag, Krebsbach, Rust, Schaible, and Meyer

Discussion Topics:

- Educational reimbursement
- School voucher program
- Tuition costs
- Qualified schools
- Committee discussion

9:22 AM Senator Schaible introduced amendment LC 23.0143.08005, testimony # 27298.

9:27 AM Senator Schaible moved to adopt AMENDMENT 23.0143.08005.

Senator Krebsbach seconded the motion.

Senators	Vote
Senator Ronald Sorvaag	Y
Senator Karen K. Krebsbach	Y
Senator Scott Meyer	N
Senator David S. Rust	Y
Senator Donald Schaible	Y

Motion passed 4-1-0.

9:30 AM Senator Schaible moved DO PASS AS AMENDED.

Senator Meyer seconded the motion.

Senators	Vote
Senator Ronald Sorvaag	N
Senator Karen K. Krebsbach	Y
Senator Scott Meyer	Y
Senator David S. Rust	N
Senator Donald Schaible	Y

Motion passed 3-2-0.

Senator Schaible will carry the bill.

3:18 PM Chairman Sorvaag closed the hearing.

Kathleen Hall, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Appropriations Committee Roughrider Room, State Capitol

HB 1532
4/6/2023

A BILL for an Act relating to the establishment of an educational reimbursement program; to provide for a legislative management study; to provide for a legislative management report; and to provide an appropriation

8:17 AM Chairman Bekkedahl opened the hearing on HB 1532.

Members present: Senators Bekkedahl, Krebsbach, Burckhard, Davison, Dever, Dwyer, Erbele, Kreun, Meyer, Roers, Schaible, Sorvaag, Vedaa, Wanzek, Rust, and Mathern.

Discussion Topics:

- Educational reimbursement
- Voucher bill
- Educational expenses
- Required study
- Committee action

8:18 AM Senator Schaible introduced amendment LC 23.0143.08005, testimony # 27354.

8:21 AM Senator Schaible moved to adopt AMENDMENT LC 23.0143.08005.
Senator Krebsbach seconded the motion.

Senators	Vote
Senator Brad Bekkedahl	Y
Senator Karen K. Krebsbach	Y
Senator Randy A. Burckhard	N
Senator Kyle Davison	Y
Senator Dick Dever	Y
Senator Michael Dwyer	Y
Senator Robert Erbele	N
Senator Curt Kreun	N
Senator Tim Mathern	Y
Senator Scott Meyer	N
Senator Jim P. Roers	Y
Senator David S. Rust	Y
Senator Donald Schaible	Y
Senator Ronald Sorvaag	Y
Senator Shawn Vedaa	Y
Senator Terry M. Wanzek	Y

Motion passed 12-4-0.

8:56 AM Senator Schaible moved DO PASS AS AMENDED.
Senator Meyer seconded the motion.

Senators	Vote
Senator Brad Bekkedahl	N
Senator Karen K. Krebsbach	Y
Senator Randy A. Burckhard	Y
Senator Kyle Davison	N
Senator Dick Dever	Y
Senator Michael Dwyer	Y
Senator Robert Erbele	N
Senator Curt Kreun	N
Senator Tim Mathern	N
Senator Scott Meyer	Y
Senator Jim P. Roers	Y
Senator David S. Rust	N
Senator Donald Schaible	Y
Senator Ronald Sorvaag	N
Senator Shawn Vedaa	Y
Senator Terry M. Wanzek	Y

Motion passed 9-7-0.

Senator Schaible will carry the bill.

9:29 AM Chairman Bekkedahl closed the hearing.

Kathleen Hall, Committee Clerk

April 4, 2023

OK
122
4-6-23

PROPOSED AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1532

In lieu of the amendments adopted by the Senate as printed on page 1097 of the Senate Journal, Reengrossed House Bill No. 1532 is amended as follows:

Page 1, line 3, remove "and"

Page 1, line 4, after "appropriation" insert "; and to provide an effective date"

Page 1, line 17, replace "costs" with "cost of tuition"

Page 2, line 12, replace "may" with "shall"

Page 2, line 12, remove "only"

Page 2, line 13, remove "would"

Page 2, line 14, after "otherwise" insert "would"

Page 2, line 14, after the underscored period insert "A qualified school may not use funds received under this chapter for any other purpose."

Page 2, line 23, remove "and"

Page 2, line 24, after "twelve" insert "; and

3. Documented as a child who is a dependent in a family with gross taxable income of less than five hundred percent of the federal poverty level"

Page 3, line 27, replace "superintendent of public instruction" with "state auditor"

Page 3, line 29, replace "**Applicability**" with "**Educational reimbursement program expenditures**"

Page 3, line 29, remove "**to the legislative management**"

Page 3, line 30, remove "Funds must be available to qualified schools starting with the 2024-25 school year."

Page 4, line 5, replace "consider studying" with "study"

Page 4, line 12, after "admission" insert "or attendance"

Page 4, line 12, remove "and"

Page 4, line 13, remove "public"

Page 4, line 14, replace "schools situated within the same school district" with "constitutionally obligated budgets;

- f. A review of the impacts and benefits of enrolling qualified nonpublic teachers and administrators into the teachers' fund for retirement, including an actuarial study and fund impact; and
- g. Methods of providing school choice options for any family, including families in rural communities, by identifying underlying challenges and

options for collaboration across school types and collecting data to identify trends in school choice by geography"

DR
282
4-4-23

Page 4, line 20, replace "\$24,000,000" with "\$10,000,000"

Page 4, after line 23, insert:

"SECTION 3. EFFECTIVE DATE. Section 1 of this Act becomes effective on July 1, 2024."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1532 - Department of Public Instruction - Senate Action

	Base Budget	House Version	Senate Changes	Senate Version
Nonpublic school reimbursement		\$24,000,000	(\$14,000,000)	\$10,000,000
Total all funds	\$0	\$24,000,000	(\$14,000,000)	\$10,000,000
Less estimated income	0	0	0	0
General fund	\$0	\$24,000,000	(\$14,000,000)	\$10,000,000
FTE	0.00	0.00	0.00	0.00

Department 201 - Department of Public Instruction - Detail of Senate Changes

	Reduces Funding for Educational Reimbursement Program ¹	Total Senate Changes
Nonpublic school reimbursement	(\$14,000,000)	(\$14,000,000)
Total all funds	(\$14,000,000)	(\$14,000,000)
Less estimated income	0	0
General fund	(\$14,000,000)	(\$14,000,000)
FTE	0.00	0.00

¹ Funding is reduced to provide \$10 million from the general fund for the educational reimbursement program.

This amendment also changes the requirements of an eligible child to be a dependent in a family with gross taxable income of less than 500 percent of the federal poverty level, defines qualified educational expenses as the cost of tuition, and adds an effective date for the educational reimbursement program of July 1, 2024.

REPORT OF STANDING COMMITTEE

HB 1532, as reengrossed and amended: Appropriations Committee (Sen. Bekkedahl, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1532, as amended, was placed on the Sixth order on the calendar. This bill does not affect workforce development.

In lieu of the amendments adopted by the Senate as printed on page 1097 of the Senate Journal, Reengrossed House Bill No. 1532 is amended as follows:

Page 1, line 3, remove "and"

Page 1, line 4, after "appropriation" insert "; and to provide an effective date"

Page 1, line 17, replace "costs" with "cost of tuition"

Page 2, line 12, replace "may" with "shall"

Page 2, line 12, remove "only"

Page 2, line 13, remove "would"

Page 2, line 14, after "otherwise" insert "would"

Page 2, line 14, after the underscored period insert "A qualified school may not use funds received under this chapter for any other purpose."

Page 2, line 23, remove "and"

Page 2, line 24, after "twelve" insert "; and

3. Documented as a child who is a dependent in a family with gross taxable income of less than five hundred percent of the federal poverty level"

Page 3, line 27, replace "superintendent of public instruction" with "state auditor"

Page 3, line 29, replace "**Applicability**" with "**Educational reimbursement program expenditures**"

Page 3, line 29, remove "**to the legislative management**"

Page 3, line 30, remove "Funds must be available to qualified schools starting with the 2024-25 school year."

Page 4, line 5, replace "consider studying" with "study"

Page 4, line 12, after "admission" insert "or attendance"

Page 4, line 12, remove "and"

Page 4, line 13, remove "public"

Page 4, line 14, replace "schools situated within the same school district" with "constitutionally obligated budgets;

- f. A review of the impacts and benefits of enrolling qualified nonpublic teachers and administrators into the teachers' fund for retirement, including an actuarial study and fund impact; and
- g. Methods of providing school choice options for any family, including families in rural communities, by identifying underlying challenges

and options for collaboration across school types and collecting data to identify trends in school choice by geography"

Page 4, line 20, replace "\$24,000,000" with "\$10,000,000"

Page 4, after line 23, insert:

"SECTION 3. EFFECTIVE DATE. Section 1 of this Act becomes effective on July 1, 2024."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1532 - Department of Public Instruction - Senate Action

	Base Budget	House Version	Senate Changes	Senate Version
Nonpublic school reimbursement		\$24,000,000	(\$14,000,000)	\$10,000,000
Total all funds	\$0	\$24,000,000	(\$14,000,000)	\$10,000,000
Less estimated income	0	0	0	0
General fund	\$0	\$24,000,000	(\$14,000,000)	\$10,000,000
FTE	0.00	0.00	0.00	0.00

Department 201 - Department of Public Instruction - Detail of Senate Changes

	Reduces Funding for Educational Reimbursement Program ¹	Total Senate Changes
Nonpublic school reimbursement	(\$14,000,000)	(\$14,000,000)
Total all funds	(\$14,000,000)	(\$14,000,000)
Less estimated income	0	0
General fund	(\$14,000,000)	(\$14,000,000)
FTE	0.00	0.00

¹ Funding is reduced to provide \$10 million from the general fund for the educational reimbursement program.

This amendment also changes the requirements of an eligible child to be a dependent in a family with gross taxable income of less than 500 percent of the federal poverty level, defines qualified educational expenses as the cost of tuition, and adds an effective date for the educational reimbursement program of July 1, 2024.

TESTIMONY

HB 1532

January 27, 2023

Dear Sir or Madam:

I am writing to express my support for HB 1532. This bill would help parents make the best choice for their own son or daughter's education. I believe strongly that each child is unique, and each family situation is unique, and a family should be able to choose where to send their child for the best education for their child or their family. It is important to me, for example, to send my children to Catholic schools. I wish for them to include their faith in every aspect of their day. I pay a lot for their tuition to be able to go to Catholic schools and learn about their faith. HB 1532 would help us in the education of our children.

Thank you,

Laura Gardner

Testimony on HB 1532

January 27, 2023

Chairman Elkin and Members of the House Education Committee

My name is Daniel Rice and I am the former Dean of the College of Education and Human Development at UND. My testimony is on behalf of myself and does not represent a position on this issue by the University.

I write in **opposition to HB 1532** for the following reason:

The bill is unconstitutional on its face. It is a clear violation of the [ND Constitution, Article VIII, Section 5](#), which reads, “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.**” (Emphasis added)

1. The bill attempts to “reimburse” parents for expenses of a child attending a nonpublic school. The funds identified in this bill would be appropriated by the legislature and thus violate that prohibition in the Constitution.
2. The bill clearly **violates “used for the support of any sectarian school.”** The funds must be used to replace the funds the parents expended that were **used for the support** of a nonpublic school which could be a sectarian school. Both the plain language and the clear intent of the Constitution is to prohibit any public funds for the support of sectarian schools.
3. The reimbursement of parents is obviously an attempt to find a mechanism to avoid the plain language and intent of the Constitution by “laundering” the state money through the parents. It is not possible to argue that the funds are to restore the expense of the parents apart from the mandated purpose of the reimbursement which is, in the end, “used for the support of any sectarian school.”
4. The definition of a “Qualified School,” is vague and inadequate. The definition “means a nonpublic school in the state which accepts program funds.” The bill uses the term “nonpublic” schools which is also an attempt to circumvent the plain language and clear intent of the Constitution. This definition would, in fact, provide funding to any “nonpublic” school, including “sectarian” schools in clear violation of the Constitution.
5. The definition defines a “Qualified School,” as an instate school “which accepts program funds.” The bill is self-justifying in that it defines an eligible school as one that accepts the funds provided by the same bill. In other words, if a school accepts the state funds, it is therefore qualified to receive those funds. That is a meaningless use of the term “Qualified School.”
6. Because the Constitution mandates that the state of North Dakota provide a free public educational system, parents are relieved of that expense. If parents reject that free educational system for their children the state has met its duty and the intent of the Constitution has been fulfilled. The people of North Dakota through the Constitution have been explicit in the prohibition of the use of any public funds for the support of sectarian schools.

7. It follows that if parents reject the free public education system, which they are free to do, they are responsible for the expenses of that decision and have no claim on the state of North Dakota to recover those expenses. In fact, the state is prohibited from providing any funds that will be “used for the support of any sectarian school.”
8. If the sponsors of this bill argue that the state funds would not be “raised for the support of the public schools of the state,” to quote the Constitution, that would be an argument in conflict with the clear intent of the Constitution. To argue that the funds being accessed by this bill come from the general fund and are not intended for the support of the public schools, is still contrary to the clear intent of the Constitution to prohibit the use of public funds to support sectarian schools. The sponsors are attempting to find a way around the will of the citizens of the state as enshrined in our Constitution.
9. The issue at stake here is that the citizens of this state have made it clear that they do not want their taxes being used to support nonpublic sectarian schools that may promote beliefs contrary to what they believe.
10. If the state actually has an extra \$24 million it would be better and more properly used for the public schools that face a teacher and staff shortage and and/or the colleges and universities that are cutting programs and laying off faculty and staff.

I strongly urge the Committee to give a DO NOT PASS to HB 1532.

If any member of the Committee wishes to contact me for additional comment or questions, I would be happy to respond.

I respectfully submit this testimony and thank the Committee for its attention.

This is an extremely important issue to me and I will not sit still if it doesn't get the attention it needs. We need to EMPOWER parents to improve educational opportunities for their children. Yes, the wealthy get to choose their schools, but those less fortunate have less opportunity. Several years ago my family relied on the generosity of a few donors in our church to help us with better education for our kids and that should be available for all! Empowering parents is the fuel for getting parents more involved in their children's education. If they have more money on the line, they are going to CARE more in the end of their child's success instead of simply blaming the system.

Will Gardner
Mandan, ND

My name is Marie Hetzel and I am a single parent. My son has been attending Trinity Catholic Schools since Pre-Kindergarten. He is currently in the second grade.

I chose to send my son to Trinity instead of Dickinson Public Schools primarily to nurture his Catholic education and due to their smaller class sizes. We plan to continue his education with Trinity and to enroll my other child when he becomes school age.

The passing of HB 1532 will help our family in many ways! Having only one source of income puts a strain on our household expenses and reimbursement of even a percentage of tuition will help put food on our table, clothes on my childrens' backs, and provide some relief from financial stress.

Thank your for your consideration.

Marie Hetzel

HB 1532 gives parents the total right to provide an education for their children. The parent gets the right to choose the school thereby the curriculum their child learns.

RE: North Dakota House Bill 1532

My family and I support this bill on the grounds that each child has needs that can vary greatly. Learning style and environment play a huge role in education and the freedom this bill gives parents is to ensure the best, healthiest and most productive learning environment is available to each child regardless of their parental finances. It is heartbreaking that parents sacrifice so many things to make the best educational decision for their child. We are so lucky to live in a State where we can prioritize our children's education and can help families ease financial strain associated with it.

Courtney W Lanes

Fargo, ND

I Support HB 1532

This is the first time in 42 years that I have taken the time to write any elected officials for their help. My name is Justin Haag out of Dickinson ND and I would like to ask for your support of HB 1532. I have friends and family that would like to send their kids to private schools and home school - if they could only afford it. Passing this bill just seems fair to those that want to educate their kids outside of the public school system. Please give your support to HB 1532, it would be greatly appreciated!

Sincerely,

Justin Haag

2498 7th St W Dickinson, ND

701-301-3273

HB 1532

Representatives

I am in favor of HB 1532. My daughter is best suited to attend Light of Christ schools in Bismarck. They have a phenomenal staff and she is able to learn in a Christian environment. It is truly a blessing to allow her to attend Cathedral Elementary School.

With the rising costs of everyday expenses recently it can be a financial strain to pay the tuition. It seems only fair to allow some of our tax money to offset this cost. I fully support public schools, but Cathedral is best suited for my daughter, for many reasons.

Please support HB 1532

Thank you
Ben Imdieke

Chairman Heinert and Committee Members,

The time has come to begin the process of unshackling the chains that have bound school choice. Parents have reached a point where they are demanding better options for their children's education. I believe HB 1532 is a good step in that direction. Parents have a fundamental right to choose how their children will be educated. To tax the parent for educational purposes and then refuse to allow school choice is unconscionable.

To say the North Dakota Constitution does not allow it is a strawman. The Constitution states "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." What is a sectarian school? Sectarian by definition refers to a sect. A sect is a group of people having a common leadership, set of opinions, philosophical views, political principles, etc. This describes exactly what the public education system has become. There is no longer a benign public education system just teaching the basics of math, science, reading, writing and history. The public education system has become a sectarian school by aligning itself with specific ideologies. Therefore, if tax dollars are being used to support this form of sectarian education they must be used to support other sectarian schools. It is time to level the playing field. There is nothing like competition to bring real improvement and change to an industry. The children of North Dakota deserve it.

Please support HB 1532 and set the people of North Dakota free!

Thank you,

Rachel Haidle

To whom it may concern,

I have looked at HB 1532. As a family, being able to choose which school is best for my child should be easy. Each student has needs that can be met by different types of schools. Whether it be size, educational plan or services available. Education decisions should be left to the parents because they are the first educators of their children and they know their abilities and needs best.

Thank you for your consideration-

Robin McCurry

January 29, 2023

House Education Committee
Coteau Room A/B, State Capitol
Bismarck, ND 58554

RE: Endorsement of HB 1532

Dear House Education Committee:

My name is Amanda Dukart, and I am a community member who resides in your district. I support House Bill 1532, which would reimburse parents for some of the costs of educating their children at nonpublic schools. Three of our children currently attend a private school, so this would majorly affect our family directly.

The first reason we support this bill is because we would experience first-hand the benefits of our tax dollars toward education.

The second reason is because we currently make many financial sacrifices so that our children can attend a private school. We find that the sacrifice is worth the benefits, but if the bill were passed, we would also be able to save more money to help pay for our children's higher education in later years.

The third reason we support HB 1532 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. Because my husband and I both have to work to make ends meet, 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 'yes' on HB 1532. There are numerous great families and schools that will benefit from government assistance with private education, and a financial burden will be lifted in each of their households.

Sincerely,



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

Attention Members of the House of Education Committee,

My name is Tricia Vandermay and I reside in District 35. I am asking that you please render a Do PASS on House Bill 1532. My husband and I feel it would be beneficial to receive reimbursement for education for our children as we send them to private school but are still paying public school taxes.

Thank you for your consideration of this important matter and for your service to the state of North Dakota.

Tricia Vandermay

April K. Corell

3679 80th Ave SE
Jamestown, ND 58401
April.corell@gmail.com

To Whom It May Concern:

This letter is to show my support of HB 1532. I feel the children who are in private school have been discriminated against on many levels and this should end, beginning with this bill.

In addition, I think most could agree that our public school system is in shambles. We have kids who are no longer held responsible for their actions because faculty are not allowed to teach morals, values or discipline them. Mainly because they are afraid of being sued.

We choose to send our children to private school in order to help provide them with a better moral compass & to teach them respect for others, including their teachers.

Please help the private schools by passing HB 1532.

Sincerely,

April Corell

01/29/2023

Legislative Assembly of North Dakota
Bismarck, North Dakota

Dear Legislative Assembly of North Dakota:

I am writing you this letter in support of the Education Reimbursement Program. The Public Education System no longer offers an objective education to our youth. Teachers are using their positions as a platform for pushing their political agendas on our children. As parents we want our children to get a top-notch education, which will not happen in the public schools.

Want to see examples of teacher abusing their power? Visit Twitter page called Libs of TikTok. The owner of this Twitter account exposes teachers who teach sexualized gender topics to young children. Not only that, but many teachers are using their classrooms as statist indoctrination camps. Where the students are taught secular pro-Marxist ideologies and that America is a racist country build by racists.

Therefore, my wife, and I are opting to send our children to a private school because we lost faith in the public education to provide an honest objective education. As taxpayers, we also request any money that would have been utilized in in the Public Education System to be redirected to the private school of where we send out children. We should not have to pay twice to send our children to school.

Please pass the Education Reimbursement Program.

Sincerely,

Stephen Miller
Taxpayer, USMC Veteran, and proud parent of two daughters.

HB1532

DEAR CHAIR AND ESTEEMED COMMITTEE

It is vital for parents to have a choice in the place their children get their education. For a parent to have the ability to receive reimbursement for alternative education for their child, will allow them to seek the avenue that is truly best for their child. Please make this a reality for the parents of North Dakota and render a DO PASS on this bill.

Thank you,

HB 1532 – Private School Tuition Reimbursement

Members of the House Education Committee,

My name is Shawna Grubb and I reside in District 35. I am asking that you please render a DO PASS on House Bill 1532, or work to make it a stronger bill in favor of school choice before rendering a Do Pass vote.

As less than half of North Dakota students are proficient in English and math, it's clear that public schools are failing students and taxpayers. The vast majority of credible evidence shows that school choice programs improve academic outcomes for not only the program participants, but also the students in public schools. School choice leads to competition. Competition leads to excellence. Excellence leads to success

Thank you for your consideration of this important matter and for your service to the state of North Dakota.

Shawna Grubb

HB1532

DEAR COMMITTEE

Please give a DO PASS to this bill. As a mom of 3 kids, it's very important that my husband and I have all opportunities available to us for our girls education. This bill becoming law would open many more options for us.

Thank you for your consideration

Dear Committee

Please DO PASS this bill. The children of North Dakota deserve the best. And this will help get them there. Civilization has been crumbling for quite a while. It always collapses from the inside out. Stop the crumbling and do what's best for the future of the kids of North Dakota and my future children, as I plan to stay here and raise my family just as my parents, grandparents, great-grandparents and even my great-great grandparents did. I was raised loving my state. It's time to do the work needed to save it.

Thank you,

Miranda Grafing

January 30, 2023

To: North Dakota Legislators

From: Jim & Sandy Deichert

Re: HB1532

Greetings,

We are writing in regard to HB 1632 which would provide some relief to non-public schools and parents who send their children there. Private schools are a big benefit to all citizens of North Dakota. Without them, everyone's taxes would be higher in order to fund education. The parents who send their children to private schools already pay taxes which help fund public schools, yet they receive no benefit. Additionally, there are many situations where a non-public school provides better education for children, especially children with special needs. HB1532 at least provides a small amount of relief to private schools and parents of these children...EVERY LITTLE BIT HELPS!!! Noone should have to pay twice to have their children educated (i.e. Taxes for Public Schools and tuition for Private Schools)

We ask that you vote favorably on HB1632.

Thank you!

Jim & Sandy Deichert - Dickinson

RE: House Bill 1532 Tuition Reimbursement

We are in support of this bill. We choose to send our children to a private non-public school to be able to be in an environment that we feel is better for their upbringing and more of a smaller setting for kid to teacher ratio. This is a big sacrifice that we do and still have to pay taxes for the public school system. This bill would give us a financial break on the month to month of making ends meet with the increase costs of cost of living is definitely straining the pocket book.

Thank you for any consideration of passing this bill!

John and Sandy Richter

Bismarck, ND Residents

I wanted to reach out and thank you for considering HB 1532. My husband and I have four children who attend private elementary school. Even though the public schools in our area offer a quality education, the close-knit feel of a private school, along with the values they instill, swayed our decision to send them to a private school. A reimbursement for some of the tuition we pay would be appreciated. Thank you for all that you do.

Tracy Boyle
3257 36th Ave S.
Fargo, ND 58104

David and Pamela Givan
1820 North 22nd Street
Bismarck, ND 58501

January 30, 2023

Regarding: ND House Bill No. 1532 (tuition reimbursement for non-public schools)

Dear Legislative Assembly,

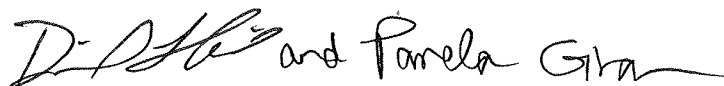
We are writing to express our support of House Bill No. 1532 as parents, taxpayers and voters. This bill would take significant financial burden off of parents that are otherwise forced to send their children to public schools.

As parents, we found ourselves in a situation after we sent our child to kindergarten and first grade in the Bismarck Public Schools. Our daughter was continuously bullied over a two year period in the classroom, on the playground and in the cafeteria with little resolution from our school district. Our child spent six months in therapy as a result of this at Pediatric Therapy Partners, Bismarck. We spoke to a private school and the next school year enrolled her there. It is now three years later and she is thriving in the private school, which is every parents wish for their child no matter where they attend school.

However, private school came with a price tag that our family must continue to sacrifice in order to keep our child enrolled there. Our daughter is allowed one extra curricular activity rather than participating in both music and sporting events due to the cost of her tuition. My husband is a disabled United States Army Veteran and is unable to work a fulltime job. Therefore, we have a difficult decision to make as our four year old son becomes of school age. He may not be able to attend the private school his older sister does due to the cost although our experience in public school was not beneficial. This bill would help give our family and many other families the option to choose which school is best for their child to be educated.

Please vote to approve House Bill 1532 for students and parents to make an informed decision about options to educate without the financial stress that comes with non-public schools.

Sincerely,

A handwritten signature in black ink that reads "David and Pamela Givan". The signature is written in a cursive style with a horizontal line at the end.

David and Pamela Givan

01/29/2023

Legislative Assembly of North Dakota
Bismarck, North Dakota

Dear Legislative Assembly of North Dakota:

I am writing you this letter in support of the Education Reimbursement Program. The public education system no longer offers an objective education to our youth. Teachers are using their positions as a platform for pushing their political agendas on our children. As parents, we want our children to receive a high-quality education, which is unlikely to happen in public schools.

To see examples of teachers abusing their power, you can visit a Twitter page called "Libs of TikTok." The owner of this Twitter account exposes teachers who teach inappropriate, sexually-themed gender topics to young children. In addition, many teachers are using their classrooms as venues for indoctrination, teaching students pro-Marxist, secular ideologies and that America is a racist country built by racists.

As a result, my wife and I have decided to send our children to a private school, as we have lost faith in the public education system to provide an impartial, honest education. As taxpayers, we also request that any funds that would have been used in the public education system be redirected to the private school that our children attend. We believe it is unjust to pay twice for our children's education.

Please pass the Education Reimbursement Program.

Sincerely,

Stephen Miller
Taxpayer, USMC Veteran, and proud parent of two daughters.



#17770

700 16th Ave SE
Minot, ND 58701
701.839.0772
www.orcsknights.org

Chairman Heinert and members of the Education Committee,

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

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.



700 16th Ave SE
Minot, ND 58701
701.839.0772
www.orcsknights.org

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 the right move for the families desiring a choice in education.

I would be open to any questions from the committee.

Respectfully,

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



01/30/2023

I write in support of HB 1532. I believe all families should be able to choose where they send their children for their education. Many times the cost of this education is the major obstacle. Even a small amount of help could push a particular family just enough to be able to afford the education they choose.

To Whom It May Concern:

My family strongly supports HB 1532 and eagerly hope it passes. Parents and families should have the opportunity to choose a private school if that's what they feel will serve their child the best. Every child is unique and some thrive and learn better in a smaller environment, with smaller class sizes. An Educational Reimbursement Program would alleviate some of the financial stress in choosing private school. It is a difficult decision to make, though as parents we choose what we feel is best for our child, no matter the sacrifices we have to make to allow them to succeed. This Educational Reimbursement Program would greatly help our family and many others with their choice and allow children to seek the best educational program that fits their needs. Thank you for your time and consideration and we look forward to hearing that HB 1532 has passed!

The Flicker Family

West Fargo, North Dakota

In support of HB 1532.

I am in support of house bill 1532, that would reimburse some of the costs of educating my children at a non-public school.

Everyday, my husband and I make a conscious decision and choice to send our children to a non-public school. My husband and I choose non-public schools because, primarily, our faith is important for my children to learn throughout the day, every day, not just at a religion class or at church weekly. Additionally, my oldest son needs smaller classrooms due to some health issues and non-public schools offer that. The teachers are able to be in tune to him and his needs and that is an immense help to him through his school day. This helps our family run smoother and my son to function and be a happier child.

It is not financially easy for our family, especially recently, but it is the best choice for our family. We chose to pay the tuition for our children and make it a priority, even if by the end of the month, we are charging groceries and gas. This possible reimbursement would help us to ease our financial burden and know we are truly able to give our children what we think is best for each of them.

In Support of House Bill 1532
House Education Public Hearing
Submitted by: Tera Miller

Chairman and members of the committee:

My name is Tera Miller, and I am writing in favor of HB 1532 to establish an educational reimbursement program. As a parent, I strongly support this bill and believe it is a critical step towards improving educational opportunities for families in North Dakota.

I am committed to providing my children with the best possible education that fits their needs. My children have attended both public and private schools in Bismarck and Linton. Establishing an educational reimbursement program increases my ability to continue sending my children to the best school for them.

An educational reimbursement program offsetting the costs of private school would allow more families to consider this as an option. Allowing more children to attend private schools can also improve the student to teacher ratio at public schools so everyone benefits.

In conclusion, I urge you to support HB 1532. This bill is not only important for families like mine, but it is also crucial for improving the quality of education for all students and providing them with the best possible opportunities to succeed.

Thank you for your time and consideration.

Sincerely,

Tera Miller

Ryan Christenson

4344 Acres Drive, Dickinson ND 58601
Phone: 612-358-3987

▶ **North Dakota Legislative Assembly**
Re: House Bill 1532

Thank you for this opportunity to share my family's story and give testimony in support of HB-1532.

My family moved to Dickinson in late Summer of 2022 for several reasons. The most important being that we no longer felt that the Twin Cities was the right place to raise our four children. As we learned more about Dickinson and North Dakota as a whole, we realized that unlike Minnesota, North Dakota is actively working to protect our children. This Bill is yet another example of this great State focusing on the future of children rather than the social issues of the day.

For our family, it is important that part of our children's education is Faith based. We chose Trinity Catholic Schools in Dickinson, fully understanding that we would need to sacrifice some things in order for this to work financially. We made this decision willingly, but it is certainly a major financial commitment. The passing of this Bill would be a tremendous help to families like ours that want to raise their kids in a faithful setting.

In addition to our story, I believe this Bill is hugely important for all North Dakota families that would like to explore non-public options. I believe that many times the decision of whether or not to send children to a faith-based (or any other non-public) school comes down to finances. This Bill would provide much needed relief which might be the determining factor for many families.

Thank you for bringing this Bill forward – it proves once again that my wife and I made the right decision moving to this State.



Ryan Christenson
1/30/2023



567 32nd Ave E, Suite 202
West Fargo, ND 58078
Phone: 701-373-2020
Fax: 701-373-0021
info@optixgallery.com

January 30, 2023

To Whom It May Concern,

I am in support of House Bill 1532. Passing of this bill would allow me to continue to send my children to private schools. Here are 3 reasons why I think this bill should pass:

1. We live in an area of Fargo that is within the West Fargo public school system. Both cities have great public schools, but my neighborhood keeps getting re-zoned to a new elementary school almost every year. Therefore, I have chosen to send my children to private school for stability.
2. Another reason we choose to send our children to private school is so that they can benefit from faith education. Developing their faith is very important to us. And by doing so during school hours, we don't have to send out kids to faith formation education during the evenings or weekends.
3. It is a choice for us to send our children to private school, but the North Dakota state treasury should grant money to K-12 education regardless of the school the family chooses to attend.

I urge you to please support the passing of House Bill 1532.

Thank you for your consideration.

Warmly,

Melissa McCulley
Optometrist, Mother, Advocate

January 30, 2023

To whom it may concern:

I am writing in support of HB1532. I believe that parents should be able to make the best education decisions for their children, regardless of their financial situation. The proposed legislation would provide support to parents that want to send their child to a non-public school but simply do not have the funds to do so. HB1532 would also help ease the burden that current families utilizing non-public schools incur each year. Families of every financial background should be able to give their child what they feel like is the best education, whether that be public, private or homeschooling. Reimbursing choosing parents a portion of their tax dollars would allow for a more financially diverse group of parents to make educational choices that they feel truly comfortable with. A well-rounded community (city and state) is made up of not only great public schools, but great private schools and great home-school communities and resources. All three of these options help strengthen families and provide options to educate our future North Dakotans.

Please support HB1532 as a way to strengthen the educational ecosystem in the state of North Dakota.

**House Education Public Hearing
Feb 1st at 2:30pm
HB 1532 - Testimony in Opposition**

Chairman Heinert and members of the House Education Committee, my name is Whitney Oxendahl, and I am here in opposition to House Bills 1532. The \$24 million proposed for an educational reimbursement from the General Fund could instead be used to pay for free school lunches for kids in our public schools or pay our school teachers competitive wages.

I am a homeowner paying property taxes to fund my local public schools, and, if I have an issue with the school system, I can bring it to the public school board. These proposed reimbursement dollars would go to parents to help fund private schools that are not accountable to taxpayers and community members in this same way.

I grew up going to private schools, because my parents chose to put me there when I could have been educated in public school for free. They paid for my schooling, and if other parents now are choosing private education, they can also choose to pay for it themselves.

My child is a first grader at a public elementary school in Fargo, getting a great education. Let's use these dollars to make sure students across the state are receiving high quality public education.

I urge the committee to give HB 1532 a Do Not Pass recommendation. Thank you for letting me share my testimony.

My husband and I decided to send our 5 year old son to St. Michael's Catholic School for preschool as he was not old enough in September to attend Kindergarten. Grand Forks Public school does not offer any type of preschool for children. We are products of Grand Forks Public School I attended south end schools and my husband attended north end schools. We have both lived in Grand Forks our entire lives and could not imagine raising our children anywhere else. When it came time for our son to start kindergarten we made the decision to stay at private school because of so many reasons. Class size was a major part in our decision along with how much we feel in love with the option to raise our children in a school that believes the same morals we believe in. We later had another child who has attended St. Michael's preschool starting at 3 years old. We believe we have made the right decision for our family by choosing private school. I am not going to lie to you that it hurts me to think that I am paying a lot of money for my child to have the education I believe they deserve. I cannot tell you how much passing this bill would impact so many lives. W have worried about sending our child to public school and wish we could afford to continue on 6th thru high school with our children but realistically we cannot afford it. Please take into consideration how much each family would benefit from passing this bill. Thank you for your time and God bless you.

Nichole Montgomery

North Dakota Legislative Council

State Capitol

600 East Boulevard Avenue

Bismarck, ND 58505

Dear Members of the ND HB 1532 Committee,

My name is Lu Jin, I live in DISTRICT 43, Grand Forks, ND, and I am an engineer in the University of North Dakota.

I support ND HB 1532.

My son is a student at St. Michael's Catholic School in Grand Forks, ND and he likes the school very much as he has many nice teachers and good friends there. Teachers in Catholic schools are very responsible and patient with students to make sure that all students meet the state educational standard. My son not only learns science and arts but also learns about different cultures in St. Michael's Catholic School.

Currently, some public schools are short of teachers, Catholic schools can help to reduce the pressure on the public school system by offering high-quality education so that all students have a better chance to get a good education in both public and private schools.

Education is one of the most important components for the future of the state. Therefore, I urge you to vote in favor of ND HB 1532 and support the Catholic schools in North Dakota.

I appreciate your dedicated service to the state of North Dakota!

Yours sincerely,

Lu Jin

Testimony on HB 1532

January 30th, 2023

Chairman and Members of the Committee,

I am writing in support of **HB 1532**.

This bill would help our family since we have two children in the private school system in Bismarck. Our oldest daughter has anxiety and struggles in larger groups. In order to help her thrive, we chose private schools which allows for smaller classes. She has done so well in this system of learning but financially we have taken a hit. The cost of tuition has limited our ability to save for college, which is concerning for us now that she is a freshman in high school. We have talked about switching to BPS (which we have no issue with what so ever) but our daughter has begged to stay in private school. She loves the school and the environment and we don't want to take that away from her.

I ask that you please offer a DO PASS on HB 1532. It would allow our family to better financially prepare for our children's future.

Respectfully,

Wendy Schmidt

BriAnna Wanner
1953 Houston Drive
Bismarck, ND 58504

January 30, 2023

RE: House Bill No 1532

To Whomever It May Concern:

I am in favor and support HB1532. The passage of this bill would have a large positive impact on our family and North Dakotans across the state. We currently have five children. Three are in elementary in a private school. We made the shift from public to private school a few years ago to meet the needs of our children. The change in our family's lives has been considerably positive. This efficacious momentum will continue to produce a North Dakotan community that keeps giving back with maximized impact.

Having past experience with the public school system, we know that the teachers and the system within North Dakota is also wonderful. It is also valuable, but different. The difference between the public and private school for us was unique to our family make up and our values. Each child had a specific set of needs that allowed them to flourish in the private school system.

There is a return on investment when it comes to this bill. With the support and passage of HB1532, North Dakota will be an even more desirable place to live that supports families and the growth of productive citizens. It also brings more cash flow into the North Dakota economy as it frees up household budgets.

Thank You,
BriAnna Wanner

To whom it may concern;

My family has been in Mandan since 2016. We have twin girls who are Kindergarteners, and a 16 year old daughter we adopted from foster care. Our twins were born 10 weeks early, and one has a medical background and autism spectrum disorder. When we toured at Christ the King Montessori it was a huge sense of relief that all their learning would be one on one, they would learn real life skills, and with the ratios the faculty truly would get to know and spend time helping them learn and grow, in ways public school could not. The statistics alone of Montessori education are worth knowing- many studies have shown superior academic and especially social outcomes for children in a Montessori classroom compared to public school peers. To anybody considering voting to support these schools and make them more accessible to parents, I encourage you to tour yourself to see the large differences of education and classroom environment. Our daughters are on their second year at Christ the King now and I can't say enough on how much they have learned in such an individualized setting.

Our teenager was in Mandan public schools for a few years where she started to fall through the cracks due to her mental health and background in 8 prior foster homes. Due to ultimately the overwhelming need and size of a school the size of Mandan High it was doing her more harm than good. She is typically a straight A student and very bright, but in a chaotic setting it was clear she needed a change. Homeschooling wouldn't be beneficial for her either as she is a social and outgoing child, and we both work outside of the home. Even though we are not religious, we decided to pursue a Catholic private school for her also and she has been at St Mary's for a month. The difference in her academics, mental health, and overall demeanor is night and day. The smaller school and ratios, along with different styles of learning has her engaged and excited to go to school.

My husband and I pay large amounts of tax dollars to the city and pay beyond our mortgage in private school tuition for our three children. We are not a high-income family by any means, I actually am a full-time college student and my husband owns and operates a small business. You won't find us having money to go on any fancy vacations anytime soon or getting new vehicles, but we choose to invest in the best education and environment for our children. This has caused financial strain on our family. The ability to have state education funds also help families like ours when the public school system wasn't the right fit for our children is, I believe, a step to more inclusive education for all children of our state. We are grateful for our private school options and how they have helped our children. Helping fund these schools and lower tuition for families like ours makes equitable education choices more accessible to all.

-Kathryn Dockter

Mother to Valerie, Eleanor, and Taya; students at Christ the King and St Mary's
604 10th Ave NW, Mandan
(701) 989-1215

To the ND House Education Committee,

I am writing in support of HB 1532. Any tuition reimbursement that could be made to our household would be appreciated.

My name is Kari Sornsin. I am a graduate of Fargo Shanley High School. My children all attended/attend the St. John Paul II Catholic Schools in Fargo. I have also been a teacher in the Fargo Catholic Schools for thirty years. My support for Catholic education runs deep. I also applaud the ND public schools for the quality education that they provide.

A few years ago, a ND House candidate stopped by my home on a neighborhood campaign swing. We discussed many topics, including a previous bill similar to the one currently being considered. I shared my support for this type of bill, and he shared that he opposed it. I went on to describe my situation ...

Teachers in the Catholic schools in Fargo make about 2/3 the salary of a public-school teacher. Currently, my salary is \$45,000. That is about \$20,000 less than I would make at Fargo Public Schools. JP II Schools have been wonderful in providing scholarship money when available, and my parents have helped with tuition costs over the years as well. My ex-husband and I wanted to pay our fair share, so we avoided asking for help as long as possible. This meant that our children did "without" in many situations over the years. Many in our community view private school families as wealthy or privileged. Most would be surprised to know of the many families more like mine.

I do not begrudge our ND public schools of general taxpayer support. They need to be funded. I would appreciate consideration, though, of even a portion of my contribution being reimbursed. School choice can only make all of our schools stronger, and this bill could help alleviate some of the financial roadblocks for families like mine.

Thank you for your consideration.

Kari Sornsin
Fargo, ND

My name is Arthur Weidner. I am self-employed and my wife is a stay-at-home mom. We have two children in middle school grades who attend a small private Christian school in Fargo. I was able to attend this same school as a child for K-8 grades. My wife attended Moorhead public schools during her childhood. We both moved away from the Midwest to start our careers and when we began to have children moved back to the area to raise our children.

My wife was against sending our children to private school, mostly for financial reasons, until she saw the outcomes of the graduates. She was a director of youth education at a large church for 5 years and knows very well the level of maturity, knowledge and wisdom that the average teenager has. What she came to see in the teenage graduates of private schools as compared to graduates of public schools completely won her over to a private education for our children even though I was unemployed at that time.

I have been aware of the benefits of a private Christian education throughout my life as I compared the stories of my friends', colleagues' and neighbors' educational experiences with my own. I became a member of the Board of Education at my children's school and have kept myself informed on the matter of school choice for several years now. I would like to recommend that you gain some understanding of the matter by reviewing the information available through the organization known as EdChoice. A good place to start is at this page on their website.

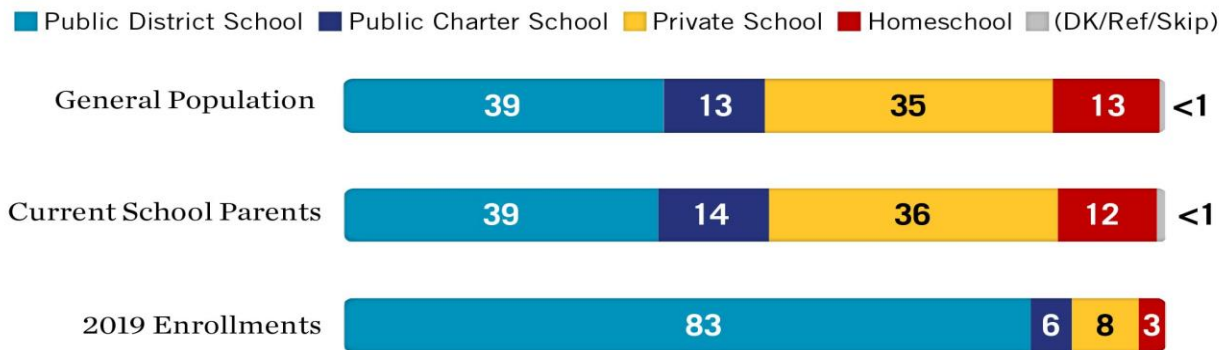
<https://www.edchoice.org/what-we-do/research/schooling-in-america-polling-dashboard-2/>

The following graph is a comparison of the schooling preferences of the general population of the US and those of current US parents and then compares these preferences against the actual enrollments of US students. You will see that there is more than a 4:1 ratio of parents who wish to send their children to private schools or homeschool and those that actually do.

SCHOOL TYPE PREFERENCE, COMPARED TO ACTUAL ENROLLMENT

Actual enrollment patterns do not reflect the diversity of parents' schooling preferences.

% of Respondents



Notes: The percentages in this chart reflect a composite that averages split samples' responses to two slightly different versions of this question. Responses within parentheses were volunteered; "DK" means "Don't Know." "Ref" means "Refusal." For the online survey, the respondent was permitted to skip the question.

Sources: Authors' calculations; National Center for Education Statistics (NCES); EdChoice, 2021 Schooling in America Survey (conducted June 14–July 8, 2021), Q12

One reason that parents don't send their children to private schools is due to lack of availability. In North Dakota, if you don't live in one of the larger metropolitan areas you simply don't have access to a private school and even in the larger cities of ND your choices may be limited. The graph below shows that another impediment is cost. When financial costs are eliminated as a barrier in the survey question, parents' preference rises an additional 10% for both private school and homeschool options.

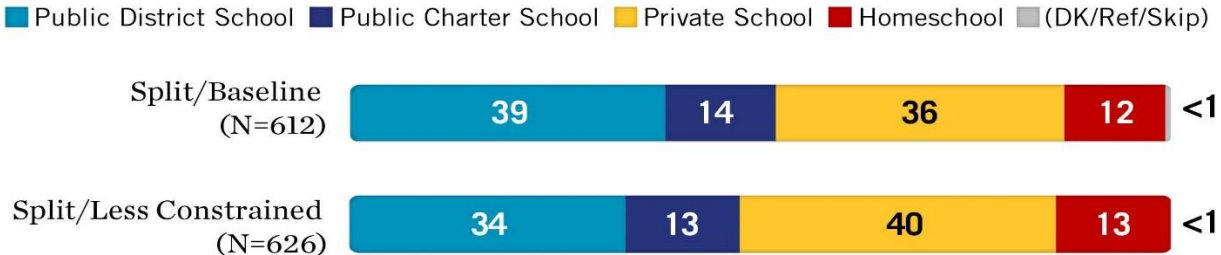
Since parents in ND do not receive any state or local assistance to help cover the cost of a private education, either at a private school or at home, they are forced to pay thousands of dollars in tuition or lost wages and educational material cost to achieve their preferred educational outcomes for their children.

SCHOOL TYPE PREFERENCE

Split - If it were your decision and you could select any type of school, what type of school would you select in order to obtain the best education for your child?

Split - If it were your decision and you could select any type of school, **and financial costs and transportation were of no concern**, what type of school would you select in order to obtain the best education for your child?

% of Current School Parents



Notes: The percentages in this chart reflect a composite that averages split samples' responses to two slightly different versions of this question. Responses within parentheses were volunteered: "DK" means "Don't Know," "Ref" means "Refusal." For the online survey, the respondent was permitted to skip the question.
Sources: Authors' calculations; National Center for Education Statistics (NCES); EdChoice, 2021 Schooling in America Survey (conducted June 14–July 8, 2021), Q12

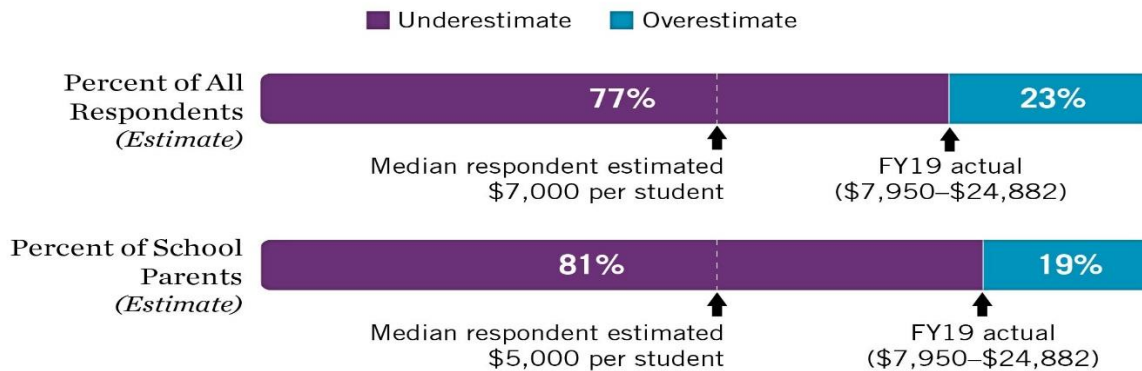
I know at our school we work extremely hard to eliminate finances as a barrier to student attendance. We raise hundreds of thousands of dollars for financial aid and dispense it on a financial need basis. We have students in attendance from all socio-economic strata though we always require some amount of tuition. I have analyzed the annual per student cost of our school and compared it to those of the public schools in our area for the past twenty years and find that we consistently spend approximately 25% less to educate a student at our school and produce superior results that parents prefer.

The next graph below shows that most Americans are unaware of the per student spending of public schools and grossly underestimate it. Taking into account the state where each respondent resides, 77 percent of Americans and 81 percent of school parents underestimated how much public schools actually spend. When Americans are made aware of the spending amount in their state their opinions change on its suitability as illustrated by the bottom graph of responses to a split-sample question asking whether current school spending was too low, too high or about right.

SCHOOL SPENDING ESTIMATE, COMPARED TO ACTUAL SPENDING

Most Americans and parents drastically underestimate public school spending. The median parent respondent said spending is significantly less than the lowest state average.

% of Respondents



Note: Percentages based on those offering estimates

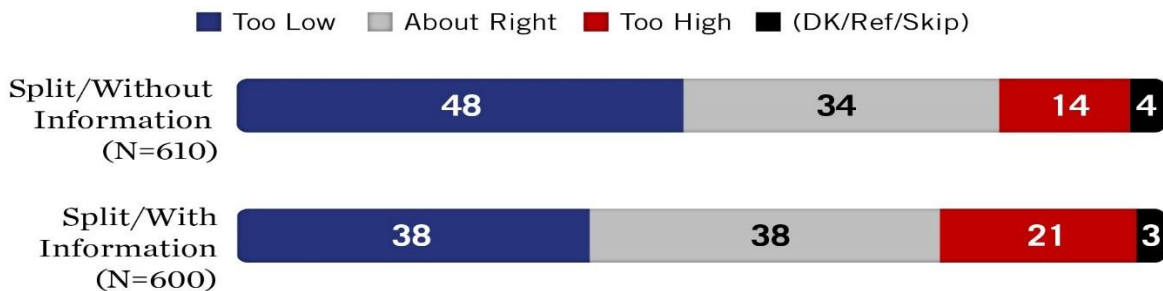
Source: EdChoice, 2021 Schooling in America Survey (conducted June 14–July 8, 2021), Q9

SCHOOL FUNDING

Question Wording A Do you believe that public school funding in [Your State] is at a level that is:

Question Wording B According to the most recent information available, on average \$[Amount] is being spent per year on each student attending public schools in [Your State]. Do you believe that public school funding in [Your State] is at a level that is:

% of General Population by Split Question Version



Notes: Responses within parentheses were volunteered. "DK" means "Don't Know." "Ref" means "Refusal." For the online survey, the respondent was permitted to skip the question.

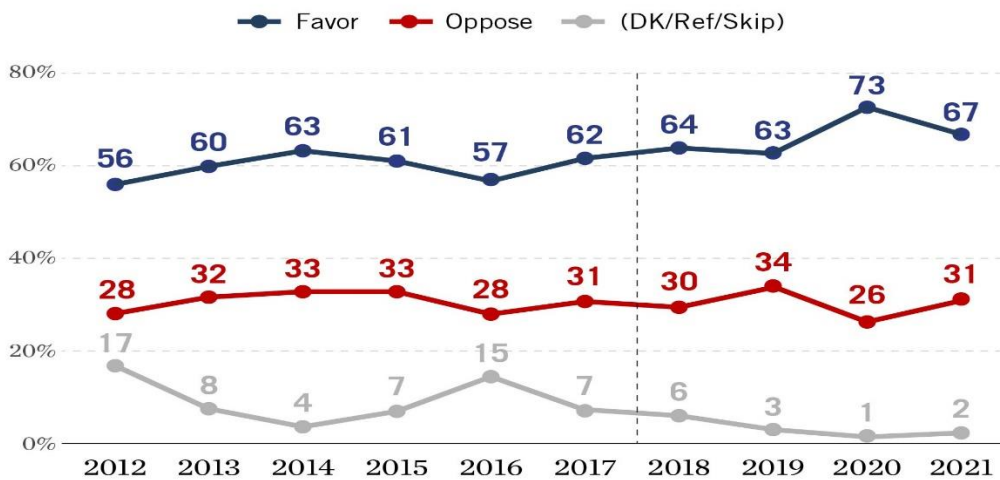
Source: EdChoice, 2021 Schooling in America Survey (conducted June 14–July 8, 2021), Q10

The current proposed method in HB 1532 of reimbursing ND parents for some of the cost of sending their children to non-public schools is most similar to an educational voucher system in other states. According to the annual survey, two-thirds of the public and more than three-quarters of school parents said they support vouchers. Notably, support from lower-income and middle-income parents was substantially higher than that of higher-income parents.

SCHOOL VOUCHERS FAVORABILITY

Two-thirds of the public support school vouchers. The level of overall support has decreased six points since Fall 2020—but remains higher than all years prior to the pandemic.

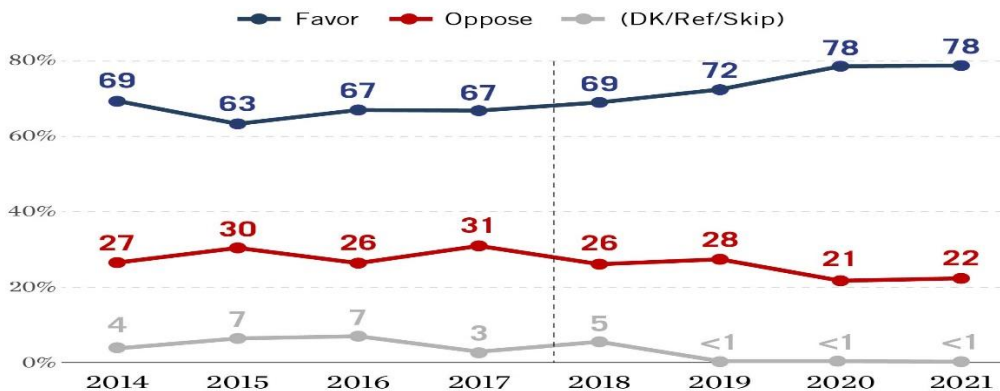
% of General Population



Notes: Phone-only survey results shown for 2013–2017. Mixed-mode results (online and phone) shown for 2018–2021. Responses within parentheses were volunteered. "DK" means "Don't Know." "Ref" means "Refusal." For the online survey, the respondent was permitted to skip the question.
Sources: EdChoice, 2021 *Schooling in America Survey* (conducted June 14–July 8, 2021), Q18; EdChoice, *Schooling in America Survey*, 2016–2020 (partial samples of General Population); Friedman Foundation for Educational Choice, *Schooling in America Survey*, 2013–2015

Nearly 80 percent of parents support school vouchers—unchanged since last year. They are at least two times more likely to support vouchers than oppose such a policy.

% of Current School Parents



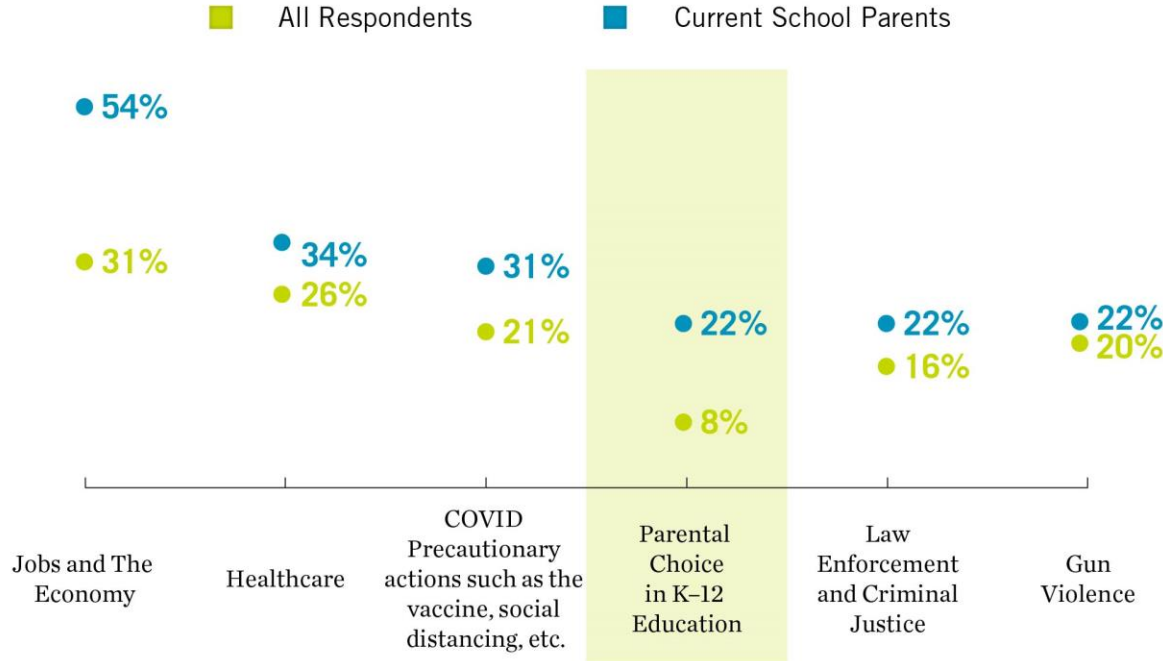
Notes: Phone-only survey results shown for 2013–2017. Mixed-mode results (online and phone) shown for 2018–2021. Responses within parentheses were volunteered. "DK" means "Don't Know." "Ref" means "Refusal." For the online survey, the respondent was permitted to skip the question.
Sources: EdChoice, 2021 *Schooling in America Survey* (conducted June 14–July 8, 2021), Q18; EdChoice, *Schooling in America Survey*, 2016–2020 (partial samples of General Population); Friedman Foundation for Educational Choice, *Schooling in America Survey*, 2013–2015

About one in five parents think parental choice in K–12 education is a very high-priority issue right now. The survey asked a series of questions about what issues parents and the general public thought were most important at the time of the survey in mid-summer: 22 percent of parents placed parental choice among their top-three issues of concern. Eight percent of the general public said the same.

PRIORITIZING ISSUES

Nearly three times as many parents say parental choice in K–12 education is one of the top three issues to them right now when compared to all respondents.

% of Respondents Providing Ranking 1, 2, or 3



Source: EdChoice, 2021 Schooling in America Survey (conducted June 14–July 8, 2021), QISSUES

I and my wife are big proponents of private Christian education since we know personally, anecdotally and objectively from the Cardus Study (a 20-yr longitudinal study of comparative student outcomes) that it will give our children the best outcome in life and provide our best family life. My wife now says that we would have sold our house to provide the education our children received from our private school. Thankfully that has not been necessary so far, but it may indeed be a reality for some parents in ND if they want to realize the same results.

You may not be aware of the fact that the first universal education system was actually a private education system funded by the princes of Saxony in the early 16th century after the pleading of Dr. Martin Luther to allow the reformed churches of Saxony to educate all of the resident children. This is why the US Postal Service wanted to create a stamp for Dr. Martin Luther to recognize him as the father of universal public education. Sadly it was deemed too controversial at the time and never made it to print.

Jennifer J. Winterberg
916 N. Anderson St.
Bismarck, ND 58501

January 30, 2023

RE: House Bill No 1532

Hello,

I am in favor and support HB1532. Our two children attend private school in Bismarck.

I cannot express how much private school education means to our family. The smaller classroom sizes, community mindset and supportive environment has been fundamental to our children's well-being, both educationally and emotionally.

When we chose private schooling we knew it would be a financial commitment. Our family often sacrifices to make sure our children can continue their private education. We budget every dollar, limit activities & family outings. All while feeling confident in our decision as we watch our children flourish in this wonderful environment.

What HB1532 would help with most is our ability to save for our children's college tuition, allowing our children a way to continue their own choice of education and open up opportunities for them as working and contributing citizens of North Dakota.

Please support and pass HB1532.

Thank you,
Jennifer Winterberg

HB 1532

My name is Jeff Chamberlain. I live in district 8. I am writing to provide supportive testimony for HB 1532. I believe this bill will allow parents the ability to make choices and positively impact the lives of their children. This bill creates a tool that parents have not had before. It's passage will have multiple benefits to our community.

Please pass this bill.

Jeff Chamberlain

4013 Cedar Place

Bismarck, ND 58503

Hello, I am in support of HB 1532.

I am a single parent of 2 children ages 9 and 5, both are attending private school. I do not receive any child support and pay the monthly tuition on my own. I currently pay \$7440.00 /year for tuition, and this does not include school lunch. I am on a budget, and most months I am financially strapped, using credit cards to pay for certain expenses. I do feel it is worth the sacrifice, however, as my children are receiving an excellent education promoting Christian values, while maintaining smaller class sizes with better student to teacher ratios, excellent academic testing scores and a personal sense of family. The passage of this bill could help me tremendously, if able to get some/any reimbursement of the tuition that I pay. The extra funds for me could mean being able to pay down some credit card debt or being able to pay a medical bill off and not needing a payment plan or even being able to save and put away a few dollars into savings. Mostly, it would reduce the stress I face each month financially.

Growing up, I did not have the option of private school. I am so thankful that my children do.

Please pass this bill to allow families like mine, more financial stability.

Thank you

Melanie Schwab
Support of House Bill 1532

Dear ND Legislators:

I grew up in the Bismarck Public School System and enjoyed my time at Wachter Middle School and Bismarck High School. However, when it came time to assess my education and my children's educational needs I opted for Private Schooling in our community. I am writing to you in favor of HB 1532. By establishing an educational reimbursement program for our state, it would allow other families to choose the best school that fits their specific child needs. I believe everyone should have the opportunity to educate their child as they see fit without fear of a financial burden or exclusion.

Please vote to support HB 1532. Thank you for your time and consideration.

Melanie Schwab
Support of House Bill 1532

To Committee on HB 1532,

My name is Robert Bartlett, I live in Fargo, ND

I respectfully ask and urge you to pass HB 1532 with increased limits for parental reimbursements so that school choice is a viable option for all ND families to 5,000 per student.

Nationally and in ND test scores are falling and have been falling for some time. It's become painfully clear a new and better solution needs to be brought forth – better school choice initiatives. It's painfully clear that public schools are failing both students and taxpayers. The vast majority of evidence shows that school choice programs improve academic outcomes for both the program participants, and also the students in public schools. School choice leads to more and better competition and competition leads to excellence and better outcomes for all.

Thank you for your time and considerations.

Reverend Bob Bartlett,
5354 26th St S Apt 201
Fargo, ND 58201

Public Testimony for House Education Public Hearing

Good Afternoon,

I am writing to advocate for the reimbursement of tuition costs associated with residents of North Dakota electing to send their child(ren) to a private institute of education.

As parents of two, under the age of ten, my wife and I both felt it necessary to select a private institution to both instill values that we believe in and future-proof our children educationally.

A reimbursement of tuition, whether it be in full or partial, would help immensely to offset the cost. We hope it is sincerely considered.

Thank you,
Chase Betz

Members of the Committee,

I am writing today to express my support for HB1532 as a means to acknowledge the investment that those of us who choose invest in our children's future via private schools and the future of all the State's children. First, let me say clearly that while my wife and I choose to send our children to private schools (Light of Christ Catholic Schools in Bismarck) we also want to ensure that the public schools in the State are very well funded and continue to meet the needs of our children's educational needs. I think it is the responsibility of all the citizens of the State to ensure this common objective. We chose private schools for a variety of reasons-our faith, small class sizes being amongst the greatest of our desires. But we don't believe that this alleviates our responsibility to contribute to the greater good of all the children in North Dakota.

I recognize this issue has arisen in recent years via legislative attempts and has often become polarizing as some choose to present the issue as being an attack on public schools. I won't attempt to diffuse that argument but will say, that some acknowledgement that those of us who choose private schools all the while providing for the public schools through our taxes would be appreciated. After all, we are paying taxes directly for services, that we are not utilizing. And, I would suggest even a modest tax credit or rebate may be a more desirable policy outcome than a notion of vouchers.

We appreciate your continued interest in this topic and appreciate your consideration of our perspective. In all, we must support the best possible education for the children of our State and I believe we can do so with some recognition that some, who voluntarily chose a different pathway for their children, are acknowledged for paying for their children's education and also underwriting the future of all our State's children.

Sincerely,

John L. Devney

5575 71st Ave NE

Bismarck, ND 58503

Re: HB 1532

Dear Representatives:

I am writing in **opposition** to HB1532. A good public-school education is foundational for good citizenry.

Providing reimbursement for private school education will negatively impact public schools. Small towns could see their public schools face further consolidation or closure as parents choose private schools due to the funding assistance they would receive. Passing HB 1532 will lead to further separation of those who have and those who do not. Do not be party to further decreasing opportunities for all children.

Sincerely,
Terri Hedman, MSSL
5524 16 Street South
Fargo, ND 58104

Dear House Education Committee,

I am a parent in Fargo, North Dakota writing in support of House Bill 1523 which supports a parent's right to choose the best education for their children. There are many reasons school choice is beneficial for students, families, and our state, and I am sure you have heard about them. School choice saves taxpayer dollars because private schools educate students for much less than what is spent on public education. School choice encourages parents to be more involved in their child's education and allows lower income parents to choose what is best for their child — not just families that can afford to pay both the taxes and the tuition. Many more families will have access to choices in their child's education as a result of this bill. In addition, workforce is one of the biggest challenges currently facing North Dakota. A reimbursement program like this will help North Dakota attract workers and families to the state.

In regards to the bill's wording, it is not clear whether or not an out of state school is qualified. For example, parents in Fargo may choose to have their children attend a private school in Moorhead, MN such as Park Christian School. There are similar situations in Grand Forks & East Grand Forks. I would recommend that the "qualified school" definition be amended to include schools in neighboring states MN, SD, and MT or "30 miles from the border of ND" for example. I strongly encourage an amendment to ensure the bill is inclusive of schools just across the border in neighboring states that may be great options for families.

Often those who are against school choice are those who benefit from the status quo and no competition for public schools. More competition will mean administrators and teachers striving to provide the best education possible for all students. North Dakota lags behind many states in this area. Now is the time to step up and support freedom of education for ND families.

Sincerely,

Sasha Dykema
Fargo, ND

January 30, 2023

To whom it may concern:

I am writing this statement in favor of ND House Bill 1532. As a parent of children who have gone through both parochial and public schools, I believe strongly that ND House Bill 1532 needs to be passed. I have 3 sons, the eldest of whom started his educational journey in the public school system, at a time when my husband and I couldn't afford private schooling. Through some extenuating circumstances, we decided public school was not providing the type of environment that we sought to raise our child in, and we made sacrifices to be able to enroll him in parochial school. Subsequently our two youngest children have also now gone through parochial school as well. While sacrifices needed to be made to make this happen for my we have never regretted gifting our children the privilege of parochial education.

The above being said. This is the United States, where we have certain freedoms granted to us under our beautiful Constitution. One of these freedoms is the freedom of religion. For my family and I, who have decided to raise our children in the Catholic faith and have them attend Catholic school. It is unfair to seemingly penalize a family who chooses parochial education, by basically charging them for education twice (public school through taxes) and private school through tuition. As one could imagine tuition can be costly, especially if more than one child is enrolled in parochial school at the same time. All ND citizens should have the choice to decide which schools are being funded through their hard-earned money.

If ND House Bill 1532 passes, this would allow us the ability to continue with a parochial education without worrying about financials. This would allow us (and others) the ability to possibly begin saving money for our children's higher education costs as well.

With a Catholic education, my children have not only lived and learned about humility, fortitude, graciousness, compassion, selflessness, and the spirit of giving... but these are lessons that they are putting out into their community as well. These lessons have been so well ingrained with the curriculum at parochial school, that their thoughts, beliefs, and willingness to help others rubs off onto those they come into contact with daily. Not only are they growing into productive members of society, but they are growing into the type of men you want as neighbors and friends. Now, if you want to talk about "North Dakota nice" come and talk to a child that has obtained their education from a parochial school in this great state. Those children put a whole different meaning into that phrase.

Money should not be a barrier to those who seek to provide their families with a religious education; Catholic or otherwise. By passing ND House Bill 1532 you will make a religious education something that is more attainable for those who want it, but cannot afford it. Passing ND House Bill 1532 will also put more money back into the pockets of those of us currently paying for parochial schools, enabling us to further support our parochial schools by keeping our children enrolled longer, and it can also allow us to save some of that money for future educational purposes for our children such as college. I implore you to please take these things into consideration when it comes to ND House Bill 1532.

Sincerely,

Stacy J. Johnston, RN

Grand Forks, ND

Dear Legislators,

I am submitting this in favor of HB 1532. As someone who has chosen to send some, but not all of my children to public school, I can speak from experience that public schools are not for every child. HB 1532 is a fair bill. It would not take additional resources away from students or schools. However, families who need to send their child to a private school would be able to have some financial assistance which is only fair as I am a contributing member of society who pays their taxes and already financially contributes to the public schools system. I deserve to have some help in providing my child with the best education they need without having to take on immense financial stress.

Thank you for your time,

Hannah

Regarding HB1532, our family is in support of passing this bill. Our son has been attending private school for over a year now. The smaller class sizes have been a tremendous benefit to him regarding his Social Anxiety and Autism Spectrum Disorder. The teachers and staff are extremely caring and relationships between the students is inspiring. The one difficulty in sending our son to private school is the additional expense of tuition. With the passage of this bill, we will be able to continue providing our son with an environment that will help him to flourish.

I support HB 1532. I have 2 children who attend Light of Christ Catholic schools. With the higher cost of living, any tuition reimbursement would greatly help for them to continue in the same school program. Some of the reasons we started and would like to continue this education path: smaller classroom size, sense of belonging, religion, structure. One of them has ADHD/ODD and needs a very structured program and his school has helped him succeed.

Members of the House Education Committee,

My name is Randy Kollman and I reside in District 29 and my kids will attend school in Jamestown in the near future. I am asking that you please render a **DO PASS** on **House Bill 1532**. You can also remain neutral on the bill and give recommendations to make it stronger.

My family and I are in support of House Bill 1532 and would love for our kids to start their education in Kindergarten and beyond in a private school in Jamestown with a faith based education and learn about the Bible and God which is not provided in public schools. The financial assistance in this bill will make that more attainable. Thank you for your consideration of this matter and for your service to the great state of North Dakota.

Signed,

Randy Kollman

To the North Dakota House Education Committee,

I am writing in support of HB 1532. Every child deserves an education that is best suited to their needs. This is not currently possible for many families due to the cost of private school. Some of my children attended and graduated from public school. Some started in public school but finished in private school due to bad experiences in public school. Choice is crucial. Providing a small amount of assistance to families of private school students would be immensely helpful. These families already pay taxes for education and it would be wise to have some of those tax dollars follow them to the school of their choice. Choice and competition will only make our students and education system stronger.

I would encourage an amendment that addresses the definition of qualified schools to include those schools just across the border (within 25 miles of the border) in the neighboring states of Minnesota, South Dakota, and Montana. Cities such as Fargo have numerous students attending a tri-city community private school in Moorhead (example: Park Christian School).

Thank you for your consideration.

Rachel Bergsagel
West Fargo, ND

Testimony
HB 1532
House Education Committee
January 31, 2023

Chairman Heinert and members of the House Education Committee,

The Fargo Board of Education governs the Fargo Public School District with student achievement as our central focus. We are the 3rd largest district in the state with over 11,000 students and the 4th largest employer in the Fargo-Moorhead community with over 2,200 full and part-time employees. We are writing to you in opposition to House Bill 1532. This bill would have a detrimental impact on the quality of North Dakota's public education system and our students.

HB 1532 aims to create a program that would require our superintendent to funnel public funds to private schools. As a Board, we firmly believe that public dollars belong to our public schools. While we support parents' rights to choose where their children receive an education, public dollars must stay within our public system – a system that is accountable to our taxpayers, legally-bound to meet the needs of our students and is proven to positively impact student achievement.

By law, public schools are required to follow the Americans with Disabilities Act and the Individuals with Disabilities Education Act. These laws require us to meet the wide range of needs that our students bring to the district. For example, we must identify and evaluate students who may have disabilities, vary instruction based on need, install equipment such as wheelchair ramps, employ sign-language interpreters, and attend to any other accommodation needed to make our schools, facilities and activities accessible for all. Private schools are not held to these same standards, nor are they under obligation to follow Individualized Education Plans (IEPs). Plus, private schools have leeway to turn away students, which we do not and would not do. HB 1532 would allow public funds to flow to private entities that are not required to follow public laws.

As a Board, student achievement is our central focus. There is no evidence that vouchers improve student performance. We strongly encourage the Committee to oppose programs and initiatives that do not have a record of success.

And finally, our public schools are the backbone of society. A strong public school system contributes to less unemployment, reduced crime, improved public health and a strong workforce. If funds are pulled from our school, something will have to give. Will we pay our teachers less or employ fewer counselors? Will we cut programs such as music or art?

We strongly encourage you to give a Do Not Pass recommendation on HB 1532.

Katie Christensen
Governmental Affairs Committee - Member
On behalf of Fargo Board of Education

Please support HOUSE BILL 1532.

If Bismarck-Mandan did not have the Light of Christ Catholic School System, Shiloh Christian School or the Dakota Adventist Academy, the public school system would be overwhelmed with hundreds more students to educate.

The families who bear the cost of spending thousands of dollars to send their children to a private school, should be entitled to claim a tuition reimbursement of the extraordinary costs involved.

Please pursue getting this passed during the 2023 legislative session.

Thank you.

HB 1532

To Whom It May Concern:

I am writing in support of HB 1532. I currently have 2 of my 3 children attending St. Joe's Catholic School in Devils Lake, ND. I originally chose to send my oldest son to the school because they were the only location offering all-day preschool. He is currently 9 and continues his education there. I love the small atmosphere, the one-on-one attention both of my children receive (my daughter is in 1st grade there currently) while attending St. Joe's. I am from a small town and a small school district, and I wanted that same feel for my children. Most of the kids all know each other, regardless of what grade they are in. My 3rd child will start at St. Joe's in the fall, also attending the all-day preschool. I feel comfortable dropping them off each morning, knowing that they are being cared for and loved, something that maybe isn't always on the forefront in a public-school setting, solely based on the number of students in attendance. We certainly could send our children to the public school and know they would still get a good education; however, we choose to pay for the quality, comfort, and confidence we receive in sending them to a private school instead. It would be greatly appreciated if this bill were to pass.

Sincerely,
Bobbie Jo Mertens
Devils Lake, ND

January 31, 2023

Dear Sir or Madam:

I am writing to express my support for HB 1532.

This bill would help parents make the best choice for their child's education.

I believe strongly that each child is unique and a family should be able to choose where to send their child for the best education for their child and their family.

It is important to me and my husband, to send our children to Catholic schools. I wish for them to include their faith in every aspect of their day.

We specifically budget and make financial decisions based on being able to send our children to Catholic schools and would greatly appreciate the passing of HB 1532.

HB 1532 would help us in the education of our children, not just for my family but for many other families.

Jessica Engelhardt

Give people in Fargo more free stuff. Thanks.

What I love about this bill is that it really only benefits people in Fargo who actually have private school options, at the expense of districts outside of the city. I would absolutely hate for someone in east Jesus nowhere like Velva or some other dying dump of a town (Mott, specifically, but also Lehr yuck) to benefit from from any North Dakota government program. People who still live in rural North Dakota are usually idiots, and they elect idiots who love to give handouts to Fargo. Keep up the good work.

Supporting HB 1532

Why this bill is so important is looking at what the world is becoming. As an alumni coming from a catholic school, I was taught manners, structure, life skills, how to pray and have something to believe in. Having smaller classes gave us the ability to ask questions when we needed the help or understanding that team feeling when playing sports. Choosing a school shouldn't be on if I can afford it or not, it should be what is best for our children. Looking at the schools today, some key factors that scare me as a parent are, we look at schools having metal detectors and so many children they don't even know the ones that are there or not. When children are telling us that they are furries, we can't say she or he, we can't say the pledge of allegiance or a say a prayer, children are disobedient, lazy, and have no respect for their elders.

Our daughter goes to catholic school to learn morals, to develop a religious foundation, to have a school that creates a family, a community within the school and parish. I believe that catholic schools offer higher quality education, and it shows in the workforces when they graduate. I believe that catholic students strive academically, build character, and achieve their goals and these are the children of our future.

I support HB 1532. In my family, I attended a small rural public school (graduating class 21) whereas my husband attended large Bismarck public school (graduating class 400+). Now having children (age 6 and 2.5) of our own we compare experiences, and they are vastly different. I still remember all 21 kid's names, parents, and consider them somewhat of family having gone k-12 with 12 of the 21. Not only that but our teachers knew us and some probably taught our parents. It was more of a family setting with the focus on education. However, in our current situation, having my husband recognize and value the experiences I had in a small school versus a larger one, this is not something we can obtain given the necessity of where we live and work. This is not to say there isn't value in larger schools, as there are, however, as an American we are not only guaranteed an education and required to educate our children in k-12, but we are also afforded a choice – a choice that we should be able to make without having to incur a large additional financial burden. We are by no means wealthy. We both work and are both first generation college (Bachelors and Associates) graduates. We pay taxes that go to public education and do not complain as we agree with the importance of k-12 education, however, we are not benefiting from the taxes we pay. This is, partly, why this bill would be well received as it takes NO funds from public education but also pays an educational entity providing the required k-12 education a portion or monies. Said differently, my taxes are paying for another person's choice to send to public, whereas, this bill, of which the money exists, would only serve a minimal portion of education expenses of which could be construed to cover a portion of an education that is both required and a right to. I believe that having this choice would promote competition and with competition comes the strive for a better education across the board.

January 31, 2023

To the ND House Education Committee,

I am writing in support of ND House Bill 1532.

My husband and I send our daughter to Trinity Catholic Schools in Dickinson, and have our second daughter registered there for next school year. The cost of tuition is high, but we know and accept that this is the nature of a private school. We made the decision to send our children to a Catholic school due to the desire to have faith based lessons. It is a comfort to our consciences, knowing that the values and morals taught at school integrate well with our personal home life. Even though our family has to make sacrifices for financial reasons, we are convinced this is the best option for educating our children.

I believe any parent or guardian who would benefit from some tuition reimbursement, with the passing of HB 1532, would be very grateful.

Thank you,

Marissa Czczok

Dear ND House Education Committee,

I am writing to ask for your support of HB 1532. My husband and I strongly believe in and support private education for our two young children. One reason we choose private education for our family is because we want a choice in how they are educated. Please support this bill as it would be a blessing to the private educational sector of our community and state that is so often overlooked and undervalued.

Thank you for your time and support of this bill.

Sincerely,

Jonathan and Brooke Nichols

I am writing in favor of Bill HB 1532.

Students attending private schools consistently achieve higher standardized test scores compared to students attending public schools even when adjusted for specific student characteristics. (<https://nces.ed.gov/nationsreportcard/pubs/studies/2006461.asp>) The gap has only widened since the start of the Covid Pandemic as standardized test scores have plummeted nationwide for publicly instructed children. (<https://www.pbs.org/newshour/education/test-scores-show-how-covid-set-kids-back-across-the-u-s>). Private school tuition at most private schools is less than the per student payment rate that public schools receive, which suggests that private schools produce better results while being run more efficiently. Tuition assistance can reduce the amount of tuition private schools collect even lower. In sum, private schools have achieved better results with less funding.

In my opinion, the percentage of the per student payment rate should be increased higher than the proposed 15 – 30%. States such as Iowa and Utah (and other in progress) have recently passed bills signed into law that allocate \$7,000 + per student to attend private schools, which it appears is much higher than what ND is proposing. If we're serious about school choice, let's propose something that will totally eliminate the financial hurdle for families that want to utilize this program.

This bill will not 'take away money' from public schools. Personally, I homeschool my children and therefore, the public-school district in which we live does not receive any funds from the state specific to my children (*ND Century Code: 15.1-23-19. Home education - State aid to school districts. For purposes of allocating state aid to school districts, a child receiving home education is included in a school district's determination of average daily membership only for those days or portions of days that the child attends a public school*). Similarly, if someone is currently electing to send their child to private school, the public school in the district where they live is not receiving any state funding either. If someday we decided to enroll our children back in public school, then the public school would start receiving state funds specific to my children. Enrollment at public schools will likely decline as a result of this bill because a majority of families that want to send their kids to private school cannot simply due to the financial hurdle. Declined enrollment at public schools will reduce the total amount of state funding public schools receive, however, a majority of a public school's budget or expenses are variable and as such, public schools will be able to adjust their budget accordingly just as they already do when they have fluctuations in enrollment. Per West Fargo Public School Districts 2020-2021 annual report, 82.6% of their expenses were for salaries & benefits.

In this great state of ND, we should care more about funding individual students rather than funding one specific system. To say that there is a one size fits all approach to educating children (public school) is a stretch. This bill will enable parents to make the best choice for their child's individualized educational needs, which should be the ultimate goal if we really care about children and their education. Parents, not the state, are best suited to determine what the best educational approach for their child is and this bill will help more families to be able to do that.

It really doesn't make sense that someone sending their child to private school should have to pay taxes specific for education and not receive any of the benefit from paying those taxes. Families that choose private schools are getting hit twice. Paying education related taxes and paying private school tuition. Approximately 50% of my property taxes are specific to education for example.

I would also advise an amendment to consider reciprocity with neighboring states within a reasonable distance as well. The Fargo-Moorhead community specifically has a great private school in Moorhead, MN (Park Christian) that would not be accessible with the bill as currently proposed to give one example.

House Bill 1532

Hearing date: Wednesday, February 1 – 2:30 pm

In support

My name is Shannon Indovina. Our family moved to Bismarck from Minnesota nearly 8 years ago. At that time, we looked at both public and private education for our middle school boys. With having both strong public and private schools, this was an easy decision to relocate to Bismarck. We chose a local private school system and have been so pleased with our choice. Our boys excelled in all areas. They are now both seeking bachelor degrees at North Dakota universities.

I have worked in private education for the past five years and strongly believe that this choice is the best for some families. I am in support of HB 1532 to make this a reality for additional families to have the same wonderful experience that our family has had with private education.

Thank you,

Shannon Indovina

shannonindovina@yahoo.com

219-308-0484



Testimony Regarding HB 1532

We are seeing the needs increase for quality education in our state, and more and more families are finding alternative ways to meet those needs. Our public education system is doing the best that it can, but it is challenged in meeting the needs for all students. We see this as the homeschool programs are increasing in number and private school enrollments are on the rise.

It only seems fair that the tax dollars that we should be looking at supporting the other choices that families have made for their children's education. We have seen children grow and blossom in the environment that Martin Luther School can offer. We know the sacrifice it is for parents to send their child to our school. They appreciate the smaller class size which we know is a benefit to students. They appreciate the values that are instilled and the personal care our teachers are able to give to their students. However, it shouldn't be the financial burden that it is. They end up paying twice, through their tax dollars and then tuition. And naturally, the cost of private education have be inhibitive of itself, and many don't even consider the option, even though they would like to.

I absolutely agree that we need to contribute to a public system to help maintain an educated and civilized society. However, there should be a way that the funding also allows the families to afford the educational program of their choosing.

In closing, I am firmly in favor of passing HB 1532 as I believe it would be beneficial to the citizens of our state.

Sincerely,

Denise Wolfgram

Principal,

Martin Luther School

413 East Avenue D

Bismarck, ND

January 28, 2023

RE: Testimony for HB 1532

Dear Legislators of North Dakota,

Greetings! My name is Shawna Helbling and I reside in Mandan, ND. My husband and I have been married for almost 15 years and we have 3 children, ages 12, 10, and 7. All our children are currently enrolled at Saint Joseph Catholic Montessori School in Mandan.

I am a life-long resident of Mandan, and my husband moved here when he was 8. I work for the Church of St. Joseph and been the parish secretary and youth minister there for over 11 years. When I look at my family history, I am the 4th generation to work for the Church of St. Joseph or St. Joseph School, in some aspect. My husband works for Bismarck Motor Company, the Mandan Dealership, as a service writer.

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, sending them to daycare, 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 12-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 an employee, 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 daughter 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.

January 31, 2023

RE: HB1532

Dear Legislators,

I fully support HB1532. Public school is not for everyone. Each child is different and learns in different ways and in different scenarios. Public school does not properly provide solutions for the students that might really need it. And there are also many parents who see the public school system, even in ND, going the wrong direction. Parents are not allowed and even shunned to “come between” the teacher or administration and the student. It is a tragedy. Tenured teachers in the public school system have very little, if any, incentive to do what is necessary to make the students better. Woke teachers and administrations around the state are allowing more and more of the leftist social agenda to take hold, all while God is taken out of the lives of these young minds. What our youth need is more God, not less. And private education is one way to keep God in their lives while getting a quality education.

In addition to the decay of the public school system morals and values, you add in what the public system did to kids during the covid pandemic. Kids could not go to school, and when they could it was in masks, or virtually? What did that do to their education experience? Every kid in public school, essentially, lost a year of education...the test results proved that. That same result did not happen in private schools in ND. Why, because they went to school, in person, without something covering one thing that kids need, a person's face.

Those that choose to send their kids to private schools care about their children's education, the success of their children and they appreciate the good that comes from a private education. All of these parents are already paying exorbitant taxes to a failing public school system that their kids are not even a part of. There should absolutely be funds allocated to follow the children to private education. It will help families that care enough about their kids to get them out of public education, it will help create a system where public education has to compete with private for the funding they want. It will help raise up the quality of a failing public education system as the public system will have to be better to keep the kids in their system. This program offered in HB1532, although, should be expanded to include a tax break, or a complete tax-reallocation to private schooling, is a good start to getting kids the best education for each of them.

Please consider passing this bill through committee and through both sides of the ND Legislature.

Thank you,

Tyler Schafer

Bismarck, ND

House Bill 1532

Good Afternoon, Chairman Heinart and Committee Members.

My name is Sara Dudley. I am the principal of St. Michael's School in Grand Forks. I have served as the principal there for nine years. I am here to support House Bill 1532 that would provide tuition reimbursement options for families that choose to send students to non-public schools.

Thank you for the opportunity to give testimony on non-public public school's accountability to parents, tax payers, and the institutions that provide approval for non-public schools and public schools.

1. The history of public resources for non-public schools and the accountability measures that accompany them

Non-public schools have received tax-payer resources for many years in the form of federal Title dollars and the federal food programs that benefit our students who receive free and reduced lunch services. By participating in these programs, the non-public schools accept and fully participate in the assurances and guidelines of the Department of Public Instruction. Through the federal Title programs, no money has been given directly to the non-public schools, but rather a partnership with the public schools who manage the Title funds for the non-public schools.

The Title services benefit all students through literacy and math support, professional development for teachers, and after school programs for students. We are partnered with the public schools through this process, working together to use tools and resources for students. With COVID relief equitable services, non-public schools utilize these resources through specific and clear guidance from the Department of Public Instruction. Non-public schools may not use taxpayer resources and funds without clear guidelines and assurances. It is through these guidelines that administrators like myself are held accountable along with documented and consistent consultation with the public schools.

2. The standards and accountability around school approval for non-public schools including the quality of instruction and quality of educators

Non-public schools receive Department of Instruction approval using the same assurances as public schools using the STARS, State Automated Reporting System. Through the approval process, non-public schools are required to have highly qualified teachers. Through the school

approval process, non-public schools are held accountable for professional development requirements such as the recently passed legislation that states that All teachers and principals serving students in grades K-3 will:

1. Receive training in scientifically-based reading instruction practices.
2. Utilize scientifically-based instructional materials and approaches

We are also required to use approved Science of Reading curriculums with Department of Public Instruction guidance. These requirements are met at the non-public schools as they are at public schools.

Non-public high schools in North Dakota have the same graduation requirements and standards as public schools. A North Dakota diploma is a North Dakota diploma whether from a non-public school or public school.

An additional accountability measure is the school accreditation process through Cognia, the same accreditation institution that all North Dakota public schools receive accreditation. The accreditation process for both public and non-public schools is based on performance standards such as CULTURE OF LEARNING, LEADERSHIP OF LEARNING, and ENGAGEMENT OF LEARNING. As a fully accredited school, this demonstrates the standards and accountability that include the quality of instruction and the quality of educators.

Non-public schools employ licensed teachers who have received approval through the Education Standards and Practices Board of North Dakota. The teachers receive professional development and training to the standard and quality that public schools receive.

It must be acknowledged that the public higher education institutions of North Dakota depend on the non-public schools in North Dakota to provide thorough, meaningful, and rigorous pre-service training opportunities to our pre-service teachers. If the public higher education institutions determine that the non-public school standards are high enough to train and prepare the future public school educators of the state, the non-public schools standards must be rigorous and of high quality.

3. Non-Public Schools accept students with special needs.

Non-public schools are happy to partner with public schools as we meet the needs of our students who are identified with a special need. Students qualify using the same special education categories and participate in a rigorous assessment process following the federal guidelines of IDEA. Non-public schools are required to follow the special education plan just as the public school's are required. Non-public schools have paraprofessionals to support our students with special needs and often, create plans that provide support and modifications

when a student does not qualify for an individualized service plan. Non-public schools provide small class size, accommodations, modifications, interventions, and enrichment to our students and families. The best outcomes for students with special needs who are enrolled in non-public schools come when the public and non-public schools partner together to meet the student's needs. In some cases, students receive some special education services at the non-public school and the public school setting.

4. Non-public school families are taxpayers too

Each of the parents that chooses to enroll in a non-public school is a taxpayer who not only pays the taxes that fund public schools, but also makes a sacrifice to send their children to a non-public school. Non-public schools hold that relationship with the individual taxpayer to a high regard knowing that we must perform at a high level because parents have other choices. The parents of non-public schools are constituents who engage in their civic duty of voting and want to feel heard by our public servants. As educators, the value that a parent brings to the educational community and school must thrive based upon trust, transparency, and the belief that we are educating their children at a high level.

If we are going to build on the greatness of education in North Dakota, we must do it as partners in education with parents, public, and non-public schools. ND House Bill 1532 will allow parents to choose the school that matches their educational goals for their children.

I urge you to vote in favor of ND House Bill 1532 and support the rights of parents to make educational choices for their children.

Contact Information

Sara Dudley
504 5th Ave. N.
Grand Forks, ND
515-231-8102
sara.dudley@stmichaelsgf.com

HB 1532

I am writing in support of HB 1532 bill. I currently have 3 children attending private school in Dickinson, ND. We moved here from Fargo 12 years ago during the Oil Boom. We knew Dickinson had good schools all around but chose Private education because we knew our children would have smaller class sizes with more teacher interaction and we would be involved in our child's education.

I know others are out there that would send their children to private schools if they had the means to do so. This bill would help others make a decision to invest in their kids education and be involved which would benefit our overall communities. No school is perfect but I do feel like I have a voice to be an advocate for my child or the school in a private environment. I also feel like parents who pay tuition are more actively involved with their children and helping them get a good start.

Please consider this bill as our children are the future of this world and it starts at an incredibly young age with parents being involved in their education and learning. Thank you.

This document is in support of house bill 1532 (Educational Reimbursement Bill).

Our family is in dedicated support of HB 1532 to help defer some of the stress added to our family and others like ours in choosing the best fitting school for our children. Public education is a fantastic and robust part of our community, and we are honored to have such exceptional public education available in our area of the state. We also know our family does not fit into the public education system due to social, emotional, and spiritual reasons. This presents a significant financial burden that would be dramatically reduced should HB 1532 pass. We proudly support the local schools with our tax dollars and would like to have support of our decision to attend private school with a bill that could help ease the financial burden to us—without adding to the burden of other taxpayers nor taking away from the public education system's finances. We urge you to vote yes for HB 1532.

Thank you for your time

Sascha and Eric Demory

House Bill 1532

Hearing date: Wednesday, February 1 – 2:30 pm

In Support

My name is Brad Kostelecky. I have lived in Bismarck all my life. I come from a family that couldn't afford private education when I was growing up. As someone who didn't have the option of private education, I believe every family should have the opportunity to decide if private education is right for their children. Following high school, I appreciated the options afforded to me for higher education (junior college, public and private universities, online education, etc.). Having these options allowed me to choose the education that best suited my learning style, schedule, and goals. HB 1532 would give parents the same options, allowing them to choose an education best suited to their children's learning style, learning environment, and goals, due to a smaller financial barrier.

As an employee of a private school system, I see how difficult it can be for our families to financially afford sending their children to private school. In an environment of rising prices, it is becoming increasingly difficult to maintain affordable tuition levels for our families. I wholeheartedly believe that private education offers a different learning experience that is better suited to some students. HB 1532 would provide all families more freedom to find the best education suited to each of their children therefore improving the education and lives of these students going forward.

Thank you,

Brad Kostelecky

bradkostelecky@gmail.com

January 31, 2023

Mr. Chairman & members of the Education committee,

My name is Bridgett Bahm. I am in favor of House Bill 1532. I am a single mother and I moved to Bismarck about 2 years ago specifically for my daughter's education.

Hannah is in 8th grade and attends St. Mary's Academy. Her tuition this fall was \$4,700. That does not include I.T. fees, uniforms, or sports. I make a little over \$46,000.00 a year.

One of the reasons I chose St. Mary's for Hannah is it has the resources available to further her education that a smaller school cannot offer.

I work hard so that she can attend St. Mary's and so does Hannah. She gets to school at 6:45 a.m. and stays until 4:30p.m. The reason for her long school day is because I drive 140 miles, round trip, each day to work.

Hannah loves her school and gets good grades, A's & B's. She is in speech and plans on going out for soccer this spring. Neither of these extra-curricular activities was offered at her last school. I also think St. Mary's is phenomenal. The teachers and staff go way above and beyond to help their students succeed.

Some tuition reimbursement would make a big difference in my life. I would also hope that it would let other families have the another option besides public schools if they so choose.

Thank for your time.

Sincerely,



Bridgett Bahm

2879 Warwick Loop Unit D

Bismarck, ND

701-202-3608

January 31, 2023

To Whom it May Concern:

My name is Emily Bakken and I am writing in relation to HB1532, which concerns the partial reimbursement of tuition spent at private schools. I am writing in support of HB1532 as a mother of a young, growing family in the Bismarck area. I support HB1532 for a myriad of reasons, including – but not limited to:

- I grew up in a smaller community where I attended public school, and my father was the elementary school principal for almost all my time there. Although I have no issues with public schools, my main concern for my children was getting lost in the class sizes – which are easily as large as my entire graduating class growing up. Arguably, smaller class sizes allow for students to develop and learn more effectively, and in larger communities (especially those that have the population to support private schools) this just isn't seen in the public school classrooms. This bill will allow more families to choose the course for their children that allows for these more intimate learning environments and experiences.
- The public school system has been grossly affected by the political climate of our country. This is seen in numerous places across the United States and North Dakota is not immune to political correctness being injected into the school system, despite the personal beliefs of the family. There are more sensitive topics that should remain in the home and I as a parent should not have to worry about what my child is being exposed to by school staff and what they are being told to keep from parents. By sending my child to a private school that I got to personally select, I have more control over what staff will be exposing my children to. Not everyone can afford this luxury, but HB1532 would allow for more parents to take that control back.
- I personally believe there is value to have faith integrated into education, private schooling has allowed me to provide that opportunity to my children. There are many individuals who desire the same but cannot financially achieve that. HB1532 would allow for more families to make that choice.

HB1532 puts the power back to the parents to decide what is best for their family and their children. Each private school already has to meet the same educational standard imposed on our public school systems, so this choice *should* go back to the parents and financial strain should not be the sole reason parents have to choose otherwise.

Thank you for taking the time to read my letter and I hope that you will chose to vote in favor of HB1532.

Sincerely,

Emily Bakken

Bismarck, ND



January 31, 2023

House Education Committee
Coteau Room A/B, State Capitol
Bismarck, ND 58554

Via Electronic Delivery

Re: ACU Supports Parental Choice in Education (HB 1532)

Members of the House Education Committee:

Nationwide, millions of students are struggling to catch up academically, while simultaneously dealing with mental and behavioral challenges stemming from pandemic-era isolation. With the growing presence of social activism in the classroom, declining test scores, and increases in mental health issues, it has never been more vital to empower parents to pick the best educational option for their kids.

Recently, Iowa, Utah, and Arizona have [all passed universal school choice](#) in the form of education savings accounts. North Dakota can join the growing list of states who fund students, not systems, by passing **HB 1532**, which offers tuition reimbursement of \$1500-\$3000 for parents who enroll their students in private schools.

Like most states, North Dakota saw deeply disappointing results in the 2022 National Assessment of Education Progress. [Reading levels](#) fell to their lowest point since 2002, while [math scores](#) saw their sharpest decline since the test was first administered.

Numerous studies on school choice demonstrate its successes in improving test scores and academic achievement both for students in alternative programs and those who remain in public schools. A study on the effectiveness of school choice found that school choice programs had a positive effect [in 31 of 33 cases](#). [A strong correlation](#) between state school choice laws and academic improvement makes a compelling case for the implementation of comprehensive school choice in every state.

School choice has not only found success in suburban and urban areas. From 2007-2019, rural Arizonans saw a [21 point increase](#) in math and reading test scores after K-12 Educational Scholarship Accounts (ESA) were introduced in 2011, while other schools across the country saw a decline by 2 points. Even post-pandemic, Arizona's rural schools have seen a [9 point increase](#) in test scores, while other rural areas outside Arizona dropped 17.

Even after expanding school choice, in rural areas most students continue to rely on public schools. For example, after Florida began offering private school scholarships, private school enrollment in rural areas [increased just 2.4%](#), and as the Wall Street Journal's Editorial Board [notes](#), "when unions that dominate school governance realize they don't have a monopoly on education finance, they may do more to improve the schools they run. And if they don't, parents will have the freedom and resources to do better by their children."

HB 1532 is a crucial start to help parents find the educational option that works best for their children. We have recommended to our colleagues at the American Conservative Union Foundation's [Center for Legislative Accountability](#) (Ratings) that they positively score bills expanding school choice in their 2023 ratings.

Thank you for your service in the North Dakota legislature,

Thomas R. Bradbury
Director of Advocacy & Policy
American Conservative Union

About the American Conservative Union

Founded in 1964, the American Conservative Union (ACU), host of the Conservative Political Action Conference (CPAC), is the nation's oldest conservative grassroots organization and seeks to preserve and protect the values of life, liberty, and property for every American. Learn more about the ACU and CPAC here: www.conservative.org

HB 1532 – I support it

Dear Reader,

As a family, my spouse and I have decided to make our Christian faith an important component of the upbringing of our children. Choosing a private Christian school is allowing our children the opportunity to learn all standard subjects as well as our faith. We are excited when our children come home with new knowledge from reading, math and even methods of prayer and biblical history. Similarly we also enjoy knowing that our children are in a class size that won't exceed 20 students and also has support outside of the standard classroom for more direct teacher engagement to improve areas my child may be behind in.

Please know as a North Dakota resident I'm strongly in-favor of supporting private schools and the families and children that enjoy them. Please strongly consider passing HB 1532 to further support ND residents' choice in private or public primary education.

Sincerely,

Greg Johnson

Grand Forks

To Whom this May Concern Regarding House Bill NO. 1532,

It was wonderful news to hear of this Bill being proposed. The educational reimbursement fund would benefit many families that decide or wish to go a different route than traditional public schooling. Over the years private as well as home education has become a desire of many parents. Bill No. 1532 would open the doorway for parents/students to be able to explore entering or continue education in a private school setting, alleviating some of the financial burden families face.

A question that may arise is, "Aren't there already programs to help with tuition?" The answer being there are some programs out there to help with tuition depending on the school. Space and funding are just very limited. Schools will host fundraisers to help bridge their gaps with minimal support outside of the school. We as a community should support all areas of education, even if it is only temporary. Bill No 1532 would really help bridge the tuition gap and give families a little bit more flexibility during these trying times, as the cost of living continues to rise.

Really hope and encourage the positive take of this bill on the representatives of the House. We taxes payers help to support public schools even if our children are private. It would be nice to see some support on our end.

House Bill 1532

Hearing date: Wednesday, February 1, 2023 – 2:30 pm

In support

My name is Daniel Neff. I attended private education kindergarten through 12th grade along with my two siblings. I attended two public colleges in North Dakota and received the State Scholarship. I moved to Minnesota for 3 years, but returned to Bismarck to plant roots and to send my children through the same private school system I attended. I am now employed by that private school system.

I believe families should have the choice between private and public-school offerings. Private school can be cost prohibitive. I am grateful for the economic sacrifice my parents made to send me to private school, though it is not an economic reality for every family. I believe that the existence of private schools and their accessibility benefits all North Dakotans.

However, I do not believe that cost should be a barrier for families in identifying the best fit for their child's academic needs. North Dakota public and private schools both have strong academic outcomes, but a student may succeed better in one environment versus the other.

Not every community or state has private school options and am grateful that North Dakota does. It is in the best interest of academic outcomes for students and for the general community that private schools continue to prosper hand-in-hand with public schools in North Dakota.

Thank you,

Daniel Neff

danneff44@gmail.com

1/31/2023

ND House Education Committee
ND State Legislature
Bismarck, ND

Representatives Heinert, Schreiber-Beck, Conmy, Dyk, Hager, Hauck, Heilman, Hoverson,
Jonas, Longmuir, Marschall, Murphy, Novak, Timmons,

CC: Representatives Olson, Prichard, Senator Magrum

RE: HB1532

Dear Committee Representatives & District 8 Leadership,

I am urging your support on HB1532. Due to issues today with public schools our daughter made the decision to send our grandson to the Shiloh Cristian school. With the high cost of education and overwhelming costs of living she has been unable to financially back this decision my wife and I have been paying his tuition costs.

Due to crowding issues in public schools and the incredible amount of money that has been spent not only on temporary classrooms, new schools, and additions that are then added to almost new schools, we feel that it is saving the taxpayers a lot of money for us to cover his education and not send him to the crowded public schools.

Please pass this bill to allow people like my daughter send her to the school of her choice.

Sincerely,

A handwritten signature in cursive that reads "Clint Feland" followed by the date "1-31-23".

Clint Feland
11605 Edgewood Drive
Bismarck, ND

House Bill 1532

Hearing date: Wednesday, February 1, 2023 – 2:30 pm

In support

My name is Michaela Woiwode. I am testifying in favor for HB 1532. I was born in Minot, where I attended private schools from kindergarten until 10th grade. In 2015, my parents and I moved to Arizona where I attended public-school 11th and 12th grade. I went to public school in Arizona because there was not an option for private education where we resided. I then went on to a private university for my undergraduate degree and I now work for a private school here in North Dakota.

I believe this bill allows North Dakota parents and families to have more options on where to educate their children. Having no other option on what high school I attended in Arizona made me realize very quickly, the need for private education there. This is something I would never want our families to have to come across. Now that I've attended and worked in the private school system, I can see the impact it has on our communities and I believe we should make that opportunity accessible to those who seek it.

Thank you,

Michaela Woiwode



To whom it may concern:

I am strongly in favor of HB 1532. We believe that we should be able to send our kids to a private school and get some type of voucher or tax credit. We should have the right to use our hard-earned tax money to the school of our choice. The education my kids have gotten at Bishop Ryan is priceless. As a parent I should be able to make the decision on what is the best for MY kids.

I own 2 businesses in Minot, A powersports store and a storage facility. The amount of property tax that we are sending to our school district is crazy. We feel that we should be able to direct some of the money to our private school.

Thanks for the consideration

Keith Braunberger



CATHOLIC INDIAN MISSION

Standing Rock Indian Reservation

P.O. BOX 394
 FORT YATES, ND 58538-0394
 (701) 854 - 3473 • FAX (701) 854 - 3474

My name is Monsignor Chad Gion. I am the pastor of the Catholic Indian Mission in Fort Yates, ND. I also oversee Saint Bernard Mission School, an element of the Mission.

Saint Bernard Mission School has served the families of Fort Yates since 1910. It was established at the request of members of the tribal community who sought an alternative to the federally operated boarding school system in Fort Yates. The request sprang from a two-fold desire: 1. That children would receive a quality education, and 2. That they would return to their homes and families at the end of each school day. The Catholic Indian Mission, itself established in the 1880's, stepped up and met the need. For over 112 years, Saint Bernard Mission School has accomplished the work of educating and forming young people in Fort Yates. Since its establishment, high school graduation rates of former Saint Bernard students have exceeded those of the public school system.

Saint Bernard continues to exist solely through the generosity of people of all faiths, all ethnicities, and all economic circumstances from across the United States. While we occasionally receive support in the form of a significant bequeathal or major donation, these are rare. The vast majority of our donations come in the form of checks for \$5-\$100 from good people of limited means who desire to see our students flourish.

While I do not know the detail of our families' financial situations, I can confidently say that none of our families are able to afford the full cost of educating their children. For most, even a fraction of that cost would be a significant hardship. The purpose of tuition at Saint Bernard is not to add to the school income but to provide a sense of "buy-in" on the part of families.

HB 1532 would ensure costs to families remain low while providing reimbursement to Saint Bernard that will significantly aid the school in its work serving the families of our community. For a small school of limited means, passage of this bill will allow us to look at ways to expand our services to students.

Simply put, HB 1532 would be a significant aid to the work we do at Saint Bernard. Please vote PASS.

Respectfully,

Msgr. Chad Gion

January 31, 2023

Dear Chair Heinert and Members of the House Education Committee:

I am writing to urge you to **give HB 1532 a Do Not Pass vote**. Moneys in the General Fund should be used for the General Good of all North Dakotans, not to support the religious education of a portion of North Dakotans.

HB 1532 violates both the Constitution of North Dakota and the intent of the Constitution of the United States by violating the principle of separation of church and state. No person or group or organization who has contributed to public funds (through tax dollars or other means) should be forced to support a religion they do not follow.

Private funds should be used to support **private** schools. North Dakota's **public funds** should be going to North Dakota's **public-school** properties, programs, students, teachers, and staff to support the diversity and majority of families who send their children to public schools.

Please vote do not pass on HB 1532.

Amy Phillips

January 31, 2023

Dear ND House Education Committee,

I am writing to request your **support of HB 1532**. As a certified teacher, I greatly value the education of children. Fourteen years ago, my husband and I felt called to educate our kids at home. Each child learns differently and deserves the best education opportunity possible for him or her. Over the years, my children have also attended private and public schools. This bill would financially support parents who value their children's education and often sacrifice much money to see their success. The passing of this bill will encourage parents to seek the best education plan possible for each of their children. Thank you for your consideration.

Sincerely,

Nancy Lefor
Dickinson, ND

I support HB 1532. K-12 education is not only a legal requirement for a parent but it also the right to an education is a matter of constitutional right. Forcing the choice based on taxes/financial to send to public only should not be institutionalized. As a parent, we should have the right to more options to fulfill our child's individual educational needs, whether that be class size, or access to IEP's (Individualized Education Plans) primarily provided in the public setting. My family is not wealthy by any means. I was raised by a single mom who's only option was to send me to a public school where my graduating class was in the hundreds. Although I did well, perhaps there are others who would have thrived not only socially but also academically in a smaller environment and would have been afforded that opportunity. This is the choice I am making for my children and just the same as we would have the right to send our child to public using public dollars from taxes, of which I pay, I also should be able to utilize monies of which exist to pay a portion of the educational expenses. It is clear that the bill will NOT exceed 30% of the student's payment rate and therefore it is entirely reasonable to say that 30% is ONLY covering the cost of education – an education of which is both a constitutional right and a legal requirement. The remaining 70% of which is the parents' obligation for their choice could be construed to be the individual type choices made, such as if a parent were to choose a religious based private school.

01/31/2023

Re: House Bill 1532

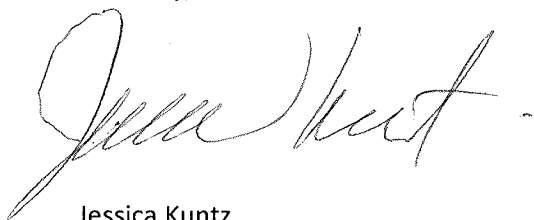
To whom it may concern,

I think this bill is a great opportunity for all parents but more importantly all of the students in private schools. There are many kids going to private school without scholarships or any form of financial support other than their legal guardians paying out of pocket. You may ask why do parents put themselves through the stress and worry of having to pay a private schools tuition, why not just send them to public school and call it good? Most private schools especially in a rural North Dakota area offer way more opportunity and variety of classes and extra curriculars.

As we all know prices for everything are rising in this economy including education after high school. The opportunities presented through private education I feel give a lot of kids the best chance at grants and scholarships. These opportunities could potentially lower debt and help student that are going to college and start a more financially stable life for themselves afterwards. Not to mention the stress lifted off a parent's shoulders knowing their kids are able to afford college to get the education they want and deserve.

I hope that all parents with kids enrolled in private schools are offered this opportunity equally throughout North Dakota. If families received this reimbursement not only would stress be lifted off them but if it were to be an option each year they could potentially take the reimbursement and put it towards the following years tuition or even into a college fund for each child. Thank you for taking time to read this, I hope you can pass this bill and assist those who are qualified for it.

Sincerely,

A handwritten signature in black ink, appearing to read "Jessica Kuntz". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

Jessica Kuntz

January 31, 2023

Chairperson Heinert and Committee Members,

I strongly urge a Do NOT Pass on HB 1532. School voucher bills like this one are used to privatize education and send taxpayers' dollars to non-public schools. I am proud that I attended excellent public schools in my home state of Montana growing up, and I believe that one of the most important investments governments and communities can make is in education that is accessible to all and inclusive for all. While parent choice is important, taxpayer dollars should not be used for private schools - they should be used to support education that is available to all students. Unlike public schools, private schools are not required to admit all students, particularly students with special needs. Private schools are not required to be transparent with where these public dollars would be spent. Rural North Dakotans have no proximity to private schools and will only see a reduction in resources across the public education system. In other states, voucher programs have led to consolidation of rural schools. Rural schools are a hub of activity and employment and losing rural schools is a loss for our state. Please keep our public dollars in public schools. I urge a Do NOT Pass on HB 1532.

Sincerely,
Rev. Sylvia Bull
522 N 16th St
Bismarck, ND 58501

1/31/23

To whom it may concern:

We pay \$20,000+ a year to provide our children with an education with God at the center. Due to the lack of quality and morals in the current public school system and the lack of advanced programs, it would be helpful to our family of five to receive some tax reimbursement.

2 of our 3 children are currently receiving accelerated classes in STEM and reading. The positive impact of a God-centered school is unmatched. The consistency and lack of unnecessary mandates also created our desire to choose this path for our children. A Christian, parent-influenced school has helped our children flourish.

Thank you for your time and consideration of this necessary bill.
Trane Schaber

**Testimony, North Dakota House
Education Committee – HB 1532
Presented: February 1, 2023 – 2:30 PM CST.
Presented by: Jacob Odermann**

Mr. Chairman, members of the committee my name is Jacob Odermann. My wife AJ, our 4 children and myself 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.

I come to you today in support of HB 1532 not due to financial reasons but due to the value I believe parochial schools in our state provide.

I will note though, the Trinity Catholic schools alone represent \$6,184,500 in foundation aid payment savings with our 589 K-12 students.

I chose instead to focus on a more difficult thing to quantify, what value do 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 100 miles of travel for family members.

School choice is incredibly important to families and it is why we as a state allow for open enrollment between districts. In Dickinson alone there are buses picking up students daily who travel to New England, South Heart and Richardton to attend school. Families choosing what is best for their children and their needed educational environment should be encouraged.

Our family currently resides in a district with no high school Trinity for 3 generations because of Trinity's ability to teach 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 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.

Having an ability to ask in real time, questions regarding their faith and how it applies to other subjects is invaluable and promotes an ability to have respectful, thoughtful dialogue about conflicts that arise.

Titans see teachers and coaches do more with less everyday, 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.

I believe my wife wishes these lessons hadn't taken such root when I explain to her how I've volunteered myself for yet another board or agreed to coach another team.

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 here representing the people of your districts.

North Dakotans for generations have emphasized education. 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 HB1532.

In closing, I ask you all to consider the following, any redeeming qualities house Majority Leader Lefor has are a direct result of him being a graduate of the Trinity Catholic Schools.

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 HB 1532. As a taxpayer, I want my taxes to support public schools, and as a public school teacher with nearly 40 years of experience, I know how precious every single state dollar is to our school fund. To put it simply, public schools cannot afford to have funds diverted to non-public schools.

We are privileged to teach every student in our district and to meet the needs of each child. At a time when there seems to be a general consensus that additional funding is required, it doesn't make sense to consider using some of those funds for tuition at a non-public school. As we deal with the additional challenges of post-pandemic education and teacher shortages, the thought of losing funding to pay for vouchers seems counter-productive. In addition, not every community has access to a non-public school, which means that tax-dollars would be funding private schools far from local taxpayers.

I completely respect the decision of families to send their children to a private school, and I believe that private schools provide benefits to the communities where they are located. That said, I do not think it is the responsibility of the 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 member of the House Education Committee cares about the education of our students. Our public schools are the hub of communities that are large and small across North Dakota. 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 their location in the state. 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

Support for HB 1532

HB 1532 is long over-due for the children and parents of North Dakota. The vision of North Dakota education “is that all students will graduate choice ready with the knowledge, skills, and disposition to be successful”. nd.gov/dpi/ This vision applies to all students, **regardless of where** they receive their education. Unfortunately, North Dakota parents may be limited in their decision in determining which school will most appropriately educate their children due to the misuse of educational funding for North Dakota students.

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

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

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

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



January 31, 2023

Chairman Heinert, Vice-Chair Schreiber-Beck, Members of the House Education Committee:

My name is Fr. Jady Nelson. I am the president of Bishop Ryan Catholic School in Minot, ND. I am testifying in support of House Bill 1532.

In my ten years at Bishop Ryan as both a religious leader of the Catholic community in Minot, as well as an administrator of Bishop Ryan, I have come to see first-hand the important role that faith-based schools play in our communities, our families, and our students. I've also come to see that there are economic and legal hurdles in place that create unjust burdens for tax-paying, North Dakota parents, who desire an educational program and environment that specifically aligns with their religious, moral, and philosophical beliefs.

Our current educational funding framework does not recognize the legitimate interests that some families have in choosing a school for their children other than the free public school. The current framework implies that a parent's reasons for seeking a non-public school education are not germane to the reason for which taxes are levied and appropriated to education in the first place, namely, that a well-educated populace is essential to a well-functioning society. It does this in two ways: First, this funding framework implies that there is no legitimate reason why a parent would seek a non-public education. Second, it implies that none of those reasons actually contribute to the common good.

Our current educational funding framework says quite simply to the families that seek a non-public education: you must pay taxes for the sake of educating our populace, but if you happen to believe that a non-public education is best for your child, then you must forfeit your right to receiving any benefit from the taxes which you pay. In doing so, it treats them and their children as undeserving of sharing in the common good of education and places a higher burden on those taxpayers who because of religious, moral, or philosophical beliefs seek an education other than public.

Recent developments in educational policy have superseded the "one-size-fits-all" approach to education implied by our funding framework. When open-enrollment opportunities were made available in this State, the educational paradigm began to shift from a "one-size-fits-all" approach to a "best-fit approach". Open-enrollment between public schools acknowledges that parents should have greater latitude to choose a school that best fits their needs. Furthermore, the "Choice Ready" framework espoused by this State acknowledges that students should have a multitude of pathways available for their education. Yet, our current funding framework says that choice is important, unless it is choice based upon religious, moral, or philosophical reasons. In this case, there can be no support for personal agency on the part of the family.

It is important here to address the fact that the relationship between a parent and their minor child is such that the parent has rights and duties toward that child that are not derived by concession of the State or any other human entity, but from the natural parental relationship itself. Parental rights and duties are more fundamental than the rights and duties articulated by positive law, such as the Constitution or North Dakota Century Code. Chief among the duties of parents is the duty to educate their children not only intellectually, but also morally and religiously. Correlative with this duty to educate is the right to direct that education. Education is first a prerogative of parents before it is a prerogative of government.

One of the ways that the religious freedom recognized in our Constitution is often exercised is through religious education. Religious liberty extends beyond one's specific worship liturgy. For many parents, the provision of an education that integrates religious truths and practices while fulfilling the purpose of a general education as articulated by the Constitution is important to living out their relationship with God. This bill would help to remove the financial obstacle to achieving this exercise of religious liberty.

The very status of school authority over children in this country is based upon the fact that the school's authority is derived from parental authority. The juridical term *in loco parentis*, in the place of the parent, is a juridical acknowledgment that the school's educational role is proper first to parents, but due to the specialization necessary for a developed economy and highly skilled educational environment, often requires parents to delegate this role to schools to act in their stead. Schools, even public schools, by definition, should work for parents. This bill helps to recognize the primacy of the parental role in directing their child's education.

Members of the committee, this bill addresses the most prominent obstacle that some families in our state face when trying to educate their children in accord with their religious, moral, and philosophical beliefs by recognizing that their children's education should not only contribute to the common good of the State of North Dakota, but also benefit from it.

It is noteworthy that the preamble of the Constitution of this great State places religious and civil liberty in a harmonious relationship. This bill will remove serious obstacles to experiencing that harmonious relationship in the lives of those parents whose religious, moral, and philosophical beliefs dictate that their natural and statutory obligations to educate their children are best achieved through enrollment in a non-public school.

Sincerely,

Rev. Jady Nelson

Rev. Jady Nelson, M. Ed
School President

Nikki Forsness

Gladstone, ND 58630
Phone: 701-590-3313

HB 1532

To Whom It May Concern:

Private school has been a great option for our family. My son was in the beginning of 4th grade in a public school when my husband and I made the decision to switch. Our daughter made it through the public school system with very little issues, but this was not the case for our son. He was falling drastically behind with the new teaching methods that were being used. The common core teaching method in the subject of reading is where my son struggled most. The public school was focusing on speed instead of accuracy and after many discussions with the school officials of ways to help children, not just my son, the school said their hands were tied because of common core. My husband and I tried to help our son as much as possible to stay in the school system he was in but ultimately felt it wasn't worth risking his education. We made the switch, and my son has thrived in the private education system. We are very thankful that our family had this option to utilize regardless of any financial burden it may have caused.

I support HB 1532.



Nikki Forsness

Parent
1-31-23



NDSBA
NORTH DAKOTA SCHOOL
BOARDS ASSOCIATION

P.O. Box 7128
Bismarck ND 58507-7128
1-800-932-8791 • (701)255-4127
www.ndsba.org

HB 1532 | Testimony of Alexis Baxley
House Education Committee
February 1, 2023

Chairman Heinert and members of the House Education Committee, my name is Alexis Baxley. I am the executive director of the North Dakota School Boards Association. NDSBA represents all 170 North Dakota public school districts, their boards, and several multi-district special education units. NDSBA stands firmly in opposition to HB 1532.

Article VIII, Section 2 of our state constitution states that the Legislative Assembly shall provide for a uniform system of free public schools throughout the state. The ND Constitution does not include any provision for the financial support of private or home education. In fact, it explicitly states that no money raised for the support of public schools of the state shall be appropriated to or used for the support of any sectarian school. This bill looks to create a program that would do exactly that. While NDSBA supports the right of a parent to choose the best educational experience for their child, we believe the public dollars belong to public schools.

There is good reason for this belief. The public school system is expected to adhere to a multitude of rules, standards, and requirements. In short, public schools, through their locally-elected school boards, the legislature, and the Department of Public Instruction, are accountable to the taxpayers and parents. Private, home, and parochial schools are not subject to these same requirements, the most significant of which is the inability to turn away any single student. Public schools are constitutionally obligated to provide a free and appropriate education to every student that walks through our doors. To direct funds towards any educational entity that is not obligated to do the same is inappropriate.

We have spent much time this session discussing parents' role in education. Private and parochial schools are often governed by boards of appointed directors and/or clergy rather than locally-elected boards. Appointed boards or directors do not require the same level of accountability as elected boards. Again, to send public dollars to an entity that is not directly accountable to the public is inappropriate. The lack of accountability is further underscored by the bill's lack of definition for a qualified school beyond the willingness to accept program funds. There is zero level of quality required for a school to qualify for the program. This was not an oversight. The only way a school may be declared ineligible for the program is through the office of the state treasurer. While our

Treasurer's office does a great job, they are by nature, not the office we task with evaluating the quality or effectiveness of educational programs in this state.

Finally, the bill drives home the lack of accountability by going so far as to prohibit any government entity from imposing regulations on a school whose only qualification is a willingness to accept funds, including educational program, practices admissions, curriculum, etc. The bill wrongly asks North Dakota taxpayers to contribute to these schools, but expects absolutely nothing of them.

For these reasons, NDSBA stands in opposition to HB 1532 and encourages this committee to give it a do not pass recommendation. Thank you for your time, and I will stand for any questions.

HB 1532
Neutral

Chairman Heinert and Education Committee Member,

The North Dakota Home School Association (NDHSA) does not oppose this bill as long as homeschooling as currently defined by state law is not included in such programs. This has been accommodated for in Section 1 point 6 of the bill.

Theresa Deckert
NDHSA representative
701-662-4790

We strongly support House Bill 1532. The foundation for most non-public schools being labeled as “sectarian” has eroded. The public school system is as politically sectarian as any private institution. Our public schools have an agenda far beyond educating our children to excel in the world—they are also pushing politics and curriculum packed with sexual confusion. We pay for one of our children to be in a non-public school. And will be paying for all three to attend in Fall 2023 and beyond. If this school is sectarian, then certainly our public schools are. We urge you to pass this bill and make non-public education more financially accessible to those with less means.

Please support HOUSE BILL 1532. It is a well-known fact that if the non-public schools in the Bismarck-Mandan community did not exist, it would put a huge burden on the Bismarck and Mandan public school systems to take on hundreds of more students. Those of us who willingly pay dearly out of our pocket for a parochial education of our children should be entitled to claim a tuition reimbursement of the costs involved. Please do your best to make this work.

Thank you.

31 January 2023

To whom it would concern,

Good afternoon, I am writing this letter in support ND HB 1532. My wife and I have two boys ages 11 & 15 who have attended St. Mary's since kindergarten.

This choice to send our boys to a private establishment was not because we opposed the public school system, more so because of our childhood experiences in small town ND. Both my spouse and I grew up loving both God and country which prompted us to put our children in a facility which supported the same values. We have nothing but the utmost respect for the Light of Christ school system. Because of our decision, we believe our boys have developed into intelligent and respectful human beings. They continue to surprise us with the knowledge they possess academically and in their faith.

Again, I cannot attest to the quality of the public school system and have nothing negative to say in its regards. I will say, I am a product of the same system and turned out great! Joking aside, this bill will help ease the financial burden on those who choose to send their children to private schools which align more with their values. This choice was a financial burden we chose to endure, however with the current cost of living it continues to stack up. By off setting the cost of our children absent seats in the public school system and putting it back into our quality of life it would be beneficial to those ND citizens who truly want the best for the future of our state.

I appreciate the opportunity to present this document and would have loved to sit in on the hearing of HB 1532. Unfortunately, I am currently out of the great state of ND mobilized. With that said, the two humans my wife and I are incredibly lucky to have are thriving. They stepped up their level of responsibility in my absence which I believe directly reflects how our choice has also paid dividends up to this point in our lives.

In closing, I encourage passage of HB 1532 as I believe this bill will not only be beneficial to those who send their children to private schools, but to those who desire too as well. This enactment will encourage those who have certain values and beliefs to allow their children to learn and grow in the environment they desire without the additional financial burden.

Sincerely,

David M. Dreher

David M. Dreher

Testimony on HB 1532

Chairman Heinert and members of the committee:

Hello. My name is Heather Huighe and I am here to testify in support of House Bill 1532. I live in Minot, ND and am in Legislative District 5. I am currently a student at UND and am student teaching in the Minot Public School District, however, I would like to clarify that I am testifying outside of my roles as a student in a North Dakota public institution and as a student teacher in a North Dakota public institution.

With that said, I am passionate in my support for HB 1532 since it would help my family provide the virtue-based education that we desire for our children. HB 1532 would make the parental right to be an educational advocate for your child or children accessible. Currently North Dakota's private institutions are not an accessible education option for all of our families due to the lack of state support. Just because a private institution is inspired by a certain faith does not mean that its education is not appropriate for students of diverse backgrounds, cultures, or faiths. Our private schools play an important role in serving North Dakota students and families.

HB 1532 would not only help to reinforce our parental choices for our children but it would also help to alleviate the financial burden that choice bears on our families. My husband and I are parents of 5 children. Two currently attend Bishop Ryan Catholic School in Minot, ND and are in the 7th and 9th grades. Two attend Perkett Elementary School which is part of the Minot Public School District and are in the 2nd and 4th grades. The youngest is still in daycare.

As a taxpayer, I would welcome having a portion of the taxes my husband and I pay support the education we have chosen for all our children. My children have a constitutional right to an education. As parents, my husband and I have a constitutional right to choose the education we want our children to have. A private education should not be denied because of cost. My children should not be denied their right to an appropriate education because it is not funded by the public sector. Also, our family should not suffer financially just because we exercise our freedom to send our children to a school that is not funded through public taxpayer funds.

As a parent that wants an excellent and well-rounded education for her children, I see the benefits of both public and private institutions. Our public schools provide a standard focused secular education with special education benefits. My children that attend the Minot Public School, Perkett ES, are there because they both have an IEP and need extra help academically or for other health reasons. I chose to have them attend public school to have their special education needs met. However, next school year ('23-24) my second grader will be transferring to third grade at Bishop Ryan because he has met his IEP goals so I would like him to have the benefit of a faith based, liberal education.

Bill 1532 would help our family tremendously, and other families that are seeking an education that public school cannot provide. It would also allow us as parents to be more fully in control of what type of education we can choose for our children. I want all my children to have an education that goes farther than public education can, by integrating virtue and faith into the curriculum and daily school life. With that said, it is a financial hardship for our family to choose this option. Without school scholarships and two working parents this educational option would not be sustainable.

Overall, HB 1532 would not be taking resources from public education and would support parental freedom to choose what type of education children have a right to. It is important to have options, and this is what this bill will give the families of North Dakota.

If you have any further questions please contact me by phone, email, or mail.

Heather Huighe
(701)509-5918
Mrs.Huighe@gmail.com
1005 W. Central Ave
Minot, ND 58701

1/30/2023

To whom it may concern:

My name is Jeannie Jagow. I am the adopted grandparent of my granddaughter, Alexa who is a student at St. Michael's catholic school in Grand Forks. I urge you to approve the bill 1532 for allocating funds related to School of Choice.

As a mother of three children who attended public school, I can firmly say there is a significant difference in both the value of education, involvement of teachers and safe growing environment at St Michaels opposed to the public school system. My daughter suffered severe bullying growing up from her peers. It was well known to the staff, but nonetheless little intervention occurred. Due to this level of bullying, my daughter had anxiety and depression which further harmed her future as her education suffered. Years later, unable to cope with the demands of motherhood, Alexa, my granddaughter, had to be taken away for her well-being.

Alexa attends St. Michaels is doing very well socially and in her studies. Teachers spend energy creating interesting lesson plans which challenge the students and children are in a safe environment where they can learn and grow.

My hope is that you hear the voices of Grand Forks parents and allow for taxpayer funds to be allocated to Schools like St. Michaels who are blueprints for the Grand Forks school systems as a whole.

Sincerely,

Jeannie Jagow

To whom it may concern re: **ND House Bill 1532**

I greatly support this bill and the potential it has for our children's future. Martin Luther School has been life changing for our preschooler and having the opportunity to give her a private, Christian based education while also having a financial break would be such a blessing. We have been on the fence between public and private for kindergarten and this bill passing would absolutely solidify our decision to stay private. The values, life lessons & ND moral & life skills that private school teaches our children is irreplaceable. But having daycare costs & after school care fees- this can make it more difficult to choose to continue down that path as we all know how financially hard it can be to make it work with this days cost of living, inflation, & having multiple children. I fully support and hope that the greater the outcome of those staying involved in private schools would be enough to encourage a passing vote for more options our future neighbors, friends, & leaders.

**Testimony of Landis Larson, ND AFL-CIO President
In Opposition to HB 1532
Feb. 1, 2023**

Chairperson Heinert and members of House Education:

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.

I am testifying on behalf of the North Dakota AFL-CIO In Opposition to House Bill 1532.

School vouchers programs divert funds from public schools and into private schools, leading to a two-tiered system of education.

Additionally, voucher programs lack accountability and transparency, making it difficult for taxpayers to monitor how their money is being spent.

Instead of voucher programs, we should be investing in our public schools to ensure that all students receive a high-quality education. This includes providing adequate funding, supporting teachers, and implementing evidence-based policies that have been proven to improve educational outcomes for our students. We have some great opportunities in front of us to improve education and we should focus on those priorities most impacting our working families.

The North Dakota AFL-CIO urges a "Do Not Pass" recommendation on House Bill 1532

January 31, 2023

RE: Support Letter for HB 1532

Chairman Owens and Members of the House Education Committee

We are writing a letter in favor of HB 1532 as parents of two, soon to be three, students currently attending Bishop Ryan Catholic School in Minot.

We are in favor of this bill that increases the ability for families to afford the choice of non-public schools. Our children receive an excellent education that is paired with teaching on virtues that will help them succeed in their future. They are able to live their faith on a daily basis.

As parents who were both educated within the public school system, we are still supportive of our local school system, even sitting on the committee to evaluate and promote the most recent passing \$11.9 million bond referendum for school renovation and construction. We participated and voted in favor of this, as we believe that every student in our community should have the ability to receive an excellent education in the best facility possible.

HB 1532 will not take away from funding for public schools and will help ease the financial burden to those parents enrolling children in private schools. We currently work multiple jobs and run a business to help support our education expenses, and will continue to do so. However, we would be grateful for the benefits of this program.

Thank you for the ability to provide written testimony,

Wyatt and Ann Olson
Des Lacs, ND

31 January 2023

To whom it may concern:

I write this letter in support of HB 1532. I, and my family, support this bill as it would rectify an imbalance. Those of us who find non-public schools preferable to public schools – whether for safety, religious, or child specific reasons – pay taxes and our taxes go to educate other people’s children, while we shoulder the entire cost of our children’s education. I understand that those without children also pay to educate others’ children, but society traditionally understands that parents are investing in society by rearing children.

My employment – as a police investigator – is such that I feel my children are safer in a non-public setting. They will be in a better position to learn, without having to worry about being a “cop’s kid”. Some parents may feel that their children will perform better in a smaller school environment. This bill will allow parents to place their children in better opportunities to thrive.

Further, the education that my children are receiving at the non-public school to which we send them is a “Classical” style of education. Firstly, this style of education – the Trivium – provides the traditional basis for education in the Western world.

The children learn how to think, rather than what to think. They are provided a framework (grammar) before they advance to logic, where they learn to apply information to concepts within that framework. Lastly, in the rhetoric stage, they learn to defend their thoughts and examine and test their opinions. This is the basis for the scientific method: identifying a problem, defining the problem, gathering data about the problem, developing hypotheses, testing those hypotheses, and re-assessing.

With respect –
M. Graves

1 HB1464 – Relating to the Establishment of an Educational
2 Reimbursement Program

3 Mandan Public Schools – Mike Bitz, Superintendent

4 Good afternoon Chairman Heinert and members of the House
5 Education Committee. For the record, my name is Mike Bitz. I
6 am fortunate to serve as the superintendent for Mandan Public
7 Schools. I am here today to oppose HB1532. I will be brief.

8

9 ND has great private schools and our residents are fortunate to be
10 able to choose to attend these schools. One of the things that
11 makes our private schools great is they have the ability to say NO
12 to students, NO to parents, and NO to the state. If private schools
13 take public money, they should lose the ability to say NO to
14 students, parents, and the state.

15

16 Last week in this very committee during testimony on a bill
17 calling for a study of the ND High School Activities Association,
18 Todd Porter, my friend and my District 34 Representative, stated

1 that once an entity takes public dollars, they are subject to open
2 record laws, and open meeting laws. This means all emails are
3 open to the public. It means finances are subject to open records
4 requests and that an audit needs to be submitted to the state. It
5 means board meetings are open to the public.

6

7 In 1999, I replaced Jerry Bartholmay as superintendent of schools
8 in Hillsboro. Jerry left to be the superintendent of a large private
9 school system in North Dakota. He once told me that the best
10 thing about working in private education was that he was able to
11 call a student into his office, a couple of times per year, and tell
12 them they were not private school material; they belonged in the
13 public school. Every year, in Mandan, we take calls from parents
14 telling us they are no longer welcome in the private school they
15 have been attending. Because Mandan takes public money, we
16 are required to enroll these students.

17

18 People often confuse school choice with parent choice. There is
19 a huge difference. Does the parent get to make the final choice or

1 does the school? In Mandan, because we take public dollars, we
2 enroll all students who wish to enroll. It is the PARENT’S
3 CHOICE. Currently if a student wants to enroll in private school,
4 the parent does not get the final say. It is the SCHOOL’S
5 CHOICE

6

7 This bill is not written to benefit all kids, our emotionally
8 disturbed students, our students with intellectual disabilities, and
9 other high need special education students will not be able to take
10 advantage of this legislation because private schools will not
11 choose to educate them. Our rural students will not be able to
12 access this voucher because they don’t have a drive-able private
13 school option. Look at the list of people testifying for this
14 legislation. How many are from rural ND? This legislation is
15 “cherry-picking” the families who will benefit from this
16 \$24,000,000 appropriation.

17

18 Mandan competes with St. Mary’s in many extra-curricular
19 activities. Last night at the St. Mary’s gym, both boys’ and girls’

1 basketball games were played. Two great games one won by St.
2 Mary's and the other by Mandan. The rules were the same for
3 both teams. Mandan is willing to compete with St. Mary's when
4 it comes to public dollars for education as well, but the rules need
5 to be the same. Because we take public money, we are required
6 to accept any and all students. Our emails and financial
7 statements are open to the public and we are required to submit
8 an audit. I can support public dollars for private schools if they
9 operate under the same rules.

10 I urge you to VOTE NO on HB 1532 and I am willing to stand
11 for any questions you may have.

12

13

14

15

Good Afternoon, Chairman Heinart, Vice Chair Schreiber-Beck and Committee Members.

Thank you for giving me the opportunity to speak with you about HB 1532.

My name is Kimberly Efta of Grand Forks and a District 42 resident. I am a full-time Realtor and my husband, Deven, is a farmer. We are so grateful to be living in North Dakota. We have three kids, ages 7, 6, and 4. I grew up on a family farm near Petersburg, ND, and attended Lutheran Church my entire life. My husband and I were both public-school educated and had wonderful experiences.

I believe this bill is about a generational change, so I would like to give a little background of my education growing up. When I was in 2nd grade in 1993 at Unity Elementary School in Petersburg, my parents fought for open enrollment in North Dakota. For my older sisters to qualify for extra-curricular activities my parents made the decision to move the entire family to Larimore, more than 20 miles away. Even though I was young I remember my parents were certainly concerned about our education. They traveled to Bismarck 19 times during the 1993 legislative session in support of open enrollment. Here we are with another generational change bill with HB 1532.

Eight years ago, when my husband and I moved to Grand Forks to start our careers, we looked for months to find a home where we could raise a family. During our home search the number one item on our list was proximity to an elementary school. We found the perfect home. It's located adjacent to an elementary school near the UND campus. Our backyard gate opens to the school playground. We didn't even purchase a swing set for our yard because the school playground is so close. Attending public school was our first choice in our kids' education. When my oldest was old enough to attend public school, we registered her for Grand Forks Public Schools. She was so excited to be going to school right next door. In August 2021 she attended a month-long Intro to Kindergarten class at that school. The convenience of walking her to the school from our house was so nice and I think she told the entire teaching staff where our home was located.

However, due to the worldwide pandemic, the world had begun to shift. Seemingly everything turned political: from social issues, masking, American history, to our cherished American traditions. It was during this very heated political climate in our world that my husband and I had a long discussion about where she would begin her educational journey. We knew we had a parental duty and choice to see our kids raised in an environment that shared our beliefs and philosophies. That is when I reached out to St. Michael's, five days before the start of our oldest child's kindergarten year. I am a

Lutheran and chose to send my kids to a non-public Catholic school. This certainly was not an easy decision. My husband and I had many discussions about finances, transportation to and from school, and after school care. We are paying for our children's education with financial assistance from St. Michael's, their grandparents and personal finances. I know there are parents and caregivers who cannot afford non-public schools. Supporting HB 1532 would provide them the opportunity to choose where their children are educated.

One of the most important things we have learned about raising children, that it is impossible to go back to square one and restart their educational journey. You get one chance to raise your kids – that's it – one chance. We are making the choice to get them a solid foundation in their Christian faith. Now that our middle child was old enough to start school this year, we had the same discussion as when we sent our oldest to St. Michael's. It was an easier decision for us since watching our oldest child flourish at St. Michael's.

Here we are 30 years later from the open enrollment bill to pass a much-needed change in the education system. It's time for parental choice in their kids' education from now on. On behalf of so many families who support school choice, we would deeply appreciate your support for HB 1532.

Thank you for your time and consideration.

Our family's choice to allow our children to go to a school where the morals, values and beliefs that we expect and instill at home are also upheld and expected at their place of learning. I know many others who would love to be able to give that same opportunity to their kids however do not have the financial capability to do so. This bill would help bridge the gap for those families who would like to give this opportunity to their children that couldn't do it any other way.

Dear Members of the ND Legislative Assembly,

I am writing **in support of HB 1532**.

First, when I decided to send my child to private school, I knew this would require great sacrifice on my part. I was barely living above the poverty level; However, I found a way to make this work for my son because it was important to me as a parent to give my son an education that met our needs. Honestly, it was anxiety-inducing not having any money left for emergencies or extras. Parents shouldn't have to make choices between filling their cupboards and giving their kids the educational experience that is best for them. All Parents should have a choice in their children's education, rich or poor. All children deserve to receive a quality education of their parent's choosing.

Second, over the years, our living situation has improved, but \$5,900.00 in tuition is still a burden. Next year I will have two students in private school with a tuition bill sure to exceed \$8,000.00. This bill is especially important now because our property taxes increased a whopping 16% over the previous year to fund a new public high school. This *extra money* is being taken from my family, and we receive nothing in return. We pay taxes; therefore, we deserve to see some benefit.

Passing this bill is a step in the right direction for North Dakota families.

Best regards,

Mary and Jeremy Saxer

To the honorable representatives of North Dakota,

We are writing in support of freedom of educational choice. Our son has personally benefited greatly from attending a private school. He enjoys the smaller class sizes, support he gets for reading, and attending religious classes/mass. Our son has dyslexia and has been making improvements. The religious foundation has helped him cope with his learning challenges and offered him an outlet for the stresses that it can cause him. His teacher and classmates are supportive and he is not bullied for his differences.

Open enrollment is common in the public school district system. If a parent has the opportunity to change districts and have their money follow their child's education, then parents who choose to enroll their child in a private school should have their taxpayer dollars follow their child. This will help ensure the development and growth of North Dakotans with a strong moral upbringing.

Thank you for your time,

Clarence and Kimberly Zimmel



NORTH DAKOTA

Family Alliance LEGISLATIVE ACTION

Testimony in Support of House Bill 1532

Mark Jorritsma, Executive Director
North Dakota Family Alliance Legislative Action
February 1, 2023

Dear Chairman Heinert and members of the House Education Committee,

North Dakota Family Alliance would like to testify in support of HB 1532 and requests that you render a "DO PASS" recommendation from your committee on this bill.

Our organization strongly supports educational opportunities. We believe that the best educational system is one that gives children a wide-open future and the tools to explore God's calling on their lives, under the loving and protecting guidance of their parents.

House Bill 1532 would give parents those opportunities. Fundamentally, we want North Dakota to be a state which advances policies that empower parents to have decision-making power when it comes to their children's classrooms. We would also like our state to be able to minimize existing economic and legal obstacles that create an imbalance for tax-paying North Dakota parents who desire an educational program and environment that specifically aligns with their religious, moral, and philosophical beliefs.

It comes down to this: A *future* full of choices for children, needs a *present* full of options. Thank you for allowing us to testify in support of HB 1532 and please don't hesitate to call if you have any questions regarding this testimony. Thank you.

Sincerely,

Mark Jorritsma
Executive Director

February 1, 2023

House Education Committee

Testimony in Support of HB1532

Members of the House Education Committee,

I am submitting testimony of HB1532 that would provide general fund dollars to help provide fairness in educational choices to families who choose to send their children to private schools.

While I feel that it is important that we all pay our fair share of taxes to fund public services, when it comes to educational options for our children we should have the ability to decide where those dollars go. As it stands today, in order to send my child to private school we have to pay twice which is unfair. Funding should follow the student, not the school. This bill is a step in the right direction to use budget surplus dollars to fund a partial reimbursement for families who have paid more than our fair share of public school education budget through our property taxes.

I respectfully ask for the committee to give HB1532 a recommendation of "Do Pass" and a vote in support of this legislation to provide a level of fairness in educational funding for families in North Dakota.

Thank you,

Stephanie Fortner

Bismarck, ND

Members of the House Education Committee,

My name is Chris Eslinger, I live in District 34

I am a Father, a Husband, and a Property Owner.

I have children that have attended Home School, Virtual Classes, Private School, and/or Public School.

I Support Bill #1532

I understand the strong feelings and emotions on both sides of this issue.

A fundamental idea in America is that choice and competition make our end result to the consumer the best product at the best price.

The consumer in the example of education is the Student themselves.

So, we should start asking ourselves internally and publicly, why do those around us want to limit or eliminate choice and competition in this area of life.

Which could be argued is one of the most important areas that affect not only standardized testing but possibly more important; our culture, our city, our family,

and our students mental, emotional, physical, and spiritual safety and well-being.

Some say, "taxpayer money should not be used for private schools". Even though, these same people will support taxpayer money being used for private institutions

all the time, in the form of grants to colleges or early education. Consistency would be OK with choice in all areas of education.

Early, K-12, and at the Trade or College Level.

Education funding is meant for Educating the child, not for propping up and protecting a particular institution. Funding should follow the student not the building.

As parents, the curriculum our kids are learning should align with our American and our Family values.

"One size fits all" has been proven to not produce the best results, mentally and academically.

No one is forcing anyone to leave the public school or take advantage of the best program for your kids.

If you like your public school, you can keep your public school.

We can't continue to see the decline in our culture. The replacement of God and the Family. The lack of Self Awareness and Personal Responsibility.

We can't continue to send our kids to Ceasor and then act surprised when they come home as Romans.

I urge you to vote in favor of Bill #1532.

Thank You for your service and taking the time to consider the importance of this issue.

I am writing in support of House Bill 1532. My husband, Charles Lenz, and I are fortunate enough to send our children to Cathedral Elementary School in the Light of Christ Catholic school system in Bismarck. This has been an absolute blessing to our family. Not only are the academics excellent but the focus on virtue, character development, and faith have had a major positive impact on our children. When we consider how much time our children spend in school, it is essential to our family that our children are in a school environment that fosters the same values our family holds. We know many other parents who feel the same way, but are not able financially to send their children to the school they know is best for their children. HB 1532 would make it possible for more families to make the same choice we have to send our children to the best school for them.

Please vote in favor of House Bill 1532.

As an opponent to the bill reported in the Grand Forks Herald says, "Under the voucher system, the state would give public money to individuals who wanted to send their kids to private institutions."

My response is how did the state get the public money? From tax payers which include parents that send (or wish to send) their kids to private schools.

The public includes people of faith and they also pay for public education so the funds should go where the people paying the taxes want their kids to be educated. Why should a parent not be able to send their child to a school that reflects their values using money from their taxes rather than to public schools that have become increasingly anti-parent? It's not like the money is diverted forever; they will still be paying for public education through taxes far after their children are through school, but the choice should be the parents choice. Being able to provide a financial break to tax-paying parents that value a faith based education is good for students and good for North Dakota.

If the public school is underperforming, then they should look to the private schools for advice since they manage to draw students and educate them for less (E.g. St.Michaels of Grand Forks is about \$9k while public is \$11k-\$13k).

If the public schools that are supposedly underfunded cannot compete with private schools that require less money, perhaps a little competition is warranted and some external auditing.

Thank you very much.

Please vote yes on HOUSE BILL NO. 1532

Janel Johnson

Testimony on HB 1532

January 31, 2023

Chairman Elkin and Members of the House Education Committee:

My name is Nate Harling, and I STRONGLY support school choice and HB 1532.

In today's age, parents need to have options that best suits their children's needs, choose educational facilities that offer smaller class sizes, or instill religious and moral values that can't be taught at public schools. However, my testimony will instead focus on two issues that those in opposition of HB 1532 seem to focus on – the feared loss of funding for public schools and the North Dakota State Constitution.

Loss of funding:

The Committee surely understands that school district tax collections cannot be redirected to private schools or taxpayers as tuition reimbursement. Most supporters of school choice are not advocating for slashing public school funding. If there is a loss of funding, it would come from more families being able to afford private school tuition with a reduced financial burden due to HB 1532, which in turn would theoretically decrease the number of students enrolled in public schools. A reduction in enrollment would result in fewer per-student payments from the state (but fewer students to serve, which costs less). Therefore, there is a chance public schools could see a reduction in funding, but it would correlate to a reduction in enrollment numbers.

North Dakota State Constitution:

Article 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.

For me personally, over 42% of my property tax bill goes to the public school district. Public school funding is generated from not only property taxes, but also through Dept. of Trust Lands funds and royalties and likely other sources. According to Section 5, these funds may not be utilized to fund HB 1532. However, the state generates income in a multitude of other ways. If funds generated through other means are used to fund HB 1532, and are not taken from public school tax collections, there should not be any conflicts with the State Constitution when passing HB 1532.

Many states have implemented school choice funding, especially in the last 5 years, where as much as 100% of the per-student payment is directed to the school of their choice. This bill is proposing far less than 100% (15-30% of the per-student payment, to be exact). The fantastic fiscal position of the state makes now the perfect time to act in the best interest of all students and families of North Dakota and follow the national lead in boosting school choice.

I request full consideration for this bill, or any amendments to empower parents to choose the best educational path for their children. Thank you for the opportunity to provide testimony.

Respectfully submitted by Nate Harling – concerned parent, taxpayer, and voter.

Jeffrey L. Skaare – District 39
House Bill 1532
February 1, 2023, 2:30 A.M.
House Education Committee
Representative Pat D. Heinert, Chairman

In Favor of HB 1532

Chairman Heinert, and fellow House Committee Members.

My name is **Jeffrey Skaare**, I live in Dickinson, North Dakota and I am in District 39. I was born, raised, and educated in the great state of North Dakota. I was fortunate to graduate from both North Dakota State University, as well as the University of North Dakota. I am an attorney by education, and a certified professional landman by trade. My North Dakota pride runs deep. I am mostly proud to not only raise my family here, but to instill in my children a love of this State. We are leaders in Energy and Agriculture. Our State is faced with numerous challenges including workforce challenges. To continue to develop our communities around this State, we need to support House Bill 1532.

The enactment of House Bill 1532 creates opportunities for North Dakota students, but more importantly allows parents to decide what is best for their children. We are fortunate to have both a strong public and private school system in ND. There is no reason to suggest otherwise. There is good reason to support a parent's decision regarding their child's education. Let's continue to show our support of a North Dakota education in all respects. Let's incentivize families to work and live in our great communities by demonstrating our commitment to the success of every North Dakota student, regardless of whether they attend a public or nonpublic school.

It is for these reasons that I support the enactment of House bill number 1532 and request a recommendation of **DO PASS**. Thank you.

Testimony in Support of House Bill No. 1532
From Matthew J. Voeller
3754 Kingston Drive, Bismarck, North Dakota
31 January 2023

I adamantly support the passage of House Bill No. 1532.

My wife and I have five children. We believe children are our future. The primary responsibility to educate our children belongs to parents. Life is full of lessons. Some lessons come from books (the Bible being the most important book). Some lessons come from participation in activities (music, clubs, sports, etc). Some lessons come from travel. Through all of these (and countless unnamed others)...parents are primarily responsible for educating their children on the 'so what' of everything they learn.

We have made Jesus Christ a focus of our children's education. We do this through daily prayer in our house, the giving of our time/talents/treasures to organizations & people in need, taking an active role in our church community, and the education of our children. We are fully committed to providing our children a Catholic education at our amazing Catholic schools (four at Christ the King and one at School of the Holy Family). We sacrifice a lot to be able to fund this education, but the return on investment isn't reflected in dollars in a bank account. It is the saving of their souls for all eternity and their future contributions to society as citizens of God with a strong moral compass grounded in traditional family values and universal truths from the Bible.

Private schools work hard to prepare our children to be successful in life and in society. Teachers and administrators at these schools do more with less while ensuring students meet secular educational requirements as well as the needs of developing souls. Many of the problems this country is facing is due to a lack of the faith-based education that used to be everywhere. Dating back to the first organized schools in ancient Egypt and Greece, students were primarily instructed on the religious beliefs and practices necessary to live a good life. As times changed, educational systems morphed to create good citizens...students were taught skills that benefited the society (not the individual) in its quest to grow power, advance science, build economics, etc. This change came with a cost. Educational systems began to neglect the soul that is so vital to a healthy person. The United States is teetering on a point of no return. This is evident through skyrocketing violent crime rates, immoral sexual manipulation of children, broken families, drug use, obesity, and a general worshiping of material goods.

This is why my wife and I have decided to educate our children in a program that focuses on the soul. Our kids benefit in this environment as they are not exposed to the secular agenda that is changing the fabrics of the United States society. Our choice will benefit society, in the end, as upon graduation they will have the same basic skills as their public-school counterparts, but not at the sacrifice of our Catholic values.

This bill is necessary to allow parents who have made the same choice as we have to benefit in a small way to the investment we are making in our children's future.

Thank you for taking the time to read this. Please do everything within your power to see this bill successfully pass the house, senate, and be signed into law.

God bless you all for your work!!

Matt and Janelle Voeller

To whom it may concern,

This testimony is in support of house bill 1532. As a primary care physician and specialist in the Ward county school district, I can personally attest to the validity and importance of this bill. Quite too often, I encounter so many patients, friends, and colleagues who are unable to afford a specialized and private education outside of the public school system. Given that a small school such as Bishop Ryan elementary school and high school here in Minot has such a minute amount of funding compared to public school districts, it becomes necessary for the school itself to charge a high tuition in order to cover basic teacher salaries and overhead needs. This makes it extremely challenging for the average family who wishes to partake in a parochial and classical education plan. For many families, it is a priority to have their children attend a private school in the wake of some of the significant changes that have occurred based on political viewpoints inside the public school system. Many decisions by lawmakers and public school officials have led to policies that are contrary to the personal and religious beliefs of parents and families who think otherwise. For this matter, I believe it is of the upmost importance to consider implementing this bill and to provide funding to these types of private education systems which in turn can offset the tuition cost for these children.

I am happy to offer further input at the request of the committee moving forward.

Sean Stanga, M.D.
Minot, ND

I am writing in support of House Bill No. 1532, on school choice. The reasons for my support are threefold.

1) Parents have the primary responsibility for educating their children. Therefore, increased school choice gives parents a greater capacity to provide a proper education for their children.

2) Proper education is difficult. Therefore, creative, competitive, and innovative educational institutions should be invested in, rather than solely the monolithic public school system. And again, this benefits parents in their goal of providing a proper education for their children.

3) Public schools fail to provide a proper education. Even by simple academic standards, ND is ranked nearly last in the nation on school performance. More perniciously, ND schools have overtly pushed obscene and ideological agendas towards children. For example, the Grand Forks Public Schools Transgender Policy promotes transgender ideology to children, hides this fact from parents, and forces teachers to lie to parents. Quoting from the policy, *“School staff shall not disclose any information that may reveal a student’s transgender status to others, including parents or guardians and other school staff, unless legally required to do so or the student has authorized such disclosure.”* Therefore, giving parents more control in their children’s education—rather than public schools—will help parents guide their children towards a proper education. Education that seeks truth, not lies and ideology.

Thank you for your time.

January 31, 2023

Dear Chairman Elkin and the members of the House Education Committee,

My name is Nicholas Scotten. I spent thirty years in education, with the majority of them in administration of primary and secondary schools. I am currently a pastor, while being on the board of a new school (Valley City Christian School) that we are seeking to establish in Valley City this Fall.

I write to you in **support of HB 1532** for the following reasons:

1. The state constitution does not disallow for state support of “sectarian” schools, as long as money raised to support public schools is not used to support sectarian schools. Article 8.5 of the ND Constitution reads: “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.”
2. The state constitution further solidifies public schools’ standing as an institution that will always be supported, except with an act by the State and Federal governments, so chances are public schools will get their funding. They may get less funding if they have fewer students, but that certainly sounds reasonable, as well. After all, private schools also get less funding when they have fewer students.
3. The time has come for our state to match many other states regarding freedom of choice. While there is technically freedom of choice in ND, the poor and middle class are often priced out of having choice, and have to choose public education. Sadly, it is not the choice they want to make, but they have to. Arizona and Iowa have universal school choice, letting \$7,000 or more follow the student if they decide to use a private school. Notice, it only goes to the student or the school if the family chooses that school, so the state is not directly funding the school, except to fulfill its commitment to its citizens, whose choices are being honored.
4. What we need in ND is true competition. What we have right now is something like an ability to go to McDonalds for a Big Mac or Burger King for a Whopper. Let’s say you like the Whopper much better, but you have to pay \$20 for the Whopper, but the Big Mac is free (make that tax-payer funded). Which one would you pick? Probably the Big Mac—not what you wanted, but something a lot more doable for your wallet, especially if a family of four would cost \$80, plus tax! We need money to follow the child, and parents need to put their children wherever they want, instead of where they can afford.
5. The public schools are unacceptable to a growing number of parents because:
 - a. They are underperforming terribly. Private schools of all stripes outperform them by a great deal academically, even when special needs students are taken out of the equation.

- b. Public schools don't provide religious instruction that many parents want. Religious parents often want not only straight Bible/religion courses, but also a biblical worldview infused in every course that is taught.
- c. Many parents are rightly concerned about which educators might be pushing a CRT or LGBTQ agenda.
- d. Behavior, language, and attitudes among public school students (what many students come with and what is also tolerated) is quite toxic compared with what well-ordered families are seeking to normalize for their children.
- e. Curriculum is often watered down, lacking intellectual rigor, and missing the great works/classics of Western Civilization.

I ask that you consider (though I understand that there are probably good reasons why you wrote this bill the way you did):

1. Is it feasible to offer more money? North Dakotans are ready to exercise freedoms that they haven't been able to use because of lack of opportunity, so let's give at least \$5,000 a year. That way, a significant dent in private school tuition is made, so lower income families can be able to scrape together the rest. That would still be at least \$2,000 less than two other states who are offering it to every single student in the state.
2. With that higher amount per year, could there be more than \$24 million in the budget for it?
3. Could it start this coming Fall, 2023, instead of another year afterward?

Thank you to the representatives and senators who have sponsored this bill for the educational freedom from the shackles of mediocrity that happens when there is basically a monopoly on any given service. When you remove the financial barriers to lower and middle income citizens, so they truly have educational choice, then true competition will take place, and all schools will have to up their game or get off the field!

Respectfully submitted,

Nicholas Scotten, DEdMin

Rebecca Marshall
3201 Desert Star Lane
Grand Forks, ND, 58201

RE: **TESTIMONY IN SUPPORT OF HB 1532**

Dear Representative Heinert and members of the House Education Committee:

I am writing in support of HB 1532. As a North Dakota resident and parent of school-aged children, I believe school choice would enhance our community and give parents the option to select schools that meet their desired children's needs.

I am a registered nurse and I know my patients have many choices in where they seek care. As a parent, I would like to be afforded a similar freedom by having a choice as to where my children learn and the cost involved. Having the expense of private school tuition means more hours on the hospital floor and time away from my family. The additional revenue to our family would help offset the climbing costs in my family's budget.

Having a tangible form of school choice will help to attract workforce from other states that don't offer the same opportunity. Those considering a relocation to North Dakota, especially in a high-demand field such as mine, may be swayed by the opportunity to have some form of school choice as provided by HB 1532. These additional workers will keep our healthcare options, businesses, and communities strong.

The bill, as written, allocates funding from the state based on student enrollment within the public school systems. The public schools can't lose money they never had to begin with since my children have never been enrolled in the public school system. Therefore, no dollars will be lost by allocating these funds to parents like me.

I ask for a "do pass" recommendation on HB 1532.

Sincerely,

Rebecca Marshall

January 31, 2023

Dear Members of the House Education Committee:

I am writing in support of HB1532. My children all attended Bismarck Public Schools, however I now have grandchildren attending Light of Christ Catholic Schools (Cathedral). I believe that all parents have the right to choose what they consider to be the best option for the education of their children, whether that be public, private, or home schooling. It is only right that taxpaying citizens, whose children are not attending public schools and therefore not receiving any benefit from the taxes their parents and grandparents pay, should receive some financial support for the education of their children. Well educated young citizens will be an asset to our state, whether they have received their education in public or private schools, and therefore all should receive taxpayer support.

Therefore, I urge a YES vote on HB 1532.

Sincerely,

Susan Canham

656 Aspen Ave

Bismarck ND 58503

My family is in support of HB 1532. We would like to choose a private school education for our children as we feel this best meets the needs of our children (aligns with our beliefs, allows our children more opportunities to explore their individual interests, etc.). By sending our children to a private school we are taking on the additional financial burden of independently funding our own children's education, while still funding (through taxes) the local public school system (which we do not utilize). This simple act extends the local school systems resources two-fold (continuing to receive our financial support through taxes, and at the same time our children are not using these physical resources). Even a small amount in return would greatly benefit our family, while the local school system would still receive some of the positive impact of our family sending our children to a private school.

My family is in support of HB 1532. We would like to choose a private school education for our children as we feel this best meets the needs of our children (aligns with our beliefs, allows our children more opportunities to explore their individual interests, etc.). By sending our children to a private school we are taking on the additional financial burden of independently funding our own children's education, while still funding (through taxes) the local public school system (which we do not utilize). This simple act extends the local school systems resources two-fold (continuing to receive our financial support through taxes, and at the same time our children are not using these physical resources). Even a small amount in return would greatly benefit our family, while the local school system would still receive some of the positive impact of our family sending our children to a private school.

Chairman Heinert and Members of the House Education Committee,

My name is Amber Vibeto, and I reside in District 3. I want to thank the sponsors of this bill for bringing forth a piece of legislation that would increase the level of education freedom that we currently have in North Dakota. However, I believe that we can do much better than what this bill provides. I believe House Bill 1532 misses a big opportunity to provide education choice for all ND students, not just those who have access and have been accepted to a private school. The school choice movement has exploded over the last few years and there has never been stronger public approval for the concept of funding students rather than continuing to fund a broken system.

As with any bill being proposed, the question must be asked: What problem are we trying to solve? Could private school families benefit from partial tuition reimbursement? Absolutely. Contrary to popular opinion, not everyone who sends their kids to private school is wealthy. For many families, it is a great sacrifice. But House Bill 1532 fails to address why these parents would choose an alternative to public education in the first place. It ignores the main problem: our education system is broken. A year before students are set to graduate, [less than half](#) of ND 11th graders are proficient in English Language, and a whopping 67% of them are not proficient in math. The current system is failing to equip the majority of students in North Dakota. Fortunately, we don't have to keep doing things the way we always have. We don't have to continue to rearrange the deck chairs on a sinking ship. We can board a new ship and save all students, not just those who have access to first class, so to speak.

I'd like to share just a few examples of the exciting educational reforms that are happening across the country.

[Arizona's](#) Educational Savings Account program provides participating families over \$6,500 per year per child for private school, homeschooling, micro-schools, tutoring, or any other form of education provided outside of a traditional public school system.

[Utah](#) created a state-funded scholarship program that provides students with \$8,000 in state funds that can be used toward private school tuition and other education-related expenses.

[West Virginia's](#) educational savings account gives families \$4,300 per child per year, which is 100% of the state portion of the education funding formula. Families can use these dollars to pay for private school tuition, therapies, and a wide variety of other education expenses.

The vast majority of [credible evidence](#) shows that school choice programs improve academic outcomes for not only the program participants, but also the students in

public schools. Teachers benefit, too. 5 studies have [found](#) that private and charter school competition leads to higher teacher salaries in public schools. School choice leads to competition. Competition leads to excellence. Excellence leads to success.

House Bill 1532 focuses on helping a small percentage of students and ignores the vast majority of students who are stuck in a failing system and have no other option but to remain. This bill adds an additional \$24 million taxpayer dollars allotted for education when we could actually save money by implementing universal school choice while [improving academic proficiency](#). There are currently [28 studies](#) that have examined the financial impact of school choice for the taxpayers and public schools:

- 25 found that school choice programs save taxpayers money
- 3 found that school choice programs are revenue neutral
- None found that school choice programs have a negative fiscal impact

North Dakota is full of wonderful educators and hard-working students. Unfortunately, most are stuck in an antiquated and one-size-fits-all system that no longer works. Continuing to throw money at the problem is clearly ineffective and, if we're being honest, lazy. We can do better. [American Federation for Children](#) offers high-quality model legislation for every kind of school choice program, and it's my hope that North Dakota will eventually implement a program that will empower all families to choose the education providers that best meet their needs. I have no doubt that House Bill 1532 is well-intentioned, but I believe that it's short-sighted, fails to solve the real issue, and spends money we don't need to spend. Therefore, I ask for a 'do not pass' recommendation.

Thank you for your time.

Resources:

[School Choice Myths](#)

[Research Shows Favorable Impact of Private School Choice](#)

[Why Rural Schools Need School Choice](#)

[The Little Red Schoolhouse Could Do With a Little Competition](#)

[Rerouting the Myths of Rural Education Choice](#)

[Two States Now Have Universal School Choice — And Yours Could Be Next](#)

[The Education Savings Account Act](#)

[Great Schools Tax Credit Act](#)

[Parental Choice Scholarship Program Act – Means-Tested Eligibility](#)

[Parental Choice Scholarship Program Act – Universal Eligibility](#)

[Foster Child Scholarship Program Act](#)



HB 1532 – Testimony

My husband and I are parents to 3 young children and I have a son that is graduating high school. We live in Valley City, ND and are blessed to have the option of sending our younger children to Catholic School. Our Catholic School only goes through 6th grade. Currently I have a Kindergartener and a 2nd grader attending St. Catherin's Catholic School. In 2024, our 4 year old will be ready to start Kindergarten and this would help us offset the expense of sending our child to our preferred school. We love the small class sizes and faith based education.

Please consider passing HB 1532 to help other families like ours afford to send our children to the school of our choice. Public school is not always the best choice. Thank you for your consideration.

Tina & Roger Sackett

As a leader of my local association of educators, I can tell you that our members are regularly talking about what is happening at the state Capitol, and the potential effects that bills will have on their professional lives, their classrooms and, most importantly, their kids.

We are discussing bills like Rep. Cory's efforts to establish "educational reimbursement programs," also known as vouchers. Past legislative sessions have seen efforts like these under different names, like "education savings accounts," but the intent is always the same: divert public monies away from public schools and toward private schools.

Private schools and school choice already exist in North Dakota. Parents have the absolute right and ability to send their children to a private school or to home school them. But it should be up to them to pay the costs of sending students to a private, **and in some cases for-profit**, enterprise that **can** choose whether or not to admit them. Public schools do not have that same ability; any student whose family wishes for them to attend a public school must be enrolled. And for those students in our public schools, they deserve more resources that will help them to achieve their true potential, not less.

This is truly a concern for our rural schools and communities. We need to be cognizant of using those education dollars for the betterment of educating our public school students. We can give our rural students more learning opportunities if dollars are spent on public education

My three children had different elementary school needs that we were able to meet in Grand Forks through public and non-public schools. I support HB 1532 because it will empower more parents to be a voice in their child's educational path and provide the best fit for each child.

Joseph had the most classic elementary school experience, walking one block to St. Michael's Catholic school with his dad each morning. The location was a bonus to the exceptional academics and focus on faith-filled opportunities and service. St. Michael's understood parents are the first teachers and partnered with them continuously through communication, opportunities for involvement, and service. With only one or two teachers for each grade, exceptional leadership, teacher retention, and small class sizes the children knew and had a relationship with all teachers and staff.

Elliott also attended St. Michael's Catholic school but navigated the pandemic for 4th and 5th grade. I served on the St. Michael's Board of Education as President during the pandemic. Our smaller school size allowed staff, students, and parents to navigate these uncertain times with more safety and agility than the larger school district. We were able to communicate more frequently and make custom decisions about the status of each classroom associated with masking and transitioning a classroom to virtual learning. We also were able to increase testing so we could stop masking with confidence and provide free testing for all school families sooner than other schools.

Katelyn, our youngest, is a nonverbal, quadriplegic, medically fragile 4th grader who loves attending Century Elementary at Grand Forks Public School. She goes to school with a nurse and has a paraprofessional, vision, speech, and special education teacher and an occupational and physical therapist. We are grateful for her education and applaud the public school for providing her with an exceptional Free and Appropriate Public Education (FAPE).

If the school choice option becomes available, public schools will find parents pulling their students out for non-public schools, and it's time that the public schools ask the question "why." The non-public school that my sons attended felt safe and well known to them. It was an extension of our home and matched the values we teach as parents. My sons do not need the additional support that Katelyn needs in the public school. They needed a place to build confidence, fortitude, and character. A place to learn about love, peace, gentleness, justice, to serve others, and to stand up for or help a friend in need. They now attend the public middle school and high school and are leaders participating in sports, arts, advanced classes, and student council.

I support HB 1532. I think that every parent in North Dakota should have the opportunity to choose the best fit for their child from a special need to a smaller class size. This system will encourage schools to strive for strong leadership, teacher retention, transparency and communication, and aligning values to the parents.

Sincerely,

Meredith Quinn

North Dakota House Education Committee
Chairman Pat Heinert
February 1, 2023

Support for House Bill 1532

Chairman Heinert and members of the House Education Committee,

My name is Jessica Pathroff. I am the principal at Saint Anne Elementary School in Bismarck. Today, however, I am not writing to you in my official capacity as a principal but rather as a parent of two young children who will attend nonpublic schools in the near future.

House Bill 1532 directs the superintendent of public instruction to establish and administer an educational reimbursement program, wherein the state contributes a portion of the cost of qualified education expenses of nonpublic school students.

I wholeheartedly support this bill because it allows for greater freedom of choice, enabling parents to choose the best education environment for their children. It's no surprise that cost is a barrier to many families wishing to send their children to nonpublic schools. If this bill passes, families who could not otherwise afford nonpublic education would now have the choice to send their children to nonpublic schools. Furthermore, the legislation will help all the families already sending their children to nonpublic schools because those families would see their tuition expenses decrease.

My family will choose to send our children to nonpublic schools because we believe it is the best education environment for our children. All North Dakotan families should have that choice. Therefore, I respectfully request your support of HB 1532.

Thank you for your time and consideration.

Jessica Pathroff

As a parent I support parent's right to choose where they send their children to school. However, as a public school employee and a parent of child in public schools I believe that we must keep public dollars in public schools so that teachers and students receive the resources they need. First, private schools are not required to admit all students, particularly students with special needs. Second, private schools are not required to be transparent with where these public dollars would be spent. Last, rural North Dakotans have no proximity to private schools and will only see a reduction in resources across the public education system which would lead to additional struggle in rural communities. For these reasons I do not support HB 1532, thank you for your time.

February 1, 2023

Re: House Bill No. 1532 Letter of Support

To Whom it May Concern:

This letter is in support of HB 1532. Although our family will see very little, if any, benefit from this legislation, it is important that it passes. We elected to send our kids to private school since 2005, and have also willingly paid taxes during that time, because we recognize the importance of our role to support public education in the community. Our children have never attended public schools.

Providing families partial reimbursement would help ease the financial burden of private education. It will also give discerning parents the opportunity to consider additional educational options for their children if they know this reimbursement is available.

Thank you,

Carl and Andrea Jackson
Bismarck, ND

January 31, 2023

RE: HB 1532

To: House Education Committee Members

When we first moved to Minot, ND in 2005, we intended to put our three children in public school. However, when we realized how large the schools here were, we knew that our children would get lost. Our oldest was very quiet and shy, and our second was a child that would do the littlest possible in school unless she was challenged to do more. We strongly felt that a smaller school with smaller classes sizes would be the best choice for them.

The decision to send them to Bishop Ryan Catholic School was a very scary one financially. At the time, my husband was only a Tech Sergeant in the Air Force. Because of his schedule, I was not able to work outside the home (because we also had 2 younger children at home). Our income was so low that we qualified for WIC. We made the choice and sacrificed to make it work, but it was difficult. It would have been so much easier if we could have been reimbursed for even part of the tuition.

We have owned property in Minot, paying property taxes that help support the public school system for many years now, while also paying tuition out of our own pocket to send our children to a private school that best meets our needs. We have gotten nothing in return for our "investment" in the public school system. This Educational Reimbursement Bill would help to somewhat even out that imbalance. Furthermore, we know that there are other families that would prefer to have the choice to send their children to a private school, but just cannot afford it.

Please support HB 1532 so that parents can make their school choice based on what best meets their children's needs, rather than just on what they can afford.

Sincerely,

Mary & Jeremy Finley
515 9th Ave SE
Minot, ND 58701
701-838-0039
jmcmwy@yahoo.com

I choose to send my kids to a private school for multiple reasons. Some of these include parental involvement, safe learning environment, strong sense of community, individualized attention from teachers, and higher academic standards. I believe that smaller class sizes allows for more one-on-one time to improve academic achievements. I believe they also focus more on character development.

Craig Erickson

Chairman Heinert and members of the committee,

My name is John Odermann and my wife, Jessica and I currently reside in Dickinson, ND with our three children. I write today in support of HB1532. My wife and I are products of the state's private schools, her a graduate of St. Mary's Central High School in Bismarck, and myself a graduate of Trinity High School in Dickinson. We plan for our children to attend private school as well.

Education, and the value of it, is something that was instilled in me at an early age. My paternal grandmother, Helen Odermann, was a school teacher in Elbowoods, ND, which as you likely know, is now located under Lake Sakakawea. She continued her career as a much beloved school teacher for many years in Billings County. I remember her once saying, "Education is a goal in of itself, but also the means by which we can achieve all others."

She was a wise woman. She was a public school teacher, but she also saw the value in private, faith-based schooling and sent her children to school at Assumption Abbey prep and New England St. Mary's. My father, James, was an Abbey Cub and my mother Leona was a Trinity Titan, a member of the first graduating class in 1965. The die for my eight siblings and I, as they say, had been cast long before we were earth side, we were likely going to a private Catholic school. But that doesn't mean the road to that education was short or easy.

Over the course of 15-20 years my parents worked very hard to provide that education for us. We lived on the family ranch north of Belfield and would drive 60 miles round trip to and from school in Dickinson. We've done the math and I would argue we put anywhere between 250,000-500,000 miles on family cars in those years to make that education happen. The odometers would agree, and so would the bank balance. Money was tight on a regular basis, we wore out tires, and cars. Financially it was a hardship, but it was also a choice. A choice my parents would say was worth it, one they would make again.

It's a choice other parents would like to make for their children, but are not able to make it make sense financially.

HB1532 would go a long way to helping it make sense financially for those families who dutifully pay their property taxes each year and would have liked to have their child be able to continue to attend school in person during the COVID pandemic, but could not afford it. For a parent that would like to have their Christian faith supported by their children's teachers on a daily basis and have it integrated into the curriculum, but cannot afford it. Or the parent that would like to see their children in a classroom with a lower teacher-to-student ratio, but cannot afford it.

At its core that's what this bill comes down to. Choice. Being able to choose a school that reflects your values and helps undergird what you are trying to teach at home in a faith-based setting, without having it create an undue financial hardship for families.

Our state's private schools have proven over the past century that they are not here to replace public education, they are a supplemental partner in educating our children, which have long been North Dakota's most valuable resource. The savings provided for school districts through the very existence of private schools is staggering when you take a moment to consider their sizeable impact.

Currently, the state's private schools with their, give or take, 8,000 students save the state of North Dakota and local school districts around \$80 million dollars each year educating those students. In Dickinson alone our 777 students in private school, according to the North Dakota Department of Public Instructions enrollment numbers save between \$7.5-\$8 million for the school district and state depending on what you place the cost per student at. Not to mention the savings on the infrastructure that would be needed to educate those children. The dollars add up fast. It's a valuable partnership that has worked for education in this state for a long time. We should work to continue this partnership by supporting parents who chose to entrust their children to the private schools.

It makes financial sense for the parents who make that choice.

It also makes financial sense for the state of North Dakota.

I urge you to support and give a "do pass" designation to HB1532, it will enable more parents to take the responsibility of making what they determine is the best decision for their children's education.

23.0143.06000

Sixty-eighth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1532

Introduced by

Representatives Cory, Kasper, Kempenich, Lefor, Nathe, Porter, Strinden
Senators Beard, Burckhard, Hogue, Meyer, Wobbema

1 A BILL for an Act to create and enact chapter 15.1-39 of the North Dakota Century Code,
2 relating to the establishment of an educational reimbursement program; to provide an
3 appropriation; and to provide an effective date.

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

5 **SECTION 1.** Chapter 15.1-39 of the North Dakota Century Code is created and enacted as
6 follows:

7 **15.1-39-01. Definitions.**

8 For purposes of this chapter, unless the context otherwise requires:

- 9 1. "Parent" means a resident of this state who is a parent, conservator, legal guardian,
10 custodian, or other individual with legal authority to act on a program participant's
11 behalf.
- 12 2. "Program" means the educational reimbursement program created under this chapter.
- 13 3. "Program participant" means an eligible child participating in the program.
- 14 4. "Public school" means a public school in this state which serves students in any grade
15 from kindergarten through grade twelve.
- 16 5. "Qualified education expenses" means the costs for a program participant to enroll in
17 or attend a qualified school.
- 18 6. "Qualified school" means a nonpublic school in the state which accepts program
19 funds, not including a home school.

20 **15.1-39-02. Educational reimbursement program establishment.**

- 21 1. The superintendent of public instruction shall establish and administer an educational
22 reimbursement program to reimburse qualified schools for qualified education
23 expenses of program participants.
- 24 2. To participate in the program:

- 1 a. The parent of an eligible child shall request a program form for the school year
2 from a qualified school in which the eligible child is enrolled; and
3 b. Upon receiving the parent's program form, the qualified school shall:
4 (1) Certify to the superintendent of public instruction proof of the eligible child's
5 enrollment at the school; and
6 (2) Request program funds for the eligible child's qualified education expenses.
7 3. For each eligible school program form received, the superintendent of public
8 instruction shall pay to the qualified school in which the eligible program participant is
9 enrolled a sum not less than fifteen percent and not more than thirty percent of the
10 per-student payment rate under subsection 3 of section 15.1-27-04.1.
11 4. A qualified school that receives funds under this chapter may use the funds only to
12 offset the cost of qualified education expenses the program participant or parent would
13 otherwise be obligated to pay.
14 5. If a program participant is enrolled in a qualified school for less than an entire school
15 year, the qualified school must return to the superintendent of public instruction the
16 funding provided under this chapter for that school year, reduced on a prorated basis,
17 to reflect the shorter enrollment period. The superintendent of public instruction shall
18 deposit with the public school district in which the program participant resides any
19 funds returned under this section.

20 **15.1-39-03. Program participant eligibility.**

21 A child is eligible for the program if the child is:

- 22 1. Eligible to attend public school; and
23 2. Enrolled in a qualified school for any grade from kindergarten through grade twelve.

24 **15.1-39-04. State treasurer duties - Rules.**

25 In administering the program, the state treasurer:

- 26 1. Shall develop procedures and forms necessary to implement the program.
27 2. Shall use a standardized enrollment form to determine a qualified school's and child's
28 eligibility for the program and make the form readily available to the public.

29 **15.1-39-05. Program suspension.**

30 The state treasurer shall suspend a qualified school from the program for failure to comply
31 with applicable law or the program's requirements. The state treasurer shall notify the school in

1 writing that the school's participation in the program is suspended. The notification must specify
2 the grounds for the suspension and state the school has ten business days to respond and take
3 any corrective action ordered by the state treasurer. Following the expiration of the ten-day
4 period, the state treasurer shall:

- 5 1. Declare the school ineligible for the program;
- 6 2. Order temporary reinstatement of the school's participation in the program,
7 conditioned on the performance of specified action by the school; or
- 8 3. Order full reinstatement of the school's participation in the program.

9 **15.1-39-06. Fraudulent use of funds - Referral to attorney general.**

10 If the state treasurer obtains evidence of fraudulent use of program funds, the treasurer
11 shall refer the matter to the attorney general for investigation and prosecution.

12 **15.1-39-07. Limitation on regulation of qualified schools.**

- 13 1. The program does not expand the regulatory authority of the superintendent of public
14 instruction, state treasurer, a school district, or any other government agency to
15 impose additional regulations on a qualified school under the program beyond what is
16 necessary by the treasurer to enforce the program's financial and administrative
17 requirements. The treasurer or a school district may not regulate a qualified school's
18 educational program under the program.
- 19 2. A qualified school may not be required to alter the school's creed, practices,
20 admissions policy, or curriculum to receive reimbursement for qualified education
21 expenses.

22 **15.1-39-08. Applicability.**

23 Funds must be available to qualified schools starting with the 2024-25 school year.

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

25 **EDUCATIONAL REIMBURSEMENT PROGRAM.** There is appropriated out of any moneys in
26 the general fund in the state treasury, not otherwise appropriated, the sum of \$24,000,000, or
27 so much of the sum as may be necessary, to the department of public instruction for the
28 purpose of establishing an educational reimbursement program, for the biennium beginning
29 July 1, 2023, and ending June 30, 2025.

30 **SECTION 3. EFFECTIVE DATE.** This Act becomes effective on July 1, 2024.

I am a father of four. My oldest child attend Martin Luther School, a private school in Bismarck. My second oldest will be attending the same school next school year. The reason we chose this school is because we want them to have frequent interaction with the teacher and classmates which this school offers given the small number of students in classes. We want classes with manageable number of students for the instructor. We also want a school ranked high for academic achievement. In the area we live there is only one public elementary school that does not satisfy what we are looking for when sending our kids to school. Unfortunately, private education comes at a higher cost. Our income has stayed the same as our pre pandemic income. The pandemic and the high inflation have made educating children in private school even more expensive. The limited budget that families like ours have, make us sacrifice a lot of things to be able to send our kids to best nonpublic schools. We are struggling to send our kids to the school that fits our aspirations.

I am testifying in support of ND House Bill 1532 because:

- It will prevent public school from been overcrowded by encouraging parents to send their kids to nonpublic school of their choice.
- It will help families that are struggling to pay for tuition in nonpublic schools.
- It will help families like ours to have access to best schools that they wouldn't be able to because of financial reasons.

I support HB 1532, because it would give our students and future leaders of ND greater opportunity to be provided with the best possible education for each child.

This bill would help our children by allowing parents more options for the education of their children. If the bill were to pass it would provide relief to families who previously may not have had the chance to send their children to non-public schools due to the extra financial obligation that comes with the choice of non-public education. The choice to send children to public or private school should not be solely decided on wealth of the parents.

As a parent myself, I should be able to enroll my children in an institution that I feel will suit my children's educational needs. Depending on the person, this choice may be to send the child to public or possibly private. I feel that if the financial disparity between the choices was less, then options for education increases.

As a taxpayer in ND, the I am not given the choice to pay taxes on whether some tax dollars will go to public education, a portion simply will, even if I were to choose to send my children to private schools.

HB 1532 will allow no more than 30% of the student's tuition to be covered from state reimbursement, which is only a portion of the fee to cover the cost of education provided by private institutions.

With the recent changes in the Blaine amendment, and the strong leadership that the state of North Dakota has proven. I'm in great support house bill 1532. Graduated from a public institution, and I'm very proud of my Minot High roots. What I see is an opportunity for the state North Dakota to move forward in supporting private education, not only because the legal premise has been satisfied, but I think our state has done a great job of showing the partnership between public and private for years. Our state bank is an example to the country and to the rest of the world. How our tight-knit community in North Dakota can collaborate, in the most responsible fashion, not affecting the public institutions, but also working in partnership to raise all standards and efficiencies. Also, working with Minot State University on housing solutions, I have seen great examples of PPP partnerships on the Universities of NDSU and UND, in housing where the state institution cannot get it done, the PPP, private, public, partnership has made huge stride in housing on our state universities. This type of collaboration is important for us as a State to do what's right. I see firsthand, how nimble and effective a small, private school can be during the large pandemic. We were able to be entrepreneurial, and effective in so many ways, and this is a huge advantage to our children in North Dakota. Isn't that the primary focus of education? Let's support this initiative and our students in North Dakota. In the State of North Dakota, we can do this. My wife and I have been blessed with 6 children, some have graduated and currently attend, Bishop Ryan Catholic schools, and I have seen the power, and the impact of some of the things that state institution cannot do, but a private institution can do very effectively. It is in this ability to be entrepreneurial, flexible, and still provide a great education for our kids, that this main reason why this bill makes sense to the state North Dakota. Thank you.

February 1, 2023

Pat Heinert
Chair – ND House Education Committee
Housing Education Public Hearing
February 1, 2023 2:30 pm
Coteau AB Room – ND State Capitol

Re: Letter of Support – ND HB 1532

Dear ND House Education Committee Chair Heinert and members,

I would like to express support for ND House Bill 1532. If passed, this Bill will allow greater flexibility for families as they choose an educational setting that is best aligned with their children’s educational needs.

Just as the right work environment is critical for an adult’s success, so is the right educational setting for our K-12 children. When students thrive, our entire community thrives. The ability for families to select a school without the concern of the full financial burden of tuition is an important step to embracing alternative schooling options. The benefit of HB 1532 is not a detriment to our public schools but an overall investment in the education of our students and the future success of our communities.

North Dakota takes great pride in their public school system and should continue to do so. The design of that system, however, best supports traditional learners. Providing families the opportunity to select an educational setting that meets the individual needs of the child can offer the experience and benefits of smaller class sizes, a diverse range of educational opportunities, and an overall environment where their child will be best supported and able to thrive.

House Bill 1532 can create greater education opportunities and equality through tuition reimbursement. I strongly support HB 1532 to ensure all children in our state can benefit and have access to high-quality education.

Thank you,

A handwritten signature in blue ink, appearing to read 'Emily Johnson', with a long horizontal flourish extending to the right.

Emily Johnson
Bismarck, North Dakota

I am writing in favor of House Bill 1532. Both my immediate and extended family have chosen to send their children to St. Mary's Central High School/Light of Christ Catholic Schools since the 1950's. My father was a freshmen at the new high school when it opened. Nearly all of my first cousins attended themselves, and have chosen this as the right fit for their children as well. The choice of private school reduces the tax burden on public schools, but that means parents who choose this option pay for education twice. Please vote Yes on HB 1532. Thank you for your time and consideration.

We urge a yes vote on HB 1532. School choice in North Dakota helps kids like our grandsons achieve the best education possible. More choices equals better outcomes for all children.

Ray and Kathy Kopp

Des Lacs, ND

Dawn Hanson
2701 21st St NW
Minot, ND 58703

January 31, 2023

Subject: House Bill 1532

Greetings,

As a registered voter and lifelong resident of North Dakota I am writing to express my support for House Bill 1532 and ask of your support for the bill also.

My husband and I are parents to 4 children and we have experienced both public and private educational experiences in our family. Our 2 oldest children attended public school from K – Grade 12 and they received a fine education. Our 3rd child attended public school up until she was ready to enter her freshman year of high school. At that time, *she* approached *us* about the idea of her going to Bishop Ryan for high school rather than going to our public high school in Minot. She didn't know **any** of the students at Bishop Ryan but still felt strongly that it was a better fit for her for several reasons.

My husband and I understood very well all of the reasons our daughter wanted to make this change and we supported her 100%. However, this also meant that we would have to find a way to pay for her tuition to attend a private school. As parents we had always wished we could send our kids to Catholic School rather than public school but truly, we felt we could not afford to send all 3 of our older children to private school at the same time. To make a long story short, we made some significant changes in our life to work tuition into our budget to send our 3rd child to private school. We even downsized our home at that time to make everything work financially. If we had only known years before what BRCS had to offer, we would have sacrificed so much more to have sent our 2 oldest children to BRCS as well.

We had **no idea** the true sense of comfort we would feel when sending our child off to school each day. Our fears for her safety were **gone**. She was free to be herself and no longer had to refrain from speaking about her faith or praying openly. The **virtues of those that she spent every school day** with were the same as hers. These new feelings of peace and safety while at school **allowed for her mind to be open to learning** rather than being cluttered with the things that drove her away from the public school system. Our 4th child started her education in kindergarten at BRCS and we have no plan of returning to the public school system because we have lived and experienced the difference for our family.

Parents should not have to pay for their child to experience the comfort, freedom, virtues and numerous other things that a private school can offer when these are the things that can open their child's mind to *learning*. Why do we attend school if not to learn?

With the ways that children are allowed to express themselves in public school today, it seems unconstitutional that as tax paying citizens of this state, we should have to **pay** for our child to attend a school where **they** are allowed to express themselves through **virtuous actions** that reflect who **they** are and who **they were born to be**.

I ask that you please vote in favor of House Bill 1532 to support an equal opportunity for all children to receive their education in an atmosphere that best suits their needs without financial hardship for their families standing in the way.

Sincerely,
Dawn Hanson

JASON QUINN JACOBS

1119 2ND AVE EAST
DICKINSON, ND 58601

2/1/23

To Whom It May Concern:

I'd like to express my support for HB 1532. One of the greatest responsibilities a person faces is the education of a child. A child's education and the path they are set on has more of a long term impact on our community than any other imaginable.

As young parents my wife and I faced the question of where to send our children to school. We faced a decision between a fine Public School in our neighbourhood or a private school system in our community. There was a lengthy discussion and a lengthy list of pros and cons for both, but those reasons are not really relevant here as we all have personal reasons for our decisions. The point is that we had the ability to choose, although with great financial sacrifice, a private school that has ended up exceeding our expectations for our 5 children.

There are many young families who never even consider the options they have for their child's education because of financial constraints. This bill will open up opportunities for many ND families, allowing them to choose an education that best meets their needs.

I think it is important for this body to also consider the long term effects of subsidized educational options. One of which will be increased competition among education providers. If this is realized, it will only benefit ND families.

Thank you for your consideration and I ask you vote yes on HB 1532.

Sincerely,

Jason Quinn Jacobs

To Whom It May Concern,

I teach at a private school in Mandan, North Dakota and know the positive impact Bill HB 1532 would have on the families I serve. If the bill passes, it will afford families greater financial freedom while still allowing them to send their children to a faith-based school. Please vote in support of Bill HB 1532! In God we trust.

Sincerely,

Rachel Pankratz

Christ the King Catholic Montessori School
Mandan, ND

February 1, 2023

We support the fact that families can have a choice to go to schools that enforce family values and it would be nice if they could get some financial help with this as it gets very expensive for them.

We support of Bill HB 1532.

Gerald & Claudia Olson

House Bill 1532

House Education Hearing

Wednesday, February 1st, 2023

Written Testimony in Favor of House Bill 1532

Chairman Heinert, Vice-Chairwoman Schreiber-Beck, and all members of the House Education Committee; my name is Katie Kost and my children are in 2nd and 4th grade at Bismarck's Shiloh Christian School.

I am in favor of House Bill 1532 that would appropriate money from the state treasury general fund to the department of public instruction in order to establish an educational reimbursement program for non-public schools.

Support for this bill is support for parent choice, support for having options with education. Just as consumers have options for almost every service - we get to choose our doctors, our mechanics, which grocery store we go to - having a choice in our children's education is important. It may be one of the most important decisions we make in our children's lives.

Our daughter started school in the fall of 2018 and our son was set to start kindergarten in the fall of 2020. However, in the spring of 2020 as we were all trying to navigate the impact of the COVID-19 pandemic, we found out our transfer request to keep our kids at the school they had been attending the past 2 years was denied.

We knew, as transfer students, there would always be the possibility of having to move schools at some point. What we could not have predicted was that it would happen in the middle of an incredibly uncertain time.

Given the situation of having to switch schools in the middle of a pandemic, we began looking into other options. Fortunately, we were able to consider a private school and the benefits of smaller class sizes were very appealing when quarantining was a very real thing.

We made the switch and our kids started at Shiloh in the fall of 2020. I knew it was the right decision for us at the time and I was incredibly grateful it was an option for us. What I did not know at the time, is how much our kids would thrive at Shiloh.

Fast forward, 2.5 years and we are still there. While this testimony could quickly turn into an advertisement for Shiloh - as I could list all the things that make our school wonderful, I want to focus on what it means to have education options.

Bismarck/Mandan, and I'm sure most of our state, has an amazing public school system and a strong public school system contributes to a strong community. But what also keeps a community strong, is when parents have options to find the school that best fits their kids' and their family's needs.

For our family, it was discovering a school that better supported our daughter's reserved personality. She has absolutely thrived in the smaller class settings. Prior to our transition to Shiloh, school was a source of anxiety for our daughter.

It was finding a support system - not just a school - that aligned with our family's faith. It's been incredible to watch our kids navigate challenges and situations where their faith gets to be a part of the conversation - something that is important to us.

I know our kids would be successful in any school they attend - they are resilient and strong learners. However, I am not sure they would thrive at another school like they do at Shiloh.

Again, it comes down to having the option and giving parents the opportunity to explore what is best for their children.

Up to this point and for our family, we've been incredibly fortunate. At my father-in-law's urging, we've been contributing to our kids' 529 funds for years and we've been able to use those funds for tuition.

But each spring as we look towards the next school year, we have to have the conversation about how we will continue to make this work. Private education tuition is a huge financial commitment that comes at the expense of something else.

But it goes beyond us. There have been many instances in talking with other parents where their son or daughter is struggling to find their place or way in school and the parents feel stuck. They can't even consider another option because of the cost of tuition. Or a parent expresses the desire for Christian education but can't even consider it because of the cost of tuition.

While public school isn't necessarily the best option for some, neither is private school; but cost shouldn't be the determining factor.

A reimbursement program would assist North Dakota's private schools in keeping tuition costs down. This keeps school options open and accessible to families in our community. It strengthens parent choice in education. It keeps our communities viable and attractive to families. This is why I support House Bill 1532.

Thank you for allowing all of me the opportunity to share our experiences and my position on this bill.

Katie Kost
Bismarck, ND

To Whom It May Concern,

Hello, my name is Maren Wright, and I am writing this letter in support of the House Bill 1532. Our family feels that parents should be able to allow their children to attend either a private school or a public school, based on the individual needs of their children. Our son switched to private school this year due to him being anxious and starting to fail in his public school. He is an extremely bright child, but the number of kids at the school, and the large class sizes were really starting to affect his mental health. This was his first year at private school, and he is completely thriving. He is getting all A's and only a couple B's. His words after the first day were "Mom! I can actually learn at this school!" With this testimony being said, we struggled with the financial piece of it. We were blessed to be able to provide for him; however, there are many families who cannot afford it. This bill will help many families to be able to make the choice based on their needs and values, and not based on their financial ability.

Thank you for taking the time to consider this bill. I look forward to hearing that it has passed.

The Wright Family

West Fargo, North Dakota

February 1, 2023

Dear Chairman Heinert and members of the House Education Committee:

I support ND House Bill 1532 relating to educational reimbursement for families like mine who choose private school for our children.

Our family is grateful to have the option for our three children, ages 12, 9, and 7 to attend Catholic school in Fargo. We have made many financial sacrifices to afford tuition. Passing ND House Bill 1532 would alleviate the financial burden for us and others. We believe in school choice. The choice we made has allowed our children to grow and learn with the foundation of their faith and virtues, as well as the ability to celebrate and pray together daily, and aligns with our family values.

I support HB 1532 in our state as this supports parents and would alleviate the cost burden for our family and others who choose their own path for their children.

Thank you for your consideration.

Shantelle Smith



Great Public Schools

Great Public Service

**Testimony before the House Education Committee
In opposition to HB 1532
Nick Archuleta, North Dakota United
February 1, 2023**

Good afternoon, Chairman Heinert, and members of the Committee. For the record, my name is Nick Archuleta, and I am the president of North Dakota United. North Dakota United is a union of 11,500 professionals, including K-12 teachers, dedicated to public service. On behalf of our members, I rise today in opposition to HB 1532 and to urge a ***do not pass*** recommendation for this bill.

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

“A high degree of intelligence, patriotism, integrity, and morality on the part of every voter in a government by the people being necessary in order to ensure the continuance of that government and the prosperity and happiness of the people, the legislative assembly shall make provision for the establishment and maintenance of a system of public schools which shall be open to all children of the state of North Dakota and free from sectarian control. This legislative requirement shall be irrevocable without the consent of the United States and the people of North Dakota.”

Section 5 of Article VIII of our Constitution further states:

“All colleges, universities, and other educational institutions, for the support of which lands have been granted to this state, or which are supported by a public tax, shall remain under the absolute and exclusive control of the state. No money raised for the support of the public schools of the state shall be appropriated to or used for the support of any sectarian school.”

I cite these Constitutional touchstones not as a commentary on the constitutionality of HB 1532 but to merely emphasize that the framers of the North Dakota state Constitution felt strongly that our state should not be in the business of funding private or parochial education.

Members of the Committee, North Dakota United has a long history of opposing proposals that divert monies raised for public education and other public purposes to non-public educational entities. Unfortunately, HB 1532 is one such proposal.

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

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

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

Additionally, Mr. Chairman, HB 1532 does not provide equal opportunity to all North Dakotans. Should HB 1532 become law, it would primarily apply only to those families in large cities where non-public schools exist. Taxpayers and their families in rural North Dakota, and those in our smaller communities, would receive no practical benefit from the passage of this bill.

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

Chairman Heinert, I strongly and respectfully urge a ***do not pass*** recommendation for HB 1532.

With that, Chairman Heinert and members of the Committee, I will conclude my testimony and stand for questions you may have.

Ryan and Beth Ivesdal
3301 Winnipeg Drive
Bismarck, ND 58503
701-214-7379
bivesdal@gmail.com

ND House Education Committee

I am writing to express my support for HB1532. My husband and I are raising our family in Bismarck. We love the opportunity that is offered in our community and the choices that we have for our kids' education. We place a high priority on our kids receiving their education at Shiloh Christian School for so many reasons, but the main reason is having a Christian foundation with advanced academics.

Our family would greatly benefit from HB1532 passing. We have 4 kids that are currently enrolled at Shiloh Christian School, and God willing, we intend on having them all attend through their senior year. We have a way to go with current 7th, 5th, 4th, and 2nd graders. While we most definitely see the value in the education that they are receiving, it does create a financial hardship for us. By receiving partial reimbursement for the education expenses that we accrue, the financial stress would be less of a burden.

We are active members of our community and serve in many areas. While being busy business owners, we make every effort to give back to the community. Some of these efforts include delivering meals to home-bound elderly, coaching and coordinating youth sports, volunteering at church and school, as well as fundraising and contributions for several local organizations.

Thank you for your consideration of HB1532. I know for my family; this would impact us greatly and allow for our continued support and contributions within our community.

Sincerely,

Beth Ivesdal

Good afternoon Chairman Heinert, Vice-Chair Schreiber-Beck and members of the committee,

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 House Bill 1532**.

I am a proud single mom to a 13-year-old boy who attends Bishop Ryan Catholic School in Minot. I have been involved in education, in some form, for over 15 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 9 years. This year is my first 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 needed, 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, it is about the students and their individual needs, regardless of any financial situations. 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 House Bill 1532.

Thank you,

Danielle Wangler

02.01.2023

Natalie Hitchcock

5180 Lincoln Rd.

Lincoln, ND 58504

natbuggie@hotmail.com

Dear Legislative Assembly of North Dakota,

I moved to North Dakota two and a half years ago. I am delighted to be a member of the local community. I have two children, which attend Shiloh Christian School. This academic choice for my children comes at a financial sacrifice, which I am delighted to pay. I currently pay \$659.64 a month for both of my children to receive the level of academic affluence Shiloh provides. However, I pay little compared to those who do not qualify for financial aid/tuition assistance. As stated on Shiloh's website <https://shilohchristian.org/tuition-2/> the tuition for 2023-2024 is the following:

Kindergarten-1 st grade	\$608 per month (\$7,306)
Grades 2 nd -5 th	\$641 per month (\$7,696)
Grades 6 th -8 th	\$687 per month (\$8,247)
Grades 9 th -12 th	\$747 per month (\$8,967)

*This is based on a 12-month payment plan beginning June 1 of 2023. Alternate payment plans are available.

Enrollment Fee per student (non-refundable):

Jan. 5-31; \$125

Feb. 1-28; \$225

After March 1; \$300

New Student; \$175

My plea to this committee is this... Please look at those dollar amounts listed above as a key to freedom for families. Do not let the dollar amount deter you in any way. ND House Bill 1532 should be recognized by this committee to help families like mine find academic freedom in choosing a school. I have found that Shiloh Christian School provides freedom of this nature. One last thought I leave with you as a committee, if in fact parents are homeschooling their children at higher levels now (than previous years), would not North Dakota benefit from getting children back into schools and allowing parents to work more freely? Parents are the first line of defense for their children, so please let the parent choose academic freedom, without the hinderance of a financial burden to families.

Members of the committee, I thank you for your time,

Natalie Hitchcock

Dear Legislators,

I urge you to consider approval of House Bill 1532. I have personally benefitted from the opportunities afforded to students who attend private, catholic institutions. Additionally, I have dedicated my career to the mission of Catholic education and have witnessed its value innumerable times. This bill has the potential to allow many students an opportunity to learn in an environment which more closely reflects the values and beliefs they hold so dearly. That is what true education is, providing students with the environment and tools necessary to learn more about themselves, others, and the world. We in Catholic education are convicted that in order to do so, there is a great need to incorporate the importance with a relationship with God, something that is often lacking in the world of public education.

This bill would not only benefit the students, but the members of our community. As you know Catholic school educators often fall below the average income for teachers, which is already a minimal salary considering the great responsibilities of teachers. Through affording students and families refunds for tuition expenses, enrollment could increase and there are greater opportunities for families to give back to the schools, allowing for the possibility of higher and more competitive wages for private school employees. Please support this Bill for the sake of our students and the community!

Sincerely,

Alex Cournoyer

Susan Carlson
409 S 6th Street
Grand Forks, ND 58201

February 1, 2023

Dear members of the North Dakota State Legislature,

I'm writing in support of house bill #1532 which would help with the financial burden for parents and guardians who choose to send their children to a private school.

I, as well as many others, would greatly benefit from the enactment of this bill. I personally know of a couple families who chose to no longer continue to send their children to private school due to the financial constraints it would cause on their families. As every child is different, some thrive in different school environments. Having the option to even consider a private school for those who are not thriving in their current school would be a wonderful blessing to help that child grow to their full potential. Since funds are not being removed from the public schools in order to accomplish this, it makes sense to use these funds to invest in the future generations.

Thank you for your consideration. I look forward to hearing the results of house bill #1532.

Sincerely,

Susan Carlson

Testimony on HB 1532

February 1, 2023

Chairman Elkin and Members of the House Education Committee,

I am writing in opposition to HB 1532 both as a person of faith and a product of North Dakota public education. I am grateful for the education I received in public schools and support efforts to increase resources and support for our public school systems, not efforts that will removed critical funding. I support a parent's right to choose where they send their children to school, I believe we must keep public dollars in public schools so that teachers and students receive the resources they need.

In my current job, I work largely with folks in rural communities in the eastern part of our state and care deeply for our rural communities. Rural North Dakotans have no proximity to private schools and will only see a reduction in resources across the public education system. In other states, voucher programs have led to consolidation of rural schools. Many of our rural areas already have consolidated school systems and we can't afford to reduce resources for these schools. Rural schools are a hub of activity and employment and losing rural schools is a loss for our state.

I urge you to vote do not pass on this bill because of the ways this bill will harm our rural areas and reduce resources for our public schools.

Erin Power
Fargo, ND

Testimony on House Bill No. 1532

February 1, 2023

Good Afternoon Chairman Heinart and Committee Members,

My name is Dan Beauchamp and I am here to support House Bill 1532 that would provide tuition reimbursement options for families that choose to send students to non-public schools.

My wife and I have four children. Three are currently in college and one is currently a sophomore 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. These schools operate at fraction of the cost of public education and often outperform on many metrics. 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. That choice would still come with sacrifice but allow them an education option that may be the very best for them. I would recommend support at the 30% of the per student payment rate.

I strongly support the committee to give a pass to HB 1532. 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.

An Educational Reimbursement would be huge for our family. We have five children that we are paying to send to catholic schools. We very much appreciate that we have been able to do this but it continues to get more complicated for our family each year. We feel we are double paying for school since we also pay public school taxes and any sort of break would truly make a difference. We are asking for this reimbursement to be available and feel comfortable in doing so knowing that this doesn't take anything away from students attending public schools. Thanks for your consideration.

I Jennifer Flemmer am writing in support of the bill to reimburse parents for non-public education fees.

We chose private school due to our child needing a smaller setting and more personal education. She was spiraling down at public school and now has soared farther than we could have imagined since switching to private school.

The assistance program helps, a little however we have had to sell our vehicles and cut back on grocery's just to make the bill for school because it is so very important to us to continue the girl's education at private school.

We might end up selling the house too, if we must.

Private education is much more personal and way better education process overall.

To have some of the money back would help my family (and I'm sure many more) very much so!

Education was never important to my family growing up, so I feel the need to stress its importance to my kids.

To whom it may concern,

I am writing this letter in support of **HB 1532** (Educational Reimbursement Bill). My name is Lisa Brintnell and I am married to Nathan Brintnell, together we have eight children. Obviously, this Bill would help us and other large families that choose to send their children to private schools out tremendously. Six of our children will be attending Bishop Ryan Catholic School in the fall and our oldest will be attending UND as well. As you can imagine it does become a financial struggle with the current cost of living and inflation. We lived in the city of Minot and paid over 5500 dollars in taxes last year and none of that is appropriated to the school of our choice. We send our children to Bishop Ryan for the outstanding Faith Formation they are receiving as well as the classical curriculum that is contributing to their higher reading and math testing scores.

Please take our family into consideration when deciding on the passing of this Bill. Thank you for your time.

V/r,

Lisa and Nathan Brintnell

Minot, ND

February 1, 2023

Dear House Education Committee,

I am writing in support of HB 1532. Though I attended public schools in Fargo, my husband and I have chosen to educate our children at a private school. Our oldest child was about to start kindergarten when I was diagnosed with leukemia and our decision to choose a private school was immediately affirmed. Our close-knit private school was able to provide immense support and community at a time when we absolutely needed it. Medical costs for leukemia treatment including a bone marrow transplant were unexpected and astronomical. Given that we are required to fund public schools in addition to our private school tuition, HB 1532 would allow some financial relief for our family. While I understand our situation is unique, I also know other families in the private school systems who have their own unique situations.

Thank you for the opportunity to testify in support of HB 1532. I appreciate your consideration.

Respectfully,

Karla Wohlers

Fargo Taxpayer

Dear Legislative Assembly of North Dakota,

I am in favor of House Bill 1532. I currently have four children enrolled in the St. John Paul II Catholic Schools in Fargo, ND and will continue to do so. One of the biggest challenges every year is the cost of tuition. When speaking with my friends who don't send their children to the St. John Paul II Catholic schools, they cite **cost as the number one factor why they're unable to**. Many of them opt for homeschooling or public schools, but if Catholic schools were more affordable, they would enroll their children.

Every person has a right to an education, and every person should be able to choose the school where they can receive that education. Having public schools available to choose from is great, but it's not a one size fits all. Having schools like St. John Paul II Catholic schools provides people like me an opportunity for my children to receive an education that is enriched with the tradition of our Catholic faith.

Funds are already given to public schools so that children may attend them basically free of charge. That same benefit should also be given to non-public schools, which this bill offers as a step in that direction.

Please vote yes for HB 1532. We need to move our state in the direction of allowing families to choose where their children receive an education without cost being a limiting factor. Thank you.

Sincerely,

Paul Wilburn
Resident in Fargo, ND

North Dakota Legislature,

I am writing as a strong proponent for HB 1532. My wife and I are firm believers in the education and faith community granted through a private Catholic education. The costs associated with sending our daughter to an institution that aligns with our spiritual and cultural values can be troublesome at times and there are definite sacrifices that must be made. I am a sheriff's deputy and my wife is a social worker. While we both enjoy having impactful and fulfilling jobs, they are certainly not the highest of paying. Any manner of tuition relief granted by this proposed legislation would be of great benefit to numerous families like ours in the region.

We greatly appreciate the time and consideration of this proposed bill and hope everyone stays healthy and well in these somewhat troubling times.

Warmest regards,
John Sisk

Honored Committee Members,

February 1, 2023

My Name is Rod Thompson. I am writing to you, regarding HB 1532, in order to impress upon you the importance of properly educating our children. In that regard, I also ask you to consider the need for fairness and logic in assisting families, financially, who struggle with tuition in our current economic environment. I will try to be succinct in both my position and request.

I understand that "public education" is provided, because of the tax money that we, as constituents, pay into the government coffers. However, our public education system has been woefully corrupted from its original intent. Today, it is rife with a largely one-sided political ideology, that at least half of America does not agree with - as did not most of our Founding Fathers, nor God Almighty - and I have watched it creep deeper and deeper into our educational institutions over the last thirty years.

I had the joy of having raised eight children, beginning in 1988. Currently I have my last school age child in Kindergarten, at St. Anne's grade school. In addition, I have spent 9 years in Indiana University's B.A. programs, working through a triple major in the early 2000s, finally (money-willing) finishing up my first B.A. degree and will be finishing the second in a year or so.

Thus, I have seen the changes to our institutions, from two different perspectives. It is rather disturbing how the subtle indoctrination twenty years ago has become so prevalent in the last seven years. I have even begun to see this woke cancer worming its way into Bismarck Schools, with catch-phrases like "stakeholder," "equity," and "diversity." Terms that are diametrically opposite to everything our nation was founded upon, and to what liberty holds dear. Not to mention, these are divisional, segregational terms. We once fought a Civil War to end this type of class division thinking, and become the great melting pot that America was meant to be.

So, due to this growing malignancy within public education, I chose to enroll my youngest son into the Catholic School system. I am not Catholic. However, the Light of Christ Schools System offers a high level of mitigation from the rampant wickedness inundating public schools today. I pay full tuition, as I am not a member of the Catholic Church. But, I willingly do it in order to protect my son during his most innocent and malleable years. I, like many, have lost all trust in public education. I no longer even consider it "education." Political and deviant ideologies have no place in the education system of minors.

With that being said, I would humbly ask you to consider the logical position of tuition reimbursement, partial reimbursement, or even a tuition voucher system that we can use with any legitimate Christian school of our choice. It is extremely unfair that our tax money is taken from us, to fund a failing public education system that we do not support, and then we must pay tuition additionally, in order to place our children in a school that will actually do its most fundamental job - Education; unbiased, non-revisionist, and honest. Thank you for your time.

Respectfully,
Rod Thompson
1820 N Kavaney Dr
Bismarck, IN 58501

**Testimony on House Bill 1532
February 1, 2023, 2:30 P.M.
House Education Committee
Representative Pat D. Heinert, Chairman**

Marya J. Skaare, President, Trinity Catholic Schools

Affirmative Support of HB 1532

Good afternoon, Chairman Heinert and House Education Committee Members.

My name is **Marya Skaare**, District 39. I am the current **President of Trinity Catholic Schools in Dickinson and more importantly, the mother of two school-age daughters**, so this bill is of great interest to me and is of great impact to not just my own children, but to the children entrusted to my schools by their parents. Thank you for the opportunity to be with you here today to speak in support of HB 1532. Just off of National School Choice Week—which has been formally proclaimed in ND for the last six years--and in the midst of the 47th Annual Catholic Schools Week, the timing of this hearing could not be more providential. 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, only about 6% 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 HB 1532 is not intended to be an indictment of public schools, just as it should not be used as an indictment of non-public schools. HB 1532 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 a reimbursement program for families who

**Testimony on House Bill 1532
February 1, 2023, 2:30 P.M.
House Education Committee
Representative Pat D. Heinert, Chairman**

Marya J. Skaare, President, Trinity Catholic Schools

Affirmative Support of HB 1532

send their children to nonpublic schools. HB 1532 is clearly not about State support of school systems, it is about State support of STUDENTS--EVERY North Dakota school-age student regardless of the type of school with which they affiliate; and as a parent, that is incredibly encouraging and makes me so proud of who we are as North Dakotans. Our willingness to blaze trails, aspire to greatness and always prioritize our people, is exactly why this bill is worthy of a do pass recommendation.

Chairman Heinert and esteemed Representatives, please accept my enthusiastic and sincere encouragement for your support of HB 1532. Your support of 1532 is support of ND students and their success. Your support of 1532 is your support of unlocking funds for ND families to choose the educational path that is right for their children. Your support of 1532 is an investment in our future by investing in our people. Your support of 1532 is a difference-maker that begins today, with a do-pass.

Thank you, Chairman Heinert, I yield any time you will permit to questions.

Dear legislators,

We write to you today in enthusiastic support of HB 1532, the educational reimbursement bill.

Three of our children attend Bishop Ryan Catholic School in Minot. It is a choice we didn't know we would be making until we enrolled our oldest at Bishop Ryan's Little Lions preschool. Once we experienced how amazing the educational experience was at Bishop Ryan, we knew there was no way we could send our children to the public schools in Minot. This is not to say that the public school system is not important or necessary, but it is not for us. We choose to have our children in an environment where they are challenged with a different (and in our mind, superior) type of educational model than exists in the public school system in Minot.

As parents, we have sacrificed to make sure our children can attend school at Bishop Ryan. Our rising property taxes are supporting the public school system that we do not participate in, but we have no ability to access these funds for our own use. As taxpayers, we should have the opportunity to use our dollars to educate our children in the way we see fit.

North Dakota has an opportunity to be a leader and join with other states around the country, led by Arizona and Iowa, that are empowering parents to make the best educational choices for their children.

It is so important to offer different educational experiences in our state. Therefore, we encourage you to support the parents and children who choose what is best for them, and **vote YES on HB 1532**.

Sincerely,
Perry & Melissa Olson
Minot, ND

As a public school teacher and a mom of three children that attend a private institution, I would like to give my opinion on HB 1532. As a teacher in the public school system, I know it provides opportunities for many to receive an excellent education. However, there are a variety of ways to receive a quality education, and to some, the public school system might not be the best choice.

As a parent, I felt that Bishop Ryan, a private Catholic school in Minot, was the right fit for our family. I am fortunate to have this choice. At my children's school, those Christian values they teach them, I feel, will equip them to be productive, virtuous members of society. The curriculum they have implemented will help give my children the academic rigor and success they will need as they head out into the world and enroll into a secondary institution or the workforce. The small class sizes and k-12 enrollment make us feel we are part of a family and encourage and support each other in our endeavors at this school. Since we feel this is the right fit for our family, we have made the financial sacrifice to send our kids to this private school in the hopes it will have a great impact on our children's upbringing and future.

To see this bill passed would be such a relief for us and many families that have made the same decision to send their children to a private school feeling this is the best choice for their child(ren) and as a family.

Sincerely,

Amy Lee

HB 1532 Testimony

My name is Shauna Kemp. I am a professional in Jamestown working as the Executive Director of a Domestic Abuse Shelter. I am a mother of 2 and soon to be 3 and both my children attend private education. I am in full support of HB 1532 and believe it would help relieve some of the financial burden of the families choosing to enroll their kids in private schools. I feel private schools add to the diversity of the school system in a community and can meet different needs for different families. Many families make large sacrifices to have their children attend these schools and I feel state support for these families is for the betterment of our communities.

Thank you for taking the time to read my testimony.

Shauna Kemp

House Bill 1532

Hearing date: Wednesday, February 1 – 2:30 pm

In support

My name is David Neff, and I, along with my two siblings, received my K-12 education from North Dakota private schools. I cherish the education that I received from the private school system both for the values that it taught me as well as for the excellent education that I received. I was prepared well to then move on and further my education at two public North Dakota universities.

I believe families should have the choice in identifying the best fit for their child's academic needs without cost being a barrier. Private schooling, however, can be cost prohibitive for many families, and the economic sacrifice required is not possible for every family who is desirous of sending their children to private schools in North Dakota. I am extremely grateful for the financial sacrifice that my parents made to send me to private schools. I believe that their existence and accessibility benefit all North Dakotans, something to which I can personally attest.

North Dakota public and private schools both have strong academic outcomes; however, a student may succeed better in one environment versus the other. Not every community or state has private school options, but I am grateful that North Dakota does, and excellent options at that. It is in the best interest of the academic outcomes of students and for the general community that private schools continue to prosper hand-in-hand with public schools in North Dakota.

Thank you,

David Neff

davidmneff7@gmail.com

January 31, 2023

House Education Committee Members:

Thank you for considering House Bill 1532 (School Choice - family reimbursement). My name is Annie Hancock and two of my children attend St. John's Academy in Jamestown, ND. I attended a Class B school in Edgeley, ND for my elementary and high school education, so I can appreciate the merits of both public and private education.

I am fully in support of this Bill for several reasons. First, providing reimbursement to families who choose to enroll their children in private schools will not take funding away from local public schools. Reimbursing families for choosing a private school for their children is good for the local economy. The funds that are reimbursed to families will be circulated within the community. Offering reimbursement will no doubt increase the enrollment numbers, in turn ensuring employment to the teachers and staff of private schools in the state as well.

Secondly, the benefits of private education can't be denied. Students who are enrolled in private education are prepared for life beyond school. A high percentage of private education students go on to two or four year degree programs. While my testimony is anecdotal, my children are excelling in their education and are very well-adjusted, respectful, and kind. We strive to teach them these virtues at home, but to have these qualities reiterated on a daily basis at school as well no doubt reinforces the importance of being a good person.

Finally, these dollars that are set aside for the children of the state of North Dakota should include private school children in addition to those who attend public schools. One could consider this to be discrimination against students enrolled in private education if they are not given some of the allocated funding.

We are fortunate to be able to enroll our children in private education without financial burden. It would be wonderful for all parents in our great state to be able to consider a private education for their children if they desire without having to worry about the financial aspect as well. I feel there are children in the public school system who may benefit more from the structure of a private education setting and we are doing them a disservice if that option is not feasible for them.

Thank you for your time, consideration and your commitment to our state, the education system, and our dear children, who truly are the future of North Dakota.

Sincerely,

Annie Hancock
Adrian, ND

HB 1532 Testimony
Education Committee
Gerald Vetter, President, Light of Christ Catholic Schools
February 1, 2023

Chairman Heinert and members of the House Education Committee,

I thank you for the opportunity to speak in support of House Bill 1532.

My name is Gerald Vetter and I serve as the president for the North Dakota State Association of Non-public Schools. There are approximately 7,700 non-public students in North Dakota, which is 6% of all North Dakota students prek- grade 12.

I also serve as the president of Light of Christ Catholic Schools here in Bismarck. Our five schools educate 1,432 students. Our approximately 850 families are integral partners within our school community and are privileged in being the primary teachers of their children. (42)

Historically, the St. Mary's Academy and Boarding School was the first Catholic school in this region, dating back to 1878, just five years after the railroad reached the Missouri. (10)

I am the product of both public and private schools. My parents and dedicated educators instilled within me a great respect and admiration for North Dakota schools, educators and a passion for student learning.

HB 1532 would offer a welcomed educational reimbursement to our North Dakota families. In covering a modest portion of the actual cost to educate their child this would assist families to attend the school most aligned to their ideological beliefs and ultimately deemed the best fit for each child. Thereby, lessening the challenges that may restrict them and the sacrifices being made to attend a non-public school and assuring the right that each child will be receiving a quality education.

Speaking on-behalf of the students and families of Light of Christ Catholic Schools, they appreciate calling this state their home. After our students receive their approved ND diplomas, nine of 10 graduates then decide to attend one of our ND private or public colleges or universities. During the course of their higher education and beyond, they regularly seek employment in their state becoming generous citizens, parents and taxpayers helping to support the common good of their local communities and state. HB 1532 is an investment in the families of North Dakota. Thank you for your work and consideration.

On-behalf of the State Association of Non-Public schools, we are committed to continuous improvement and statutory compliance of all school approval requirements, post-secondary and workforce preparedness, support for social emotional concerns and providing safe and secure school environments. These intentional efforts are implemented with fidelity, while still honoring and preserving a distinctive living mission that each institution was founded upon.

Thank you for your work and consideration.

I ask for your support of House Bill 1532.

January 31, 2023

House Bill 1532

I am in Favor of house bill 1532, I believe it is a parent's decision to choose the best school for their children. HB1532 will help make that decision a bit easier for families.

House Education Committee**February 1, 2023****RE: HB 1532**

Greetings, Mr. Chairman and Members of the Education Committee. My name is Lindi Michlitsch, along with my husband, Tony Michlitsch. We are submitting this testimony in support of HB 1532.

We have been sending our kids to private school for over 10 years, since they were in preschool. This bill will help provide some relief to the extra cost for a private school education. While I understand it is our choice to send our kids to private school, this bill will lessen the burden. This bill should also help other families who would like to send their children to private school but cannot afford it. In our opinion, if more families could afford private school, it might help alleviate any overcrowding in the public school system.

Please consider a Do Pass for this bill to offer additional options for all families who believe in private school and would like to continue to enroll them in private school.

February 1, 2023

Chairman Heinert and members of the committee, I ask you to strongly consider HB 1532. There are many important reasons to consider this bill, however, two that directly affect our family that I would like to highlight.

Not all children are created equally. They don't all fit into the same "box" of education or learning styles. Many thrive in smaller, more focused environments. Several years ago, Christ the King school in Mandan transitioned to the Montessori model of learning and it proved to be just what many families were looking for. It was the answer to many children's constant struggles. As a parent, it is heartbreaking to watch your child struggle with learning and for many it isn't that they are "below the charts" enough to need Special Education, just that they need a little extra attention or maybe even a more spiritual environment to thrive. For kids such as this, Private school is often the answer.

This leads to my second point. Private school parents are not all wealthy! For some of us, private schools were a decision that was made as a resort to help our child learn, grow spiritually and not struggle in a box that they did not fit in. It was not a decision that was made lightly because we knew as parents that it would significantly affect us financially. However, most parents would give up everything if they thought it would help their child to succeed. I heard many examples this week while discussing this with other parents. Families that knew that they would not be taking vacations while their children attended private school. Parents that took on second or third jobs to help cover costs because they knew it was helping their child, and so many other examples of hardships that were chosen to give their children the opportunity to succeed.

HB 1532 would give many parents another option to help their struggling child. By unloading some of the financial burden, many families may find the answer they are looking for in private education and the families that are already enrolled but are agonizing over each payment may find that with just a small amount of reimbursement from State funding, they have flexibility to spend more precious time supporting their children. Please consider House Bill 1532. Thank you for your time,

Kellee Hollenbeck

3131 Bay Shore Bend SE, Mandan, ND

701-400-5790

To Whom It May Concern:

I am writing in support of ND House Bill 1532. I have attended private school for nearly all of my educational career. My family chose that option for personal and faith reasons. The tuition funds were always found, but I know there is a lot that my parents had to go without in order to make that payment. While they chose to pay tuition, they were also expected to pay for the local public school district via their taxes. Now that I am a parent and property owner, I am seeing my tax statement. I am also faced with the choice of where to send my children to school. My husband and I are planning to send our children to a private school for similar reasons to that of my parents.

That being said, I am also an educator in a district outside of the one I am a resident of. When we received our tax statement this past year, we discovered our tax payment to the local public school district was more than what we are paying to the state, city and county combined. As a property owner that does not work within the district my taxes go to nor my children attend, we are receiving zero benefits from the taxes I am paying. While we are making choice to send our children to a private school, it is difficult and unfair that we are expected to pay such a high price for the freedom of education our country offers.

The current state of our economy makes it difficult to make ends meet the way it is, and the additional tuition payments for private education leaves me, and many other families, feeling that the ability to exercise our right to private education very difficult and in some cases, impossible. This bill will provide many families with the ability to exercise the given right to choose the education their children are getting, whether it come in the form of public or private.

We are writing to express our families support of the HB-1532 Bill. Our child currently attends a non-public school and is thriving. We are blessed to have been able to send our first child thus far to a school that supports not only his educational growth; but mental, spiritual, and emotional growth as well. We desire our children to grow into adults that are not just educated but are equipped mentally, emotionally, and spiritually to be a successful, active citizen. As our second child is growing closer to the school age, we are struggling with the decisions of how long, if at all, we can afford to send two children to a nonpublic school. The internal turmoil, caused by the possibility of having to give up the supportive environment that has granted our first child to flourish in all aspects of life is weighing heavily on our minds and hearts. This bill would help relieve some of the stress and burden placed on our family and give us an opportunity to extend the longevity of our children's attendance at the school that is shaping them into not just educated adults but healthy, equipped members of our society.

Thank you for your time and consideration spent on this bill that directly impacts our families' future educational opportunities!

Sincerest Regards,

April and Adam Zimney

North Dakota House Education Committee
Chairman Pat Heinert
February 1, 2023

Support for House Bill 1532

Chairman Heinert and members of the House Education Committee,

My name is Cindy Waind, principal of Riverside Christian School and I am writing to ask you to support House Bill 1532. Riverside Christian School serves families by providing a Christian education in the greater Grand Forks region. House Bill 1532 directs the superintendent of public instruction to establish and administer an educational reimbursement program, wherein the state contributes a portion of the cost of qualified education expenses of nonpublic school students. I wholeheartedly support this bill because it allows for greater freedom of choice, enabling parents to choose the best education environment for their children. It's no surprise that cost is a barrier to many families wishing to send their children to nonpublic schools. Our parents are currently paying twice for their children to be educated, once as they struggle to pay tuition and again, as they pay their taxes. Passing this bill, as other states have done, eases that burden from families. If this bill passes, families who could not otherwise afford nonpublic education would now have the choice to send their children to nonpublic schools. Furthermore, the legislation will help all the families already sending their children to nonpublic schools because those families would see their tuition expenses decrease.

All North Dakotan families should have that choice. Therefore, I respectfully request your support of HB 1532. Thank you for your time and consideration.

Cindy Waind

While few gifts can truly change a person's life, our family has seen one that has: our school! Having the option to send our children to a school that best meets their educational needs, giving us the freedom to make decisions about their education and stay involved with their learning. This is a choice every parent should be able to make regardless of finances. This choice has been difficult for our family, and it has been a sacrifice; but one we are willing to take on.

Our oldest daughter has flourished in her new learning environment at Shiloh Christian School. Our daughter went to public school for kindergarten and half of first grade, but did not like her school—and did not like school period. After visiting with her public-school teacher and discussing the classroom environment, we made the decision to enroll her at Shiloh. Literally overnight, our child went from begging not to go to school to begging me to wake her up so she could get to school early.

I will never forget walking into our bedroom with tears in my eyes after putting her to bed. When my husband asked what was wrong, I told him, "Kate is begging to go to school, and she wants to go early!" I will forever be thankful that we made the decision, and for Shiloh Christian School.

Our school is more than a school; it is a family. We know our children's teachers, administrators, and the other parents and children in their classes. We value the relationships that our school has provided. The staff go above and beyond to make sure our children get what they need to succeed. For instance, our youngest child's first-grade teacher knew enough to identify her for possible dyslexia. Thanks to this early diagnosis, her teachers and counselors developed interventions to ensure she would overcome this obstacle to her learning.

Finding a school that meets your children's educational needs is worth it- and every parent needs to have the ability to make the best decisions for their children regardless of finances. We only have these amazing children for a short time in their life, and we take such satisfaction in providing them with the skills and education that they need to flourish. At our school, we know what our children are learning, and we know their teachers—just as important, they know us.

We would love for North Dakota to pass HB 1532. Allow parents to choose what education works for their children and allow those tax dollars to follow the child. This competitive marketplace for education would raise the level of service at both public and private schools. I also believe this would increase the level of parental involvement in education. A win-win!

To whom it may concern:

I am writing in favor of House Bill 1532. I am a born and raised North Dakotan, who grew up in a Class B school. I am proud of our state, our city, and our public education system. My family choosing to send our children to a private school has nothing to do with the quality of education provided by our great teachers, administrators, board, and support staff of the public system. Our small town roots have ultimately led us into the private school setting. We value having a connected community and smaller class sizes. Our kids have some learning considerations. We feel we have more control and input in being in a private school setting. We also are at a Christian school where we value the ability to talk about and praise God openly. Ultimately, for me as a citizen, we should have the ability to send our children to school wherever we choose. Private schools lessen the strain on the public school system. Our tax dollars pay for services we are not utilizing. I understand this is our choice, but this bill allows everyone to make the best decision for their family and not penalize them for doing so. Thank you for your consideration and your service.

Lindsey Peterson
Bismarck, ND

I am in support of HB 1532. Any support for educational opportunities for our children is a need. As a parent, having an option to send my children to a school of my choice is something I appreciate. I feel the importance of making the option to send children to private school available to all parents. This is a choice that can cause financial strain. My husband and I decided three years ago to send our two children to Martin Luther Elementary. This was the best decision we have made. Our kids were being overlooked in the public school system. They are currently thriving in the new educational structure.

To Whom it May Concern,

I am writing to ask that reimbursements for private schools be passed. As a parent of a child that pays tuition this would help take financial stress off of the decision each year if we can afford the education costs. The education our child receives is above and beyond which we are more than grateful for ,but having the burden of wondering each year if it will be affordable for our family is stressful.

I appreciate your consideration.

Parent of a child attending St. John's Academy

Colt Iseminger
917 Chestnut St
Grand Forks, ND 58201
Colt.Iseminger@gmail.com

RE: TESTIMONY IN SUPPORT OF HB 1532

Dear Representative Heinert and members of the House Education Committee:

The following is my personal opinion as a private Citizen of North Dakota.

I am writing in support of HB 1532. As a North Dakota resident and parent of two school-aged children, I believe school choice would enhance our community and give parents the option to place their kids in the environment that's the best fit for them.

Challengers to this Bill state, it will take money away from local Public Schools. Well, that is true and the point, as if a student does not attend your school system, the school system should not get State funding that was allotted to teach for that student.

I ask for a "do pass" recommendation on HB 1532 and allow State funding allocated for the child's education to follow them.

Sincerely,

Colt Iseminger

Greetings,

I am writing to request your support of HB 1532. In 2020, my wife and I chose to put our children in a private school after our daughter was put into a class with 32 children in one public school classroom. We decided that private school would allow them to have more one on one time with educators and enhance their learning to prepare for higher levels of education and increase their chances of success as adults. Their academic growth has been tremendous since we made this decision, and their leadership skills have also been greatly enhanced. My wife and I are not wealthy, and it is a financial difficulty in some months, but we decided to invest in our children before anything else. Please allow families like ours to be able to have this option by providing financial support to these schools. Please help parents and guardians by expanding their options for education. For such a small investment from the state, we would see an increase in leadership qualities and education levels for the next generation by giving families this support. Do not pass on this opportunity to have such a direct impact on citizens.

Sincerely,



Jesse Beckers
6505 Flickertail Drive
Bismarck, ND 58503
(701)-955-2316

February 1st, 2023

Chairperson Heinert and Committee Members,

I strongly urge a Do NOT Pass on HB 1532. School vouchers such as the ones proposed in this bill are used to privatize education and send taxpayers' dollars to non-public schools. As a product of public schooling and a former public school art teacher in my home state of Texas, I believe that it is the responsibility of the government to bolster and support public education rather than destabilize it, which is what a bill like this would do. Private schools are not required to have the same amount of accountability or fiscal transparency of public schools—they are not required to admit all students, particularly students with special needs, and they are not required to disclose how these proposed state dollars would be spent. Parental choice should always be one of the most important factors in where a child goes to school but supporting this bill will take away choices and opportunities from public school teachers and students, particularly in rural areas where constituents do not have access to private schools and would only see a reduction in resources. Please keep our public dollars in public schools. I urge a Do NOT Pass on HB 1532.

Sincerely,

Samantha K. Harrison
209 4th Ave NE
Mandan, ND 58554

To Whom It May Concern,

I teach at a private school in Mandan, North Dakota and know the positive impact Bill HB 1532 would have on the families I serve. If the bill passes, it will afford families greater financial freedom while still allowing them to send their children to a faith-based school. Every family deserves the right to send their child to whichever school they choose. Helping to relieve financial burden would greatly benefit all families, and the education system overall. I believe that it would also help public schools by relieving some pressure with rising attendance and space issues.

I am also a parent. Both my husband and I work in private education, and earn far less than a public school teacher or many other career options. We also send our children to private schools, and pay tuition. It is difficult to afford, on our low salaries. However, we believe our work is mission work, and we make sacrifices to allow our children to attend a wonderful private school. If the bill passes, it would be a relief to our family, and would allow us to continue the work that we currently do. Please vote in support of Bill HB 1532!

Sincerely,

Cassandra Baker

Christ the King Catholic Montessori School
Mandan, ND

Testimony to North Dakota House Education Committee: HB 1532
February 2023

Mr. Chairman and Members of the Committee: Thank you for the opportunity to address this committee and share my story as a parent who has chosen private school for her children and as an educator in a private Catholic school. For the record, my name is Shannon Schmidt, special education strategist, in Minot, ND. Prior to working in special education, I was a stay-at-home mom for 10 years to our 6 children. My oldest, Caleb, (age 11) was diagnosed with Autism Spectrum Disorder at the age of two and a passion was ignited in me to not only give him the tools to lead a more fruitful life, but to provide love and support to all children.

FAPE is an acronym for free appropriate public education which includes multiple components: (1) it allows students to receive a special education service and related service with no cost to them. This also includes that schools cannot deny services to students because of the expense it will bring to them; (2) the education that the child is receiving must be appropriate, while this is a wide controversial topic in special education the school district is responsible for putting forth effort to provide this appropriate education; (3) the school district must involve the parents and be sure they are an essential part of their child's education. The North Dakota Department of Public Instruction defines FAPE through the *Andrew F. v. Douglas County School District* court documents that are linked to their special education department page. FAPE is further defined in their Parent Guide Handbook as:

special education and related services that:

- are provided to children and youth with disabilities at public expense, under public supervision and direction, and without charge to the parents;
- meet the standards of the state education agency, including the requirements of the IDEA;
- include an appropriate preschool, elementary, and secondary school education in North Dakota; and
- are provided according to requirements for the individualized education program.

Since parents have given children their life, they are bound by the most serious obligation to educate their offspring and therefore must be recognized as the primary and principal educators.¹ Parents are bound by God to this grave task and when parents follow this directive, a truly Christian family is formed creating a ricochet effect among God's people. Parents who have the primary and inalienable right and duty to educate their children must enjoy true liberty in their choice of schools.² Once their children enter school, this does not relieve the parents of their duty as educators to their children.

Andrew F. clarified the substantive standard for determining whether a child's IEP – the centerpiece of each child's entitlement to FAPE under the IDEA – is sufficient to confer

¹ Pope Paul VI, "The Authors of Education," in *Gravissimum Educationis*, (Vatican Council II, 1965), #3.

² Pope Paul VI, "The Duties and Rights of Parents," in *Gravissimum Educationis*, (Vatican Council II, 1965), #6.

educational benefit on a child with a disability. The Supreme Court decision is important because it informs our efforts to improve academic outcomes for children with disabilities. With the decision in *Andrew, F.*, the Court clarified that for all students, including those performing at grade level and those unable to perform at grade level, a school must offer an IEP that is “reasonably calculated to enable a child to make progress appropriate in light of the child’s circumstances.” This standard is different from, and more demanding than, the “merely more than de minimis” test applied by the Tenth Circuit.

The implications of this case are huge. As a mother of a child with autism, I can relate to Andrew’s situation and the frustrations of his parents. However, our situation is different and has proven difficult to fight for. Our son, Caleb, attends a private Catholic school as per our wishes, but in doing so, our rights under FAPE are extremely limited. We chose a private school for the importance of our faith in our lives, but access to special education resources are very little and disappointing at best. It is certainly the schools’ intention in that they want to care and provide for all students, but unfortunately it's not always the reality. For most families with children of disabilities, Catholic school is not an option. A student can not spend the whole day in the resource room (nor should they) and the general education teacher is often not equipped for these students. Even if the teacher is eager and tries to do everything she can to see that student succeed, she does not have the resources to turn to for assistance in the classroom or in implementing accommodations that prove to be truly meaningful and effective. General education teachers are for the most part limited in their knowledge base concerning areas of disability unless they have personal experience or have extended their learning on their own time. Even those working in the resource room do not typically have a special education background; they do, however, have big hearts.

So, how can we better apply FAPE to a private school? Is there a way to include our private schools in the Act so that, as parents, we may truly be free to choose the education that we want our child to receive without the detrimental cost of inefficient special education services only because we chose not to attend a public school?

Andrew’s parents removed him from the public school system and placed him in a private school setting to receive the best possible outcomes for his needs. The Court recognized this and made changes to the standard in the law to provide better services to children covered under IDEA with an IEP. My son has an IEP and we removed him from public school because our faith is important to us and we wanted him (and our other children) in that environment of faith on a daily basis. By doing so, we lost access to much needed services as required to us under FAPE. Should we not still be afforded these services that are due to us? Would an in-house special education program at a private Catholic school ever be granted funding to serve their students covered under IDEA or will this always be a benefit limited to the public schools making it so that we are not, as parents, free to choose the education that we see as best for our children?

House bill 1532 is a start in the right direction to afford parents the right to freely choose the education that they see fit for their child. Thank you.

Chairman and Committee Members:

I urge a no vote on HB 1532 which would give \$24 million to parents to reimburse between 15 and 30% of tuition costs. I understand that parents want the best education for the children; my children went to both Catholic and public schools at different times in their educational journey. However, I was always willing to pay both public school taxes and private tuition. I also was happy to help fundraise for scholarships, recognizing that not all families were able to afford tuition. I consider public schools to be like public roads: I may not use them all but I understand they are necessary for a functioning community.

Diverting 24 million dollars of the public tax money to private schools is money that could go to support public school students. No one can argue that COVID has been a strain on kids, students, teachers, families in general. In Valley City, mental health counselors in schools are paid for by private donations and teachers are still buying classroom supplies. Could that 24 million go to feeding kids breakfast so everyone is ready to teach and learn, or to School Resource Officers in smaller communities so our kids are safe or a fund to ensure that the presence of school counselors is assured or measures that improve teacher recruitment and retention or better teacher/student ratio or gifted programs or extra resources for STEAM or technical internships? This list goes on. The principal is to make public education better, not gut it.

Public education is for everyone. Rural communities often have no other option. In the over 100 testimonies posted, I count only a handful from small districts. Private schools can pick and choose their students- the public schools must take kids with special needs of all kinds. This tax supported voucher program comes with minimal strings attached- only that the student attend a "qualified school", definition not specified.

Most of the private schools are religious in nature. Use of general fund for the voucher system is an obvious maneuver to avoid school taxes from going to sectarian schools as is prohibited in the Century Code. I think the spirit of the law is clear, though: public money should not be used to advance any particular religious agenda. Many of the original immigrants from Europe fled religious persecution and the Founding Fathers wanted to avoid the religious warfare that had plagued the Old World for centuries. Non-sectarian schools are necessary for our kids to learn in an open, tolerant environment. While parents are and churches can be major forces in a child's character, ethical, caring, respectful behavior can and should be taught in a non-religious environment.

February 1, 2023

Dear Members of the Committee,

Public dollars belong in public schools. I believe in a parent's right to choose where they send their children to school, but public dollars should not follow those children to help support private schools or home schools. A public school must abide by laws, teach state standards, and follow government oversight. If these public dollars are allowed to support a private or home school, will these laws, standards, and government oversight be attached to those dollars to make sure these non-public schools are following the same requirements as a public school? This bill does not include any details on how the government will check on how public money is being spent at these non-public schools. Do not allow voucher schemes to diminish our great public schools in the state of North Dakota.

Sincerely,

Sarah E. Lerud

Paul Hensrud
6350 Sandalwood Dr.
Grand Forks, ND 58201
phensrud@yahoo.com

RE: **TESTIMONY IN FAVOR OF HB 1532**

Dear Representative Heinert and members of the House Education Committee:

I am writing in support of HB 1532. As a North Dakota resident and parent of school aged children, I believe school choice is something North Dakota should consider pursuing. I believe this would provide ND residents to choose the education path that fits best for their child and will also enhance Workforce Development opportunities. As ND continues to compete with other states for new business and employees, this would be a bill that would make ND more competitive in those recruitment efforts as other states continue to develop School Choice bills of their own. I would ask you to consider some of the states that have already passed bills in 2023, Iowa and Utah being 2 of them.

My suggestion would be to get some form of School Choice in place, but consider how these other states have built their programs as well since they have been modeled on other states plans already. I have some hesitancy in payments made directly from the state to a private school and feel the Educational Savings Account (ESA) model that these 2 states have put in place would provide more flexibility and potentially allow the state to further enhance this bill in the future by providing some amount of dollars for Homeschool families to purchase curriculum and potentially Public School families for additional education services like paid tutoring as an example.

I ask for a **“do pass”** recommendation on HB 1532.

Sincerely,

Paul Hensrud

2/1/23

Committee Members:

I am writing today in support of House Bill 1532. This bill if passed would benefit not only current members of private schools but also allow parents that find it financially difficult to provide an education of their choosing for their child. Data shows that students of private education systems are well prepared for success and have a higher percentage of going on to a 2 and 4 year institution. With the ever changing landscape of educational curriculum in our country, having a known curriculum that parents are comfortable with and is affordable should be an option that is open to everyone. HB 1532 makes this a possibility while not taking away funds from public schools.

The personal experience of having 1 child going through a private faith based elementary school has been fantastic. We currently have 1 child beginning in Pre-K and another in 1st grade. It gives us great comfort knowing that they are being educated in a faith based way and with a curriculum that follows the beliefs of our family. With this said the financial burden of this education is not cheap and we do have to make sacrifices to provide this to our children. HB 1532 allows a choice of an educational curriculum that is not swayed by opinion of society an affordable solution for all parents. Not passing this bill would be a discriminatory move to private school students and their families. Please consider the passage of HB 1532 to allow a choice for North Dakota families.

Thank you for your time,

Cody Champagne

As parents of public school children, we are opposed to this bill. It will leave public school districts with less money which is harmful to children. Our public schools are already under funded. Public funding should not be given to non-public schools. This bill would be harmful to families with special needs as they are often turned away from private schools. It is a false narrative that funding will not be taken from public schools if this bill is passed. Extra money in the state treasury should be used on funding public education, which is education for all, not just a select few. No public funding for non-public schools!

Members of the committee,

I, James Olson of District 3 in Minot, write to support passage of HB1532.

I would prefer a more comprehensive law to more fully support parents of all financial means to choose non-public education but consider this bill a good first step. Please continue to address this issue until North Dakota is seen as a true "school choice state."

Thank you for considering my input.

Testimony on HB 1532

February 1st, 2023

Dear Chairman Heinert and committee members,

My name is Sarah Grossbauer, I am a constituent of District 17, in Grand Forks. I am writing in opposition to HB 1532. I grew up in Grand Forks and attended parochial school from kindergarten to halfway through my 11th-grade year. In the second semester of my Junior year of high school, I transferred to a North Dakota public school, Thompson Public School, where I graduated in 2019. Since then, I have graduated with two bachelor's degrees and began my career in North Dakota.

Living in Grand Forks, there are minimal options for private education, only going up to the 5th grade. After fifth grade, Grand Forks parents can send their children to public school or across the river to Sacred Heart in East Grand Forks. Parents who choose to send their children to parochial school often want them to attend all the way through their education. Thus, the funding under HB 1532 will be going to the only option for private schooling above the 5th grade, a school in Minnesota.

Not only do I believe in the value of having public dollars go to public education. I also have firsthand experience of the lack of accountability, inaccurate curriculum, and oppression that is spewed through parochial schools in the Grand Forks area. While parents should have the right to choose where their children go to school, just as mine did, they should also face the fiscal responsibility of that choice. Public schooling in North Dakota, especially in the Grand Forks area, offers many more opportunities for education and growth than the private schools are able to provide.

I transferred to a public school because of the unchecked privilege that is evident in parochial schools. There is no accountability in private schooling and because of this students, like myself, suffer from extreme bullying amongst countless other faults that occur in private schools. There is no reason why my tax dollars should go to these unequipped schools.

Attending a public school in North Dakota was arguably one of the best things that has ever happened to me. I had much better class offerings, excelled in extracurriculars, such as Future Business Leaders of America, gained college credit from a state university, and received much better treatment as a student. None of these things were possible at my previous private school.

I strongly urge the Committee to give HB 1532 a **DO NOT PASS** recommendation. My tax dollars should fund public education in North Dakota, not private or parochial schools.

Respectfully,
Sarah Grossbauer

To whom it may concern,

I am writing today to express my support for HB 1532.

Growing up, my parents chose private education for our family because they valued the faith-based aspects that our non-public school could offer. We were a working class family, but my parents worked hard at jobs supporting our community to support the public education offered here (through taxes) as well as the school that best provided for the educational experience they wanted for their children (through tuition).

As a parent now who has made the same decision for my own children, I ask at what point do my children matter to our state? My children are already contributing to our community, and my hope is that their roots will keep them here to provide for a bright future for all North Dakotans; at the same time, the same state that I am raising them to respect and work for has effectively told them that they don't matter because they are taking part in a non-public education.

I am lucky to know many great educators, both public and non-public, but I know that the choice I've made for the education of my children is the best option for our family and for raising them in the way that I expect for them to become the next caretakers of our society. I ask that you support HB 1532 to ensure that parents like me have the opportunity to choose the best educational situation for their own children, and that our state will recognize that all students, public and non-public, are important investments in our future.

I support HB 1532. I would like to testify in favor of House Bill 1532. While this has been too long in getting here, it is finally here and overdue to pass this bill.

Private schools relieve a huge burden from the public schools. The burden includes classrooms, teachers, retirement, etc. Students from private schools perform as good or better than public schools. Most parents and grandparents are very concerned about the decline of education quality in public schools, and are also concerned of the anti-Christian values being taught at public schools. Recognizing the achievements of private schools, it is time for pass an educational reimbursement program. While bill language stating "...a sum not less than fifteen percent and not more than thirty percent of the per-student payment rate..." I don't believe that 15% is nearly enough recognizing the superior education and the huge relief of the burdens previously mentioned.

Iowa and Arizona have school choice funding that is approximately 75% of the per-student payment rate. I believe ND students attending private school should receive at least 75%. Are not our ND students deserving of that which is received for school choice students in IA and AZ? Fifteen to 30% is a good start, but it isn't nearly enough.

Dual credits are provided under North Dakota University System to high school sophomore through seniors. These credits are used to meet the requirements of high school graduation. The approximate cost per credit is approximately \$150/credit hour. This bill should be expanded to cover dual credits under NDUS to reimburse 100% of qualified dual credit fees paid by home schooled parents.

This bill excludes home school educational reimbursement. Recognizing and understanding the costs associated with dual credits administered NDUS and participating colleges, it would be a huge benefit to alleviate tuition costs to receive credits that are used to meeting high school education requirements. If 100% is too high, at a minimum 50% of these fees should be reimbursed and not to exceed \$3000 per calendar year.

Please don't listen to the associations of superintendents, teachers and school boards. These associations have their interests above those of the k-12 students. If you are hearing it from a parent, please pay attention.

Concluding, establishing an educational reimbursement program should have been here long ago. It is time to pass an amended bill that pays 75% of the per student payment. With huge concerns that the public schools are slipping, please pass this bill (with amended improvements) and let us make North Dakota Education Great Again!

Regards

Paul Belzer

Parent

820 Third St NE

Jamestown ND 58401

psbelz@yahoo.com

I am writing in support of HB 1532. Me and my husband have chosen to send our children through a private school which we feel is the best fit for our family's values and faith. We have made sacrifices to do this and I am asking you to vote in support of this bill to lighten the financial burden. We pay plenty in tax dollars to a school we don't use, and I am asking to receive some of that money towards my family's educational choice. Thank you for your support.

Jennifer Jundt



North Dakota House of Representatives

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360

#18573



Representative Claire Cory

District 42
P.O. Box 5094
Grand Forks, ND 58206-5094
C: 701-213-6553
clairecory@ndlegis.gov

COMMITTEES:

Judiciary
Government and Veterans Affairs

Good afternoon Chairman Heinert and members of the House Education Committee,

For the record, my name is Claire Cory. I represent District 42 in Grand Forks. I am here today to ask for support for House Bill 1532. House Bill 1532 seeks to improve the way education works in North Dakota by respecting the right of parents to choose the best educational setting for their child.

Currently, a parent is provided one of three options when educating their child; enroll their child in a public school, pay out of pocket for a private school, or to educate the child through a homeschool program.

House Bill 1532 recognizes that not all of these choices are created equal, in terms of their burden upon a family. As such, House Bill 1532 seeks to facilitate parents' individual decisions by alleviating a portion of the financial cost required by parents who choose to educate their child in a nonpublic school. This sacrifice infringes upon their right to choose the best environment for their child if the best choice is a nonpublic school. In these instances, the parent is forced to consider the financial burden, and this financial burden can be prohibitive.

In Grand Forks, private school tuition can reach \$7,000 a year, and for a family of four this could represent a \$14,000 expenditure, assuming 2 adults and 2 children. With our median family incomes in North Dakota, this would represent roughly 20% of their pretax income going to a nonpublic school. For an average family, this is an incredible financial burden requiring substantial sacrifice; for a poorer family, it becomes ultimately impossible to afford. As a result, the current system deprives families of making the choice of a nonpublic school

de facto, despite a de jure ability.

As many will testify before you today, and as many have via written testimony, this sacrifice is simply not possible and places an undue burden on the family. No family should be forced to choose between a school which does not fit their child's needs and paying the bills. This is the main reason why I and many of my colleagues introduced House Bill 1532.

Mechanically, the bill works as follows:

- When a parent enrolls their child in a nonpublic school, the school gives the parent a form requesting reimbursement for the cost of educating that parent's child
- If the parent completes the form requesting the reimbursement, the school furthers that request to the Superintendent of Public Instruction
- The Superintendent then issues a payment to the school for the cost of educating that parent's child
- The reimbursement payment must be at least 15% of and no more than 30% of the per-student payment rate
- The parent will see this as a credit on the invoice they receive from the nonpublic school for the cost of educating that child

Mr. Chairman and members of the House Education Committee, this concludes my testimony. I ask you for a DO PASS recommendation out of committee. I would prefer that the time remaining be spent allowing you to hear from parents and stakeholders, but I will stand for any questions.



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

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701-223-2519
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To: House Education Committee
From: Christopher Dodson, Executive Director
Subject: House Bill 1532 - Educational Reimbursement and Parental Choice
Date: February 1, 2023

The North Dakota Catholic Conference supports House Bill 1532.

Every child has a right to education so that he or she can achieve their full potential. At the same time, every child is uniquely created. Therefore, every child has a right to education in a setting that best meets their individual needs. Parents are the primary educators of their children and best know what educational setting suits their children.

House Bill 1532 is about respecting the rights of children and parents. House Bill 1532 respects, rather than penalizes, parents who happen to choose a nonpublic school for their children. House Bill 1532 respects the right of a child to education without unduly restricting where the child can receive that education.

House Bill 1532 is not about nonpublic schools and certainly not about Catholic schools. Indeed, these rights of children and parents are so fundamental that the North Dakota Catholic Conference would support HB 1532 even if there were no Catholic schools in North Dakota.

Why do we continue with this unjust system that disrespects parental choices and mostly hurts poorer families?¹ Why do we insist that if the state provides an essential service it has to be inside a government institution? We do not do that with Medicaid, to cite one example.

One reason is that some opponents of parental choice continue to tout misinformation about nonpublic schools and erroneous opinions about the North Dakota and U.S. Constitutions. Because we have heard them before, allow me to anticipate and address some of those concerns.

Opponents of parental choice will often cite Article VIII, Section 1, of the North Dakota Constitution. It states that “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.” The provision does not prohibit parental choice programs. It merely says that there must be a system of public schools. House Bill 1532 does not affect this provision in any way.

The other constitutional provision often cited by opponents of parental choice is Article VIII, Section 5, which states: “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 provision is often called the “Blaine Amendment.”

Of course, HB 1532 does not use “money raised for the support of the public schools,” but, more importantly, the time has come that we no longer give any credence to arguments appealing to the state’s Blaine Amendment.

After two opinions from the United States Supreme Court in 2017 and 2020 that found that state Blaine Amendments violated the First Amendment, state Blaine Amendments have been on life-support, at best.² In 2022, the U.S. Supreme Court finished them off.³

Do these decisions apply to North Dakota’s Blaine Amendment? On November 29, 2022, Attorney General Drew Wrigley issued a formal opinion answering that question in the affirmative.⁴ The opinion states: “the Blaine Amendment is not enforceable under United States Supreme Court caselaw” and “the United States Supreme Court has barred the state from enforcing its Blaine Amendment.” Blaine is dead.

As to the United States Constitution, the Supreme Court has upheld parental choice programs for years. Claims that they violate the “separation of church and state” do not have any legal validity.

Some will argue that any money that does not go to public schools is money taken from the public schools. If we follow that logic, however, money this body appropriates for roads, human services, law enforcement, or anything else is taken from the public schools.

Another argument we can anticipate is that nonpublic schools are not required to take all students. What they do not say is that the nonpublic schools could take more special needs students if the parents could afford the costs and tuition. In any event, these statements are mere attempts at distraction that have nothing to do with the bill before you. HB 1532 is not about public schools or nonpublic schools or which students they take. This bill is not about the schools at all. It is about parents being empowered to choose the best educational setting for their children. The school is merely incidental to parents’ choice.

House Bill 1532 does not negate the state’s constitutional obligations to public schools. It does not violate the state constitution. It does not violate the federal constitution. Instead, it respects the rights of parents and children and strengthens education in North Dakota.

We urge a **Do Pass** recommendation on House Bill 1532.

¹ Please read the filed testimony of Monsignor Chad Gion, pastor of the Catholic Indian Mission in Fort Yates, North Dakota. https://ndlegis.gov/assembly/68-2023/testimony/HEDU-1532-20230201-18232-F-GION_CHAD_O.pdf.

² *Trinity Lutheran Church of Columbia, Inc. v. Comer*, 137 S.Ct. 2012 (2017); *Espinoza v. Montana Dept. of Revenue*, 140 S.Ct. 2246 (2020).

³ *Carson v. Makin*, 142 S.Ct. 1987 (2022).

⁴ North Dakota Attorney General Opinion 2022-L-07. (Attached to this testimony.)



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).

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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

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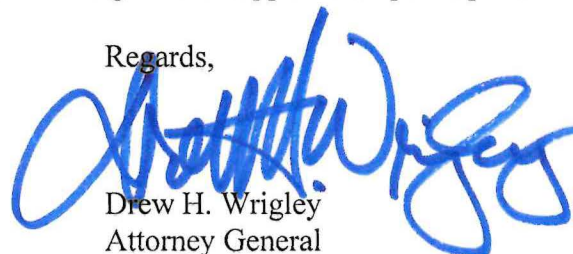
November 29, 2022

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

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

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

Regards,



Drew H. Wrigley
Attorney General

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

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

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

¹⁵ *Id.* at 2261.

¹⁶ 142 S.Ct. 1987 (2022).

¹⁷ *Id.* at 2002.

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

To Whom it May Concern,

I am a teacher and parent of two children who attend private Catholic school. The impact of Bill HB 1532 would be tremendous for my family. The first time I observed my child in their school left me in tears- tears of pure joy. I knew my child was in a safe and loving environment and couldn't imagine sending them to any other school. Not only would the bill help my family gain some financial freedom, but it would also help us to continue to send our growing family to a school that wholeheartedly cares for their students' education and faith. Please vote to support this critical bill for many families.

Sincerely,

Christine Larson

Christ the King Catholic Montessori School

House Education Committee
Chairman Pat Heinert
February 1, 2023

Testimony
Shane Goettle
Lobbyist of State Association of Nonpublic Schools

HB 1532

Chairman Heinert and members of the House Education Committee, my name is Shane Goettle and I am here as the registered lobbyist for the State Association of Nonpublic Schools.

This bill is about empowering parents and giving them the freedom to choose the educational environment they believe is best for their child.

I want to draw the committee's attention to a few things in the bill. First, on lines 18-19 you will see the definition of "qualified school." The definition limits "qualified schools" to schools inside the state of North Dakota, and does not include homes schools. I think that is important so that you know this program will apply only to qualified expenses a parent might incur at nonpublic schools that are accredited as such by the Superintendent of Public Instruction under NDCC § 15.1-02-11.

On page 2, lines 1-2, you can see the whole process proposed in this bill starts with a "parent" (defined in the bill) requesting a program form from a qualified school. Now, while a parent initiates this process with a particular nonpublic school of their choice, this bill is not designed as a traditional school choice voucher bill. The parents don't handle the funds, nor do they receive any kind of redeemable certificate.

Rather, the qualified school collects all of these requests, certifies enrollment at that school, and then requests program funds for the child's qualified educational expenses. In short, the dollars are handled between DPI and the qualified school.

There is a floor of 15% and a ceiling of 30% of the state's per-student payment rate, and this is, in the end, further limited as an offset against only the qualified education expenses the parent might otherwise have paid. In summary, once the qualified school receives the funds, the parent would see this a credit on the invoice the qualified school sends to the parents for that family.

You will note that HB 1532 has accountability, including the power to suspend a school from the program if there is any abuse. It also has protections for the schools that participate in that no other additional requirements may be imposed through rulemaking. Nor does a school need to alter its creeds, practices, admissions policies, or curriculum to participate as a qualified school.

Mr. Chairman and members of the committee, I have with me today Gerald Vetter, the President of the State Association of Nonpublic School, who will follow me if you any questions for the qualified nonpublic schools. I will also gladly stand for any question myself that help this committee get to a "do pass" recommendation!

February 1, 2023

Re: HB 1532

To Whom it May Concern:

This letter is in support of House Bill 1532. Providing a reimbursement program for qualified schools for qualified education expenses of program participants will assist and ease the financial burden of private education. The financial burden of non-public schools or private schools can factor into the choice decision many families are faced with. I support my tax dollars allocated to public schools and public education is important. However, I support more choice and assisting with the financial burden and encourage the passing of HB 1532.

Thank you,

Jon Artz

Bismarck, ND

February 2, 2023

My name is Derrick Nagel and I am submitting my testimony in support of HB 1532.

I am currently the Head of School at Christ the King Montessori School in Mandan, ND, where I have been for the past 6 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 community's diverse needs as well. Giving more choice to families in North Dakota is good for North Dakota.

As a principal, I believe that Christ the King School is offering an education very different from other models, both seen in public and nonpublic schools in our community. Among many other things, at Christ the King Catholic Montessori School (CTK), we believe we are meeting the childhood Mental Health crisis with Montessori education. Though we take pride in the academic formation we are giving our students who will one day be the leaders in our community, we also see the extreme importance of educating the whole person. In the fall of 2021, the American Academy of Pediatrics declared a national emergency in child and adolescent mental health. In the wake of the pandemic, children are experiencing soaring rates of depression, anxiety, trauma, and loneliness. Mental health is just as important as physical health, and if left untreated mental health problems can interfere with early learning, self-esteem, and other important aspects of child development.

The educational philosophy of Maria Montessori offers an antidote to the post-pandemic childhood mental health crisis. Why? Because Montessori education 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 CTK, we believe that every child is born with a unique, unrepeatable relationship with their Creator, who loves them and calls them to make their own unique contribution to the world. Children spend time each week in an environment created for the sole purpose of being a place to enjoy their relationship with God where their enduring love of God becomes the horizon toward which children live their whole lives. Though

we are a Catholic School, almost half of our enrollment is non-Catholic. We are serving students throughout Bismarck, Mandan, Lincoln, and beyond. To have the option to send my own children to a Montessori School is invaluable to me, and HB 1532 would help many more families like my own, choose an educational model that might better fit their children. Or, even just one child from their family. We have many families that send some or most of their children to public 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 exceptional public schools. However, one size does not fit all and so though our exceptional public school partners might be a safe haven for many students, there are many families who have found a home in nonpublic schools. With the passing of this bill, 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 resident to educate my children how I see best fit. My children, though they attend private schools, are ND residents. All 128,351 students of ND of which private schools make of 6%...we are also a proponents of ND families and we support their right to make decisions regarding their children. It is their right to select the form of education that best aligns with their family's needs.

Please support HB 1532. Thank you.

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

I strongly support HB 1532, establishing education vouchers for North Dakota families.

This bill does nothing to defund public schools, and makes it possible for lower income North Dakota families to attend schools that might serve their children better.

Every child is different, and not every child is cut out for public schools. Some children flourish in public schools, some in private schools, some in charter or magnet schools, and some by home schooling. Even public schools are different, and a child may do better in one public school than another.

This allows all children to flourish, regardless of their family's income and zip code. Giving children, especially those from lower income families, access to school choice is the best thing we can do to make steps towards educational equity. Our priorities need to be children and families, not educational special interest groups.

I urge you: Do what's best for children, do what's best for families, and pass HB 1532 to help middle and lower income families access the schools that will allow them to flourish.

Thank you,
Jeffrey McGee
Resident of District 42
Grand Forks, ND

February 1, 2023

Re: HB 1532

To Whom it May Concern:

This letter is in support of House Bill 1532. Providing a reimbursement program for qualified schools for qualified education expenses will help ease the financial burden many of us face when choosing the right school for a particular child(ren). I support my tax dollars allocated to public schools and understand that public education is important. However, I support more choice and assisting with the financial burden and encourage the passing of HB 1532.

Thank you,

Loren Artz

Bismarck, ND

For each eligible school program form received, the superintendent of public instruction shall pay to the qualified school in which the eligible program participant is enrolled a sum equivalent to the qualified education expenses, ~~not less than fifteen percent and~~ but not more than thirty percent of the per-student payment rate under subsection 3 of section 15.1-27-04.1.

~~For each eligible school program form received, the superintendent of public instruction shall pay to the qualified school in which the eligible program participant is enrolled the lesser of the following:~~

- ~~a. A sum equivalent to the qualified education expenses; or~~
- ~~b. A sum equivalent to thirty percent of the per-student payment rate under subsection 3 of section 15.1-27-04.1.~~

23.0143.06000

Sixty-eighth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1532

Introduced by

Representatives Cory, Kasper, Kempenich, Lefor, Nathe, Porter, Strinden
Senators Beard, Burckhard, Hogue, Meyer, Wobbema

1 A BILL for an Act to create and enact chapter 15.1-39 of the North Dakota Century Code,
2 relating to the establishment of an educational reimbursement program; to provide an
3 appropriation; and to provide an effective date.

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

5 **SECTION 1.** Chapter 15.1-39 of the North Dakota Century Code is created and enacted as
6 follows:

7 *Vep* **15.1-39-01. Definitions.**

8 For purposes of this chapter, unless the context otherwise requires:

- 9 1. "Parent" means a resident of this state who is a parent, conservator, legal guardian,
- 10 custodian, or other individual with legal authority to act on a program participant's
- 11 behalf.
- 12 2. "Program" means the educational reimbursement program created under this chapter.
- 13 3. "Program participant" means an eligible child participating in the program.
- 14 4. "Public school" means a public school in this state which serves students in any grade
- 15 from kindergarten through grade twelve.
- 16 5. "Qualified education expenses" means the costs for a program participant to enroll in
- 17 or attend a qualified school.
- 18 6. "Qualified school" means a nonpublic school in the state which accepts program
- 19 funds, not including a home school.

20 *Vep* **15.1-39-02. Educational reimbursement program establishment.**

- 21 1. The superintendent of public instruction shall establish and administer an educational
- 22 reimbursement program to reimburse qualified schools for qualified education
- 23 expenses of program participants.
- 24 2. To participate in the program:

Sixty-eighth
Legislative Assembly

- 1 a. The parent of an eligible child shall request a program form for the school year
2 from a qualified school in which the eligible child is enrolled; and
3 b. Upon receiving the parent's program form, the qualified school shall:
4 (1) Certify to the superintendent of public instruction proof of the eligible child's
5 enrollment at the school; and
6 (2) Request program funds for the eligible child's qualified education expenses.
7 3. For each eligible school program form received, the superintendent of public
8 instruction shall pay to the qualified school in which the eligible program participant is
9 enrolled a sum ^{of up to \$1500} not less than fifteen percent and not more than thirty percent of the
10 per-student payment rate under subsection 3 of section 15.1-27-04.1.
11 4. A qualified school that receives funds under this chapter may use the funds only to
12 offset the cost of qualified education expenses the program participant or parent would
13 otherwise be obligated to pay.
14 5. If a program participant is enrolled in a qualified school for less than an entire school
15 year, the qualified school must return to the superintendent of public instruction the
16 funding provided under this chapter for that school year, reduced on a prorated basis,
17 to reflect the shorter enrollment period. The superintendent of public instruction shall
18 deposit ^{with the public school district in which the program participant resides any}
19 funds returned under this section. ?

THINK REMOVE

20 ~~KEEP~~ **15.1-39-03. Program participant eligibility.**

- 21 A child is eligible for the program if the child is:
22 1. Eligible to attend public school; and
23 2. Enrolled in a qualified school for any grade from kindergarten through grade twelve.

24 ~~KEEP~~ **15.1-39-04. State treasurer duties - Rules.**

- 25 In administering the program, the state ^{Super... of P I} treasurer
26 1. Shall develop procedures and forms necessary to implement the program.
27 2. Shall use a standardized enrollment form to determine a qualified school's and child's
28 eligibility for the program and make the form readily available to the public.

29 ~~KEEP~~ **15.1-39-05. Program suspension.**

- 30 The state ^{superint. of P I} treasurer shall suspend a qualified school from the program for failure to comply
31 with applicable law or the program's requirements. The state ^{superint. of P I} treasurer shall notify the school in

1 writing that the school's participation in the program is suspended. The notification must specify
2 the grounds for the suspension and state the school has ten business days to respond and take
3 any corrective action ordered by the state treasurer. ^{Super of PI} ~~Following the expiration of the ten-day~~
4 period, the state treasurer shall: ^{Super of PI}

- 5 1. Declare the school ineligible for the program;
- 6 2. Order temporary reinstatement of the school's participation in the program,
7 conditioned on the performance of specified action by the school; or
- 8 3. Order full reinstatement of the school's participation in the program.

9 **15.1-39-06. Fraudulent use of funds - Referral to attorney general.**

10 ^{Super of PI} If the state treasurer obtains evidence of fraudulent use of program funds, the treasurer
11 shall refer the matter to the attorney general for investigation and prosecution.

12 **15.1-39-07. Limitation on regulation of qualified schools.**

- 13 ~~1. The program does not expand the regulatory authority of the superintendent of public~~
14 ~~instruction, state treasurer, a school district, or any other government agency to~~
15 ~~impose additional regulations on a qualified school under the program beyond what is~~
16 ~~necessary by the treasurer to enforce the program's financial and administrative~~
17 ~~requirements. The treasurer or a school district may not regulate a qualified school's~~
18 ~~educational program under the program.~~
- 19 2. A qualified school may not be required to alter the school's creed, practices,
20 admissions policy, or curriculum to receive reimbursement for qualified education
21 expenses.

22 **15.1-39-08. Applicability.**

23 Funds must be available to qualified schools starting with the 2024-25 school year. ^{Funds must follow all federal education regulations, once approval requirements for public schools listed in NOCC 15.1-06-c}

24 **SECTION 2. APPROPRIATION - DEPARTMENT OF PUBLIC INSTRUCTION -** ^{and allow any state}
25 **EDUCATIONAL REIMBURSEMENT PROGRAM.** ^{students to enroll if} There is appropriated out of any moneys in ^{the school has the}
26 the general fund in the state treasury, not otherwise appropriated, the sum of \$24,000,000, or ^{capacity}

27 so much of the sum as may be necessary, to the department of public instruction for the
28 purpose of establishing an educational reimbursement program, for the biennium beginning
29 July 1, 2023, and ending June 30, 2025.

30 **SECTION 3. EFFECTIVE DATE.** This Act becomes effective on July 1, 2024.

Add

Study: to include -

1. How other states fund nonpublic schools
2. ACCOUNTABILITY and OVERSIGHT METHODS
3. NEEDS BASED options
4. effect on public school funding & public schools
5. EQUITY
6. property tax that funds public schools.

Add report required by to lagis by DPI before Oct. 15, 2025

23.0143.07002
Title.

Prepared by the Legislative Council staff for
Representative Hanson
February 14, 2023

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1532

Page 1, line 2, after the semicolon insert "to provide for a legislative management study; to provide for a legislative management report;"

Page 2, line 24, replace "**State treasurer**" with "**Superintendent of public instruction**"

Page 2, line 25, replace "state treasurer" with "superintendent of public instruction"

Page 2, line 30, replace "state treasurer" with "superintendent of public instruction"

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Page 3, line 10, replace "state treasurer" with "superintendent of public instruction"

Page 3, line 10, replace the second "treasurer" with "superintendent"

Page 3, line 12, replace "**Limitation on regulation of qualified**" with "**Requirements - Qualified**"

Page 3, line 13, remove "The program does not expand the regulatory authority of the superintendent of public"

Page 3, remove lines 14 through 17

Page 3, line 18, replace "educational program under the program" with "A qualified school shall comply with federal education regulations"

Page 3, line 19, remove "A qualified school may not be required to alter the school's creed, practices."

Page 3, remove line 20

Page 3, line 21, replace "expenses" with "The superintendent of public instruction shall audit program funds disbursed to a qualified school"

Page 3, line 22, after "**Applicability**" insert "**- Report to legislative management**"

Page 3, line 23, after the underscored period insert "On or before September 25, 2025, and annually each year thereafter, the superintendent of public instruction shall report to the legislative management any educational reimbursement program expenditures and supporting data."

SECTION 2. LEGISLATIVE MANAGEMENT STUDY - FUNDING NONPUBLIC SCHOOLS.

1. During the 2023-24 interim, the legislative management shall consider studying the funding of nonpublic schools. The study must include:
 - a. An evaluation of how other states fund nonpublic schools, including accountability and oversight methods;

- b. A comparison of funding based on need versus funding every student;
 - c. An evaluation of the impact funding nonpublic schools would have on equity related to rural schools and students affected by federal education regulations;
 - d. A review of the number of students denied admission by nonpublic schools; and
 - e. An evaluation of the impact funding nonpublic schools would have on public schools situated within the same school district.
2. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-ninth legislative assembly."

Renumber accordingly

Sixty-eighth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1532

Introduced by

Representatives Cory, Kasper, Kempenich, Lefor, Nathe, Porter, Strinden

Senators Beard, Burckhard, Hogue, Meyer, Wobbema

1 A BILL for an Act to create and enact chapter 15.1-39 of the North Dakota Century Code,
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- 1 2. To participate in the program:
- 2 a. The parent of an eligible child shall request a program form for the school year
- 3 from a qualified school in which the eligible child is enrolled; and
- 4 b. Upon receiving the parent's program form, the qualified school shall:
- 5 (1) Certify to the superintendent of public instruction proof of the eligible child's
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- 11 percent of the per-student payment rate under subsection 3 of section 15.1-27-04.1.
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- 14 otherwise be obligated to pay.
- 15 5. If a program participant is enrolled in a qualified school for less than an entire school
- 16 year, the qualified school must return to the superintendent of public instruction the
- 17 funding provided under this chapter for that school year, reduced on a prorated basis,
- 18 to reflect the shorter enrollment period. The superintendent of public instruction shall
- 19 deposit with the public school district in which the program participant resides any
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26 In administering the program, the ~~state treasurer~~superintendent of public instruction:

- 27 1. Shall develop procedures and forms necessary to implement the program.
- 28 2. Shall use a standardized enrollment form to determine a qualified school's and child's
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4 ~~treasurer~~superintendent of public instruction shall notify the school in writing that the school's
5 participation in the program is suspended. The notification must specify the grounds for the
6 suspension and state the school has ten business days to respond and take any corrective
7 ~~action ordered by the state treasurer~~superintendent of public instruction. Following the
8 expiration of the ten-day period, the ~~state treasurer~~superintendent of public instruction shall:

- 9 1. Declare the school ineligible for the program;
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27 ~~expenses~~The superintendent of public instruction shall audit program funds disbursed
28 to a qualified school.

29 **15.1-39-08. Applicability - Report to legislative management.**

30 Funds must be available to qualified schools starting with the 2024-25 school year. On or
31 before September 25, 2025, and annually each year thereafter, the superintendent of public

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2 expenditures and supporting data.

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4 **SCHOOLS.**

- 5 1. During the 2023-24 interim, the legislative management shall consider studying the
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8 accountability and oversight methods;
 - 9 b. A comparison of funding based on need versus funding every student;
 - 10 c. An evaluation of the impact funding nonpublic schools would have on equity
11 related to rural schools and students affected by federal education regulations;
 - 12 d. A review of the number of students denied admission by nonpublic schools; and
 - 13 e. An evaluation of the impact funding nonpublic schools would have on public
14 schools situated within the same school district.
- 15 2. The legislative management shall report its findings and recommendations, together
16 with any legislation required to implement the recommendations, to the sixty-ninth
17 legislative assembly.

18 **SECTION 3. APPROPRIATION - DEPARTMENT OF PUBLIC INSTRUCTION -**
19 **EDUCATIONAL REIMBURSEMENT PROGRAM.** There is appropriated out of any moneys in
20 the general fund in the state treasury, not otherwise appropriated, the sum of \$24,000,000, or
21 so much of the sum as may be necessary, to the department of public instruction for the
22 purpose of establishing an educational reimbursement program, for the biennium beginning
23 July 1, 2023, and ending June 30, 2025.

24 **SECTION 4. EFFECTIVE DATE.** This Act becomes effective on July 1, 2024.

HB 1532 testimony
Education Committee
Bob Otterson, President, Oak Grove Lutheran School
Feb. 1, 2023

Mr. Chairman ... thank you for the opportunity to provide commentary in support of House Bill 1532 and the acknowledgement from legislators that nonpublic schools make positive impacts to North Dakota life.

I am Bob Otterson. I serve more than 720 students from age 3 through grade 12 and their families as president of Oak Grove Lutheran School. Few people know that Oak Grove has a special place in the history of education in North Dakota and along the Red River. Oak Grove opened in the fall of 1906 as a high school for girls, 14 years before their mothers were eligible to vote in the United States. The humility of faithful Norwegians continues in the school's shared values — concepts such as character, courage and curiosity, faith and reason.

Oak Grove and partner nonpublic schools are part of the state's educational ecosystem. Oak Grove and partner nonpublic schools feed North Dakota's workforce needs. Oak Grove and partner nonpublic schools help attract families from other states to our respective communities. And Oak Grove and partner nonpublic schools provide options for students and families.

Oak Grove students populate North Dakota's universities. Taking into account the last four graduating classes, 55% of domestic Oak Grove graduates enrolled at North Dakota colleges and universities. Many of those choosing out-of-state options enroll at Concordia College in Moorhead. Even from the east side of the Red River, those students remain part of North Dakota's largest market. I'm certain our colleagues in higher education have talked to you about the importance of retaining young professionals through educational opportunities in state. Again, our schools are helping you keep North Dakota's colleges and universities relevant in today's world.

Oak Grove alumni continue to serve North Dakota. Almost one thousand graduated Grovers live in North Dakota today. Those Grovers comprise a larger population than 22 of the state's county seats. These are people engaged in a wide range of vocations — education, engineering, medicine and health care, social services, ministry and others.

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 some industry sectors. And some of those families look for private schools because their children already know private schools in other markets.

Lastly, Oak Grove and our partner schools expand options for families. We all live in public school districts that respond to community needs, and our colleagues in those K-12 districts must plan each year for enrollment swells and drops. All educators know that some students succeed in large environments; others flourish in smaller groups. Some students can process complex reading assignments; others grasp the material better from a guided lesson or a study group.

Some students prefer a large swath of co-curricular options and extracurricular activities. Some students, in competitive classes, may focus on one or two activities. Meanwhile, students in smaller schools benefit 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.

To close, I reiterate that my colleagues emphasize the position of private schools as additions to 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 House Bill 1532, and I thank you for your time.

23.0143.07004
Title.08000

Prepared by the Legislative Council staff for
the House Appropriations Committee
February 16, 2023

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1532

Page 1, line 2, after the semicolon insert "to provide for a legislative management study; to provide for a legislative management report; and"

Page 1, line 3, remove "; and to provide an effective date"

Page 2, line 24, replace "**State treasurer**" with "**Superintendent of public instruction**"

Page 2, line 25, replace "state treasurer" with "superintendent of public instruction"

Page 2, line 30, replace "state treasurer" with "superintendent of public instruction"

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Page 3, line 10, replace "state treasurer" with "superintendent of public instruction"

Page 3, line 10, replace the second "treasurer" with "superintendent"

Page 3, line 14, remove "state treasurer."

Page 3, line 16, replace "treasurer" with "superintendent of public instruction"

Page 3, line 17, replace "treasurer" with "superintendent of public instruction"

Page 3, after line 21, insert:

"3. The superintendent of public instruction shall audit program funds disbursed to a qualified school."

Page 3, line 22, after "**Applicability**" insert "**- Report to the legislative management**"

Page 3, line 23, after the underscored period insert "On or before September 25, 2025, and annually each year thereafter, the superintendent of public instruction shall report to the legislative management any educational reimbursement program expenditures and supporting data."

SECTION 2. LEGISLATIVE MANAGEMENT STUDY - FUNDING OF NONPUBLIC SCHOOLS.

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 - a. An evaluation of how other states fund nonpublic schools, including accountability and oversight methods;
 - b. A comparison of funding based on need versus funding every student;
 - c. An evaluation of the impact funding nonpublic schools would have on equity related to rural schools and students affected by federal education regulations;

- d. A review of the number of students denied admission by nonpublic schools; and
 - e. An evaluation of the impact funding nonpublic schools would have on public schools situated within the same school district.
2. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-ninth legislative assembly."

Page 3, remove line 30

Renumber accordingly

Dear Senator,

My name is Moria Awuku and I am parent to a child who attends a nonpublic school in Fargo.

Christian education is very important to our family's values and beliefs.

As North Dakota taxpayers, our family would like an educational reimbursement program enacted in North Dakota for our child's education at a qualified nonpublic school. While faith is a very important and integral part of my child's education, our school is accredited by the State of North Dakota and teaches to (and exceeds) an academic standard set by the state.

All children deserve a high quality education, including families who choose nonpublic education. The educational reimbursement program would allow more families to choose the kind of education that is best for their family. Well-educated students are good for their cities and good for the state as a whole.

Thank you for your time. Please vote yes on HB 1532.

Sincerely,

Moria Awuku

This Bill is aimed to provide Public dollars to Private schools, which takes money away from Public schools. Since these Private schools do not abide by ND DPI, these schools will not be held accountable on how/why they spend this Public money.

Nor do these Private schools have to accept all children, students with disabilities or behavioral issues are often told they should attend a public school. To this I say, again stresses the point, why should these Private schools receive Public money if they're not accepting all students who want to attend?

This Bill doesn't serve the interest of rural areas, only the larger cities with these Private schools. Why should rural taxpayers fund Private schools?

These Private schools charge tuition to attend, whose to say they won't increase their tuition in addition to receiving Public money?

Bill supporters have stated this is a small amount (24 million over two years, 12 million/year), but we know this will only open the door to provide more and more money to these Private schools with no accountability.

Please vote NO on HB1532.

Those people who favor this bill can speak with their local leaders and have a vote in their own communities. This local choice would allow urban communities to get what they want without affecting rural communities. If this bill passes, communities without private schools would be sending their tax dollars elsewhere instead of helping their community. That sounds like another step toward making small communities smaller and a way to close more schools. Our state will be stronger and better if we can keep our small schools and communities running!

Thank you for reading,

Richard Schmit

702 Elm St

Lisbon, ND 58054

VOTE NO – HB 1532

I am writing to encourage you to vote NO on HB 1532 as it takes public dollars away from public schools.

It is inappropriate to give public dollars to private schools where there are no accountability measures regarding how those dollars are spent as well as nothing to prohibit the private schools from increasing tuition while also receiving state funds. Additionally, there is not an equal benefit to all North Dakotans. Many in our population are rural and do not have the option or ability to attend the private schools as they are in the larger cities. Our rural constituents will then be subsidizing students and families in other locations which is not how our public dollars are meant to be utilized for education. Equal access is important especially for students with special needs. Private schools have the option to turn away students they deem too difficult to serve including students with disabilities while public schools are required to provide educational services.

While I do support a parent's right to choose the educational experience for their child, I DO NOT believe public dollars should support schools that are not required to follow the same regulations or requirements of public schools.

Please VOTE NO on HB 1532.

Respectfully submitted,

April Dutchuk
Killdeer School Board – Vice President

3-10-2023

Dear Legislator,

I am writing today to ask for your do not pass vote on the HB 1532 bill. As a public school employee who has worked with learning disabled and struggling students, this bill does not address their needs. Further, this bill as it currently stands, still would allow private schools to accept public funds, but not all children. This does not seem right to me as an educator.

Secondly, as a taxpayer, I would like my money to go to free public education. Unless private schools are asked to follow the same rules that public schools do under this new bill, I do not feel it should be supported.

Finally, as a rural school employee, I can truly say that our dollars are already stretched. Teacher shortages are real out here and re-appropriating money elsewhere would be a mistake.

Again, I ask for your DO NOT pass on this bill.

Thank you,

Angie Moser

HB 1532

My name is Brad Fitzgerald and I live in St. John, ND. I have been in public education for 33 years. I am opposed to HB 1532. There is a big difference between public and private schools. Public Schools have to take all children, no matter what their abilities are. Private Schools get to pick which students they will take. Parents who send their children to private schools make the choice to send them there. When they make that choice, they also know that they will be paying tuition. As a taxpayer, I know my taxes go toward public schools that all children can attend. My taxes should not go to a private entity. The state funds public education, not private education.

March 10, 2023

To Whom It May Concern:

My name is Alexie Adair. I am a resident of Lisbon, ND, an amazing rural community in southeast North Dakota. I am a mother of two beautiful daughters, one who attends the local public middle school. The other will be starting kindergarten at the public elementary school in two years. Additionally, I am a speech-language pathologist for the local public school district. I obviously have a vested interest in our community's public schools and any legislation that may affect them. I want to make it known that I am highly opposed to HB 1532 – Voucher Bill.

This bill, as presented, is detrimental to North Dakota's constitutionally provided public school system and will greatly affect most public schools' ability to provide a free and appropriate education to all North Dakota citizens. This bill would have immediate negative affects on funding, not to mention the possibility of damaging ramifications in the future. If this bill passes, private institutions will likely receive more funding than most rural schools and possibly some larger urban school. In my opinion, this is irresponsible and ethically abhorrent, for multiple reasons: (1) private schools have the option of accepting and rejecting students based on unclear standards, (2) private schools can function as for-profit institutions, (3) it has been documented that some private schools have practices of hiring staff without criminal background checks or appropriate educations, (4) private schools have no accountability or transparency requirements, and (5) there are currently no limits in place on tuition.

As someone who works under the umbrella of special education, I consider the fact that private schools have the option to reject students with special needs, emotional or behavioral concerns, and learning disabilities, (not to mention other traditionally lower performing subgroups) to be asinine. Why should these institutions receive public funds if they can turn away students whenever they please? They should not.

Additionally, as someone who lives in a small community with no private institutions within a 60-mile radius, I find it ridiculous that I should be asked to fund institutions that my children could never realistically attend. A more appropriate option would be to let the voters in the communities in which private institutions exist vote for limited mill levy authority to help fund private institutions.

I could write a short novel on why I feel this bill should garner no support from our representatives, but I will close my statement by asking you to do what is best for the 113,000 children who are served by public schools in North Dakota (as opposed to the 7700 who are served by private institutions). I still can't fathom why this is even being considered.

Respectfully,

Alexie Adair, M.S., CCC-SLP

I have been an educator for 24 years in a public-school system. I have chosen to be in public education versus private for one specific purpose: public school systems teach the students who come through our doors. We do not exclude students based on any measure, specifically the measure of money. I love the fact that we provide an inclusive environment for ALL our students. I believe that if public money is utilized to significantly fund private education that all students should have the opportunity to access the programs without discrimination.

I am also concerned that this bill creates disparity in regards to accountability. Utilizing public funds as an endowment for private school students cannot be an acceptable practice. If private schools want public monies to support their cause, private schools need to have the same accountability measure as public schools. Private schools have the ability to determine the students they serve.

This bill would provide a larger gap in affordable services. The claim that students can go to a different school that supports their academic needs has the potential to widen the gap. If private schools are provided public funding without accountability, what stops them from taking the \$3,000 and raising tuition costs making it impossible for families to have access to the education some legislatures feel is superior. This bill seems to support those who are currently enrolled in private school, and little funding seems to be available for new students. I sense this bill sets up the opposite actions of the original intent. This bill just feels like a way to use public funds to support privatized education, this bill just feels wrong.

I also believe that this bill undermines public education by underfunding public schools. I understand that some viewpoints are that this is new money, but we all know that money toward education, no matter what you want to label it, is money for education. I feel that the disparity of the amount of money provided to a small private school student population does not fairly provide for a free and public education. Century code provides for a free, open, and accessible education, this bill attacks each element.

North Dakota's public-school systems are among the best in the nation and world; I am a proud member of public schools who accept the whole student. Simply put, this bill is not good for education.

Respectfully,

Ryan Moser

Dear Representative Johnson,

I'm emailing you today to ask that you vote NO on House Bill 1532. This bill would give public funds to private schools and allow these same private schools to accept state tax dollars without any accountability measures. This bill would provide more than \$3,000 per student to families who have CHOSEN NOT to take advantage of the public school system. Additionally, these same private schools get to CHOOSE which students they accept and refuse.

This appropriation of funds would also reduce the amount of money that could be invested in public schools. Public schools have to follow state accountability measures and accept ALL students.

For these reasons, I respectfully ask that you vote NO on HB 1532.

Thank you for your time and consideration!

Sincerely,

Sheri Olson
Devils Lake Public Schools
School Board Member

I am writing in opposition of this bill. My reasoning for opposition includes:

- 1) As a parent from a rural school district, we do not have the option to send our children to a private school due to distance. I want my tax dollars to go in support of the children in my own community.
- 2) Private schools were developed so that they could have various freedoms (academic, religious, et.). When parents choose to put their children in private school, they are choosing to forfeit their child's right to a "Free Appropriate Public Education." In my opinion, public funding should not go towards a school that doesn't need to follow guidelines set in place by the NDDPI or follow IDEA laws.
- 3) Our rural districts suffer to find appropriate funding for various programs as it is. How can our small districts afford to lose more funding?
- 4) I work for a special education unit who provides minimal special education and related services in a private school. I see firsthand the injustice private schools do for students in special education. They don't hire the appropriate staff or provide the needed services for children with disabilities to be successful in school. If the school can't provide the appropriate services, they typically either deny their entrance into the school or the parents have to be "OK" with their child not getting what they need and just falling further behind. Why should this injustice be "rewarded" by providing them funding for things they aren't even doing?



March 10, 2023

Chairman Elkin and Members of the Senate Education Committee:

My name is Fr. Jady Nelson. I am the president of Bishop Ryan Catholic School in Minot, ND. I am testifying in support of House Bill 1532.

In my ten years at Bishop Ryan as both a religious leader of the Catholic community in Minot, as well as an administrator of Bishop Ryan, I have come to see first-hand the important role that faith-based schools play in our communities, our families, and our students. I've also come to see that there are economic and legal hurdles in place that create unjust burdens for tax-paying, North Dakota parents, who desire an educational program and environment that specifically aligns with their religious, moral, and philosophical beliefs.

Our current educational funding framework does not recognize the legitimate interests that some families have in choosing a school for their children other than the free public school. The current framework implies that a parent's reasons for seeking a non-public school education are not germane to the reason for which taxes are levied and appropriated to education in the first place, namely, that a well-educated populace is essential to a well-functioning society. It does this in two ways: First, this funding framework implies that there is no legitimate reason why a parent would seek a nonpublic education. Second, it implies that none of those reasons actually contribute to the common good.

Our current educational funding framework says quite simply to the families that seek a non-public education: you must pay taxes for the sake of educating our populace, but if you happen to believe that a non-public education is best for your child, then you must forfeit your right to receiving any benefit from the taxes which you pay. In doing so, it treats them and their children as undeserving of sharing in the common good of education and places a higher burden on those taxpayers who because of religious, moral, or philosophical beliefs seek an education other than public.

Recent developments in educational policy have superseded the "one-size-fits-all" approach to education implied by our funding framework. When open-enrollment opportunities were made available in this State, the educational paradigm began to shift from a "one-size-fits-all" approach to a "best-fit approach". Open-enrollment between public schools acknowledges that parents should have greater latitude to choose a school that best fits their needs. Furthermore, the "Choice Ready" framework espoused by this State acknowledges that students should have a multitude of pathways available for their education. Yet, our current funding framework says that choice is important, unless it is choice based upon religious, moral, or philosophical reasons. In this case, there can be no support for personal agency on the part of the family.

It is important here to address the fact that the relationship between a parent and their minor child is such that the parent has rights and duties toward that child that are not derived by concession of the State or any other human entity, but from the natural parental relationship itself. Parental rights and duties are more fundamental than the rights and duties articulated by positive law, such as the Constitution or North Dakota Century Code. Chief among the duties of parents is the duty to educate their children not only intellectually, but also morally and religiously. Correlative with this duty to educate is the right to direct that education. Education is first a prerogative of parents before it is a prerogative of government.

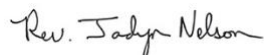
One of the ways that the religious freedom recognized in our Constitution is often exercised is through religious education. Religious liberty extends beyond one's specific worship liturgy. For many parents, the provision of an education that integrates religious truths and practices while fulfilling the purpose of a general education as articulated by the Constitution is important to living out their relationship with God. This bill would help to remove the financial obstacle to achieving this exercise of religious liberty.

The very status of school authority over children in this country is based upon the fact that the school's authority is derived from parental authority. The juridical term *in loco parentis*, in the place of the parent, is a juridical acknowledgment that the school's educational role is proper first to parents, but due to the specialization necessary for a developed economy and highly skilled educational environment, often requires parents to delegate this role to schools to act in their stead. Schools, even public schools, by definition, should work for parents. This bill helps to recognize the primacy of the parental role in directing their child's education.

Members of the committee, this bill addresses the most prominent obstacle that some families in our state face when trying to educate their children in accord with their religious, moral, and philosophical beliefs by recognizing that their children's education should not only contribute to the common good of the State of North Dakota, but also benefit from it.

It is noteworthy that the preamble of the Constitution of this great State places religious and civil liberty in a harmonious relationship. This bill will remove serious obstacles to experiencing that harmonious relationship in the lives of those parents whose religious, moral, and philosophical beliefs dictate that their natural and statutory obligations to educate their children are best achieved through enrollment in a non-public school.

Sincerely,



Rev. Jadya Nelson, M. Ed
School President

VOTE YES TO BILL HB1532

I am writing on behalf of the support of HB1532, this bill would allow for me to afford to send my child to a private school of my choosing. This gives my children and other parents the opportunity to give the education that they choose and to send their children to the school that they choose with reimbursement. I want to be able to make the best choice for my children and this bill provides that opportunity. This bill helps to begin to rectify the discriminatory educational funding model that has placed a double burden on the parents of non-public schools. This bill doesn't take away from the public education in any way considering that I am not asking to not pay the taxes that I am already required to pay for public schooling. I believe in school choice and this would only make that easier.

Sincerely,

Tavia Burgardt

3/10/2023

Members of the Education Committee,

My name is Aleisha Hellman, I live in #7 and I am a stepparent who has chosen to enroll my child in Light of Christ Schools. I am writing to ask that you please vote YES on HB 1532.

My stepson attends St. Mary's Central High School. This is his 10th year in the Light of Christ Catholic Schools. He is a freshman this year. During his time attending Catholic school, his mom passed away when he was just 6 years old, he was in kindergarten at Cathedral School. The support and love and help my husband received during this time of difficulty from his Catholic School family was amazing! He never regrets his decision to choose private school. This is why we keep choosing to send our son, Kendall, to private school, despite the tuition costs. This tax benefit for families that send their kids to private school is beneficial. They will keep choosing faith over finances every single time! We see the need for a deeper more meaningful education for our kids.

I urge you to vote in favor of ND 1532

Thank you for your service to the state of North Dakota and for your time on ND 1532.

Sincerely,

Aleisha Hellman



Ellendale Public School

321 N. 1st St, PO Box 400, Ellendale ND 58436

Ph. (701) 349-3232 - Fax (701) 349-3447

www.ellendale.k12.nd.us

Superintendent
Chip Sundberg

Business Manager
Lana Norton

H.S. Principal
Cindy Rall

Elem. Principal
Allison Radermacher

School Board: Pres. - Michele Thorpe, Vice Pres. - Kent Schimke, Director - Kristi Gilbert, Director - Cresta Miller, Director - Val Wagner

Re: Bill Number 1532

February 21, 2023

Honorable Mike Brandenburg
Honorable Jim Grueneich
Honorable Robert Erbele

Dear District 28 Legislators,

I am writing on behalf of myself as I have been unable to visit with my School Board about this particular bill. I think that they all would agree with me when I say that this is not a good bill for Ellendale Public School. The use of public money for school vouchers will erode funding toward public school education. Here is a list five things to think about when it comes to school vouchers.

1. Public dollars should be spent in public schools.
2. It is inappropriate to give public funds to private schools without any accountability measures.
3. Nothing in this bill prohibits private schools from increasing tuition rates while also receiving state funds.
4. Unlike public schools, private schools are allowed to turn away students they deem too difficult to serve, including students with disabilities.
5. Voucher programs do not equally benefit all North Dakotans. Only students in large cities with private schools will benefit. Rural students will not benefit from the vouchers and rural taxpayers will be subsidizing students and families in other communities.

I hope you agree that these reasons can significantly impact the education of rural North Dakota students, and impact schools in District 28.

If you have any questions at all, please feel free to contact me. The school contact information is in the letterhead. My cell phone number is (605) 695-6434. Thank you for your consideration in this matter.

Yours in Education,

Chip Sundberg, Superintendent
Ellendale Public School

AN EQUAL OPPORTUNITY EMPLOYER

The Ellendale School District does not discriminate on the basis of race, national origin, sex, or handicap in its educational program, activities, and employment practices.

Re: Bill Number 1532

March 10, 2023

Honorable Robert Erbele

Dear District 28 Senator,

I am writing this on my own behalf as a parent, a tax payer, and a teacher. The use of public money for school vouchers will erode funding toward public school education. HB1532 will negatively affect rural PUBLIC schools for the following reasons:

1. Public dollars should be spent in public schools.
2. It is inappropriate to give public funds to private schools without any accountability measures.
3. Nothing in this bill prohibits private schools from increasing tuition rates while also receiving state funds.
4. Unlike public schools, private schools are allowed to turn away students they deem too difficult to serve, including students with disabilities.
5. Voucher programs do not equally benefit all North Dakotans. Only students in large cities with private schools will benefit. Rural students will not benefit from the vouchers and rural taxpayers will be subsidizing students and families in other communities.

I hope you agree that these reasons can significantly impact the education of rural North Dakota students, and impact schools in District 28.

Sincerely,

Colette Middlestead
Ellendale Public School

AN EQUAL OPPORTUNITY EMPLOYER

The Ellendale School District does not discriminate on the basis of race, national origin, sex, or handicap in its educational program, activities, and employment practices.

In Support of ND HB 1532

Members of the Education Committee,

My name is Megan Petersen and live in District 18. I'm writing today to ask for your support in passing ND HB 1532. This measure helps families, like mine, have greater autonomy in our children's education. We enroll our children at St. Michael's Catholic School in Grand Forks. We love our private school and selected it for its excellent educational program.

Our current school district keeps threatening to close our local schools and ship us across town, wastes money on administrator salaries without transparency in its spending and offers sub-par buildings and resources. If our tax dollars were going toward paying teachers more, providing what classroom resources teachers need and reducing class sizes, we'd see it as money well spent, but that's not where our money goes.

We chose to have our kids attend a private school and are blessed to be able to afford it. However, ND HB 1532 would allow our family to relax in our budgeting. We choose to live in a very small space and not have frivolous spending (eating out, purchasing non-necessities, etc.) so that we can make a private school tuition work in our budget. If we were able to be refunded some of our tuition, we could use some of that money to support our local economy.

Thank you for your time. I hope I can count on your support for ND HB 1532!

Dear Legislators,

A NO vote is necessary on HB 1532. Using taxpayer money to support private schools will erode the public education system in the state. Property taxes pay for K-12 education. Our teachers are not paid enough. Our schools need adequate funding to prepare our children for the world they will be living in. Organized religions don't pay taxes. Why should they get taxpayer money for their schools that their children will be attending?

Sally Dockter

504 12th St Manvel ND 58256

House Bill 1532

Hearing Date: Tuesday, March 14th at 9am

In support

My name is Daniel Neff from District 35. I attended private education kindergarten through 12th grade along with my two siblings. I attended two public colleges in North Dakota and received the State Scholarship. I moved to Minnesota for 3 years, but returned to Bismarck to plant roots and to send my children through the same private school system I attended. I am now employed by that private school system.

I believe families should have the choice between private and public-school offerings. Private school can be cost prohibitive. I am grateful for the economic sacrifice my parents made to send me to private school, though it is not an economic reality for every family. I believe that the existence of private schools and their accessibility benefits all North Dakotans.

However, I do not believe that cost should be a barrier for families in identifying the best fit for their child's academic needs. North Dakota public and private schools both have strong academic outcomes, but a student may succeed better in one environment versus the other.

Not every community or state has private school options and am grateful that North Dakota does. It is in the best interest of academic outcomes for students and for the general community that private schools continue to prosper hand-in-hand with public schools in North Dakota. **I urge you to vote in favor of HB 1532.**

Thank you,

Daniel Neff

danneff44@gmail.com

Members of the Education Committee,

My name is Britainy Kralicek, and I live in Dickinson, ND, and I am a parent who has chosen to enroll my children in Trinity Catholic Schools.

I support 1532 because it can help families who desire to send their child(ren) to a non-public school begin to do so or continue to do so, knowing that the financial burden weighing their decision will be at least in part diminished. I know a family who works extra hours to pay tuition. How beautiful it would be if those extra hours were unnecessary. I know a single mother who desires to send her child to a non-public school. When I told her about this legislation, her heart leaped at the idea that it might be financially easier. For my own family, it is our joy to be able to discern how our children will receive their education. It is my hope that more families can share in this joy. This legislation financially supports families of North Dakota, which altogether does more in showing consideration for the needs of each citizen and joining in their hopes and dreams for their children.

I urge you to vote in favor of ND 1532.

Thank you for your service to the state of North Dakota and for your time on ND 1532.

HB 1532

It was a parent choice for us several years ago to send our children to St. Anne's for junior high school and St. Mary's for high school. We didn't expect the state to pay for the tuition for our children. We made the sacrifice to send them to a private school. Why now should we as taxpayers help fund more than \$3,000 per student to families who choose to send their children to a private school. St. Mary's stands to get more funding than 68 of our rural schools do.

Speech/Language and Learning Disabilities exist in many children throughout the state. The private schools do not hire specialists to provide service to these students. They are served by the school district in which the school exists. In reality, the private schools can turn away low performing subgroups while the public schools cannot. Private schools can also "kick out" a student if they cause trouble or are a behavior problem. I saw this happen when one of my children attended St. Mary's High School.

The thing that really upsets me is the fact that the private schools can accept these public funds without any accountability. I know firsthand that the public schools have many forms that must be completed and submitted to DPI. If the public schools do not complete and submit these forms, they stand the risk of losing their accreditation.

If this bill passes, I firmly believe that the public schools will receive less dollars in foundation payments. The money must come from somewhere and I strongly believe that foundation payments will be less because education funds all come out of the same original source. Plus, there is absolutely no benefit to the rural schools, just the urban ones.

There are families who already have children in the private schools so why should we give money to those families. They made that choice and are apparently paying the tuition just as we did when our children attended private school.

Personally, I don't understand how it can be legal to use public funds to fund a private school. This is an urban issue because that's where the private schools. Why should the rural taxpayers fund private schools in the urban areas.

Shirley Ryberg, Business Manager
Burleigh County Special Education Unit
Naughton School District #25
Menoken School District #33
Sterling School District #35
Apple Creek School District #39

Senate Education Committee Members,

I am writing in opposition of HB 1532. I am a public school teacher and this bill is extremely concerning. Private schools need private funding, state funding should be for public schools.

We are very near or maybe even in a crisis situation with our public schools and educators. We need the funding to keep districts afloat and able to hire quality teachers. This bill does not help ND. I urge you to vote NO on HB 1532

Thank you!

A handwritten signature in black ink, appearing to read "Matt Liebel". The signature is written in a cursive style with a large, stylized initial "M".

Matt Liebel

Senate Education Committee Members,

I am writing in opposition of HB 1532. I am a public school teacher and this bill is extremely concerning. Private schools need private funding, state funding should be for public schools.

We are very near or maybe even in a crisis situation with our public schools and educators. We need the funding to keep districts afloat and able to hire quality teachers. Districts are currently struggling to fill positions, and this bill does not help that since money will be diverted and salaries will be affected. I urge you to vote NO on HB 1532

Thank you!

Amy Liebel
Williston, ND

Members of the ND Senate and Education Committee,

I very strongly ask for your support on HB 1532. As the father of 7 school aged children, I am extremely passionate about this bill, not for myself alone, but for the ability that it EMPOWERS PARENTS to become more involved in their child's education. Right now the wealthy have the most accessibility for non-public education. Others of us make huge sacrifices. This is not about "compensating rich parents". For one, I'm not one of the rich parents. However, even if there was a cap on who could receive these funds and I wasn't eligible, I would be equally as passionate about the bill because I want every parent to be empowered to do more for their children. This bill doesn't give them "free education", which I think is good. **When people spend money, they start to care more.**

Let's give those who aren't fortunate enough the opportunity for a better education and at the same time give the public schools a model of how schools can do so much more with so much less.

Will and Laura Gardner
2100 14th Ave SE
Mandan, ND 58554

Bill 1532 should receive a No vote because it goes against the separation of church and state in the First Amendment, "Congress shall make no law respecting an establishment of religion." Allowing state taxpayer money to subsidize religious education runs contrary to the First Amendment.

Furthermore, it undermines the public education provided to the 92% of students in the state that attend public schools. A yes vote is to increase inequality between the haves and the have-nots.

It is also problematic to use taxpayer money to subsidize private schools that are not required to provide the same services to students with disabilities or IEPs. There are policies in place for students with disabilities who attend private schools to receive non-ideological and secular services when approved by DPI through public education districts. Private schools do not have to offer school on snow days. They can kick out students they don't want.

It is an unfettered industry and taxpayers should not subsidize industries that do not have standards and rules to protect and insure student learning.

And finally, I live in Jamestown, ND where the public school district often has to push off maintaining assets and is consistently struggling to meet learning outcomes with a lack of resources.

You need to vote No and support the 92% of students in public schools.

March 11, 2023

Senate Education Committee
Room 216, State Capitol
Bismarck, ND 58554

RE: Endorsement of HB 1532

Dear Senate Education Committee:

My name is Amanda Dukart, and I am a community member who resides in your district. I support House Bill 1532, which would reimburse parents for some of the costs of educating their children at nonpublic schools. Three of our children currently attend a private school, so this would majorly affect our family directly.

The first reason we support this bill is because we would experience first-hand the benefits of our tax dollars toward education.

The second reason is because we currently make many financial sacrifices so that our children can attend a private school. We find that the sacrifice is worth the benefits, but if the bill were passed, we would also be able to save more money to help pay for our children's higher education in later years.

The third reason we support HB 1532 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. Because my husband and I both have to work to make ends meet, 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 'yes' on HB 1532. There are numerous great families and schools that will benefit from government assistance with private education, and a financial burden will be lifted in each of their households.

Sincerely,

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

Members of the Education Committee,

My name is Courtney Lanes and I live in District 27 in Fargo, and I am a parent who has chosen to enroll my children in Trinity Elementary School.

I support HB 1532 because as a child, I was one who thrived once I was in a smaller learning environment in a private school at great expense to my family. I hold the education I received and efforts of my teachers in the highest regard.

As a parent I have recognized that one of my children would be better suited to a smaller private school that has the ability to cater more to his diagnosis and set him up for success. We as a family have decided to make sacrifices and send both of our children to the same private school.

I urge you to vote in favor of ND 1532. This bill allows families the freedom to pick what's best for their kids and can alleviate some of the financial strain associated with private schools. Especially since this bill has no impact on the funding of the public-school systems of ND.

Thank you for your service to the state of North Dakota and for your committee's time on ND 1532.

Sincerely,

Courtney W Lanes

Members of the Education Committee,

My name is Robert Lanes and I live in District 27 in Fargo, and I am a parent who has chosen to enroll my children in Trinity Elementary School.

I support HB 1532 because as a parent I have recognized that one of my children would be better suited to a smaller private school that has the ability to cater more to his diagnosis and set him up for success. We as a family have decided to make sacrifices and send both of our children to the same private school and ND 1532 would give us the freedom to do so with a bit less stress.

I urge you to vote in favor of ND 1532. This bill allows families the freedom to pick what's best for their kids and can alleviate some of the financial strain associated with private schools. This bill has no impact on the funding of the public-school systems of ND.

Thank you for your service to the state of North Dakota and for your committee's time on ND 1532.

Sincerely,

Robert Lanes

Members of the Education Committee,

My name is Terry Welle and I live in District 41 in Fargo, and I am a parent who chose to enroll my (now adult) children in the JPll network in Fargo.

I support HB 1532 because I saw how wonderful the environment was for both of my kids growing up but every year it was a conscious financial decision and sacrifice to have my kids in that learning environment. Life has gotten exponentially more expensive and I would love to know that current parents have some financial assistance to make the best educational decisions for their kids.

I urge you to vote in favor of ND 1532. This bill has no impact on the funding of the public-school systems of ND and would allow families the freedom to pick what's best for their kids and can alleviate some of the financial strain associated with private schools.

Thank you for your service to the state of North Dakota and for your committee's time on ND 1532.

Thank you,
Terry Welle

Dear Honorable Members of the North Dakota senate,

My name is Lilly Funk, and I live in Minot, North Dakota. I am a federal employee at Head Start (as an assistant teacher). The purpose of this written testimony is to persuade members of the North Dakota senate to support HB 1532.

I am in support of this bill because it is important for parents to have more choices to educate their children. Often, parents desire to put their children in private schools but cannot afford the costs, so they end up defaulting to public school.

This bill must be passed so that parents have the ability to put their children in private schools. Public schools are becoming more likely to communicate false ideals to children that sometimes harm them. If parents would like to avoid the pitfalls of public school, they should be able to put their children in private schools instead without having to worry about the financial aspect of such a decision.

Thank you for considering making the right decision and passing HB 1532!

Members of the Education Committee,

My name is Justin Haag I have 5 children currently enrolled in Dickinson Trinity Catholic School systems. My family and I ask that you please support HB 1532 on March 14th. My wife and I believe that our children's education is one of the most important decisions to ensure that our kids grow up with a good foundation and strong moral compass. For these reasons we have sacrificed whatever it takes to give our kids the start to a successful and fulfilling life that they deserve in the state that we love. I think this is a very fair bill to all and would greatly appreciate your support.

Thank you for your service to the state of ND and your time on the ND 1532 bill

Sincerely,

Justin Haag

2498 7th St W

Dickinson, ND 58601

701-301-3273

Dear Members of the ND Legislative Assembly,

I am writing **in support of HB 1532**.

First, when I decided to send my child to private school, I knew this would require great sacrifice on my part. I was barely living above the poverty level; However, I found a way to make this work for my son because it was important to me as a parent to give my son an education that met our needs. Honestly, it was anxiety-inducing not having any money left for emergencies or extras. Parents shouldn't have to make choices between filling their cupboards and giving their kids the educational experience that is best for them. All Parents should have a choice in their children's education, rich or poor. All children deserve to receive a quality education of their parent's choosing.

Second, over the years, our living situation has improved, but \$5,900.00 in tuition is still a burden. Next year I will have two students in private school with a tuition bill sure to exceed \$8,000.00. This bill is especially important now because our property taxes increased a whopping 16% over the previous year to fund a new public high school. This *extra money* is being taken from my family, and we receive nothing in return. We pay taxes; therefore, we deserve to see some benefit.

Passing this bill is a step in the right direction for North Dakota families.

Best regards,

Mary and Jeremy Saxer

March 11, 2023

Dear, Mr. Chairman and Senate Education Committee Members,

My name is Alexis Schommer and I am a 6th grader at Sacred Heart Middle School in Fargo, ND. I support HB 1532 because I really enjoy going to a school where God is praised and honored. I would love it if you would give money back to my parents so they can afford to keep sending me to the school I love.

Please support HB 1532! Thank you for hearing my concerns.

In Christ,

Alexis Schommer
620 Westwynd Dr.
West Fargo, ND 58078

10 March 2023

Honorable Members of the Education Committee,

My name is Shawn Gray. My wife, Carmen, and I live in Fargo and we have two children in the JPPII Catholic School system. Our son, London – 17, and our daughter, Jade – 11.

I strongly support HB 1532. We adopted Jade when she was three years old from an orphanage in Shanghai, China. She was found in a basket outside a subway station at People's Square at birth and spent until her 3rd birthday in a state orphanage. Not only did she "miss" three years of development intellectually but socially and emotionally as well. When we moved back to the US when Jade was six, we wanted to choose a school environment that allowed smaller class size, one that would offer some personalized flexibility given her personal challenges. She has been in Nativity Elementary and they have been INCREDIBLE....they have had the ability to work with Jade, give us plans to help her grow and work towards reaching grade level expectations and have been incredibly understanding. All while having a faith component we feel is so important she couldn't get anywhere else. We can't imagine our daughter being in another environment.

The cost of a private education is substantial, but for us...this education is essential for her future. HB 1532 will allow us to continue Jade's path toward growth. Us and so many families like ours need this support.

I urge you to vote in favor of HB 1532.

Thank you for your efforts on behalf of all North Dakotans, and thank you for your consideration in support of HB 1532.

Shawn & Carmen Gray

5807 Silverleaf Drive S, Fargo, ND 58104

701.306.0000

Hello,

In regards to HB 1532 - this bill is incredibly concerning. I live and teach in rural North Dakota. My one year old son will attend the school I teach at. The idea of our rural school, North Sargent in Gwinner, ND, receiving less support than we already do is heartbreaking. The same can be said for every child and educator in the state - the majority of our children and teachers - who attend and work at public schools.

It should also be said that there are no private schools in our area of the state, therefore we should not be a part of funding this.

Private schools are a choice that every parent has the right to make, but please don't hurt the majority of us who are taking advantage of North Dakota public education. We love our school.

Emma Waloch
First Grade Teacher
North Sargent Elementary

North Dakota's rural communities, served by public schools, will receive absolutely no benefit from this bill as there are no private or parochial nonpublic schools located in 36 of North Dakota's 53 counties. This bill takes resources from the state's 490 public schools in every community across the state to support private choices.

Additionally, HB 1532 requires no accountability for these expenditures on the part of the private schools who will receive them. In contrast, public schools, governed by locally elected school boards and open meetings laws, must account for every dime they receive from the taxpayers of North Dakota.

Finally, nonpublic schools that will benefit from HB 1532 are not required to follow many federal and state requirements and the bill specifically prohibits requiring nonpublic schools to alter their admissions policy. They are free to deny admission to any student for any reason, including cognitive ability, physical disability, as well as behavioral and social limitations. Public schools, on the other hand, proudly educate all comers, regardless of their limitations and abilities. It is not unreasonable to believe that if private, nonpublic schools receive state funding, then they should have to follow the same state and federal requirements as North Dakota's public schools.

Dear Members of the Senate Education Committee,

Thank you for taking the time to review my written testimony. I am writing to express my strong opposition to HB 1532. As a taxpayer, I want my taxes to support public schools, and as a public-school teacher with nearly 40 years of experience, I know how precious every single state dollar is to our school fund. To put it simply, public schools cannot afford to have funds diverted to non-public schools.

We are privileged to teach every student in our district and to meet the needs of each child. At a time when there seems to be a general consensus that additional funding is required, it doesn't make sense to consider using some of those funds for tuition at a non-public school. As we deal with the additional challenges of post-pandemic education and teacher shortages, the thought of losing funding to pay for vouchers seems counter-productive. In addition, not every community has access to a non-public school, which means that tax-dollars would be funding private schools far from local taxpayers.

I completely respect the decision of families to send their children to a private school, and I believe that private schools provide benefits to the communities where they are located. That said, I do not think it is the responsibility of the 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 member of the House Education Committee cares about the education of our students. Our public schools are the hub of communities that are large and small across North Dakota. 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 their location in the state. 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

Dear Senate Education Committee Members, My name Jessica Schumacher and I reside in District 17. I am a parent who has chosen to enroll my child in a non-public school. I support HB 1532 because my child's non-public school serves my child's needs and has positively impacted my child. We make a financial sacrifice by sending our child to a non-public school and continue to pay taxes to support the public schools. The tax reimbursement will help my family and support parents in the state of North Dakota. I urge you to vote IN FAVOR of HB 1532.

March 12, 2023

Dear Chairman Elkin, Senator Beard, Senator Altman, Senator Conley, Senator Lemm, and Senator Wobbema:

We are writing in support of HB1532. Please recommend its passage today.

We are the parents of five children ages 1-14 in Minot. Three years ago, we made the decision to send our school-age kids to Our Redeemer's Christian School, and we currently have four students enrolled there. We're grateful Christian education is an option—but it does come with significant costs. Paying tuition (times four!) is a financial burden, and many families in North Dakota are unable to afford private school—but wish they could. HB1532 would help make that choice attainable.

Having a portion of our tax dollars available to follow our kids to school is a freedom North Dakota families deserve. Our children will benefit from more diverse educational choices—and they should be at the center of this discussion. Education is not one size fits all, and allowing choice widens and enriches the educational landscape.

Our kids are thriving in a smaller, Christian school setting. We have dear friends who would like to send their kids to Our Redeemer's, but cost is prohibitive. HB1532 would make it possible. This could be landmark legislation for North Dakota, and a way for our state to definitively say, "We support families and freedom."

Please mark HB1532 as "do pass" today.

Respectfully,
Carolyn & Charles Moore
Minot, ND

Giving parents freedom in education choices for their children is long overdue. I applaud this small step in that direction. It is a direction leading to better schools that are forced to win the trust of parents to get their business. This makes for honest capitalism - where competition breeds excellence and success. Please pass this bill and immediately set a course for a more comprehensive bill (similar to those being enacted in several other states this year) to provide FULL state funding to parents to choose the best school setting for their children. Thank you.

North Dakota's rural communities, served by public schools, will receive absolutely no benefit from this bill as there are no private or parochial nonpublic schools located in 36 of North Dakota's 53 counties. This bill takes resources from the state's 490 public schools in every community across the state to support private choices. These public dollars could be used in so many other ways, but most importantly, they could help to benefit our public schools, as well as our most valued resource our students.

Additionally, HB 1532 requires no accountability for these expenditures on the part of the private schools who will receive them. In contrast, public schools, governed by locally elected school boards and open meetings laws, must account for every dime they receive from the taxpayers of North Dakota.

Finally, nonpublic schools that will benefit from HB 1532 are not required to follow many federal and state requirements and the bill specifically prohibits requiring nonpublic schools to alter their admissions policy. They are free to deny admission to any student for any reason, including cognitive ability, physical disability, as well as behavioral and social limitations. Public schools, on the other hand, proudly educate all comers, regardless of their limitations and abilities. It is not unreasonable to believe that if private, nonpublic schools receive state funding, then they should have to follow the same state and federal requirements as North Dakota's public schools. Public schools accept all students and provide services to all students. This may require public schools to purchase new equipment to help provide these services or purchase more items to provide the best education possible for ALL students.

Our public school students deserve to get the best possible education. They deserve to get services that come from the public funds that many of their parents as taxpayers are paying for.

OPPOSE HB 1532 for our PUBLIC school students!!!

LaMoure Public School

HIGH SCHOOL PRINCIPAL

Lucas Isaacson

ELEMENTARY PRINCIPAL

Laura Shockman

Business Manager

Sheila Bierman

MITCH CARLSON – Superintendent

105 – 6th Avenue SE

P.O. Box 656

LAMOURE, NORTH DAKOTA 58458

Email: Mitch.Carlson@k12.nd.us

Phone 701-883-5396; Fax: 701-883-5144

Board of Education

Holly Braun, President

Alana Lacina, Vice President

Jodi Laney

Jessica Duffy

Dominic Hanson

March 12th, 2023

This is in opposition to HB 1532.

The idea of distributing state dollars to schools without any accountability is nonsensical. Public school follow multiple century code rules that private schools do not have to follow.

Before this is even considered, there should be an assessment to what rules the private schools must adhere to that is written in century code that all public schools must follow.

If HB 1532 were to pass in its current format, I will look forward and will be extremely happy to follow the same rules and regulations that the private schools currently follow. If not, it has litigation written all over this bill.

Respectfully submitted,

Mitch Carlson

LaMoure School Superintendent

AN EQUAL OPPORTUNITY EMPLOYER

The LaMoure School District does not discriminate on the basis of race, national origin, sex, or handicap in its educational program, activities, and employment practices.

Good Afternoon,

I am contacting you today to ask you to vote NO on HB 1532. I sent correspondence earlier this session urging a NO vote on HB 1532, but I need to reiterate again the importance of doing just that. Choosing to send a child to a private school to receive an education is a choice. This choice shouldn't be at the cost of educating public school students. Directing public dollars to a private institution is a bad idea. I am a proud public-school teacher with over 20 years of experience. Students and staff in our public school system should receive public dollars to further the education of our youth, and to provide for the many services students in our public schools.

Over the years, I have witnessed cuts to programs and staffing that harm our students' ability to receive a quality education. And now, even more money could be taken away from public schools at a time it is desperately needed. When I read that HB 1532 proposed monies for this project requires no accountability on the part of private schools I knew I had to act. This is disturbing and alarming! And a slap in the face to every public school system, student, and teacher in our state. It affects every child and community in North Dakota! As a public-school teacher, I am familiar with the requirements and red tape that is involved with purchasing necessary items for students and schools. Allowing public dollars to be used by a private institution is not okay. By funneling dollars away from public education, with no accountability, it would negatively impact everyone, but especially North Dakota's rural communities, served by public schools. They will receive absolutely no benefit from this bill as there are no private or parochial nonpublic schools located in 36 of North Dakota's 53 counties.

Nonpublic schools that will benefit from HB 1532 are not required to follow many federal and state requirements and the bill specifically prohibits requiring nonpublic schools to alter their admissions policy. This is crazy! They are free to deny admission to any student for any reason, including cognitive ability, physical disability, as well as behavioral and social limitations. Public schools, on the other hand, proudly educate all, regardless of their limitations and abilities. It is not unreasonable to believe that if private, nonpublic schools receive state funding, then they should have to follow the same state and federal requirements as North Dakota's public schools.

In closing, allowing public dollars to go unaccounted for is alarming and I urge you to vote NO on HB 1532. Public schools accept everyone and must have the resources available to teach whoever walks through our doors. Education is important for all, but when parents choose a private school, receiving public dollars shouldn't be a part of that equation. Public dollars for public schools!

If you have questions, please contact me at 701-306-5746.

Sincerely,

Lynnae Tiedman

3719 18th St S

Fargo, ND 58104

1/30/2023

To whom it may concern:

My name is Jeannie Jagow. I am the adopted grandparent of my granddaughter, Alexa who is a student at St. Michael's catholic school in Grand Forks. I urge you to approve the bill 1532 for allocating funds related to School of Choice.

As a mother of three children who attended public school, I can firmly say there is a significant difference in both the value of education, involvement of teachers and safe growing environment at St Michaels opposed to the public school system. My daughter suffered severe bullying growing up from her peers. It was well known to the staff, but nonetheless little intervention occurred. Due to this level of bullying, my daughter had anxiety and depression which further harmed her future as her education suffered. Years later, unable to cope with the demands of motherhood, Alexa, my granddaughter, had to be taken away for her well-being.

Alexa attends St. Michaels is doing very well socially and in her studies. Teachers spend energy creating interesting lesson plans which challenge the students and children are in a safe environment where they can learn and grow.

My hope is that you hear the voices of Grand Forks parents and allow for taxpayer funds to be allocated to Schools like St. Michaels who are blueprints for the Grand Forks school systems as a whole.

Sincerely,

Jeannie Jagow

3/12/2023

I implore you to PASS Bill 1532.

We choose to send our children to a private non-public school to provide a safer environment where they are treated by respect from their teachers and their peers. We cherish the private school's commonsense in remembering parents are charges of their children and not liberal agendas. To keep information from parents or groom children against our wishes is not welcome and a tremendous drive to paying tuition despite the financial strain in these current times. Please respect parents rights to choose the values we wish our children to grow with while allocating funds to these non public schools and educators willing to take on this rational yet counter cultural view.

Regards

William Ewals

Dear Senate Education Committee Members,

My name Marie Vetter, and I reside in District 18. I am a parent who has chosen to enroll my child in a non-public school. I support HB 1532 because my child's non-public school serves my child's needs and has positively impacted my child. We make a financial sacrifice by sending our child to a non-public school and continue to pay taxes to support the public schools. The tax reimbursement will help my family and support parents in the state of North Dakota. I urge you to vote IN FAVOR of HB 1532.

Respectfully,

Marie Vetter

Dear Senate Education Committee Members,

My name Timothy Vetter, and I reside in District 18. I am a parent who has chosen to enroll my child in a non-public school. I support HB 1532 because my child's non-public school serves my child's needs and has positively impacted my child. We make a financial sacrifice by sending our child to a non-public school and continue to pay taxes to support the public schools. The tax reimbursement will help my family and support parents in the state of North Dakota. I urge you to vote IN FAVOR of HB 1532.

Respectfully,

Timothy Vetter

Dear Senate Education Committee Members,

My name is Philomena Leininger, and I reside in District 18. I am a young adult whose siblings are enrolled in a non-public school. I support HB 1532 because my siblings' non-public school serves my siblings' needs and has positively impacted my siblings. My parents make a financial sacrifice by sending their children to a non-public school and continue to pay taxes to support the public schools. The tax reimbursement will help my family and support parents in the state of North Dakota. I urge you to vote IN FAVOR of HB 1532.

Respectfully,

Philomena Leininger

Dear Senate Education Committee Members,

My name is Sharon Carlson, and I reside in District 19. I am a grandmother whose grandchildren are enrolled in a non-public school. I support HB 1532 because my grandchildren's non-public school serves their needs and has positively impacted them. My daughter and her husband make a financial sacrifice by sending their children to a non-public school and continue to pay taxes to support the public schools. The tax reimbursement will help my daughter's family and support parents in the state of North Dakota. I urge you to vote IN FAVOR of HB 1532.

Respectfully,

Sharon R. Carlson

Chairman Elkin and members of the Senate Education Committee,

My name is Jennifer Kallenbach and I am a resident of District 14. I have dedicated my career to working as a public school teacher in rural North Dakota for the last 14 years. Additionally, I have chosen to send both of my children to public school.

I am writing to you in regards to HB 1532. I would sincerely urge you to vote NO on this bill. Although I believe parents have a right to choose to send their children to private schools, as a North Dakota taxpayer I do not believe that up to \$24 million dollars of public funds should be used to support private schools.

I am particularly concerned with the lack of oversight in how this money can be spent. At this time, the bill does not require that the money be spent on academics. The money could be used by private schools for a variety of purposes that are not academically focused. Furthermore, public schools are required to follow open public meeting laws, have audits that can be viewed by taxpayers, and share evidence of how students perform on state and federal exams. Private schools are not required to be transparent about any of the information listed above.

Another concern I have is that money would be given to private schools without requiring them to accept all students. For example, public schools are required to accept all students in their district. This includes all students with learning disabilities, behavior challenges, and physical disabilities. As a teacher in a class B school, I truly believe that the variety of students we educate makes our school community stronger. Nevertheless, educating students on IEPs or students with other disabilities adds extra costs for school districts. Private schools do not have to accept these students. If this extra funding is to be given to private schools, they should be required to follow the same requirements as public schools. At this time HB 1532 does not require this.

I am incredibly proud to be a teacher in North Dakota and believe our public schools provide exceptional education to the students who enter our classrooms. I thank you for your service to North Dakota. I ask you to continue to support rural schools and the services they provide to all students by voting no on HB 1532.

Thank you,

Jennifer Kallenbach

Steele, ND

My name is Arthur Weidner. I am self-employed and my wife is a stay-at-home mom. We have two children in middle school grades who attend a small private Christian school in Fargo. I was able to attend this same school as a child for K-8 grades. My wife attended Moorhead public schools during her childhood. We both moved away from the Midwest to start our careers and when we began to have children moved back to the area to raise our children.

My wife was against sending our children to private school, mostly for financial reasons, until she saw the outcomes of the graduates. She was a director of youth education at a large church for 5 years and knows very well the level of maturity, knowledge and wisdom that the average teenager has. What she came to see in the teenage graduates of private schools as compared to graduates of public schools completely won her over to a private education for our children even though I was unemployed at that time.

I have been aware of the benefits of a private Christian education throughout my life as I compared the stories of my friends', colleagues' and neighbors' educational experiences with my own. I became a member of the Board of Education at my children's school and have kept myself informed on the matter of school choice for several years now. I would like to recommend that you gain some understanding of the matter by reviewing the information available through the organization known as EdChoice. A good place to start is at this page on their website.

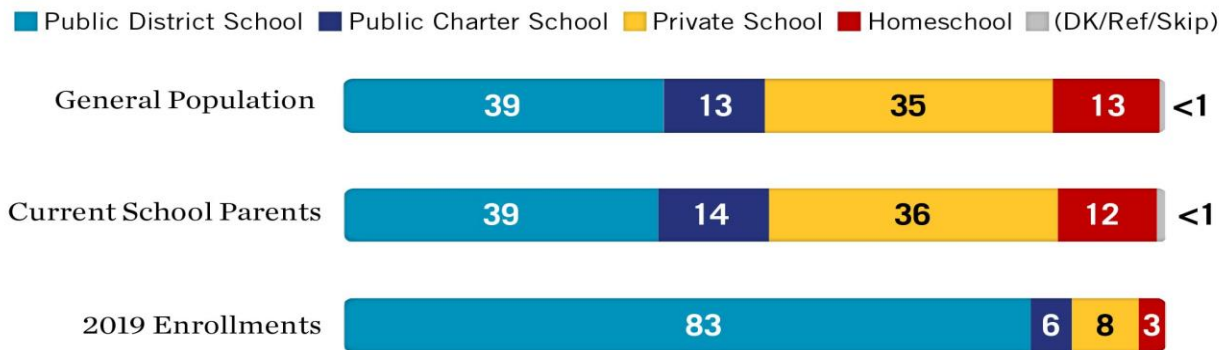
<https://www.edchoice.org/what-we-do/research/schooling-in-america-polling-dashboard-2/>

The following graph is a comparison of the schooling preferences of the general population of the US and those of current US parents and then compares these preferences against the actual enrollments of US students. You will see that there is more than a 4:1 ratio of parents who wish to send their children to private schools or homeschool and those that actually do.

SCHOOL TYPE PREFERENCE, COMPARED TO ACTUAL ENROLLMENT

Actual enrollment patterns do not reflect the diversity of parents' schooling preferences.

% of Respondents



Notes: The percentages in this chart reflect a composite that averages split samples' responses to two slightly different versions of this question. Responses within parentheses were volunteered; "DK" means "Don't Know." "Ref" means "Refusal." For the online survey, the respondent was permitted to skip the question.

Sources: Authors' calculations; National Center for Education Statistics (NCES); EdChoice, 2021 Schooling in America Survey (conducted June 14–July 8, 2021), Q12

One reason that parents don't send their children to private schools is due to lack of availability. In North Dakota, if you don't live in one of the larger metropolitan areas you simply don't have access to a private school and even in the larger cities of ND your choices may be limited. The graph below shows that another impediment is cost. When financial costs are eliminated as a barrier in the survey question, parents' preference rises an additional 10% for both private school and homeschool options.

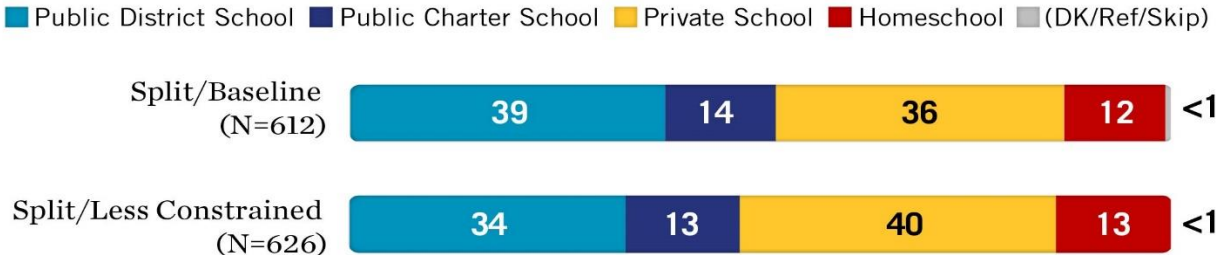
Since parents in ND do not receive any state or local assistance to help cover the cost of a private education, either at a private school or at home, they are forced to pay thousands of dollars in tuition or lost wages and educational material cost to achieve their preferred educational outcomes for their children.

SCHOOL TYPE PREFERENCE

Split - If it were your decision and you could select any type of school, what type of school would you select in order to obtain the best education for your child?

Split - If it were your decision and you could select any type of school, **and financial costs and transportation were of no concern**, what type of school would you select in order to obtain the best education for your child?

% of Current School Parents



Notes: The percentages in this chart reflect a composite that averages split samples' responses to two slightly different versions of this question. Responses within parentheses were volunteered: "DK" means "Don't Know," "Ref" means "Refusal." For the online survey, the respondent was permitted to skip the question.
Sources: Authors' calculations; National Center for Education Statistics (NCES); EdChoice, 2021 Schooling in America Survey (conducted June 14–July 8, 2021), Q12

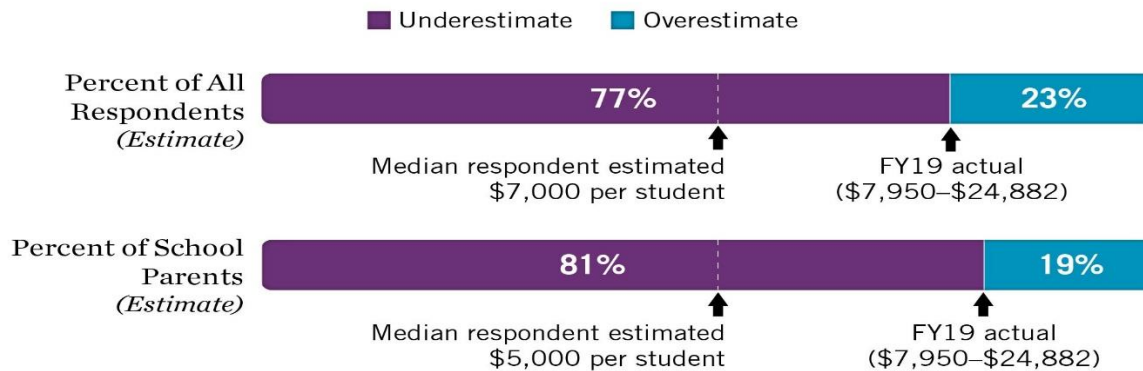
I know at our school we work extremely hard to eliminate finances as a barrier to student attendance. We raise hundreds of thousands of dollars for financial aid and dispense it on a financial need basis. We have students in attendance from all socio-economic strata though we always require some amount of tuition. I have analyzed the annual per student cost of our school and compared it to those of the public schools in our area for the past twenty years and find that we consistently spend approximately 25% less to educate a student at our school and produce superior results that parents prefer.

The next graph below shows that most Americans are unaware of the per student spending of public schools and grossly underestimate it. Taking into account the state where each respondent resides, 77 percent of Americans and 81 percent of school parents underestimated how much public schools actually spend. When Americans are made aware of the spending amount in their state their opinions change on its suitability as illustrated by the bottom graph of responses to a split-sample question asking whether current school spending was too low, too high or about right.

SCHOOL SPENDING ESTIMATE, COMPARED TO ACTUAL SPENDING

Most Americans and parents drastically underestimate public school spending. The median parent respondent said spending is significantly less than the lowest state average.

% of Respondents



Note: Percentages based on those offering estimates

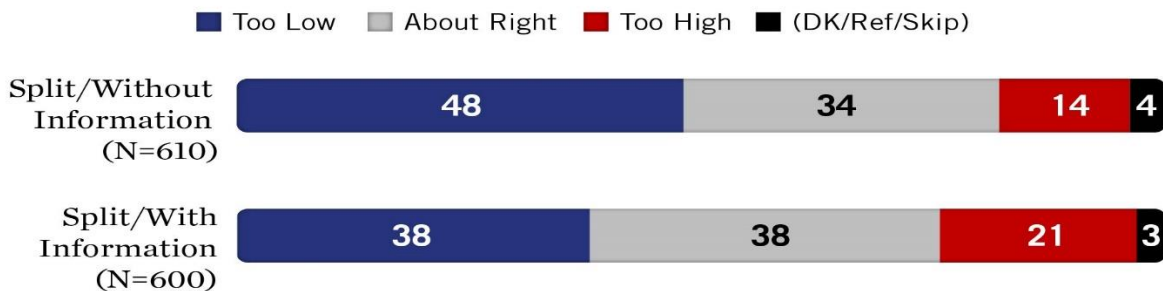
Source: EdChoice, 2021 Schooling in America Survey (conducted June 14–July 8, 2021), Q9

SCHOOL FUNDING

Question Wording A *Do you believe that public school funding in [Your State] is at a level that is:*

Question Wording B *According to the most recent information available, on average \$[Amount] is being spent per year on each student attending public schools in [Your State]. Do you believe that public school funding in [Your State] is at a level that is:*

% of General Population by Split Question Version



Notes: Responses within parentheses were volunteered. "DK" means "Don't Know." "Ref" means "Refusal." For the online survey, the respondent was permitted to skip the question.

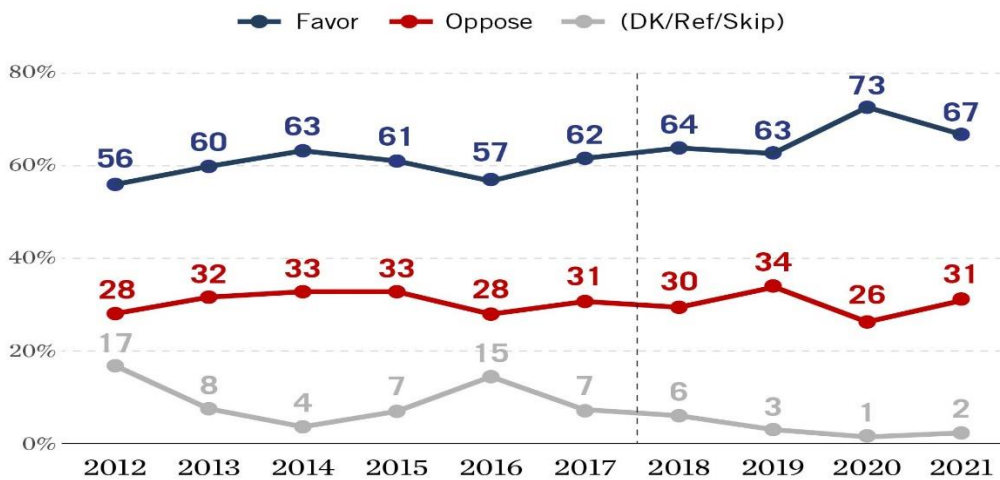
Source: EdChoice, 2021 Schooling in America Survey (conducted June 14–July 8, 2021), Q10

The current proposed method in HB 1532 of reimbursing ND parents for some of the cost of sending their children to non-public schools is most similar to an educational voucher system in other states. According to the annual survey, two-thirds of the public and more than three-quarters of school parents said they support vouchers. Notably, support from lower-income and middle-income parents was substantially higher than that of higher-income parents.

SCHOOL VOUCHERS FAVORABILITY

Two-thirds of the public support school vouchers. The level of overall support has decreased six points since Fall 2020—but remains higher than all years prior to the pandemic.

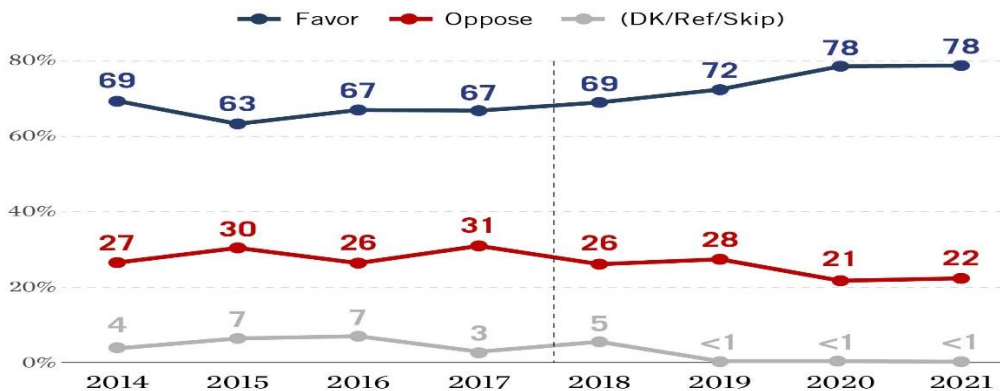
% of General Population



Notes: Phone-only survey results shown for 2013–2017. Mixed-mode results (online and phone) shown for 2018–2021. Responses within parentheses were volunteered. "DK" means "Don't Know." "Ref" means "Refusal." For the online survey, the respondent was permitted to skip the question.
Sources: EdChoice, 2021 *Schooling in America Survey* (conducted June 14–July 8, 2021), Q18; EdChoice, *Schooling in America Survey*, 2016–2020 (partial samples of General Population); Friedman Foundation for Educational Choice, *Schooling in America Survey*, 2013–2015

Nearly 80 percent of parents support school vouchers—unchanged since last year. They are at least two times more likely to support vouchers than oppose such a policy.

% of Current School Parents



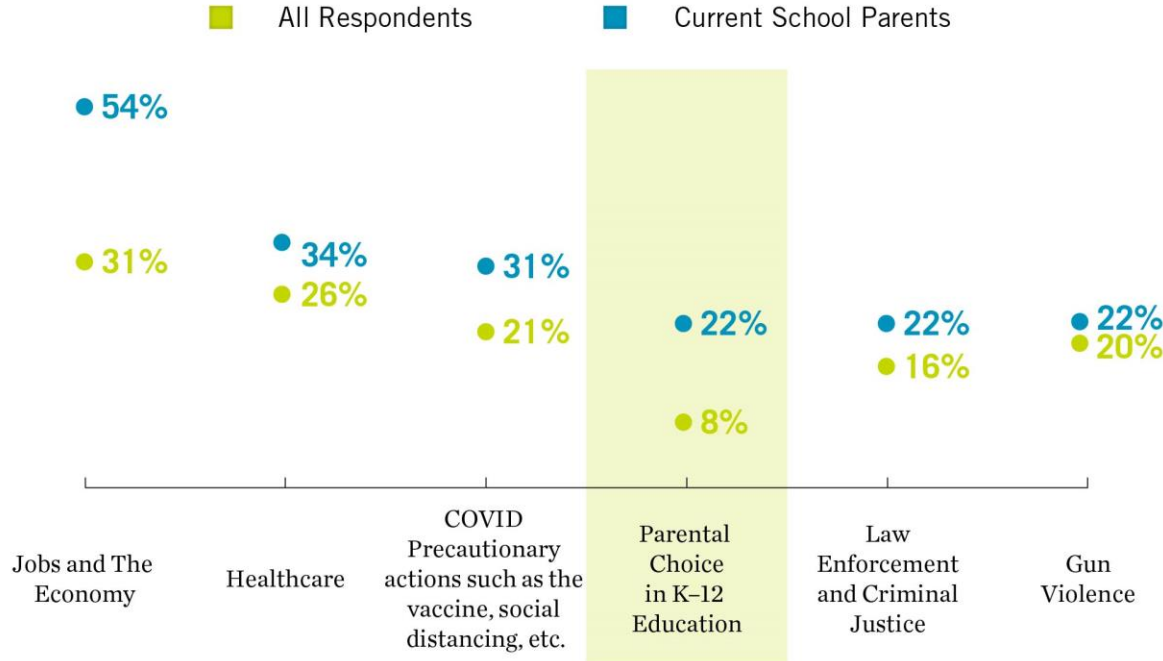
Notes: Phone-only survey results shown for 2013–2017. Mixed-mode results (online and phone) shown for 2018–2021. Responses within parentheses were volunteered. "DK" means "Don't Know." "Ref" means "Refusal." For the online survey, the respondent was permitted to skip the question.
Sources: EdChoice, 2021 *Schooling in America Survey* (conducted June 14–July 8, 2021), Q18; EdChoice, *Schooling in America Survey*, 2016–2020 (partial samples of General Population); Friedman Foundation for Educational Choice, *Schooling in America Survey*, 2013–2015

About one in five parents think parental choice in K–12 education is a very high-priority issue right now. The survey asked a series of questions about what issues parents and the general public thought were most important at the time of the survey in mid-summer: 22 percent of parents placed parental choice among their top-three issues of concern. Eight percent of the general public said the same.

PRIORITIZING ISSUES

Nearly three times as many parents say parental choice in K–12 education is one of the top three issues to them right now when compared to all respondents.

% of Respondents Providing Ranking 1, 2, or 3



Source: EdChoice, 2021 Schooling in America Survey (conducted June 14–July 8, 2021), QISSUES

I and my wife are big proponents of private Christian education since we know personally, anecdotally and objectively from the Cardus Study (a 20-yr longitudinal study of comparative student outcomes) that it will give our children the best outcome in life and provide our best family life. My wife now says that we would have sold our house to provide the education our children received from our private school. Thankfully that has not been necessary so far, but it may indeed be a reality for some parents in ND if they want to realize the same results.

You may not be aware of the fact that the first universal education system was actually a private education system funded by the princes of Saxony in the early 16th century after the pleading of Dr. Martin Luther to allow the reformed churches of Saxony to educate all of the resident children. This is why the US Postal Service wanted to create a stamp for Dr. Martin Luther to recognize him as the father of universal public education. Sadly it was deemed too controversial at the time and never made it to print.

Dear Senate Education Committee Members,

My name is Aneesha Schaefer and I reside in District 3808130. I am a parent who has chosen to enroll my child in a non-public school. I support HB 1532 because my child's non-public school serves my child's needs and has positively impacted my child. We make a financial sacrifice by sending our child to a non-public school and continue to pay taxes to support the public schools. The tax reimbursement will help my family and support parents in the state of North Dakota. I urge you to vote IN FAVOR of HB 1532.

Aneesha Schaefer

HB 1532 – Private School Tuition Reimbursement

Members of the Senate Education Committee,

My name is Shawna Grubb and I reside in District 35. I am asking that you please render a DO PASS on House Bill 1532.

As less than half of North Dakota students are proficient in English and math, it's clear that public schools are failing students and taxpayers. The vast majority of credible evidence shows that school choice programs improve academic outcomes for not only the program participants, but also the students in public schools. School choice leads to competition. Competition leads to excellence. Excellence leads to success

Thank you for your consideration of this important matter and for your service to the state of North Dakota.

Shawna Grubb

Testimony on House Bill No. 1532

March 12, 2023

Good Afternoon Chairman Elkin and Senate Education Committee Members,

My name is Dan Beauchamp and I am here to support House Bill 1532 that would provide tuition reimbursement options for families that choose to send students to non-public schools.

My wife and I have four children. Three are currently in college and one is currently a sophomore 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 children's 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. Taxpaying parents in North Dakota who choose to send their students to non-public schools save the state \$154,000,000 each biennium (data derived from state funding for K-12 education in FY21-23 biennium). Non-public schools complement North Dakota's educational ecosystem. Alumni of North Dakota non-public schools attend the states colleges and universities and contribute to the states workforce and diverse economy. This bill would help families that choose to send their children to a qualifying non-public school for their education. That choice would still come with sacrifice but allow them an education option that may be the very best for them. HB 1532 is a separate funding request and does not take funds from the states appropriation for public K-12 education. HB 1532 remiburses parents for educational expenses(no more than 30% of the states base per pupil rate) and is not unconstitutional. I would recommend support at the 30% of the per student payment rate.

I strongly support and ask the committee to give a pass to HB 1532. 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 your service to North Dakota and your attention to HB 1532.

Members of the Education Committee,

We are Brad and Tracy Boyle and our four children attend JP2 Catholic schools in Fargo ND.

We support ND 1532 because school choice is important to us. While the public schools provide quality education, we opted to attend the Catholic Schools Network because smaller school environment fits our children's needs.

About a year ago, a family with six children chose to discontinue sending their children to JP2 schools due to the cost. They instead chose to home school their children. With ND 1532, this family would have been able to continue to send their children to JP2 schools.

We value the choice to make the right decision for our children and would appreciate your vote in favor of ND 1532.

Thank you for your service to the State of North Dakota and for your time on ND 1532.

Brad and Tracy Boyle

HB 1532

My name is Kari Hill. I grew up on a farm by Calvin, ND. I currently teach in Rugby, ND, and live on a farm by Willow City. This is my twenty-sixth year of teaching, and I have taught in public schools my entire career. **I'm writing to you in opposition to bill HB 1532.** Public Schools need to receive appropriate funding to meet the needs of their students. Public schools accept all students into our buildings, and we are required to meet the needs of each student. Many of these students need additional support and services to succeed in and out of the classroom.

I understand if families want to send their son/daughter to a private school and that is their right. However, most communities around North Dakota do not have a private school in their district and funding should not be taken away from their community's public school. I will leave you with two points.

1. Public schools are continually trying to improve their services and meet all our students' needs. If the state takes away funding from the public schools, this will affect the education of the students in our districts. Especially many of the rural districts across the state.
2. If private schools receive state funding, they should be required to follow the same rules as public schools. For example, private schools do not have to accept any student, and the students that need the most services (higher cost per pupil) will be the responsibility of the public school system.

Thank you for your time,

Kari L. F. Hill

To the Senate Education Committee:

I am asking you to vote in favor of HB 1532. As many of you know, as a parent, you strive to do what you feel is best for your child(ren). Currently, we have three children that attend a private school. We have made the financial sacrifice to send our kids here believing it is the best fit for our family. The school our children attend is small, k-12. We love the small class sizes, and personally know a lot of the staff and families that are there. In that way, you're almost like family, supporting one another, and we love that atmosphere. The faith-based education my children receive is very important and is ultimately why we choose to send our children there over a public school. I feel the values that are promoted and the education they receive will make them productive, virtuous members of society. Being a public school teacher myself, I would never put down the public school system and know you can receive a great education and many opportunities. However, a great education can be received in a variety of ways, and it is important that parents are given a choice of what they feel is best for their family. If you do feel a private school is the best route, why be penalized for making that choice and cast a no vote? Why shouldn't we be able to have some of our tax dollars reimbursed to us that we have paid? To see HB 1532 passed would greatly help our family's budget and help in our children's future educational plans. Please vote yes.

Amy Lee

Senate Education Committee
March 14th, 2023
HB 1532 - Testimony in Opposition

Chairman Elkin and members of the Senate Education Committee, my name is Whitney Oxendahl, and I am writing in opposition to House Bill 1532. The \$24 million proposed for an educational reimbursement from the General Fund could instead be used to pay for school lunches for kids in our public schools or to pay our public school teachers competitive wages.

I am a homeowner paying property taxes that fund the public school district where my child attends first grade, and, if I have an issue with the school system, I can bring it to the public school board. These proposed reimbursement dollars would go to parents to help fund private schools that are not accountable to taxpayers and community members in this same way.

Payment of property taxes to fund our public schools is not based upon a property-owner having school-age children. Many people who do not have children or have no school-age children pay property taxes each year that help fund our public education system. Parents who send their children to private schools are not unique in paying property taxes to fund a school where their children do not attend.

I grew up going to private schools in Minot and Williston, because my parents chose to put me there when I could have been educated in public school for free. They paid for my schooling, and if other parents are choosing private education, they can also choose to pay for it themselves.

No one loses their school choice if this bill does not pass. Parents will still be able to choose from the private schools in their area. North Dakota taxpayers should not have to pay for this choice.

The House Appropriations Committee gave this bill a Do Not Pass recommendation, and I hope this committee does the same. Thank you for the opportunity to share my testimony.

March 12, 2023

Senator Robert Erbele
6512 51st Avenue SE
Lehr, ND 58460-9149

Dear Senator Erbele,

We are writing today to inform you of our strong opposition to HB 1532. First and foremost, we believe that public dollars should be spent in public schools. The fact that this bill calls for up to \$24 million from the state treasury's general fund for an educational reimbursement program that benefits private schools is both alarming and concerning.

Simply put, it is inappropriate to give public funds to private schools without any accountability measures. Additionally, nothing in the bill prohibits private schools from increasing tuition rates while at the same time receiving state funds from the program.

While we support the right of parents to choose a school and educational experience for their children, we do not believe public dollars should support schools that are not required to meet the same requirements as public schools.

As a senator from a largely rural district, you understand that this educational reimbursement or voucher program does not equally benefit all taxpayers and students. While students in larger communities with private schools would benefit, the vast majority of students across the state would not.

We ask that you support the rural schools, students, and taxpayers in your district and across the state by voicing your opposition and voting against HB 1532.

Sincerely,

Milnor Public School Board of Education

Milnor Public School Board of Education
Scott Berndt, Angie Bogart, Chad Fyre, Kate Mund, and Kari Wehlander

North Dakota Legislative Council

State Capitol

600 East Boulevard Avenue

Bismarck, ND 58505

Dear Senate Education Committee Members,

My name is Lu Jin, and I reside in District 43, Grand Forks, ND. I am a parent who has chosen to enroll my child in a non-public school. I support HB 1532 because my child's non-public school serves my child's needs and has positively impacted my child. We make a financial sacrifice by sending our child to a non-public school and continue to pay taxes to support the public schools. The tax reimbursement will help my family and support parents in the state of North Dakota. I urge you to vote IN FAVOR of HB 1532.

Yours sincerely,

Lu Jin

We are Jim and Becky Kaiser and we reside in District 17. We are parents who have chosen to enroll our children in a non-public school. I support HB 1532 because our children's non-public school serves our children's needs and continues to positively impact their development. We make a financial sacrifice by sending our children to a non-public school and continue to pay taxes to support the public schools. The tax reimbursement will help my family and support parents in the state of North Dakota. I urge you to vote IN FAVOR of HB 1532.

Dear Members of the House Education Committee,

My name is Shannon Krueger and I am writing in opposition to HB 1532. I am a resident of District 3 and a member of ND United. Thank you to those who took the time to visit with us and engage in conversation during the recent ND United Lobby Day. Your time and willingness to ask and answer questions was greatly appreciated.

As an educator who has taught in public schools, I see every day the financial struggles and hardships schools endure from a lack of funding. Seeing efforts to remove resources from public schools to possibly support private choices is greatly concerning.

As a former special education teacher, I am concerned about the students who might be rejected from private schools who cannot meet their needs. Since private schools are free to deny students for any reason, including cognitive ability, physical disability, as well as behavioral and social limitations.

In my line of work in special education, we proudly educated all students, regardless of their limitations and abilities. If private, nonpublic schools receive state funding, then they should follow the same state and federal requirements as North Dakota's public schools.

Please reject any public funding of private education and its discriminatory policies.

I strongly urge you to vote "no" on HB 1532. Please reach out with any questions.

Sincerely,
Shannon Krueger
School Counselor
ND United Member
shananayk@gmail.com

RE: HB 1532

Dear Members of the Senate Education Committee,

As a longtime resident of North Dakota, I am concerned about the impact that HB 1532 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.

HB 1532 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.

HB 1532 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 counties. This bill takes resources from the state's 490 public schools support private choices including those that may not be accredited, lead to a high school diploma, or have equitable enrollment policies and standards.

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 but also in per pupil funding.

Indeed, the House Appropriations Committee recommended a DO NOT PASS.

I strongly urge you to vote "no" on HB 1532.

Thank you for your consideration,

Daphne Pedersen

Grand Forks, ND

Members of the Senate Education Committee.

My name is Lisa Pulkrabek and I live a few miles outside of Mandan in District 31. I am the mother of six children. My husband and I have sent and currently send out kids to both local private and public schools in Mandan. We see the value of private education and that is why we sacrifice in order to pay the tuition bills. We live a modest life and we are proud of our kids and the work they do to study in whichever school they attend.

I am in support of this bill because I am a landowner and taxpayer. I have paid those taxes since before my kids were in school and I will continue to do so after they have all graduated. My tax bill has not changed due to how many kids I have enrolled in private or public schools. I pay the taxes I own and then I pay for the private schooling as well. Private school parents are just asking for a bit of the money they pay each year back, just for a few years while they send their children to private schools.

I feel that allotting this reimbursement will allow many new families to enroll their children in private schooling. That is a good thing. Private schools rely on many fundraisers, church support and tuition paid by the parents, and they do their best to never turn a student away due to financial hardships. But many people don't know that schools give scholarships, maybe others are too proud to ask for help. Having this reimbursement might just be the nudge families need to be able to afford private education for their children. There are families who feel that private education is just way out of their reach - but their kids really would do better in a smaller setting with a dress code and a moral code being taught and enforced. Shouldn't ND allot some money back to the parents by way of reducing their tuition costs so that they can afford the best school for their child? I think that this is a fair bill.

I kindly urge a Do Pass recommendation. Thanks for your time and dedication to ND!
Lisa Pulkrabek

Anamoose Public School

Public School District No. 14 - McHenry County
706 3rd St. West
Anamoose, North Dakota 58710-4109
Telephone 701-465-3258 FAX: 701-465-3259
Every Child – Every Chance – Every Day

March 13, 2023

HB1532

Senate Education Committee

I urge you to vote NO on HB1532. This is a bill that will hurt rural schools. Rural schools will see absolutely no benefit from this “school choice” bill. It will hurt us financially as we are already struggling with the transition minimum elimination. Our students will see no benefit with this bill only detriments.

Thank you for your time and service.

Steven Heim
Superintendent Anamoose Public School
Superintendent Drake Public School

I am fully in support of providing reimbursement for private K-12 education in North Dakota. Private Education has shown the ability to educate students to higher academic performance.

Monday, March 13, 2023

Members of the Education Committee:

My name is Christine Goerke. I live in District 18. My husband and I have four children: 6, 4, 2, and 4 months. Our oldest, Joseph, is a kindergartener at St. Michael's School in Grand Forks.

We are thrilled that he is able to attend St. Michael's. The small class size allows him to get the help and support he needs. Parent and family involvement invites us into his school life and reminds him that we're with him. The school is full of tradition and history. In attending St. Michael's, our son is establishing early roots in North Dakota.

I support HB1532 because the option to enroll in a non-public school is, quite honestly, one of the things keeping us in North Dakota. Neighboring states have more options for education: charter schools, large homeschooling co-ops, special interest public school programs, etc. We have already considered moving out of state because of different school options. HB1532 would set North Dakota apart and be another reason for us to stay. My husband owns a small business here in Grand Forks. We appreciate raising our kids in North Dakota. This legislation would help us continue to choose non-public education for our children and also free up additional funds that we could use to grow our small business, make improvements to the home we own in Grand Forks, or invest in our kids through participation in extra sports and activities.

Please vote in favor of HB1532. It is a bill saying yes to young families-- the future of North Dakota.

Thank you for your time and attention to this bill, and your service to the residents of this great state.

Very respectfully,
Christine Goerke

LANGDON AREA HIGH/MIDDLE SCHOOL
"HOME OF THE CARDINALS"

A+ FOR EXCELLENCE

SUPERINTENDENT: DAREN CHRISTIANSON

PHONE: Work 701-256-5291

FAX: Work 701-256-2606

715 14TH Avenue

Langdon, ND 58249

E-mail: daren.christianson@k12.nd.us

3-13-2022

Good morning,

I am writing to you this morning urging you to keep public funding for public schools. The public schools need the highest level of support from the state to ensure we can provide the best possible education for all our students. Private school education is a choice and part of the choice is the willingness to pay for that option. As a public school we accept and are accountable for all who come to our doors from our communities. The amount of availability funding determines what we can provide for our students, one of the largest concerns in education is the ability to recruit, hire and retain staff. Base salary and compensation package is one way to ensure staffing and consistency of staffing. Vote no on HB 1532.

Thanks for all you do.

Daren Christianson
Langdon Area School District
701-256-5291



In support of HB 1532.

I am in support of house bill 1532, that would reimburse some of the costs of educating my children at a non-public school.

Everyday, my husband and I make a conscious decision and choice to send our children to a non-public school. My husband and I choose non-public schools because, primarily, our faith is important for my children to learn throughout the day, every day, not just at a religion class or at church weekly. Additionally, my oldest son needs smaller classrooms due to some health issues and non-public schools offer that. The teachers are able to be in tune to him and his needs and that is an immense help to him through his school day. This helps our family run smoother and my son to function and be a happier child.

It is not financially easy for our family, especially recently, but it is the best choice for our family. We chose to pay the tuition for our children and make it a priority, even if by the end of the month, we are charging groceries and gas. This possible reimbursement would help us to ease our financial burden and know we are truly able to give our children what we think is best for each of them.

To the Members of the Education Committee,

My name is Shanshan, I live in [District 43], and I am a parent who has chosen to enroll my child in St. Michael's School.

I support HB 1532 because I believe every child should have equal opportunity to gain religion education.

I was born in a country where is no religion education in school, instead we were told all religions were superstitious. I saw people, who were smart and worked very hard, couldn't live a peaceful and happy life, but ended up in the wrong path and experienced tremendous sufferings. That is the reason I select religious school for my child. Because I believe all religions are equal and religion support is the key point for a person to live a better and peaceful life. I will support any measure or bill which will give our children more chances to get religion education.

Please vote in favor of ND 1532.

Thank you for your service to the state of North Dakota and for their time on ND 1532.

Oppose HB 1532

I write in strong opposition to HB 1532. We must maintain separation of church and state, and this bill would allow taxpayer dollars to fund religious education.

Our duty as citizens to our children, our future, is to provide an excellent public education available to all, regardless of economic circumstance--education is the key to overcoming poverty.

If a parent wants to exercise their freedom of choice to send a child to private school, with their own resources, that is their option. It is NOT for the taxpayers of this state to subsidize those private education choices.

Thank you.

Mona Tedford Rindy

14129 1st St NE

Portland, ND 58274

Dear Senate Education Committee Members,

My name is Moorea Griffin, I reside in Grand Forks. I am a parent who has chosen to enroll my child in a non-public school. I support HB 1532 because non-public school aligns with my values and priorities as a parent. From the strong sense of community to the emphasis on personal responsibility and ethics. I know I have made the right decision, as the positive impact on my child is evident everyday. We make a financial sacrifice by sending our child to a non-public school and continue to pay taxes to support the public schools. The tax reimbursement will help my family and support parents in the state of North Dakota. I urge you to vote IN FAVOR of HB 1532.

Milnor Public School District No. 2

530 Fifth Street | P.O. Box 369
Milnor, North Dakota 58060-0369
Phone: 701-427-5237 | Fax: 701-427-5304
www.milnor.k12.nd.us

Chris Larson, Superintendent and Activities Director
Seth Engelstad, High School Principal
Ryan Weber, Elementary Principal

To: North Dakota
Senate
Education Committee

From: Dr. Chris Larson
Superintendent
Milnor Public School

Date: Monday, March 13, 2023

Topic: HB 1532

Chairman Elkin and members of the Senate Education Committee,

As a school leader, I feel it is necessary to speak out in opposition of HB 1532. This bill is not about choice. It creates a wider gap in the system that would only benefit the urban areas of North Dakota- at only a small percentage of that population.

Using public dollars to support private schools, even partially, is holistically unjust. As a public school, we are charged with the education of all the students within our boundaries- we can't pick and choose. We educate students of all economic backgrounds and all disability levels. Private schools do not play by that same set of rules. Until they do, and follow every other state regulation handed down to public schools, they have no place receiving any public funds.

Attending a private school is a choice. That choice is not offered to all families in our state. The nearest private school is 70 miles from me. Taking public funds and using them to support an entity that most residents have little ability to access is irresponsible and will inherently reduce the amount of money that is available to support an already underfunding public education system- in which the vast majority of students of our state are in attendance.

The state should not be allocating tax dollars without a vote of local constituents. Allow a local vote to access some portion of a mill levy to private schools. If the voters of Fargo pass a vote to support JPII schools or Oak Grove- then it's reasonable to allow them access to the mill values within their boundaries. The funding of a private school should have no impact on North Dakota schools. I urge a "do not pass" on HB 1532.

Sincerely,

Dr. Chris Larson
Superintendent
Milnor Public School

Committee Hearing
March 14, 2023
HB 1532 - Testimony in Opposition

Chairman Heinert and members of the House Education Committee, my name is LeeAnn Miller, and I am here in opposition to House Bills 1532. The \$24 million proposed for an educational reimbursement from the General Fund could instead be used to pay for free school lunches for kids in our public schools or pay our school staff competitive wages, just to name a few.

I am a homeowner happily paying property taxes to fund my local public schools, and, if I have an issue with the school system, I can bring it to the public school board. These proposed reimbursement dollars would go to parents to help fund private schools that are not accountable to taxpayers and community members in this same way.

I am a product of the public school system and currently a teacher in the public school system. We work very hard to make sure that ALL students in North Dakota have the opportunity to live and grow to their full potential. This bill would completely undermine all of that work. To some, public school has a bad reputation, but together, we can change that. Let's stop the 'school-to-prison pipeline' and support the teachers and students of our state.

My own children will soon be a product of public education. Let's use these dollars to make sure ALL students across the state are receiving high quality public education.

I urge the committee to give HB 1532 a Do Not Pass recommendation.

Sonia Meehl
11103 85th St SE
Oakes, ND 58474-9752
Phone: 701-701-710-0230
Email: ismeehl@drtel.net

March 14, 2023

Chairman Elkin and Members of the Senate Education Committee:

I am Sonia Meehl and I OPPOSE HB 1532. I am in my eleventh year as a member of the Oakes Public School board. I am also a member of the ND State Boards of Public School Education and Career and Technical Education. However, my testimony is my own and does not represent an official position of any of those boards.

I listened to most of the video testimony and read the submitted testimony when HB 1532 was heard in the house. Most of those that testified in favor of the bill were private school administrators or parents of children that attend private schools. It is easy to understand why they would support this bill because of its immediate and tangible benefits to them. Public school districts and thousands of public-school parents would also be impacted, but less obviously, so that's probably why not many of them testified.

Many of the parents testified of their desire for "choice" of education for their children. These parents all "chose" private school education knowing there was no support from the state and knowing the sacrifices they would have to make to pay tuition. Many parents stated that they chose the private school so their children would have a faith-based education. This is an admirable goal, and they have every right to pursue it, but it is something that public schools are not allowed to offer. I believe that many (or most) of these private schools do a wonderful job of education and that they are attended primarily (not exclusively) by students from stable, two-parent families that are already active in their faith community.

It is possible that some parents choose private schools for reasons that have nothing to do with faith-based education, such as perceived superior education or extra-curricular activities. Senators, when you choose how to vote on this bill, please consider whether it is appropriate for the state to subsidize parents that remove their children from a public school (thereby reducing the funding that the public school receives) so that their kids might be able to go on a music trip to Europe or have a better chance of being on a state championship sports team.

Driving by their campuses and visiting their websites, I've noticed that some of these private schools have pretty amazing sports and fine-arts facilities. They probably also have paid development staff raising funds for operations, facilities, activities, and scholarships. This is to be expected. These schools and their faith-based or other sponsors should support their schools financially to further the missions of the organizations.

One parent testified that they enrolled one of their children in public school for a year or so because of that child's need for special education services which were available in the public school. Evidently those services were NOT available in the private school. The parent later enrolled that child into private school, when presumably the special education services were no longer needed.

Unless parents choose to home-school, every child attending a private school would otherwise be enrolled in a state-funded public school. Public schools do not lose entire classrooms of third graders to private schools, eliminating the need for a single third-grade teacher. More likely, the public school loses several students scattered throughout their grade levels, so little, if any savings are realized by the public school, yet their state funding is reduced.

My school is located 60 to 100 miles from the nearest private schools. It is not geographically feasible for families in my district to choose private school. This bill would not provide any additional choice for parents in my district or other rural districts like mine. Further, none of the families in my district chose to have children with exceptional educational needs, yet each of these children are precious. Public schools are required to educate all of them; we cannot (and we would not) choose otherwise.

In my school district of fewer than 500 students, more than 9% of our state foundation aid payment goes directly to our Special Education Unit. In the past four school years, this amount has increased from \$395,000 to \$429,000, around \$800 to \$900 per student enrolled in my district. IN ADDITION to the amount that goes directly to the special education unit, my district pays excess costs to the unit each year from our general fund. These excess costs have increased from more than \$150,000 four years ago to over \$335,000 this school year (including PreK special education). My district's total annual special education expenditures now approach \$800,000, about 17% of our total state aid formula payment.

If the state has an additional \$24 million for education services, please choose to help close the special education funding gap that exists in public school districts like mine. With appreciation for your work in the legislature, I ask for you to choose DO NOT PASS on HB 1532.

Respectfully,

A handwritten signature in blue ink that reads "Sonia Meehl". The signature is written in a cursive, flowing style.

Sonia Meehl

To whom it may concern,

I do not approve of the bill HB 1532. Please do not vote for this as it will not be good for all public schools.

Sincerely, Karen Feldner

To whom it may concern,

I am writing this letter in support of **HB 1532** (Educational Reimbursement Bill). My name is Lisa Brintnell and I am married to Nathan Brintnell, together we have eight children. Obviously, this Bill would help us and other large families that choose to send their children to private schools out tremendously. Six of our children will be attending Bishop Ryan Catholic School in the fall and our oldest will be attending UND as well. As you can imagine it does become a financial struggle with the current cost of living and inflation. We lived in the city of Minot and paid over 5500 dollars in taxes last year and none of that is appropriated to the school of our choice. We send our children to Bishop Ryan for the outstanding Faith Formation they are receiving as well as the classical curriculum that is contributing to their higher reading and math testing scores.

Please take our family into consideration when deciding on the passing of this Bill. Thank you for your time.

V/r,

Lisa and Nathan Brintnell

Minot, ND

To the Senate Education Committee:

I am writing to you today in hopes that you will vote in favor for HB 1532. I currently have one child attending a private school with the plan of having my second child attend as well when the time comes. I do have the option to send my children to a local public school but truly believe it is in their best interest to send them to their current school which is a private school. Although this decision comes with financial sacrifice, as a parent, I am willing to do whatever it takes to provide them with what I think is the best education and values they will need to be productive members of society. This bill takes no resources away from the public schools and is in no way an attack on them. Growing up, I attended the same public school that we have the option to send our children to today. My husband and I attended public schools so we know what benefits/disadvantages the public school system has to offer. I appreciate the ability as a parent to make the choices that are best for my children and I believe this bill would help many families be able to make that same choice. Please consider all the families that this bill would help and vote yes.

Thank you,

Katie

Personally, in my community public school can be a place of refuge for some of our learners. The school is a place where there are people care about them, they get meals, they are loved, etc. Additional funding to our school could provide opportunity for our learners. We could have access to additional books, technology, a functional building. In my building we are the oldest in the district and JUST got cabinetry in the classrooms 2 years ago, our kindergarten classrooms JUST got sinks, our art room JUST got a sink and all of these things were put on a back burner due to lack of funding. My salary after deductions is \$37,000. I have 2 bachelors degrees and a minor in special education and I am by no means the "most qualified" in my building who is severely underpaid.

Tax dollars should NOT go to private schools simply because they are that PRIVATE. Private schools are often religiously affiliated as well and there is a separation of church and state for a reason. If I do not believe in the religion that is being taught at the schools, I should not be held responsible for funding that school. Public school is there for ALL and if people choose to send their learners to a private institution it is their right and responsibility to fund that decision.

ADMINISTRATION

Justin Fryer, Superintendent
Patrick Adair
 High School Principal
Jared Hoff
 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"

March 13, 2023

To Whom It May Concern:

I am submitting written testimony to oppose HB 1532. Currently, I serve as the superintendent at Lisbon Public School District. Our school district would be negatively impacted by HB 1532. The funding provided to private schools in HB 1532 could be used in our school district to create another remedial support position. The bill as written would negate about 1% from our North Dakota State Foundation Aid payment. HB 1532 provides no direct benefit to the children who attend Lisbon Public School District. We are an hour away from the nearest private school. Attending a private school is not an option for our kids.

HB 1532 is bad for our state:

- Some private schools would receive more funding than 68 of our public schools.
- Private schools choose who can attend their institution.
- Private schools would have little accountability for these additional dollars.
- Rural families will see no benefit from HB 1532.
- We are taking money from over 100,000 public school students.
- Private schools lack the facilities to support an influx of students.
- Property tax owners in rural districts will see no benefit from this bill.

This bill is only the beginning of stripping funding away from public schools. Please vote no on HB 1532.

Respectfully,



Justin Fryer
 Superintendent Lisbon Public School District

Good Morning, Chairman Elkin, Vice Chairman Beard and Committee Members.

Thank you for giving me the opportunity to speak with you about HB 1532.

My name is Kimberly Efta of Grand Forks and a District 42 resident. I am a full-time Realtor and my husband, Deven, is a farmer. We are so grateful to be living in North Dakota. We have three kids, ages 7, 6, and 4. I grew up on a family farm near Petersburg, ND, and attended Lutheran Church my entire life. My husband and I were both public-school educated and had wonderful experiences.

I believe this bill is about a generational change, so I would like to give a little background of my education growing up. When I was in 2nd grade in 1993 at Unity Elementary School in Petersburg, my parents fought for open enrollment in North Dakota. For my older sisters to qualify for extra-curricular activities my parents made the decision to move the entire family to Larimore, more than 20 miles away. Even though I was young I remember my parents were certainly concerned about our education. They traveled to Bismarck 19 times during the 1993 legislative session in support of open enrollment. Here we are with another generational change bill with HB 1532.

Eight years ago, when my husband and I moved to Grand Forks to start our careers, we looked for months to find a home where we could raise a family. During our home search the number one item on our list was proximity to an elementary school. We found the perfect home. It's located adjacent to an elementary school near the UND campus. Our backyard gate opens to the school playground. We didn't even purchase a swing set for our yard because the school playground is so close. Attending public school was our first choice in our kids' education. When my oldest was old enough to attend public school, we registered her for Grand Forks Public Schools. She was so excited to be going to school right next door. In August 2021 she attended a month-long Intro to Kindergarten class at that school. The convenience of walking her to the school from our house was so nice and I think she told the entire teaching staff where our home was located.

However, due to the worldwide pandemic, the world had begun to shift. Seemingly everything turned political: from social issues, masking, American history, to our cherished American traditions. It was during this very heated political climate in our world that my husband and I had a long discussion about where our she would begin her educational journey. We knew we had a parental duty and choice to see our kids raised in an environment that shared our beliefs and philosophies. That is when I reached out to St. Michael's, five days before the start of our oldest child's kindergarten year. I am a Lutheran and chose to send my kids to a non-public Catholic school. This certainly was not an easy decision. My husband and I had many discussions about finances, transportation to and from school, and after school care. We are paying for our children's education with financial assistance from St. Michael's, their grandparents and personal finances. I know there are parents and caregivers who cannot afford non-public schools. Supporting HB 1532 would provide them the opportunity to choose where their children are educated.

One of the most important things we have learned about raising children? It is impossible to go back to square one and restart their educational journey. You get one chance to raise your kids – that's it – one chance. We are making the choice to get them a solid foundation in their Christian faith. Now that our middle child was old enough to start school this year, we had the same discussion as when we sent our oldest to St. Michael's. It was an easier decision for us since watching our oldest child flourish at St. Michael's.

Here we are 30 years later from the open enrollment bill to pass a much-needed change in the education system. It's time for parental choice in their kids' education from now on. On behalf of so many families who support school choice, we would deeply appreciate your support for HB 1532.

Thank you for your time and consideration.

HB 1532

Testimony in opposition

Chairman Elkin and members of the Senate Education Committee. For the record my name is Travis Jordan and I'm currently the Superintendent of Beulah Public Schools. I would also like to note that during the 2015-2016 school year I was employed as a school superintendent of a private school.

I'm testifying today urging a "do not pass" on HB 1532. I want to clarify before diving further into my testimony that my children had a top-notch education at the private school at which I was employed, and I would also clarify that they are also receiving a top-notch education in Beulah. My testimony has nothing do with the deliverance of quality education as I believe all schools are doing their best to do so.

It is true that private schools do not have to take every student. I've sat in the family interviews in which we denied entrance to students and families. This was usually a direct result of the family's belief's and/or the academic skills of the children. A family's financial status or ability to pay tuition was never really a factor as most families attending this private school qualified for some sort of tuition assistance already and received scholarships to help cover some of the costs. Has the research been done to find out exactly how many families already receive some sort of assistance to attend the private schools of their choice?

Furthermore, school voucher programs such as in HB 1532 creates a system of the "haves" and "have nots." Not all families have the ability to pick up and move their child to a different school. This is especially true in rural North Dakota, as typically there is no alternative opportunity for education in those areas. And one would suspect from the narrative that we all

hear that families leave the public school system to escape bullying or for better academic opportunities. Bullying behavior is not immune to private schools – it happens there too. And as far as better academic opportunities? Josh Cowen, a Professor of Education Policy at Michigan State University has studied school voucher programs for more than two decades and his research shows that school voucher programs have actually contributed to greater learning loss gaps across the country rather than shrink them. You can hear about his research in the Podcast that I have linked below.

\$24 million dollars is a lot of money. It's certainly a lot of money to throw at something that we simply have not studied enough and at something that only affects a small portion of our states' students. I'm a mental health advocate and I can't help but think what \$24 million dollars could do for ALL children and their mental health. If we want schools to improve, we cannot ignore mental health.

I urge a "do not pass" on HB 1532. At the very least, cut the \$24 Million-dollar fiscal note from the bill and send it on to a study.

Link

Have You Heard Podcast – Episode #143 entitled Moving the Goal Posts.

<https://soundcloud.com/haveyouheardpodcast/goalposts>)

3/13/23

Kristen Klein
2420 11th Ave NW
Minot, ND 58701

Dear Senate Education Committee members,

The HB 1532 bill would help not only my family but so many others when making the decision as to where to send their kids to school. This opens so many opportunities that may have not been there before because of financial issues. My family would benefit greatly financially if this bill would pass, so please pass this bill not only for my family but for all others!

Gratefully,
Kristen Klein

HB 1532

I am writing in support of HB 1532 bill. I currently have 3 children attending private school in Dickinson, ND. We moved here from Fargo 12 years ago during the Oil Boom. We knew Dickinson had good schools all around but chose Private education because we knew our children would have smaller class sizes with more teacher interaction and we would be involved in our child's education.

I know others are out there that would send their children to private schools if they had the means to do so. This bill would help others make a decision to invest in their kids education and be involved which would benefit our overall communities. No school is perfect but I do feel like I have a voice to be an advocate for my child or the school in a private environment. I also feel like parents who pay tuition are more actively involved with their children and helping them get a good start.

Please consider this bill as our children are the future of this world and it starts at an incredibly young age with parents being involved in their education and learning. Thank you.



To whom it may concern:

I am strongly in favor of HB 1532. We believe that we should be able to send our kids to a private school and get some type of voucher or tax credit. We should have the right to use our hard-earned tax money to the school of our choice. The education my kids have gotten at Bishop Ryan is priceless. As a parent I should be able to make the decision on what is the best for MY kids.

I own 2 businesses in Minot, A powersports store and a storage facility. The amount of property tax that we are sending to our school district is crazy. We feel that we should be able to direct some of the money to our private school.

Thanks for the consideration

Keith Braunberger



Chairman Elkin and members of the Senate Education Committee,

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

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.

Public schools in ND will tell you that they are required to accept EVERY student – this is not true. ND public schools deny students wishing to open enroll from another district when they have run out of room or for other reasons. Every student at a non-public school is open enrolled and some are denied.

Public school districts in our largest districts have alternative schools that students with behavioral problems are sent. Some with significant disabilities are sent to Anne Carlson School



700 16th Ave SE
Minot, ND 58701
701.839.0772
www.orcsknights.org

in Jamestown. ND public schools also close their doors to students that have broken rules that have led to expulsion.

Some may suggest that public money cannot support private education. In 2021, \$384M of public funds went to support ND Higher Education. ND colleges are not expected to accept every student and they will kick students out if that student fails to meet academic expectations or if they violate school policies.

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 the right move for the families desiring a choice in education.

I would be open to any questions from the committee.

Respectfully,

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



January 2, 2023
Senate Education Committee
RE: SB1532

These are points that need to be considered when you are looking at passing this bill. We are already in a teacher shortage, and I guarantee this will only make it worse. I have loved education since I was a little girl, and I knew I was going to become an educator. My love of teaching is still strong, but I can tell you with the way education is changing and the more it becomes a thankless job I don't know if I will end my career in Education.

- Public Schools must accept all students.
 - o If they live in the school district, we are required to educate them even if that means in another institution.
 - o This can cost schools up to \$60,000.00 for extreme cases and we only receive \$10,000 per student.
 - o Districts have extra costs associated with high needs, such as paying for specialists, paying for mileage or providing transportation for a student who needs to see a specialist.
 - o Private schools do not need a reason to turn down a student.
- Light of Christ Schools (St. Mary's) will receive 2 million dollars, that is more money than 68 other districts in the state.
- In the end, this is about equality. If private schools receive tax money and are not required to be held accountable, then that should correlate to public schools.
- Finally, we are told that this isn't coming from the "education bucket"; I'm not sure I believe that because if it isn't this time, it won't take too many years before it does.

Sincerely,
Ashley Kautzman

March 13, 2023

Dear Senate Education Committee Members,

My name is Anna Denault and I reside in District 18. I am a parent who has chosen to enroll my child in a non-public school. I support HB 1532 because my child's non-public school serves my child's needs and has positively impacted my child. We make a financial sacrifice by sending our child to a non-public school and continue to pay taxes to support the public schools. The tax reimbursement will help my family and support parents in the state of North Dakota. I urge you to vote IN FAVOR of HB 1532.

Sincerely,

Anna Denault

To Whom it May Concern:

HB1532 is a bill that allows parents the opportunity to explore, discuss, analyze, and interpret which educational institution is best for their child(ren). As we all know, both public and private schools together play a key role in fostering an educational system for Minot that meets the needs of all our children. This bill would allow a parent to choose between the two, without taking resources away from the public school system. At the end of the day, it is usually resources that determine where a child will attend school. Financial resources and feasibility are subjective to the household and can be a limiting factor to which school their child attends. There are times when a public school is the best fit, but there are also many times where a private school better meets the needs of the child. When families must pay tuition on top of tax dollars being allocated to the public school in the zone in which they reside, it may place a financial burden on the family, in turn making it harder to pursue a private education. North Dakota already uses tax dollars to obtain services from non-public and religious institutions.

As a private school parent, I am in full support of HB1532. We believe that literacy is critical to democracy; therefore, we chose to investigate the various curriculums within the school systems used to embrace critical pedagogy before deciding that Bishop Ryan was best for our family. Our mission is to educate our children in virtue, instilling in them a character of service, leadership, faith, and scholarship. With smaller class sizes, a classical curriculum, and a foundation grounded in faith, our children are thriving academically, spiritually, socially, mentally, and emotionally. We understand that an education grounded in faith is not for every family, but for many of us, it is the number one reason we choose a private school education.

School is an ethical endeavor, and families in a democratic society have the right to choose a school that is guided by moral principles, such as justice, fairness, liberty, honesty, equity in the distribution of resources, and respect for differences. As an educator myself, I make decisions every day with tremendous moral implications for the students in my care. I am conscious of how I divide my time and attention among the students, and value that with smaller class sizes, I have the ability to foster the moral standards upheld at Bishop Ryan Catholic School. These moral principles and standards look different across school systems; that does not imply that one is better than the other, but it does imply that there is not a one size fits all approach that is effective across the Minot area schools. The epistemology of teaching and learning encompasses a pedagogy that enculturates transformative change differentiated by the natural and social construction of knowledge.

Chairmen Elkin and Senators of the Education Committee,

As you hear about HB 1532, and from those who support it and from those, like me, who oppose it, I would like you to consider this;

What is best for North Dakotans? On March 10th, 2022, an article was shared on ND.gov website that the ESPB declared that all content areas were at a critical shortage. Contributions to this shortage are vastly due to low teacher pay and respect for the work they do. I'm currently in my final class of pursuing my Ed Leadership Credentials where our text is American Public School Law. This text has given me so much knowledge and insight to how education became what it is today. Below is a discussion response I submitted to the posed question,

Both Vouchers and home schooling can be seen as a challenge to traditional public education. Are vouchers and home schools good or bad? Why?

For the sake of this bill, I have only included my response regarding Vouchers, which relates to the "Education Reimbursement Program" proposed in HB 1532.

["...vouchers are most closely understood in the public's mind as devices to **funnel money** from general taxation to church schools." I think that taking tax dollars from the public to create vouchers to help families pay for their tuition is **violation of the First Amendment** and the separating of church and state. Families have the choice to choose what schooling their children receive, but I believe if you choose to go somewhere that is not publicly funding, you shouldn't ask for public funds to help you pay for your child to go.

Lastly, when we consider the need for free, public education in establishing a culture of individuals to progress America forward and continue to meet societal needs and advancements, hence why we have the compulsory attendance law, it's important to ensure funding stays with the public. When you consider school districts where high percentages of the residents are employed within the schools, it would be severely detrimental to remove funding from those districts with the implementation of vouchers. The impact a voucher could have on that district, the town, and those students is astronomical. For example, losing funding to vouchers reduces the resources the district has to recruit and retain quality teachers, which impacts the education of those students in the district. On top of that, people in the district may be forced to find new work as positions are cut due to funding.]

So, in a time when our state is in a teacher shortage crisis like we've never seen before, taking \$24 million from public education will have a SEVERE impact on all the students attending public schools in our state, which using numbers and data from Fall 2022-2023 Enrollment report on the State's Website, is roughly **95%** of all school age children in our State. That is taking away significant opportunity of quality education to 95% of our learners.

Our state has about 90% responsibility for funding to its public schools, and a majority of that comes from the tax dollars of our residents. Even though education is not considered a Fundamental Right by the Constitution of the United States, through legislative Acts and statutes surrounding Attendance, tax laws for funding, and most importantly, Separation of Church and state, taking millions of dollars from the public to support those who choose not to accept the free education provided to them, is on them. It is not the responsibility of ND or it's people to pay for the "prestige" of those who choose not to participate public education.

In addition, North Dakota's rural communities, served by public schools, will receive absolutely no benefit from this bill as there are no private or parochial nonpublic schools located in 36 of North Dakota's 53 counties. This bill takes resources from the state's 490 public schools in every community across the state to support private choices.

Additionally, HB 1532 requires no accountability for these expenditures on the part of the private schools who will receive them. In contrast, public schools, governed by locally elected school boards and open meetings laws, must account for every dime they receive from the taxpayers of North Dakota. If you look at the *Zelman vs Simmons-Harris*, 536 U.S. 639 (2002) case, you'll find examples of how the state provides aid for parents to make the choice of where to send their kids to school, the funds are available to public and private schools with guidelines in place. There are no specific guidelines in place that would provide support in this bill in not breaking the rules of the establishment clause.

Finally, nonpublic schools that will benefit from HB 1532 are not required to follow many federal and state requirements and the bill specifically prohibits requiring nonpublic schools to alter their admissions policy. They are free to deny admission to any student for any reason, including cognitive ability, physical disability, as well as behavioral and social limitations. Public schools, on the other hand, proudly educate all comers, regardless of their limitations and abilities. It is not unreasonable to believe that if private, nonpublic schools receive state funding, then they should have to follow the same state and federal requirements as North Dakota's public schools.

I ask that you please give a DO NOT PASS vote on HB 1532. It is necessary in order to protect the schools and education of our future of North Dakota.

Thank you,

Annalise Duffy

annaliseduffy@gmail.com

RE: Why I Support HB 1532

Dear Senate Education Committee:

I am asking you to vote yes on HB 1532. Catholic education is very important to our family. Our son is in preschool at Bishop Ryan Catholic School this year. Bishop Ryan has become like a family to us. The students there are cared about and matter. Plus, our child gets exposed to, and is surrounded by, our Catholic faith and morals. It warms our hearts, when in the evenings at home, our child talks about Jesus or other aspects of the Catholic faith that our child had learned about at school.

Catholic education is expensive. Our wish is to continue to send our child to Bishop Ryan. However, other financial obligations may prohibit us, in the future, from sending him to Bishop Ryan. HB 1532 would assist families, like ours, in deciding the best schools for our children without having financial constraints.

Please vote yes on HB 1532.

Dear Legislators,

My name is Chauncey Klein and am a parent of two children at Bishop Ryan Catholic School in Minot, ND. I am a product of the public school system, as a Minot High graduate, and when it came time for my wife (a Des Lacs Burlington graduate) to put our children in school we had to weigh all of the options. While neither of us had any issues with our educations, we both agreed that Bishop Ryan offered an education to our children that we could not get at Minot Public schools. I know we are not alone in this and why I compel you to consider supporting this legislation.

It has been abundantly clear that this legislation does not take away any resources from the public school system and is not unconstitutional. The main thing that this legislation would do is relieve some of the financial burden on many families are dealing with in this soaring inflationary climate.

Regards,

Chauncey Klein

HB 1532 Testimony

Chairman Elkin and members of the Senate Education Committee, for the record my name is Brandt Dick, and I am here to speak in opposition to HB 1532 and to talk about choice.

Private schools in ND admit a select few special education students. When I was an administrator at Shiloh, I remember talking with a parent who wanted their child to attend Shiloh, but their child had needs that would require many services. Shiloh had very few services that were provided, so I politely told the parent Shiloh was not going to be a good fit for that child—a reality for many parents of special education children when they try to enroll their children in private schools.

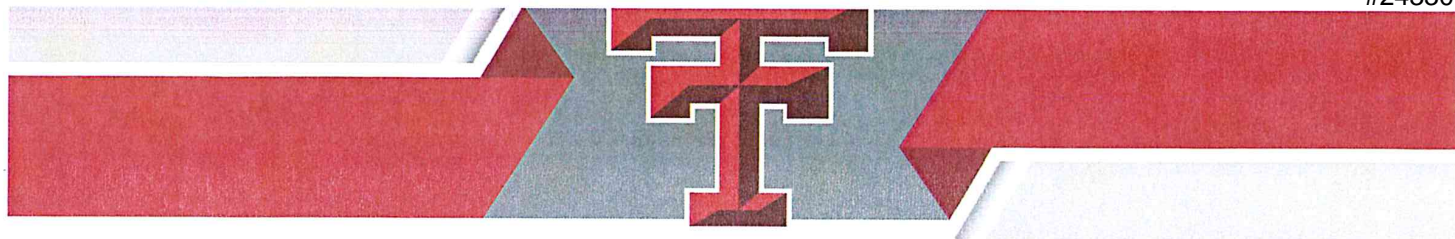
During my run for State Superintendent, I sought the endorsement from Family Policy Alliance of ND. One of the questions they asked when determining if they were going to endorse me is what I thought about vouchers and education savings accounts. I shared that I did not believe that state taxpayer money should be used to fund private schools unless all parents had choice to send their children to private schools. If a voucher bill or savings account bill would be available to all students, then I would be in favor of them. This stance cost me the endorsement of Family Policy Alliance, and HB 1532 does nothing to assure that this program would be for all students, specifically special needs children.

Why did my viewpoint change from making the easy choice to say no as administrator of Shiloh to my current viewpoint?

In late 2019, my nephew and his wife were excited to hear that they would be expecting their first child. During the pregnancy, it was discovered that their child would have major medical issues. Twice during this pregnancy, their doctors recommended to my nephew and his wife that they should abort the baby as it would be a hardship for them to raise this child. My nephew and his wife firmly believed that God had created the life that was being formed, and they believed that God would grant them what they needed to raise this child. My great niece was born the summer of 2020. As the doctors had predicted, she has major medical issues, and even today, she requires a nurse's care for many hours every day.

Now that my great niece is approaching her 3rd birthday, the public school in the community where they live has reached out to them to start the process of providing the services she will need for her education. My nephew and his wife will not have the choice to send their daughter to a private school. HB 1532 does nothing to address this reality for many families in ND. Many supporters of this bill are supporters are also pro-life. I hope the state of ND does more to realize that being pro-life also includes caring for all children's education, including the education of special education students. Here is the reality that public schools do a much better job of educating all children. Many public schools in ND provide opportunities for students to be blessed by the interaction and the lessons learned from working with students with special needs, like inclusive sports.

Many of these children that have special needs are those that I feel that Jesus meant when He said in Matthew 25:40, "Truly, I say to you, as you did it to one of the least of these my brothers, you did it to me." Also, Luke 14:13-14a shares a promise, "But when you give a banquet, invite the poor, the crippled, the lame, the blind, and you will be blessed." I feel ND should and can do better for all parents than HB 1532 does. Parent rights should not be left at the door of a Private School if you have a high needs student like my great niece. Choose to vote No on HB 1532.



TRINITY CATHOLIC SCHOOLS

March 13, 2023

Dear Members of the Education Committee,

My name is DeAnn Scheeler. I am a 1999 graduate of Trinity Catholic Schools, and a parent who has chosen to enroll my four children in Trinity Catholic Schools. I am also the Director of Mission Advancement at Trinity Catholic Schools.

I support HB 1532 because this bill supports families who choose non-public schools for their children. As an active Catholic, it is important to my husband and me that our children receive religious education, and the school we have chosen does a great job of developing the whole person – mind, body, and soul. Our oldest child attended public schools for a short time, and we found that this Catholic school is a more adequate fit for our family, and would appreciate the educational reimbursement as we pay ND taxes which support education in North Dakota.

The public schools in our town are strong and capable, but the element of faith in the classroom is one that is a non-negotiable for our family. Please pass this bill to help families like ours be able to practice our religious freedoms with some tax relief, since our children do not partake in the public education offered by the state of ND.

Sincerely,

DeAnn Scheeler

DeAnn.Scheeler@k12.nd.us

To whom it may concern

My name is Trisha Yearwood and I am a parent from discovery district. I have chosen to enroll my children in a non-public school because it is the setting that best meets their needs. My children are adopted and all with special needs ranging from anxiety attachment disorder, attention deficit hyperactivity and reactive attachment disorder. The school has embraced my children and been able to respond to their needs as well as pivot quickly to their needs when necessary. The smaller class sizes help them to form healthy attachments with teachers and classmates allowing them to begin to heal from the trauma they received as a foster child. Please vote in favor to support me as a parent who has made this choice.

Thank you

Trisha L. Yearwood



CATHOLIC INDIAN MISSION

Standing Rock Indian Reservation

P.O. BOX 394
 FORT YATES, ND 58538-0394
 (701) 854 - 3473 • FAX (701) 854 - 3474

My name is Monsignor Chad Gion. I am the pastor of the Catholic Indian Mission in Fort Yates, ND. I also oversee Saint Bernard Mission School, an element of the Mission.

Saint Bernard Mission School has served the families of Fort Yates since 1910. It was established at the request of members of the tribal community who sought an alternative to the federally operated boarding school system in Fort Yates. The request sprang from a two-fold desire: 1. That children would receive a quality education, and 2. That they would return to their homes and families at the end of each school day. The Catholic Indian Mission, itself established in the 1880's, stepped up and met the need. For over 112 years, Saint Bernard Mission School has accomplished the work of educating and forming young people in Fort Yates. Since its establishment, high school graduation rates of former Saint Bernard students have exceeded those of the public school system.

Saint Bernard continues to exist solely through the generosity of people of all faiths, all ethnicities, and all economic circumstances from across the United States. While we occasionally receive support in the form of a significant bequeathal or major donation, these are rare. The vast majority of our donations come in the form of checks for \$5-\$100 from good people of limited means who desire to see our students flourish.

While I do not know the detail of our families' financial situations, I can confidently say that none of our families are able to afford the full cost of educating their children. For most, even a fraction of that cost would be a significant hardship. The purpose of tuition at Saint Bernard is not to add to the school income but to provide a sense of "buy-in" on the part of families.

HB 1532 would ensure costs to families remain low while providing reimbursement to Saint Bernard that will significantly aid the school in its work serving the families of our community. For a small school of limited means, passage of this bill will allow us to look at ways to expand our services to students.

Simply put, HB 1532 would be a significant aid to the work we do at Saint Bernard. Please vote PASS.

Respectfully,

Msgr. Chad Gion

March 13, 2023

Dear Members of the North Dakota Senate Education Committee,

My name is Amber Ertelt, I live in Fargo (District 46) and my kids attend Sacred Heart Middle School and Nativity Elementary school. Both are part of Fargo's JP2 Catholic School System.

I'm asking you to please vote yes on this HB 1532. We love our school for so many reasons. The biggest being the small class sizes even in our growing community. I feel this is so important so students can get more one on one times with teachers and its noticed if a child is falling behind. This benefits of this have been very evident with our family. My daughter has had difficulty reading, when this was first brought to our attention it was the end of her first grade year. We were told she was falling behind and that she should have a summer tutor. I had asked about enrolling her in summer school through Fargo Public schools and was told she wasn't behind by the district standards she was behind by our schools standards. This was very eye opening to me that our school holds kids to a higher standard and just cemented the decision we made to send her there.

On the flip side of this my son is now a teenager and is starting to act like it! We have had three different teachers from the middle school reach out about his behavior in class with him talking back and not listening. The teachers wanted to help form a plan together with us for how we can combat this since Liam didn't act like this before. My husband went to a large school and pointed out that meetings like that with parents never happened unless the behavior was extreme. As much as I didn't enjoy having to have meetings about my son's bad behavior the fact that more than one teacher was on top of it and wanting to get us involved was extremely refreshing.

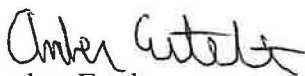
I also absolutely love that my children are learning about God every day. They both have daily prayer time and are learning how to make God the center of everything they do. In this day and age where everything feels so divided I love that they are learning these important lessons. It has also been a great refresher for me to hear some of the bible stories and stories of saints that I had forgotten from my youth or in some cases never learned.

As much as we love our school the reality is that it is getting harder to pay for it. The money we pay in taxes has greatly increased in the last few years. So much so that our mortgage is going up \$200 per month just to cover taxes and insurance. The largest percentage of this is going to public schools. It would be so nice if this bill were to pass to get a break somewhere to help relieve this with the higher taxes on top of private school tuition.

We love our schools and don't want to make the hard choice to send our kids somewhere else because of financial reasons. Sadly, it's getting to that point. This bill could really help us, a hard-working family who wants to send their kids to a school that puts God and family values first. This bill does not hurt public schools but helps families like ours. I'm asking you to Please vote YES on HB 1532.

Thank you for your service to our state and for your attention in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Amber Ertelt".

Amber Ertelt
JP2 Catholic School Parent
Fargo, ND District 46



North Campus: 124 North Terrace • Fargo, ND 58102 • 701.237.0210 • Fax 701.297.1993
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HB 1532 testimony
Senate Education Committee
Bob Otterson, President, Oak Grove Lutheran School
 March 12, 2023

Chairman Elkin and senators:

Thank you for the opportunity to provide written commentary in support of House Bill 1532 and the acknowledgement from legislators that nonpublic schools make positive impacts to North Dakota life. Unfortunately, I have a prior obligation and cannot join you to take questions during the committee meeting.

I serve more than 720 students from age 3 through grade 12 and their families as president of Oak Grove Lutheran School. Few people know that Oak Grove has a special place in the history of education in North Dakota and along the Red River. Oak Grove opened in the fall of 1906 as a high school for girls, 14 years before their mothers were eligible to vote in the United States. The humility of faithful Norwegians continues in the school's shared values — concepts such as character, courage and curiosity, faith and reason.

I ask you to consider four points in this brief written testimony:

- Oak Grove and partner nonpublic schools are part of the state's educational ecosystem.
- Oak Grove and partner nonpublic schools feed North Dakota's workforce needs.
- Oak Grove and partner nonpublic schools help attract families from other states to our respective communities.
- Oak Grove and partner nonpublic schools provide options for students and families.

Oak Grove students populate North Dakota's universities. Taking into account the last four graduating classes, 55% of domestic Oak Grove graduates enrolled at North Dakota colleges and universities. Many of those choosing out-of-state options enroll at Concordia College in Moorhead. Those students remain part of North Dakota's largest market, even from the east side of the Red River. I'm certain our colleagues in higher education have talked to you about the importance of retaining young professionals through educational opportunities in state. Again, our schools help you keep North Dakota's colleges and universities relevant in today's world.

Oak Grove alumni continue to serve North Dakota. Almost one thousand graduated Grovers live in North Dakota today. Those Grovers comprise a larger population than 22 of the state's county seats. These are people engaged in a wide range of vocations — education, engineering, medicine and health care, social services, ministry and others.

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. And some of those recruited professionals and their families look for private schools because their children already know private schools in other markets.

Lastly, Oak Grove and our partner schools expand options for families. We all live in public school districts that respond to community needs, and our colleagues in those K-12 districts must plan each year for enrollment swells and drops. All educators know that some students succeed in large environments; others flourish in smaller groups. Some students can process complex reading assignments; others grasp the material better from a guided lesson or a study group. Some students prefer a large swath of co-curricular options and extracurricular activities. Some students, in competitive classes, may focus on one or two activities. Meanwhile, students in smaller schools benefit 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.

To close, I reiterate that my colleagues emphasize the position of private schools as additions to 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 House Bill 1532, and I thank you for your time in reading this testimony.

Sincerely,

Bob Otterson
President



1025 14th Ave S
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www.gracelutheranschoolfargo.com
Susan Jahnke, Principal

Office (701) 232-7747
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Therefore, as you received Christ Jesus the Lord, so walk in Him, rooted and built up in Him and established in the faith, just as you were taught, abounding in thanksgiving. Colossians 2:6-7

Dear Senator Elkin, Senator Beard, and the Education Committee,

My name is Susan Jahnke and I am principal at Grace Lutheran School in Fargo, North Dakota. Grace has been in the community since 1948, developing faith in thousands of students and educating them to a high academic standard.

I am writing today to urge support for HB1532's establishment of an educational reimbursement program to fund qualified student expenses at nonpublic schools.

Nonpublic education is on the rise around the nation, and Fargo is no exception. Since 2020, our school has experienced an almost 200% increase in enrollment. Our families choose us for a variety of reasons including faith-based learning that aligns with their personal beliefs, student-to-teacher ratios, our quality academic programming, and our close-knit school community. We also sometimes enroll students who struggle in public school due to its size, their peers, or who end up lost in the academic shuffle.

To exclude nonpublic schools from state funding implies that public education is the only legitimate choice for North Dakota's students and families. Even Fargo Public Schools espouses "choice" in their framework for open enrollment and "Choice Ready" high school learning paths. The message is: Choice is great, until you bring your faith into it. A family who chooses a school because it aligns with their faith is penalized under the current funding policies.

All families choosing nonpublic school in North Dakota pay for two children to attend school: their own and someone else's. They pay their share of taxes on top of tuition to the nonpublic school. Grace Lutheran School's cost per-pupil in 2022 was over \$3000 LESS than Fargo Public School's cost per-pupil, indicating nonpublic schools could possibly spend their reimbursement nearly 30% more efficiently for the exact same (and often better) academic outcome.

The State of North Dakota requires that all children attend school. At this time, many Christian families have no choice but public school. There is that word 'choice' again. A reimbursement program would allow more families to choose the option that is best for them: a Christian school, a place where their physical, emotional, spiritual, social, and academic needs are met in a way that aligns with their beliefs.

Grace Lutheran School is accredited by the North Dakota Department of Public Instruction and National Lutheran School Accreditation and has an excellent working relationship with Fargo Public Schools. We are grateful for Fargo Public Schools' status in our state and community. This bill would continue to build that relationship by bringing more students into the ministry at Grace Lutheran School while also alleviating some pressure on Fargo Public Schools.

Thank you for your service in the North Dakota Legislature. Please vote yes on HB 1532.

Sincerely,



Susan Jahnke, Principal
Grace Lutheran School
Fargo, North Dakota

March 13, 2023

Dear Honorable Members of the North Dakota Senate,

My name is Hope Coleman and I live and work in LaMoure. I am the librarian and a reading interventionist at Lamoure Public Schools. I am the mother to two current and one future student of LaMoure Public Schools.

I am writing today in opposition HB 1532. I strongly oppose it not because of its support of private schools, but because of how it seems to completely ignore taxpayers in rural communities where private schools are nonexistent. I choose to live, work, and raise my family in LaMoure because the school system supports our small town values and am in no way obligated to fund private education in communities 50 times more populated than ours and so starkly different from ours. Rural communities like LaMoure need continued funding for our schools. If supporting private schools in urban communities is important to you, this bill is not the way to achieve it. This bill does not provide equity for all North Dakotans. Please consider opposing this bill.

Thank you for your time and efforts.

Sincerely,

Hope Coleman

4 6th Ave NW

LaMoure, ND, 58458

1 HB1532– Voucher Bill

2 Mandan Public Schools – Mike Bitz, Superintendent

3 Good morning Chairman Elkin 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. I am here today to oppose HB1532. I will be brief.

7 ND has great private schools and no one is arguing that parents
8 should not be able to send their children to these great schools.
9 However, the choice argument is a false narrative. People often
10 confuse school choice with parent choice. There is a huge
11 difference. Does the parent get to make the final choice or does
12 the school? In Mandan, because we take public dollars, we enroll
13 all students who wish to enroll. It is the PARENT’S CHOICE.
14 Currently if a student wants to enroll in private school, the parent
15 does not get the final say. It is the SCHOOL’S CHOICE. I find
16 it confusing that this committee is also pushing a parent’s rights
17 bill, that in its current form will not apply to private schools, even
18 if they take public dollars. If state money goes to private schools
19 shouldn’t we expect private schools to open their board meetings
20 and welcome parents to attend, and have the ability to address the
21 private school board? Should parents really need to forfeit their
22 rights as parents if the private school chooses to admit their child?

23

24 You’ve heard testimony about an Attorney General’s Opinion
25 issued in Nov. of 2022 that stated it was allowable for public
26 dollars to go to private schools. Actually, this opinion said

1 teachers enrolled in the teacher mentoring program administered
2 by ESPB can participate in the state mentoring program. It is
3 important to note that with this program, no state money went to
4 a private school, rather it went to ND citizens employed by a
5 private school. More importantly, all recipients of these state
6 dollars (both public and private school teachers) were required to
7 meet the same accountability requirements to receive the money.
8 Nowhere in this opinion does it imply that private schools can
9 receive public dollars, nor does it imply that a different set of rules
10 apply to private schools.

11

12 Last week I testified before this committee on HB1185. This bill
13 would have allowed 4 ND school districts (West Fargo, Minot,
14 Mandan, & Rugby with a total of 25,000 students), to apply for a
15 \$5M loan at 1% interest. – This committee gave a 5-1 Do Not
16 Pass recommendation to the full Senate. While visiting with
17 several of you, it was explained to me that this was a carve out for
18 4 districts and that this committee could not support a carve out.
19 I respect that conviction, and would argue that this bill, HB 1532,
20 should be viewed with the same distinction. It gives away more
21 money to fewer students with zero accountability or transparency.
22 It also excludes anyone with special needs, behavior issues, or
23 who lives in rural ND from participating. This legislation has
24 cherry picked the recipients of the \$24M being appropriated. If
25 this isn't a carve out, I don't know what is?

26

1 Last month in the House Education Committee, during testimony
2 on a bill calling for a study of the ND High School Activities
3 Association, Todd Porter, my friend and my District 34
4 Representative and a private school parent, told the committee
5 that once an entity takes public dollars, they are subject
6 accountably and transparency rules, like open records, and open
7 meeting laws. This means all emails are open to the public. It
8 means finances are subject to open records requests. It means
9 board meetings are open to the public.

10

11 Mandan competes with St. Mary's in many extra-curricular
12 activities. A few weeks ago, we played basketball in the St.
13 Mary's gym, both boys' and girls' basketball games were played.
14 We won one game, and lost the other, but the rules were the same
15 for both teams. Mandan is willing to compete with St. Mary when
16 it comes to public dollars for education as well, but the rules need
17 to be the same. If you are going to allow private schools to accept
18 a public money, and not be required to submit an audit, not be
19 subject to open records and open meetings laws and if you are
20 going to allow them to pick and choose which students' they are
21 willing to serve, please sign all public schools up for all these
22 rules too.

23

24 Public schools will gladly compete with private schools for public
25 dollars, but common sense and fairness will tell you that the rules
26 need to be the same. If the rules are important, then we all need

1 to follow them, if they are not important, then remove the
2 accountability rules for public schools.

3

4 As a popular Staples commercial says, you have an EASY
5 BUTTON here. Give the \$24M to private schools but require
6 private schools to be transparent and accountable for the public
7 dollars they are receiving. Ensure that private school parents have
8 the same rights as public school parents. Doing this makes
9 everyone happy; private schools get their money, taxpayers get
10 accountability, and private school parents have rights. - - - If you
11 don't want to push that easy button, let the voters in each district
12 decide if they want to have their tax dollars go to support public
13 schools.

14

15 I urge you to push the easy button on HB 1532 and I am willing
16 to stand for any questions you may have.

17

18

Manvel Public School

Inspiring 21st Century Learners to Influence 22nd Century Successes



March 13th, 2023

Good morning Chairman Elkin and members of the Senate Education committee,

My name is Dr. Dave Wheeler and I am the Superintendent for Manvel Public School. I am writing this today as testimony in opposition to HB 1532 and the vouchers going to private education in North Dakota.

In the state of North Dakota, 60% of all our students attend rural schools and, as a Superintendent in a rural district, HB 1532 does almost nothing for a majority of students who attend school in this state. Private schools exist in the largest communities in North Dakota and most of the students in this state don't live in proximity to such schools so this money isn't accessible to their families. There is a real issue with equity in this bill when so many students in North Dakota do not have access to the opportunity to use the funds.

Also, I'm proud of the fact that Manvel Public School, be it students who live in our district or come to us through open enrollment, are welcome in our district. We don't "select" our students, we "develop" our students and we develop them regardless of struggles that may exist within their lives inside our outside of school. Public education embraces everyone. There are students in my district who, even if their parents wanted to enroll their child/children in private education, would be denied due a disability, a 504 plan, etc. Using the tax dollars of the families who live in Manvel to fund private education when we have families who could be denied access to the private school of their choice is unfair and, also, another example of the inequity that exists in this legislation.

Manvel School District has been a transition maximum school since 2014 and have had hundreds of thousands of taxpayer dollars withheld due to the legislation written at that time. If this legislation passes, another \$24 million of state dollars will be going to private schools and there is a great likelihood that less money will again come to the K-12 schools of North Dakota, where 93% of all students in North Dakota attend school and are educated. It would be incredibly disappointing for the families of rural North Dakota, especially those of the Manvel school district, if we are now going to see money going to private schools when we have not been funded fully for almost 10 years. Our students should have access to any taxpayer money before private schools in ND, it's just that simple.

Dr. Dave Wheeler
Superintendent
Manvel Public School

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

Marc Gilstad, Business Manager

Monica Reiner-Pletan, Board President

Brian Olson, High School principal

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

March 13, 2023

Senate Education Committee,

RE: SB1532

SB 1532 is schedule to be heard by the Senate Education Committee on Tuesday, March 14 at 9:00 a.m. As the Superintendent of New Salem-Almont Schools, awarding private schools 24 million dollars of public tax funds and not having an accountability system in place is simply wrong. Awarding any public money to schools that do not submit audits to the state and do not have open meeting laws is wrong. Taxpayers can request any and all financial reports from public schools; we are answerable for the money we receive. SB1532 provides money with no accountability.

At New Salem-Almont and all other public schools, we are required to take all students in our district, regardless of the cost of the tuition. I currently have two students with high needs that I have to outsource which costs our local taxpayers up to 6x's more than a regular education student. Private schools can hand pick students, they do not need a reason to turn down students. If public schools could take this approach, I would save well over \$300,000 dollars in salaries alone, but that is not what we are tasked to do.

If you feel private schools should receive public tax funds, they need to be held to the same standards as public schools. Vote "do not pass" on SB1532 unless you are willing to hold private schools accountable.

Sincerely,



Brian Christopherson
Superintendent

New Salem-Almont School District #49

Susan Carlson
409 S 6th Street
Grand Forks, ND 58201

March 13, 2023

Dear members of the North Dakota State Legislature,

I'm writing in support of house bill #1532 because I firmly believe that choice matters when it comes to educating our children.

I, as well as many others, would greatly benefit from the enactment of this bill. As every child is different, some thrive in different school environments. Having the option to even consider a private school for those who are not thriving in their current school would be a step in aiding that child grow to their full potential. Everyone is aware of how burdens such as food insecurity negatively impact children's learning. Please don't allow financial and zoning constraints hold back children, who through no fault of their own, are not thriving in their current school setting. Since funds are not being removed from the public schools in order to accomplish this, it makes sense to use these funds to invest in future generations.

Thank you for your consideration. I look forward to hearing the results of house bill #1532.

Sincerely,

Susan Carlson
(District 18)

Monday, March 13, 2023

Re: HB 1532

Members of the Education Committee:

My name is Jon Artz, I live in District 30, and I am a parent who has chosen to enroll my children in Light of Christ Schools. This letter is in support of 1532. Providing a reimbursement program for qualified schools for qualified education expenses of program participants will assist and ease the financial burden of private education. The financial burden of non-public schools or private schools can factor into the choice decision many families are faced with. I support my tax dollars allocated to public schools and public education is important. However, I support more choice and assisting with the financial burden and encourage the passing of HB 1532.

I urge you to vote in favor of HB 1532.

Thank you for your service to the state of North Dakota and for your time on HB 1532.

Jon Artz

Bismarck, ND

March 13, 2023

Dear Honorable Members of the North Dakota Senate,

My name is Kyle Coleman and I live LaMoure. Two of my children are students at LaMoure Public School and my third will be in a few years.

I am writing today to argue against HB 1532. I strongly oppose it because it caters to North Dakotans living in urban areas and ignores the needs of those who choose to live in rural communities. I should not be required to help fund private schools in Bismarck and Fargo when I live in a town of less than 700 people. I ask that you oppose this bill.

Thank you for your consideration.

Sincerely,

Kyle Coleman

4 6th Ave NW

LaMoure, ND, 58458

I am writing in favor of HB 1532. My 14-year-old twins started attending a private Christian school in Minot 3 ½ years ago. Our Redeemer's Christian School has been pivotal in their social, academic, and religious development. They have benefited from the smaller class sizes-which has led to more student/teacher interaction, a family like environment, and the Christ-led curriculum. They have gained confidence both socially and academically. This bill would allow for more parental control when choosing the right learning environment for our children. We would have chosen Our Redeemer's Christian School earlier in our children's school years had we been offered some financial assistance. The financial burden was a deterrent to us for many years. Thank you for your consideration.

Tara Roedocker

Members of the North Dakota Senate Education Committee,

I'm writing to you today in opposition of HB 1532 which would funnel public tax dollars to private schools in the state of North Dakota.

Education is a right, not a privilege. In the United States, and in the state of North Dakota, each and every single one of us are guaranteed a public education, funded by public dollars. Section 1 of Article VIII of our state constitution says that "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. . ." Obviously, we know that education is important to our way of life both in the state, and the country. This is why the North Dakota Department of Public Instruction provides standards, guidelines and regulations which we as public schools are required by law to follow.

The same not is true, however of private schools in our state. Private schools are allowed to provide education which does not meet the same standard and scrutiny we have established as a right for our citizens. The right to seek a different form of education is a privilege in our state. It is a privilege, not a right, because it is not guaranteed or enforceable that every citizen be guaranteed it. Private schools have the ability to deny admission to students based on their discretion. This discretion can and has led to the exclusion of protected classes in our state, based on things such as race, religion, sex, and creed.

In addition, we the public (the taxpayer) have a simple recourse if we do not agree with what is occurring in public schools: the vote. If we disagree with the policies and the procedures in our public schools, we have the free ability to change those things through our elected officials. If I, as a private citizen wish to influence the policies and procedures of a private school, I have no recourse. They may discriminate, educate and spend my money without any form of objection.

For this reason and many others, I strongly oppose the HB 1532. Please feel free to reach out to myself for further comment or question.

Evan M. Kritzberger
(701)430-1628
evan.kritzberger@gmail.com

I am writing to you today to ask that you recommend a "DO PASS" on HB 1532.

As parents, it is primarily our responsibility to educate our children. In this day and age, that includes choosing the best environment in which for them to be educated.

When we moved to Minot in 2005, we fully intended to enroll our children in the public school system. However, when we looked at the Minot Public School (MPS) system and realized how large the schools and class sizes were, we were concerned. Based on our prior experience with large school systems and being aware of our children's strengths and weaknesses, we chose to enroll them at Bishop Ryan Catholic School (BRCS). Our primary reasons for doing so were the smaller school and class sizes. We felt that our children would be best served by a school small enough where they could be seen and treated as individuals rather than as just one of many. Furthermore, as parents, we desired to be part of a school community where we could more easily be involved in volunteerism and decision-making in regard to the school curriculum and environment.

Time has proven that this was the right choice for our children. They have excelled in an environment where the teachers have the time to both challenge them as well as recognize and address their weaknesses. One of our children has diagnoses that may have qualified him for an IEP in the public school system, but that was unnecessary at BRCS; with very little advocating by us, his teachers met him where he was at, providing the accommodations he needed. Our youngest child currently at BRCS has a 504. The teachers and staff are again, very aware of and accommodating of his needs.

Choosing to enroll our children in a private school came with a huge financial burden. While we have received some small scholarships from BRCS through the generosity of benefactors, to find the funds to pay tuition required great sacrifices. For the first several years, our income was low enough that we qualified for WIC and other assistance. We have had to save money wherever possible, from shopping sales for food, only buying clothes at garage sales and thrift stores, driving older vehicles, working multiple jobs, and not taking family trips out of state.

While this was the choice we made for the benefit of our children, it has never seemed right that while we have struggled and sacrificed to find the money to pay school tuition, we also have been supporting the education of other people's children in MPS through our tax dollars. By sending our children to a private school for the past eighteen years we have saved the state of ND hundreds of thousands of dollars while getting no return, no benefit, from the "investment" of our tax dollars in the public school system. We have stayed in ND to live and work largely because of the excellent school environment at BRCS. Our children who have graduated from college so far have all stayed to work in ND and own homes. So, while our family continues to contribute to our state's economy, when it comes to education, the ledger is out of balance. HB 1532 would, in a very small way, help to right that inequity.

HB 1532 will not take anything away from the public school system. It will be funded through a separate appropriation, will be overseen by the ND Department of Public Instruction, will be capped at a set amount, and will only reimburse parents 30% of the tuition they pay. Yet, even that small amount might be enough to allow more parents like us to truly choose the best educational setting for their children, based on their needs, not just their finances.

Thank you,

Mary and Jeremy Finley

**Testimony, North Dakota Senate
Education Committee – HB 1532
Presented: March 13th, 2023 – 9:00 AM CST.
Presented by: Jacob Odermann**

Mr. Chairman, members of the committee my name is Jacob Odermann. My wife AJ, our 4 children and myself 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 do 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 100 miles of travel for family members. A choice we make willingly because of a number of reasons, but I will focus on two; Faith and In-Person Education during Covid.

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 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 everyday, 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.

The need for school choice and how impactful it can be for children was highlighted during the Covid pandemic. Trinity students were in person learning from the fall of 2020 and beyond. While we had neighbors in our area whose children distance learned for part or the entire fall semester.

This allowed our children to receive the type of education which is essential for growth not only in reading and writing but also through the important social interactions an in-person education allows.

North Dakotans for generations have emphasized education, Covid emphasized the oversized need for families 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 HB1532.

Hello,

I am writing this letter in opposition to HB 1532. As a public educator I have several concerns about the bill.

First off, I am concerned that state education money will further be spread out putting stress on public schools, school boards, and superintendents that are already struggling to fill teaching openings. I have personal experience in this regard. My wife has family in North Carolina. In North Carolina, the state gives funding to all types of schools. Funding from the state goes to charter schools, private schools, homeschool students, and public schools. At the end of the day public schools are left depleted with inadequate funding, where as private schools and charter schools at least have the means to raise money to supplement the state funding they receive. We do not want to be like other states! In North Dakota you must understand that what we have is truly unique compared to the rest of the nation. We only have one entity to fund which is public education. Please do not choose to spread out the funding to private schools.

Secondly, this bill would not benefit rural schools in North Dakota that do not have a private school in their district. The vast majority of school districts would be hurt by this bill.

Third, schools are already having a hard time filling teacher openings. I do not understand how taking more state funding away from schools would be helpful for the state? Especially since the vast majority of districts in North Dakota do not contain a private school.

I hope you consider these points in opposition to HB 1532. I am very concerned that taking money away from public schools to give to private schools in the state would make it even more difficult for public schools to match salaries of other private industries further depleting our teaching ranks.

Cale Peterson

March 13, 2023

Dear Members of the Committee,

Public dollars belong in public schools. I believe in a parent's right to choose where they send their children to school, but public dollars should not follow those children to help support private schools or home schools. A public school must abide by laws, teach state standards, and follow government oversight. If these public dollars are allowed to support a private or home school, will these laws, standards, and government oversight be attached to those dollars to make sure these non-public schools are following the same requirements as a public school? This bill does not include any details on how the government will check on how public money is being spent at these non-public schools. Do not allow voucher schemes to diminish our great public schools in the state of North Dakota.

Sincerely,

Sarah E. Lerud

North Dakota's rural communities, served by public schools, will receive absolutely no benefit from this bill as there are no private or parochial nonpublic schools located in 36 of North Dakota's 53 counties. This bill takes resources from the state's 490 public schools in every community across the state to support private choices.

Additionally, HB 1532 requires no accountability for these expenditures on the part of the private schools who will receive them. In contrast, public schools, governed by locally elected school boards and open meetings laws, must account for every dime they receive from the taxpayers of North Dakota.

Finally, nonpublic schools that will benefit from HB 1532 are not required to follow many federal and state requirements and the bill specifically prohibits requiring nonpublic schools to alter their admissions policy. They are free to deny admission to any student for any reason, including cognitive ability, physical disability, as well as behavioral and social limitations. Public schools, on the other hand, proudly educate all comers, regardless of their limitations and abilities. It is not unreasonable to believe that if private, nonpublic schools receive state funding, then they should have to follow the same state and federal requirements as North Dakota's public schools.

Scranton Public School District No. 33

"Home of the Night Hawks"

"Empowering Individuals to Succeed in a Changing World"

Kelly Pierce,
Superintendent/ Elementary Principal
Kirby Cagle,
High School Principal

PO Box 126
Scranton, ND 58653
Phone: 701-275-8897
Fax: 701-275-6221

March 13, 2023

Board of Education

Kelly Pierce
Scranton Public School
PO Box 126
Scranton ND, 58653

Haley Evans,
President

Senate Education Chairman Elkin and Members of the Senate Education Committee:

Andy Fisher,
Vice-President

I would like to offer you my thoughts on HB 1532, a bill that uses tax payer dollars to help fund private schools. As a superintendent of a rural K-12 public school in North Dakota, I am adamantly opposed to this bill as it is written. While I agree with student and parent choice when it comes to education, I do not believe this bill is good for the over \$100,000 student in public education settings across North Dakota.

Deidre Mack

This appropriation only impacts urban students in North Dakota. The private schools are located in urban areas of the state, so this bill does not achieve the goal of student choice for the rural students of North Dakota. It will actually result in rural students receiving less support this biennium as it would divert education dollars away from rural schools.

Ryan Schumacher

Megan Oase

The largest concern that I have with this bill is it allocates tax dollars to private schools that do not have to provide educational opportunities to all students. Private schools can still pick and choose their students with no accountability or transparency. The idea of school choice is not addressed with this bill. Over \$23 million of the \$24 million proposed in this bill would go to families who are already in private schools.

Angie Eberle, Business Mgr.

On behalf of Scranton Public School, I want to thank all of you for your support for rural public schools. With that in mind, I ask that you oppose HB 1532 as it will not support rural public schools and will not accomplish what it intends to accomplish, and that is student choice for all students, rural and urban!

Kelly Pierce/Superintendent
Scranton Public School
701-275-8266
Kelly.j.pierce@gmail.com

Honorable Chairman Jay Elkin.

I wish to provide written testimony in opposition to House Bill 1532.

I will make my presentation brief.

#1) First, the Blaine Amendment. There has been much said about recent Supreme Court decisions regarding Blaine Amendments, however those decisions have all treated state financial support to private schools as an issue when secular private schools are funded and not religious schools. That is not what is being discussed in HB 1532. HB 1532 would provide funding to all private schools, but denying that aid is also permissible under U.S. Supreme Court case *Espinoza vs. Montana Dept. of Revenue*, the United States Supreme Court said "A State need not Subsidize Public Education." There has been talk that you can just "scratch out" the Blaine Amendment, I am not a constitutional Scholar, but it seems to me that there would have to be legislative action to Amend the North Dakota Constitution.

#2) Even if the above legal argument is false, I am opposed to HB 1532 because I believe that all schools funded by the state should have to play by the same rules. That is admit all students, submit to state the same reports that all schools have to, and provide the same accountability public schools do. That is simply not the case with private schools.

And, finally.

#3) There is, obviously, no benefit to rural students in this bill. There is a private elementary school in Langdon which is 30 miles from Munich, but other than that there are no opportunities for students in my District to even think of attending a private school. Quite honestly, because of the education provided to our students in Munich, I don't think many of them would want to anyway.

Please a urge a "no not pass" recommendation on HB 1532.

Dear Senate Committee-

I am the mother of three children that attend a private school. Private education was not in our family plan initially. Our oldest child started in more of a public setting and when the teacher suggested him retaking a year over again, I begin the search for his needs.

I placed him in a private preschool, and he immediately begin to flourish for several reasons. A part of it was due to the care and concern from the teachers and the ability to have small classes to really personalize children's needs because they are NOT all the same. I was so intrigued by his love for the religious aspect of the education which was just a bonus as our placement was more aligned with the small class, structure and the classic model of education. As his education began to unfold, we discovered that he was dyslexic. I am sure you are aware just based on the current discussion under legislation that dyslexic kids are very underserved in any school in North Dakota. If you ask most teachers if they can identify a dyslexic the great majority of them, say "no." This is true even of teachers with special reading certificates. It is complex, because these children do not have a lack of intelligence they are just wired very differently. Because my son was in a small school, that was willing to do whatever it took to get him to where he needed to be, the conversation for "something just isn't adding up" continued to occur between myself, the teacher, and the administration. We tried some traditional interventions without success and then I sought out a screening specific for dyslexics after reading about a similar story in a magazine. This was thru a private organization—Haley's Hope in Fargo ND. Again, self-paid. Initially we had some in person training that needed to happen (which was a time and financial commitment being it was in Fargo ND—4 hours from our home) before he could have success with the online tutoring portion of the program. The online program is 2, 1 hour tutoring times per week. (It had to be in the school hours due to the high demand of this program and the availability of the trained tutors.) This started in second grade. He is in 5th grade and while he has made great strides the program is no where near completion. But I am happy to report many aspects of his education is to grade level. Had he had been in a public school setting the execution on his timed tutoring would not have been as successful just from the sheer volume of kids that have higher needs and their needs are so much more apparent. In addition, the teachers probably couldn't have implemented a few of his modifications for success as well with a larger class.

As I mentioned, this tutoring program is a self-paid program and so we are paying for his private setting along with his self-paid intervention. His progress is astounding—within 8 months of starting the program his reading vocabulary had improved by 50%. These are documented statistics available thru Haley's Hope. Today, with some accommodations he is getting an A in spelling which is a huge accomplishment for a dyslexic child. His teacher will call me about trends that she sees in tests, grades, or how he approaches assignments and with a simple change he can go from missing most or all to getting all of them right. Again, a benefit of a small class size. One example was a crossword puzzle. He could answer all the questions correctly but when it came time to fill the answer in in the boxes it took him hours. It is how his brain maps letters and sequences. So he answers all of the questions and then he has help filling in the boxes.

I have friends that have dyslexic children in the public setting and while many say that is the best place for a child to be with learning disorders that isn't completely true. They are going to

be put into interventions for children with “learning disabilities.” They are not going to be given specific tools that address Dyslexia. There is only a few programs designed for children with dyslexia that have success. The “Barton System” is one of them and if you asked most special education teachers, they have no idea what the “Barton System.” They have been given no formal training on what dyslexia is, never mind how to help a kid that has dyslexia. These kids are just put thru the same process any kid with learning disabilities are.

The school my child attends does not have a dyslexia program...I want to be clear on that but what they do have is the commitment to ensure he gets online for his tutoring each week. They also have the care and concern to apply the techniques recommended by his intervention. They have the ability to do this because of their structure, their classical educational model and their small class sizes. They can catch things due to the interaction and class size. This would not happen in a public setting because there would be that many more students, agendas, educational approaches etc. Just the fact that his school still teaches cursive is a huge benefit to him because a dyslexic struggles less reading cursive than print. Most public school do not even teach cursive. Many public schools do not even have spelling test which is another tool to gauge/diagnose a dyslexic student. Many schools for-go handwriting and use computers, handwriting is yet another diagnostic tool for a dyslexic. The classical way of teaching math in a repetitive approach is also to a dyslexic child’s advantage.

These are our families’ experiences. Many educators can try to tell you that the basic special education techniques will work for a dyslexic. They do not, it is just the sheer intelligence that a dyslexic mind must try to cope under the circumstances. They may reach the minimum standards but never overcome the problem or excel as a reader.

As I stated, we have had to find a way to pay for both tuition and tutoring to have our son excel. In addition, we have chosen to enroll his siblings to provide family unity which we believe is important. These are all our choices. If we received a tax credit it would make a very positive impact on us as a family but because we value our education, we just find a way.

Unfortunately, visiting with other families with this same issue they are not able to execute all of this. Their child just gets to the minimum standards and that is where it is left. Until North Dakota can better serve these children this has been our solution. Our son’s tutoring is around \$8,400 a year, in addition to his private education at around \$5,000 a year. You can see where a tax benefit would be a great help in our situation. We could talk more and more about the benefits of private education in today’s world of hot politics, but I kept this to the facts of my sons needs. I hope this information provides insight into the importance of choice but also in giving families some tax incentive... we are just trying to meet our children’s needs for a bright future.

Sincerely,

Marian Sorum
701-741-4774

As an educator in a rural school district, I am against this bill. I do not think it is fair to ask taxpayers to fund private schools. Private schools are a parent's choice, not mandated by the law. If a parent chooses to send their child to a private school, they should expect to pay for the tuition for their child. If they cannot afford to pay private school fees, then they should send their child to public schools, which are funded by taxpayer dollars and are covered by state and federal education laws.

Gackle-Streeter Public School District #56

K-12 Principal

Myla Buckeye

Superintendent—Mark Berg

300 2nd Ave E
Gackle, ND 58442

School Board

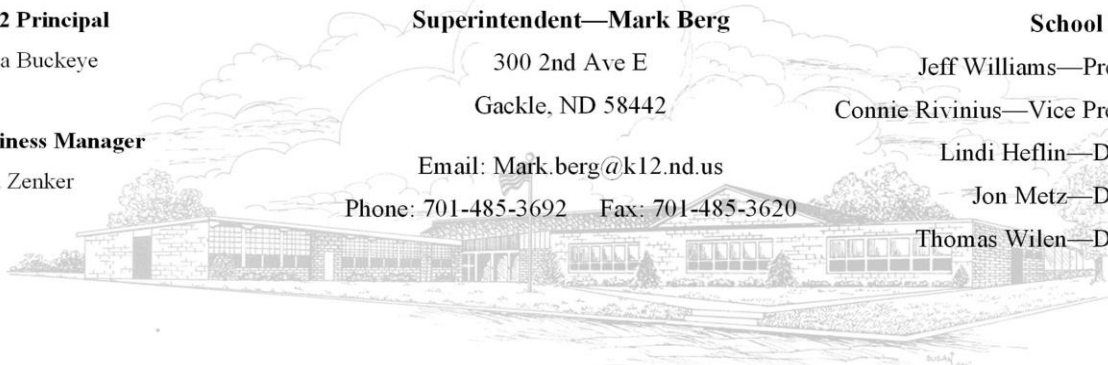
Jeff Williams—President
Connie Rivinius—Vice President
Lindi Heflin—Director
Jon Metz—Director
Thomas Wilen—Director

Business Manager

Lisa Zenker

Email: Mark.berg@k12.nd.us

Phone: 701-485-3692 Fax: 701-485-3620



Dear Mr. Erbele,

I am strongly opposed to HB 1532 and ask you to please vote no on this matter. The main reason I'm opposed to this bill is that it gives money to private schools but will not hold them accountable with reporting or accountability measures. In our public school district we must account for every dollar spent, there is no such thing as us receiving money and using it on what we want with no accountability. Please keep the unfairness of this bill in mind when casting your vote.

Thank you,
Lisa Zenker

Tax dollars need to go to public schools, in which I was a high school English teacher in North Dakota for 32 years. Public schools face enormous pressure to do the best they can with the monies they have, to reduce their revenue even more by allowing money to go to private schools is a travesty of justice and a return to the historical narrative when the upper aristocratic classes could pay for private tutors to educate their children, leaving the rest of the citizens either uneducated or relegated to lower levels of educational opportunity. This reimbursement proposal flies in the face of public education and the need for all students, no matter their income, to be educated. It is up to you, the ND legislature, to guarantee everyone has the same opportunity. This voucher program will allow those with money to send their children to the elite schools, leaving much of rural ND to figure out how to do more with less.

March 13, 2023

To whom it may concern,

I am writing to the committee in opposition to HB 1532.

North Dakota's rural communities, served by public schools, will receive absolutely no benefit from this bill as there are no private or parochial nonpublic schools located in 36 of North Dakota's 53 counties. This bill takes resources from the state's 490 public schools in every community across the state to support private choices.

Additionally, HB 1532 requires no accountability for these expenditures on the part of the private schools who will receive them. In contrast, public schools, governed by locally elected school boards and open meetings laws, must account for every dime they receive from the taxpayers of North Dakota.

Finally, nonpublic schools that will benefit from HB 1532 are not required to follow many federal and state requirements and the bill specifically prohibits requiring nonpublic schools to alter their admissions policy. They are free to deny admission to any student for any reason, including cognitive ability, physical disability, as well as behavioral and social limitations. Public schools, on the other hand, proudly educate all comers, regardless of their limitations and abilities. It is not unreasonable to believe that if private, nonpublic schools receive state funding, then they should have to follow the same state and federal requirements as North Dakota's public schools.

Breanne Welk

Breanne Welk, M. Ed.
Special Educator
Rugby Public Schools

March 13, 2023

Dear Members of the Committee,

This letter is written in opposition to HB1532. I believe that public dollars should be spent only on public education. I agree that every parent has the right to choose public or private education for their children, however, public dollars should be public. Another reason why I have an issue with this bill is that private and home schools do not have to follow state standards and follow government oversight. This bill does not show how the government will check on how these private schools will be spending their money. Do not pass this bill that will lessen the public education that many of our children participate in and enjoy.

Sincerely,

A handwritten signature in black ink, appearing to read "Travis Peterson". The signature is stylized with a large, looped initial "T" and a long, horizontal flourish extending to the right.

Travis Peterson

Senators,

03-12-2023

HB 1532 unfairly uses ND tax money to provide support to private schools, thus creating more reasons for families to pursue these opportunities for their children. Often, one of the strongest arguments for a family to seek private schooling is the fact that private schools are not responsible or held accountable to take all students, they can pick and choose and refuse. In our public education system in the state of North Dakota we are experiencing one of the largest increases in student needs. Those needs are not all academically based but range from social, emotional, mental, and physical safety outside of the school system; these are not the types of families that often try to enroll in private schools. Our public schools need additional funding now more than ever to try and meet these needs of our students in a society that demands that our educators not only educate our youth in traditional curriculum areas but must also attend to all of their physical, emotional, mental, and social needs.

There also seems to be no accountability or requirements that private schools would need to follow to manage these vouchers. I honestly have no idea why that would be allowed and hope this is an oversight as our public schools have many accountability reports and requirements to monitor funding and prove enrollment.

Is this bill fair to taxpayers in rural areas that are not remotely close to private schools to have their tax money spent in urban areas where private schools are plentiful? Never mind that these rural taxpayers are large supporters of home town public schools and consistently dig into their monthly budgets to support local fundraising that supports their schools where state and federal funding fall short. Yet see the struggles our educators and students go through day in and day out to educate ALL of our students no matter what their needs, their abilities, their handicaps, their mental struggles, their lack of a caring home, and the lack of resources available to our schools to try and provide for all of these areas by a more productive means.

I am not in favor of HB 1532.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Seamands', written over a light blue horizontal line.

Darin Seamands

Superintendent

Hettinger Public School District

To all the legislators and law makers of North Dakota,

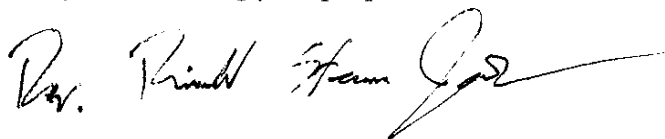
North Dakota has long been an example of legendary options and freedom for citizens to control their own lives and futures. As home to nearly every industry, trade, and commerce opportunity North Dakota provides individuals unparalleled access to putting their resources, time, and talents into whatever course they feel most beneficial to themselves and those they are responsible for. After living in several other states, prior to 2012, North Dakota is a welcome change to other environments where choices over one's destiny are stifled by over regulation and corporate or government control. North Dakota in almost every respect is an encouraging and unburdened place to live.

There is however, one significant area of life where our fine state can improve with regard to personal responsibility and freedom. That area is education. Education is a vital part of life and society. It is particularly central to a person's responsibility and duty to their family and children. Currently, any choice to bring education more into the hands of parents and families comes at extreme cost and sacrifice. For a family to take control of their children's education with a philosophy, ideology, or program that is truly in tune with their values and desires by utilizing the private school system the financial tole is significant. Not only are they losing their tax dollars dedicated to education, they also pay tuition on top of it.

The current arrangement is a hinderance and burden to a family's ability to provide the nurturing and education that is right and appropriate for their needs. As such, I am writing in support of bill HB1532. This bill reimburses families for some of those taxes put towards education. This compensation helps restore some autonomy to families as they provide the best education for their children. As the father of three children in a private school, I cannot tell you how impactful this bill would be. Lessening the financial sacrifice would ease an incredible burden we currently face to ensure our children are not only receiving an education, but are afforded the opportunities to be in an educational environment that helps them thrive in every aspect of their lives.

Please help North Dakota families take control of their educational needs. Allow us to make the best choices for our own children's development and futures. Pass HB1532 and keep North Dakota a state of legendary freedom and opportunity.

Thank you for hearing your people.

A handwritten signature in black ink, appearing to read "Rev. Richard Steven Jones". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Rev. Richard Steven Jones
Chaplain and Vice President—Dakota Boys and Girls Ranch
Husband, Father, Minot Resident

Dear Education Committee Members,

My name is Michael Kreitinger, I live in District #37, and I am a parent who has chosen to enroll my children in Trinity Catholic Schools. I support ND 1532 because it would help more parents like myself be able to choose what education is best for their children. My wife and I are blessed to have 5 children attending Trinity Catholic Schools, including 2 children with physical disabilities. Despite our school's limited resources they have gone above and beyond to give my disabled children a great education and show them that they are valued as human beings. One of my disabled children is now homeschooled for medical reasons but my other child is thriving at Trinity Catholic Schools. The students, teachers & administration at Trinity Catholic Schools continually teach my disabled son that he is valued and loved. With our medical bills and the high inflation the help that this bill would give my family would be much appreciated. I ask you to please support ND 1532 to give families the financial help to be able to afford what they feel is the best education for their child. Please vote in favor of ND 1532. Thank you for service to our great state and your time on ND 1532.

Sincerely,

Michael Kreitinger

March 13, 2023

Dear Members of the Committee,

Taxpayer dollars belong in programs that support all students, and those programs are found in our public schools. Public schools welcome all students no matter their background, abilities, or the language they speak. Taxpayers want their dollars spent in programs that welcome everyone, not a select group of students based on their beliefs, or the beliefs of their parents.

This bill does not mention anything about these public funds being used in ways that follow the laws that public schools must follow. Keep public funds in public schools where they can help every student who walk through the door.

Sincerely,

Jessica Gregerson

SB 1532

Testimony against SB 1532

I am against this bill for the following reasons:

- Private schools in this bill would be able to accept tax dollars without having to play by the same rules as public schools. No accountability, no transparency, nor requirements of a certain income threshold to get the voucher. They can still refuse whomever they wish...and yet receive public tax dollars. Because of this, there are no assurances that students from low-performing subgroups would have any opportunity to attend private schools, so the argument that this bill would help students in 'failing schools' is not true.
- This appropriation would only help urban families – there is no benefit to rural schools, but rural school students and schools will receive less support this biennium if this bill passes as it would divert educational dollars away from rural schools. The amount allocated \$24M for 7700 is the equivalent of a 1% per pupil increase – the same amount that public schools have barely been able to get to support 113,000 students for the past several legislative sessions. A parity increase to support our public school students would cost nearly \$340M and be a 14% increase in the per pupil payment.
- This would reduce the amount of money that could be invested in public schools. Understanding that education dollars all come out of the same bucket of dollars, this takes away over \$200 per student that could be invested into the overwhelming majority of students. Over 100,000 students attend ND public schools. About 7,700 attend private. Most of those families are more than fiscally able to manage their choice.
- Because there are no restrictions on who can receive funding, more than \$23 million of the proposed \$24 million would go to families who are already in private schools. Only 4% would actually be able to support students who are not currently in private schools, hardly an expansion of 'choice'. With no restrictions on tuition, this would likely result in the state beginning to fund private schools.
- If property tax payers are frustrated that they are paying taxes and they would like to have some of their taxes benefit them at their school of choice, then a more appropriate action would be tax relief in the form of expanded credits rather than a voucher.
- We are told this bill is about choice – so let the voters in the urban communities choose. Areas of the state that do not have private schools should not have to fund it. Instead we propose that in communities where private schools exist, they should be able to be allowed to go to a vote of that community for limited mill levy authority if their communities wish to help fund the private school. The state should not be allocating tax dollars without that vote of the people and their willingness to fund that school in their community.

Sincerely,
Joy Marimon

Dear Members of the Committee,

I urge you to vote NO on HB1532. This bill takes money from public schools -money that is needed to educate our students. Public tax dollars should be used to fund public schools. Public schools must follow the laws as set forth by legislators. Public schools must accept and educate every student that walks in the door. Conversely, non-public schools can be selective and limit who enrolls, and do not have to follow education laws. This bill does not include any details on how the government will check on how public money is being spent at these non-public schools. I agree that parents have the choice on how to educate their children. However, ND taxpayers should not be funding the private schools.

Kathleen Lentz

Hello,

I am writing this letter in opposition to HB 1532. As a public educator I have several concerns about the bill.

First off, I am concerned that state education money will further be spread out putting stress on public schools, school boards, and superintendents that are already struggling to fill teaching openings. At the end of the day public schools would be left depleted with inadequate funding, where as private schools and charter schools at least have the means to raise money to supplement the state funding they receive. In North Dakota you must understand that what we have is truly unique compared to the rest of the nation. We only have one entity to fund which is public education. Please do not choose to spread out the funding to private schools.

Secondly, this bill would not benefit rural schools in North Dakota that do not have a private school in their district. The vast majority of school districts would be hurt by this bill.

Third, schools are already having a hard time filling teacher openings. I do not understand how taking more state funding away from schools would be helpful for the state? Especially since the vast majority of districts in North Dakota do not contain a private school.

I hope you consider these points in opposition to HB 1532. I am very concerned that taking money away from public schools to give to private schools in the state would make it even more difficult for public schools to match salaries of other private industries further depleting our teaching ranks.

Danae Riley

Testimony
HB 1532
Senate Education Committee
March 14, 2023

Chair Elkin, Vice Chair Beard, and members of the Senate Education Committee,

The Fargo Board of Education governs the Fargo Public School District with student achievement as our central focus. We are the 3rd largest district in the state with over 11,000 students and the 4th largest employer in the Fargo-Moorhead community with over 2,200 full and part-time employees. We are writing to you in opposition to House Bill 1532. This bill would have a detrimental impact on the quality of North Dakota's public education system and our students.

HB 1532 aims to create a program that would require our superintendent to funnel public funds to private schools. As a Board, we firmly believe that public dollars belong to our public schools. While we support parents' rights to choose where their children receive an education, public dollars must stay within our public system – a system that is accountable to our taxpayers, legally-bound to meet the needs of our students and is proven to positively impact student achievement.

By law, public schools are required to follow the Americans with Disabilities Act and the Individuals with Disabilities Education Act. These laws require us to meet the wide range of needs that our students bring to the district. For example, we must identify and evaluate students who may have disabilities, vary instruction based on need, install equipment such as wheelchair ramps, employ sign-language interpreters, and attend to any other accommodation needed to make our schools, facilities and activities accessible for all. Private schools are not held to these same standards, nor are they under obligation to follow Individualized Education Plans (IEPs). Plus, private schools have leeway to turn away students, which we do not and would not do. HB 1532 would allow public funds to flow to private entities that are not required to follow public laws.

As a Board, student achievement is our central focus. There is no evidence that vouchers improve student performance. We strongly encourage the Committee to oppose programs and initiatives that do not have a record of success.

And finally, our public schools are the backbone of society. A strong public school system contributes to less unemployment, reduced crime, improved public health and a strong workforce. If funds are pulled from our school, something will have to give. Will we pay our teachers less or employ fewer counselors? Will we cut programs such as music or art?

We strongly encourage you to give a Do Not Pass recommendation on HB 1532.

Katie Christensen
Governmental Affairs Committee - Member
On behalf of Fargo Board of Education

Wahpeton School District #37

Dear Legislators,

If you are reading this it is because you care about the future of education in the state of North Dakota. I write this on behalf of myself as a taxpayer, a parent and also a teacher. This bill will DIRECTLY affect my family in each of these three ways.

As a taxpayer, I strongly disagree with the idea that the money that I pay each year will be used in part for vouchers for families that CHOOSE to send their children to private schools. It is never in the best interest of public interests to interfere with private interests. Private schools have always had the power to say NO to students, a power that public schools do not have. They have the ability to turn away students for a wide array of reasons. Reasons that the public schools do not get the choice to say no to.

As a parents, we always want the best education for our own children. But we also (both teachers) understand that public education can be just as great as private education when given the right amount of funding and opportunities. But when you take money away from public education and are giving HAND-OUTS to private schools, you are telling me that my family doesn't matter to you. My kids' education doesn't deserve all of the funding, just some of it. And that we should be giving vouchers to families that are already making the CHOICE to send their kids to private school. This is completely unfair for my kids.

As a teacher, I have one question. **How can you feel good about taking money away from our classrooms and giving money to classrooms that require an entrance fee?** A voucher program for private schools is a very slippery slope in education. It is completely inappropriate to give public funds to private schools without any accountability measures. And nowhere in this bill does it talk about prohibiting private schools from increasing tuition rates while also receiving state funds. So the way I see it, they can keep their prices the same while dipping into the public taxpayers pockets and getting even more benefits. I'm sorry but does that seem at all appropriate to you? If you let this bill pass, You will have a great deal of unhappy educators in a time of the year that teachers are already questioning their contracts for next year. At a time when teachers are leaving the profession in huge numbers. I STRONGLY believe that this bill could push more educators out, and that devastates me.

Overall, this bill would do an absolute disservice to all public educators, schools and students.

Please hear us,

Whitney Peterson

Wahpeton Public School Teacher

To Whom it May Concern-

I am writing this testimony in opposition to HB 1532. I am a school-based occupational therapist working for South East Education Cooperative. I provide services to six rural school districts in southeast North Dakota as well as a special education preschool. The information I am reading about providing funding to private schools versus public schools is alarming. As someone who serves children of all backgrounds and abilities in various school districts, I see firsthand the issues facing children in our state today. This includes emotional regulation issues, mental health concerns, and behavioral problems. With these issues, many resources and services are warranted. When a child with these issues comes to a school I serve (all public schools), there is not an option whether to serve them or not. It is required: even with staffing shortages, limited resources, etc. They must be taken care of, as they should be. Taking away funding to assist with these issues from public schools and giving it to private schools is outrageous. These private schools are not, nor ever will be an option for students in rural areas.

As a taxpayer in the community I work, and as a mother of two young children, one of who will start in the public school system next year, it is infuriating to think that local taxpayer money will be given to private schools who already have an abundance of resources, especially with no accountability for how it is used. The majority of students who attend private schools have families who are more financially sound and can afford to send them to a private school in the first place. I see everyday students who come to school without proper footwear, winter wear, and nutrition. Public schools try to fill in these gaps as best they can. However, if funding is decreased, not only can they not meet their educational needs, but will struggle to help meet these basic human needs for these students. These kids are our future, and early intervention is crucial. Please do not take this money away from public schools who are doing everything in their power to help kids succeed.

March 13, 2023

Senate Education Committee,

I urge you to vote NO on HB 1532. I believe public dollars should be spent on students in public schools. The voucher program would not equally benefit all North Dakotans, only private school students in large cities. The rural students would not benefit and the rural taxpayers would be subsidizing students and families in other communities. Why give public funds to private schools that do not have the same accountability measures as public schools do. Nothing in the bill prohibits the private schools from increasing their tuition rates all while receiving state funds. If private schools receive state funds, they then should not be allowed to turn students away that they deem too difficult to serve. They should have to take all students just like public schools do, including students with disabilities. So I ask you to please VOTE NO on HB 1532.

Thank you for your time in reading my response on this matter.

Collette Hertz,

Harvey Public School Board Vice-Chairman and proud public rural citizen of ND

ND Senate Education Committee,

As a parent, education is a top priority. How the public school system is today, parents have little control of the school their child(ren) attend. Currently, it is dependent on which school district you live in. Low- and middle-class families are not given a choice on their child(ren)'s education.

For my family, we have chosen to send our three children to a private school. We have made countless financial sacrifices to pay for tuition. Our children's morals, academic achievement, wellbeing, future, etc. obtained in private school are all more important than the monetary sacrifices we make. The modest tuition reimbursement HB 1532 references would be significant to my family. HB 1532 will give more families, like mine, the option of choosing the school they favor for their children.

Giving families the opportunity to choose their child(ren)'s school requires all schools to sustain excellence in order to retain families. This increases the quality of all our schools to the benefit of ND's youth. Our education systems should have the best interests of families and children as a top priority. Please support ND families, please support HB 1532.

Thank you,

Amber

Bismarck, ND

Dear Committee,

I am writing this letter in opposition to HB 1532. As a public-school teacher, I have concerns about the bill.

- I am concerned that state education money will further be spread out putting stress on public schools, school boards, and superintendents that are already struggling to fill teaching openings.
- This bill would not benefit rural schools in North Dakota that do not have a private school in their district. The school districts would be hurt by this bill.
- Schools are already having a hard time filling teacher openings. I do not understand how taking more state funding away from schools would help.

I hope you consider these points in opposition to HB 1532. I am concerned that taking money away from public schools to give to private schools in the state would make it even more difficult for public schools.

Dan Frame
803 3rd St. N.
Wahpeton, ND 58075

To the Members of the 2023 North Dakota Legislative Session-

Public schools are the foundation of a free society. Every child in North Dakota is guaranteed a free and appropriate education that is provided by our public schools. The promise to educate students today will meet the needs of the workforce of the future. The tax dollars spent on public schools in North Dakota also come with many stipulations that districts, schools, and teachers must meet, or forego funding. Public schools, governed by locally elected school boards and open meetings laws, must account for every dime they receive from the taxpayers of North Dakota. HB 1532 requires no accountability for these expenditures on the part of the private schools who will receive them.

Nonpublic schools that will benefit from HB 1532 are not required to follow many federal and state requirements and the bill specifically prohibits requiring nonpublic schools to alter their admissions policy. They are free to deny admission to any student for any reason, including cognitive ability, physical disability, as well as behavioral and social limitations. Public schools, on the other hand, proudly educate all learners, regardless of their limitations and abilities. **If private, nonpublic schools receive state funding, then they should have to follow the same state and federal requirements as North Dakota's public schools. I am not aware of legislation to ensure this will take place.**

Finally, North Dakota's rural communities, served by public schools, will receive absolutely no benefit from this bill as there are no private or parochial nonpublic schools located in 36 of North Dakota's 53 counties. This bill takes resources from the state's 490 public schools in every community across the state to support private choices. Private choices should be funded privately.

My family has educational freedom; there is a wonderful private elementary school located in our community. I chose to send my children to the public elementary and middle schools because I believe in public schools! I write in strong opposition to HB 1532. **Until private schools are held to the same standards as public schools, I do not want my tax dollars supporting their mission.**

Sincerely,

Mrs. Megan Brejcha, B.S., M.Ed.
Mother of two
Teacher, Wahpeton High School
Wahpeton, ND

Good afternoon,

I hope this email is finding you well, as you are working through your session. As educators, we have been made aware of HB 1532, that is headed to the Senate floor. I am writing to voice my concerns over the loss of public funds for public schools. As public educators, we face a unique set of challenges, rules, and oversight. We are held accountable by the public and our doors are open to all students. Loss of funding for public education that comes with HB 1532 is incredibly unjust.

Within the rural public education setting, we are funded by tax payers who hold their schools near and dear to their hearts. A large number of our North Dakota schools are considered rural, and this would be detrimental to our districts. These tax payers would surely like to see their local students attend local schools. If that choice does not suit the families, then personally funding that alternative education would be understood. Lessening the financial support for districts who take ALL students is not the answer.

Our students are and will remain our top priority. We currently work tirelessly to provide them with the best educational experience possible. The redistribution of public funds will only hurt the public-school students, who are by far the majority of our future citizens. I understand the premise for this bill, but this is absolutely not the way to fund this initiative.

As a representative of not only SW North Dakota administrators but also speaking for parents, taxpayers, former students, and forward thinkers...I beseech you to vote **NO** on this bill.

Thank you for your time,

Danielle O'Brien
Assistant Superintendent/Building Principal
Billings County School District
701-575-4773
danielle.obrien@k12.nd.us



**HB1532 – Education Savings Accounts
Testimony in Opposition
North Dakota Council of Educational Leaders**

Good day Chairman Elkin, and members of the Senate Education Committee. I stand before you today representing your North Dakota Public school leaders recommending to you that take pause before considering this bill to be the solution to education some of you may be searching for. For the past 4 sessions we've come together to discuss various versions of this bill. It just wouldn't be a session if we didn't do it again.

Currently we provide a per pupil payment to our schools for our approximately 113,000. That number does not include the approximately 7500 private school children. More than 90% of all students in North Dakota attend school at a public institution. The beauty of North Dakota is that we have generous open enrollment laws, and I've not yet witnessed a private school turn away a student due to financial struggles. If this bill is about a parent's right to choose – that is a choice they can attempt to make – however, it should be evident by now that the choice isn't made by the parent – it is made by the school. For whatever reason that the student isn't the right fit – the school is able to refuse whether turned away due to behavioral issues, developmental disabilities, students that need special education supports, beliefs or customs may not be in line, the student may need difficult to deliver individualized education plans, or whatever reason might be at play. Juxtaposed, public schools are charged with taking all students. All students regardless of race, creed, religion, ability, cost to educate, behavior, truly all students. We are governed by open records, open meetings, bound by law by layers and layers of accountability including reporting of nearly every move of the school. We are governed by locally elected school boards who are representative of the taxpayer. The use of public dollars has always meant transparency and accountability. This should be a tradition of transparency and accountability that as conservatives we are proud of and should continue to uphold.



So – I'd like to suggest you choose one of three quite reasonable options:

- 1) Maintain a 134-year North Dakota tradition and only fund public schools in accordance with the ND Constitution and vote no on this bill.
- 2) If you as the legislature believe your full constituency wants you to spend \$30M or more of their taxpayer dollars on less than 10% of the student families who have chosen to attend private school and to ensure appropriately funding 90% of our students with an adequate per-pupil payment increase, then fund them. But then, it is time to call them public schools allowed to hold sectarian classes and to then be **held by the same rules as public schools – transparency, accountability, fiscal rules** (in-lieu deductions and all other laws public schools are subject to such as instructional requirements, assessments, and reporting) **and acceptance of all students**. (Please see reporting requirements on the subsequent page.)
- 3) Release public schools of the requirements of accountability. Eliminate the reporting, the open meetings, open records, statewide strategic vision, or concern with performance. Let public schools live by private school levels of accountability.

If one of the above options are not chosen, then I wonder when the litigation will begin?

We ask for a DO NOT PASS of this bill.

Public Schools: Must take every student regardless of ability, level of poverty, behavior, etc.
Non-public schools: Can deny any child for any reason.

ND Open Record Laws

REGIONAL EDUCATION ASSOCIATION REPORT

ND Open Meeting Laws

SPECIAL EDUCATION UNIT REPORT

Official Newspaper Report

VOCATIONAL EDUCATION CENTER REPORT

COGNIA Accreditation (Required public, optional Non-public)

READING CURRICULUM AND PROFESSIONAL DEVELOPMENT REPORT

ANNUAL COMPLIANCE

PER02 – NON-LICENSED PERSONNEL REPORT

- LEA Annual Compliance Report
- School Annual Compliance Report
- Approved/Non-Approved Schools

GRADUATION RATE

GRADE RECONFIGURATION

COURSE CODE REPORT

ACT ACCOUNTABILITY NON-PARTICIPATION

EMPLOYEE COMPENSATION

TEACHER EFFECTIVENESS REPORT

ENROLLMENT REPORT (INCLUDES THE FOLLOWING REPORTS)

PARENTAL DIRECTIVE REPORT

- IMMIGRANT REPORT
- Special Education Membership Report
- Refugee report
- Alternative Ed Report
- Open Enrollment Report
- NS Lunch Program,
- BIE Report,
- 21st Century,
- Title I Report,
- Section 504
- English Learner Report
- CTE Report
- Foster Care
- Education Career Planning

TRANSPORTATION REPORT

Youth Behavioral Health Professional Development Report

SUSPENSION EXPULSION

SCHOOL CALENDAR REPORTS

MIS01 - LEA FALL REPORT

MIS01 - LEA DIRECTORY

MIS02 - SCHOOL FALL REPORT

MIS02 - SCHOOL DIRECTORY

MIS03 - REGULAR SCHOOL YEAR LICENSED PERSONNEL

Insurance Report

MIS03 - SUMMER SCHOOL LICENSED PERSONNEL RECORD

ACCESS NON-PARTICIPATION

Food Services Report (if they accept federal funding for food)

SUMMER SCHOOL

EARLY CHILDHOOD

Student Immunization Report

SCHOOL DISTRICT FINANCIAL REPORT (AUDIT)

Fire Marshall Inspection Report

**Testimony on House Bill 1532
March 14, 2023
Senate Education Committee
Senator Jay Elkin, Chairman**

Marya J. Skaare, President, Trinity Catholic Schools

Affirmative Support of HB 1532

Greetings Chairman Elkin and Senate Education Committee Members!

My name is **Marya Skaare**, and I reside in District 39. I am the current **President of Trinity Catholic Schools in Dickinson and more importantly, the mother of two school-age daughters**, so this bill is of great interest to me and is of great impact to not just my own children, but to the children entrusted to my schools by their parents. Thank you for the opportunity to share my support of HB 1532 with you. 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, only about 6% 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 HB 1532 is not intended to be an indictment of public schools, just as it should not be used as an indictment of non-public schools. This bill is about students. Plain and simple. It allows for EVERY North Dakota student to receive some level of support from the State to assist in their cost of education.

Ever since the Supreme Court ruled Blaine Amendments unconstitutional, conservative states like North Dakota have been responding enthusiastically to the decades-long demand for parent choice in education with bills like HB 1532. Misinformation campaigns by the opposition have been attempting to create confusion about who HB 1532 supports. Make no mistake—this bill supports students. No, HB 1532 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 a reimbursement program for families who send their children to qualified nonpublic schools—a category of schools recognized by NDDPI that includes more than just Catholic, Lutheran, and other faith-based schools, but also schools like the Anne Carlsen Center and Full Circle Academy; as well as tribal schools, innovation academies and schools for at-risk students. Even so, HB 1532 is clearly not about State support of these school systems, it is about State support of STUDENTS in these systems—support for EVERY North Dakota school-age student regardless of the type of school with which they affiliate; and as a parent, that is incredibly encouraging and makes me so proud of who we are as North Dakotans. Our willingness to blaze trails, aspire to

Testimony on House Bill 1532
March 14, 2023
Senate Education Committee
Senator Jay Elkin, Chairman

Marya J. Skaare, President, Trinity Catholic Schools

Affirmative Support of HB 1532

greatness and always prioritize our people, is exactly why this bill is worthy of a do pass recommendation.

The collective nonpublic schools in ND save the State millions of dollars each year with the help of our stakeholders, which include tuition-paying families, we operate schools that not only save the State the per pupil rate for each of the 7700+ nonpublic school students, but also contribute to our local economies and produce ND graduates who go on to attend ND colleges and universities and work in our communities. Nonpublic schools are essential to offering a diverse education landscape in our state and actually help to attract new families to our North Dakota home. When I worked in workforce recruiting in the energy industry, one of the first questions our HR department was asked was about our schools—not just pertaining to public school quality, but are there private, charter and Montessori schools available? For new North Dakotans, education choice matters.

In Dickinson alone, if we closed our doors, our local school district would struggle to accommodate the influx of students with already strained capacity, and the State would be responsible for the full per pupil payment for each student now in public school. This bill is requesting a modest reimbursement based on the current per pupil rate to be paid to help the education cost for students whose families choose nonpublic schools. Public schools are well-funded and will continue to get the per pupil rate per student enrolled in their schools. This bill does not reduce the amount paid per pupil to public schools and is not a taking of money from ND students. On the contrary, this bill actually expands the state's commitment to North Dakota students by supporting ALL students, regardless of school affiliation.

Detractors continue to try and make this about the differences between nonpublic and public schools—but that is just a distraction. The State has determined the guidelines to become a qualified nonpublic school operating in the State of ND and they have established standards, reporting guidelines, etc., with which we must comply. Your nonpublic schools follow these guidelines, are recognized as qualified schools and are compliant with all State requirements. We are doing what we are being asked to do according to the rules created for us by the State. That being said, this is a distraction because this legislation is not about how nonpublic schools behave, it is about helping the families who choose nonpublic schools. These are North Dakota families who could use the help provided with HB 1532. With the rising cost of education, nonpublic schools are constantly trying to keep up with our well-funded, public school neighbors. We strive to pay 80% of what public schools pay, but that continues to be a struggle as public school wages increase and retirement benefits outpace what we are able to provide; and we are all keenly aware that no one is immune from the impacts of inflation. Our utility

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March 14, 2023
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costs alone have increased over 30% in the past year—even with updating our buildings to employ energy saving measures. The meaningful point here is that these are costs that get passed on to our tax-paying, nonpublic school families. They are the ones who bear the burden of helping our nonpublic schools to cover the rising costs to educate with their tuition dollars—costs that are heavily influenced by our public schools as they are the market drivers in the education sector. As the cost to educate increases, their tuition costs increase. HB 1532 will provide needed support to families who choose nonpublic schools and unlock access for families who have felt like they had no choice in education due to financial limitations.

Chairman Elkin and esteemed Senators, please accept my enthusiastic and sincere encouragement for your support of HB 1532. Your support of 1532 is support of ND students and their success. Your support of 1532 is your support of unlocking funds for ND families to choose the educational setting that is right for their children. Your support of 1532 is an investment in our future by investing in our people. Your support of 1532 begins today, with a do-pass.

Testimony to North Dakota House Education Committee: HB 1532
March 2023

Mr. Chairman and Members of the Committee: Thank you for the opportunity to address this committee and share my story as a parent who has chosen private school for her children and as an educator in a private Catholic school. For the record, my name is Shannon Schmidt, special education strategist, in Minot, ND. Prior to working in special education, I was a stay-at-home mom for 10 years to our 6 children. My oldest, Caleb, (age 11) was diagnosed with Autism Spectrum Disorder at the age of two and a passion was ignited in me to not only give him the tools to lead a more fruitful life, but to provide love and support to all children.

FAPE is an acronym for free appropriate public education which includes multiple components: (1) it allows students to receive a special education service and related service with no cost to them. This also includes that schools cannot deny services to students because of the expense it will bring to them; (2) the education that the child is receiving must be appropriate, while this is a wide controversial topic in special education the school district is responsible for putting forth effort to provide this appropriate education; (3) the school district must involve the parents and be sure they are an essential part of their child's education. The North Dakota Department of Public Instruction defines FAPE through the *Andrew F. v. Douglas County School District* court documents that are linked to their special education department page. FAPE is further defined in their Parent Guide Handbook as:

special education and related services that:

- are provided to children and youth with disabilities at public expense, under public supervision and direction, and without charge to the parents;
- meet the standards of the state education agency, including the requirements of the IDEA;
- include an appropriate preschool, elementary, and secondary school education in North Dakota; and
- are provided according to requirements for the individualized education program.

Since parents have given children their life, they are bound by the most serious obligation to educate their offspring and therefore must be recognized as the primary and principal educators.¹ Parents are bound by God to this grave task and when parents follow this directive, a truly Christian family is formed creating a ricochet effect among God's people. Parents who have the primary and inalienable right and duty to educate their children must enjoy true liberty in their choice of schools.² Once their children enter school, this does not relieve the parents of their duty as educators to their children.

Andrew F. clarified the substantive standard for determining whether a child's IEP – the centerpiece of each child's entitlement to FAPE under the IDEA – is sufficient to confer

¹ Pope Paul VI, "The Authors of Education," in *Gravissimum Educationis*, (Vatican Council II, 1965), #3.

² Pope Paul VI, "The Duties and Rights of Parents," in *Gravissimum Educationis*, (Vatican Council II, 1965), #6.

educational benefit on a child with a disability. The Supreme Court decision is important because it informs our efforts to improve academic outcomes for children with disabilities. With the decision in *Andrew, F.*, the Court clarified that for all students, including those performing at grade level and those unable to perform at grade level, a school must offer an IEP that is “reasonably calculated to enable a child to make progress appropriate in light of the child’s circumstances.” This standard is different from, and more demanding than, the “merely more than de minimis” test applied by the Tenth Circuit.

The implications of this case are huge. As a mother of a child with autism, I can relate to Andrew’s situation and the frustrations of his parents. However, our situation is different and has proven difficult to fight for. Our son, Caleb, attends a private Catholic school as per our wishes, but in doing so, our rights under FAPE are extremely limited. We chose a private school for the importance of our faith in our lives, but access to special education resources are very little and disappointing at best. It is certainly the schools’ intention in that they want to care and provide for all students, but unfortunately it's not always the reality. For most families with children of disabilities, Catholic school is not an option. A student can not spend the whole day in the resource room (nor should they) and the general education teacher is often not equipped for these students. Even if the teacher is eager and tries to do everything she can to see that student succeed, she does not have the resources to turn to for assistance in the classroom or in implementing accommodations that prove to be truly meaningful and effective. General education teachers are for the most part limited in their knowledge base concerning areas of disability unless they have personal experience or have extended their learning on their own time. Even those working in the resource room do not typically have a special education background; they do, however, have big hearts.

So, how can we better apply FAPE to a private school? Is there a way to include our private schools in the Act so that, as parents, we may truly be free to choose the education that we want our child to receive without the detrimental cost of inefficient special education services only because we chose not to attend a public school?

Andrew’s parents removed him from the public school system and placed him in a private school setting to receive the best possible outcomes for his needs. The Court recognized this and made changes to the standard in the law to provide better services to children covered under IDEA with an IEP. My son has an IEP and we removed him from public school because our faith is important to us and we wanted him (and our other children) in that environment of faith on a daily basis. By doing so, we lost access to much needed services as required to us under FAPE. Should we not still be afforded these services that are due to us? Would an in-house special education program at a private Catholic school ever be granted funding to serve their students covered under IDEA or will this always be a benefit limited to the public schools making it so that we are not, as parents, free to choose the education that we see as best for our children?

While this bill does not ensure every student with special needs is being adequately served in a private school, it does allow parents some financial flexibility to cover some of those services a

private school can not afford. For instance, it could be used to help offset the personal financial burden of providing a one-on-one support aide in the classroom. House bill 1532 is a start in the right direction to afford parents the right to freely choose the education that they see fit for their child. Thank you.

Written Testimony: House Bill 1532

Good Afternoon, Chairman Elkin and Committee Members.

My name is Sara Dudley. I am the principal of St. Michael's School in Grand Forks. I have served as the principal there for nine years. I am here to support House Bill 1532 that would provide tuition reimbursement options for families that choose to send students to non-public schools.

Thank you for the opportunity to give testimony on non-public public school's accountability to parents, tax payers, and the institutions that provide approval for non-public schools and public schools.

1. The history of public resources for non-public schools and the accountability measures that accompany them

Non-public schools have received tax-payer resources for many years in the form of federal Title dollars and the federal food programs that benefit our students who receive free and reduced lunch services. By participating in these programs, the non-public schools accept and fully participate in the assurances and guidelines of the Department of Public Instruction. Through the federal Title programs, no money has been given directly to the non-public schools, but rather a partnership with the public schools who manage the Title funds for the non-public schools.

The Title services benefit all students through literacy and math support, professional development for teachers, and after school programs for students. We are partnered with the public schools through this process, working together to use tools and resources for students. With COVID relief equitable services, non-public schools utilize these resources through specific and clear guidance from the Department of Public Instruction. Non-public schools may not use taxpayer resources and funds without clear guidelines and assurances. It is through these guidelines that administrators like myself are held accountable along with documented and consistent consultation with the public schools.

2. The standards and accountability around school approval for non-public schools including the quality of instruction and quality of educators

Non-public schools receive Department of Instruction approval using the same assurances as public schools using the STARS, State Automated Reporting System. Through the approval process, non-public schools are required to have highly qualified teachers. Through the school

approval process, non-public schools are held accountable for professional development requirements such as the recently passed legislation that states that All teachers and principals serving students in grades K-3 will:

1. Receive training in scientifically-based reading instruction practices.
2. Utilize scientifically-based instructional materials and approaches

We are also required to use approved Science of Reading curriculums with Department of Public Instruction guidance. These requirements are met at the non-public schools as they are at public schools.

Non-public high schools in North Dakota have the same graduation requirements and standards as public schools. A North Dakota diploma is a North Dakota diploma whether from a non-public school or public school.

An additional accountability measure is the school accreditation process through Cognia, the same accreditation institution that all North Dakota public schools receive accreditation. As a fully accredited school, this demonstrates the standards and accountability that include the quality of instruction and the quality of educators.

Non-public schools employ licensed teachers who have received approval through the Education Standards and Practices Board of North Dakota. The teachers receive professional development and training to the standard and quality that public schools receive.

It must be acknowledged that the public higher education institutions of North Dakota depend on the non-public schools in North Dakota to provide thorough, meaningful, and rigorous pre-service training opportunities to our pre-service teachers. If the public higher education institutions determine that the non-public school standards are high enough to train and prepare the future public school educators of the state, the non-public schools standards must be rigorous and of high quality.

Lastly, non-public schools serve students who are identified as being in poverty. We participate in the federal free and reduced lunch program. Non-public schools document this information using the STARS assurances by the Department of Public Instruction just as public schools do. Opponents falsely state that non-public schools are for the rich and wealthy, yet my school has consistently served families who are identified as living in poverty at a rate of 17%-23% over the past ten years. These are families who, even with their financial need, are willing to make a sacrifice to make the choice for their children that is best for their family. With the assistance of scholarship and school social programs, we are able to serve families no matter the financial situation of the family. No family is turned away because of financial constraint because of the generosity of school supporters.

3. Non-Public Schools accept students with special needs.

Non-public schools are happy to partner with public schools as we meet the needs of our students who are identified with a special need. Students qualify using the same special education categories and participate in a rigorous assessment process following the federal guidelines of IDEA. Non-public schools are required to follow the special education plan just as the public school's are required. Non-public schools have paraprofessionals to support our students with special needs and often, create plans that provide support and modifications when a student does not qualify for an individualized service plan. Non-public schools provide small class size, accommodations, modifications, interventions, and enrichment to our students and families. The best outcomes for students with special needs who are enrolled in non-public schools come when the public and non-public schools partner together to meet the student's needs. In some cases, students receive some special education services at the non-public school and the public school setting.

If we are going to build on the greatness of education in North Dakota, we must do it as partners in education with parents, public, and non-public schools. ND House Bill 1532 will allow parents to choose the school that matches their educational goals for their children.

I urge you to vote in favor of ND House Bill 1532 and support the rights of parents to make educational choices for their children.

Contact Information

Sara Dudley
504 5th Ave. N.
Grand Forks, ND
515-231-8102
sara.dudley@stmichaelsgf.com

Good afternoon members of the committee,

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 House Bill 1532**.

I am a proud single mom to a 13-year-old boy who attends Bishop Ryan Catholic School in Minot. I have been involved in education, in some form, for over 15 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 9 years. This year is my first 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 private 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 even discouraged. I also knew as a single parent with no co-parent support, the financial aspects of providing him with the education he needed, 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 students 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 House Bill 1532.**

Thank you,

Danielle Wangler

I am writing to the committee in opposition to HB 1532.

North Dakota's rural communities, served by public schools, will receive absolutely no benefit from this bill as there are no private or parochial nonpublic schools located in 36 of North Dakota's 53 counties. This bill takes resources from the state's 490 public schools in every community across the state to support private choices.

Additionally, HB 1532 requires no accountability for these expenditures on the part of the private schools who will receive them. In contrast, public schools, governed by locally elected school boards and open meetings laws, must account for every dime they receive from the taxpayers of North Dakota.

Finally, nonpublic schools that will benefit from HB 1532 are not required to follow many federal and state requirements and the bill specifically prohibits requiring nonpublic schools to alter their admissions policy. They are free to deny admission to any student for any reason, including cognitive ability, physical disability, as well as behavioral and social limitations. Public schools, on the other hand, proudly educate all comers, regardless of their limitations and abilities. It is not unreasonable to believe that if private, nonpublic schools receive state funding, then they should have to follow the same state and federal requirements as North Dakota's public schools.

Rosanne Lysne

March 13, 2023

Dear Members of the Committee,

I am against using public funds for private schools in whatever form they present themselves be it direct payment, a voucher, a tax credit, or any other method. (HB 1532)

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.

If we did amend the constitution to give our state the ability to fund private schools, would this bill also provide oversight of those schools and make it required that private schools follow the same laws and teach the same standards?

Instead of funding private schools, I would suggest better funding public education so we can pay our teachers competitively and have adequate materials and facilities to enhance education for all.

I believe parents that want to educate their children in a different manner should have that right, but that choice means they need to provide that education without public tax dollars.

Sincerely,

Matthew A Nielson

I am writing to the committee in opposition to HB 1532.

North Dakota's rural communities, served by public schools, will receive absolutely no benefit from this bill as there are no private or parochial nonpublic schools located in 36 of North Dakota's 53 counties. This bill takes resources from the state's 490 public schools in every community across the state to support private choices.

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Rosanne Lysne

Committee Members,

In regards to House Bill 1532 I must emphatically express the harm that this legislation would cause to rural North Dakota.

I am a resident and tax payer of rural North Dakota, I am an employee of a rural North Dakota school district, I am a parent to children that will attend rural North Dakota public school when they are of proper age. To pass House Bill 1532 would be providing families in communities that already have a plethora of opportunities more 'choice' and taking away much needed funding from rural North Dakota students that do not have the same access to similar opportunities.

The nearest private school is over 50 miles from my front door and the average tuition cost is well beyond my salary (that I make as an employee of public education) can afford, private education is not an option for my family as well as thousands of other rural North Dakota families.

I would also be remiss not to mention the lack of legislation in providing funding to rural public school districts like the one I live in and the one I work for. In passing House Bill 1532 you would be sending the message that rural North Dakota's students are not as worthy as urban North Dakota's students- especially considering the past legislation that would have greatly benefited rural North Dakota schools failed.

This Bill is not about 'choice' for the vast majority of North Dakota. It giving more privilege to the already privileged.

Please vote NO on House Bill 1532.

Mercedes Wulf

I am writing to the committee in opposition to HB 1532.

North Dakota's rural communities, served by public schools, will receive absolutely no benefit from this bill as there are no private or parochial nonpublic schools located in 36 of North Dakota's 53 counties. This bill takes resources from the state's 490 public schools in every community across the state to support private choices.

Additionally, HB 1532 requires no accountability for these expenditures on the part of the private schools who will receive them. In contrast, public schools, governed by locally elected school boards and open meetings laws, must account for every dime they receive from the taxpayers of North Dakota.

Finally, nonpublic schools that will benefit from HB 1532 are not required to follow many federal and state requirements and the bill specifically prohibits requiring nonpublic schools to alter their admissions policy. They are free to deny admission to any student for any reason, including cognitive ability, physical disability, as well as behavioral and social limitations. Public schools, on the other hand, proudly educate all comers, regardless of their limitations and abilities. It is not unreasonable to believe that if private, nonpublic schools receive state funding, then they should have to follow the same state and federal requirements as North Dakota's public schools.

Rosanne Lysne

I'm a retired teacher from Wahpeton (1973-2014) and now a substitute teacher (Sept 2014-now) , a grandparent (5 grandsons in Wahpeton) , and a Wahpeton school board member in my 2nd term. I've dedicated my career to helping kids in the Wahpeton Public Schools.

I oppose HB 1532 mainly because tax dollars are needed for educating public education students. Granted there are many fine private schools in North Dakota; but if a parent chooses to send their child there, that's fine however they need to pay for it and not receive a voucher for it.

In my 9 years of subbing , I've subbed in an elementary room where there are several special-needs autistic children in there. If we were to lose \$3000 per student that goes to the private school in Wahpeton , I could easily see staffing cuts in the public school's special needs rooms like the one in our elementary school and other classrooms around the state.

Senators,

I am writing in opposition to HB 1532. As I understand, the passing of this bill will take money from the public schools to reimburse 30% of the tuition costs for a student to attend a private school. Reading Section 3, the state will allocate \$24,000,000 to be used for reimbursement costs. I do not want \$24,000,000 of tax payers money (my money) to fund private schools. If we have \$24,000,000 to spend on education, lets further enhance an already productive and quality public educational system.

Could you answer this question, is our public education system broken?

If North Dakota has a broken education system, I might understand the need for such a program. However, North Dakota's educational system is not broken. Our ACT test scores, graduation rates, and college enrollment rates are among the best in the nation.

Diverting money for public schools to fund private school tuition fees will surely hinder our public schools' performances. This is based on the logic of maintaining our quality system with less money. This bill will create a broken educational system in North Dakota. Also, bear in mind that with a 30% tuition waiver, a private education will still be unobtainable to many residents of our state. That segment of our population will suffer the long term consequences of HB 1532.

A second repercussion of HB 1532 will be the opening of more private and charter schools in our state, thus diverting more money away from public schools in years ahead, further eroding our public educational system. We already have teacher shortage. Enticing the opening of more schools is not the solution to a labor shortage in education.

Lastly, the writing of HB 1532 places the burden of application, review, oversight, and audit of this program in the hands of the Department of Public Instruction. Is there a budget proposal for the additional staffing funds necessary to take on the extra bureaucratic tasks?

Please, for the sake of our quality public schools, VOTE NO on HB 1532. HB 1532 will be detrimental to the Department of Public Instruction and the quality of education in the great state of North Dakota.

Respectfully,

Larry Lasch

Wahpeton, ND

Dear Senate Education Committee,

I am writing to the committee in opposition to HB 1532. Nonpublic schools that will benefit from HB 1532 are not required to follow many federal and state requirements and the bill specifically prohibits requiring nonpublic schools to alter their admission policy. These schools do not have to accept or keep students that do not fit nicely into their code of conduct. I have witnessed this as a parent and as a teacher.

First, as a parent of a child that has mental health issues, I have been faced with the fact that my child did not fit into the expectations of the private school we had placed her in. This was a time when she needed smaller class sizes, teachers to care, more one-to-one attention to support her learning. Hoping to get that from a local private school, we took her out of public school and placed her in a place where we hoped to find help to support her.

Little did we know that within a few months we would find ourselves in a meeting being told that our daughter was not welcomed any more. They stated things like, didn't follow code of conduct, wasn't the right fit, there is a place she will fit better it just isn't here. In other words, your daughter doesn't fit our nice little box we place our students, therefore she is not welcome.

This was not an easy transition for a child that was already experiencing mental health challenges. Her mental health decreased rapidly, yet another place she experienced rejection. A place that stands on Godly principles, did not show God to our child.

As a public special education teacher, I have been a witness to many students that have been "kicked out" of the private schools, leaving parents desperate and frustrated. It is when they come to the public school that we offer hope. A promise that we take all students no matter their ability or disability, their behaviors good or bad, their education level, financial status, it doesn't matter. We take students where they are and teach them. We do not try to conform them to a box and when they don't fit, reject them but teach each child as an individual, accepting them for their uniqueness.

These monies should be spent on public schools where there is accountability for those funds and ALL students are able to gain access to an education no matter what. I ask that you vote no to HB 1532.

Sincerely,
Shawna Knipp
DEA President
Dickinson, ND

March 13, 2023

Dear Members of the Committee,

I urge you to vote against using public dollars to help support private schools or home schools. Public schools are held to government standards and laws to follow, as well as state standards that must be taught. Teachers and staff must be certified and qualified to teach and follow protocols. Citizens can be assured that teachers and schools meet and exceed expectations and criteria. Bill HB1532 does contain any criteria for the government to ascertain how the public money will be spent. Please vote NO.

Sincerely,

Nicole Powers

**Do Pass Testimony
of Kari Downer, District 1
on HB1532
March 13, 2023**

Dear Chairman Elkin and members of the Senate Education Committee,

I am writing as a citizen and believe HB1532 is needed legislation to enable children more choice in their education, no matter their income level. I ask for a Do Pass on HB1532.

I believe the North Dakota constitution requires every child's education to be supported. This includes children who are unable to be in the public school system due to religious beliefs.

The opponents to HB1532 say that every student has a choice. However, this currently is not true if the family cannot afford to fund a private education. There is no choice for them. This legislation will provide these students a choice.

Please give HB1532 a Do Pass recommendation.

Respectfully,

Kari Downer BAN, RN
1719 25th St W
Williston, ND 58801

March 10, 2023

To Members of the Senate Education Committee:

This letter is in support of HB 1532. We are asking that you consider the following comments when you vote on this issue.

We have a large family, and presently have our ninth child at Bishop Ryan Catholic School in Minot. Has it been a financial struggle? Absolutely. This bill would allow all parents to choose what is the best school for our children. It is our belief that we should have the ability to make these choices. Though we are in our final four years at Bishop Ryan, our grown children are experiencing the financial burden of choosing a non-public school for their children.

Our state uses tax dollars already to secure services from non-public and religious institutions.

HB 1532 will not remove or lessen resources needed by public schools. We respectfully ask that you consider these statements, and vote in favor of HB 1532.

Thank you for your time and consideration, and for the commitment you have to North Dakota's citizens.

Sincerely,
Ralph and Kathleen Charley

HB 1532

Neutral

Chairman Elkin and Education Committee Member,

The North Dakota Home School Association (NDHSA) does not oppose this bill as long as home education as currently defined by state law is not included in such programs.

We do feel that an amendment is needed however as the term "homeschooling" does not exist in ND Century Code. The Century Code uses the term "home education".

Better wording for Section 1, number 6 would be "Qualified school" means a nonpublic school in the state which accepts program funds, ~~not including a home school~~ **not including a child receiving home education pursuant to NDCC 15.1-20-04.**

Theresa Deckert

NDHSA representative

701-662-4790

March 13, 2023

Dear Honorable Senators of the Senate Education Committee,

I am writing today in opposition of HB1532 to create an educational reimbursement program for non-public schools. I am a current public school Kindergarten teacher and had the honor to serve as the 2016 North Dakota Teacher of the Year. I feel strongly about opposing this bill.

I have been watching this bill very closely since it was introduced in the House. I have watched recordings of testimony, read submitted letters for testimony, and watched both House Education and House Appropriation Committees discuss this bill. I have a few points that I want to highlight ...

- 1) Most of the letters that have been submitted as testimony have been from parochial school parents or family members in favor of this bill. The parochial schools are taking the opportunity to solicit their parents to write letters "in support". Public Schools are not soliciting any parents through social media or newsletters. I am not sure soliciting letters is even legal for public schools to gather support for a legislative issue but parochial schools can take advantage of this method. We have over 7,000 students in my district and we are not soliciting any parents. If this bill was voted on as a Measure in a general election, I think you would get a better picture of opposition.
- 2) Discussion of low test scores in public schools has come up several times in committee meetings but also was commented on on the House floor right before voting. Educators know that comparing test scores from public schools to parochial schools is not on an even playing field. In public school, we test all children with all exceptional abilities. We recognize that we have students who perform extremely well on their standardized tests. We also gather test scores from students with no parental support, lack of food, extreme behavioral needs, high risk for psychological needs, violent behaviors, variety of learning disabilities, etc., etc. Without a doubt, these exceptional students change our overall test score average, but they are our students and we are required to test them all. We educate them all, therefore we test them all.
- 3) Through testimony and written letters from parochial school administration, they are adamant they take students with disabilities and students who have IEPs. It is true, they do educate students on active IEPs.

Special Education has a wide, wide range of abilities in the definition.

*When a student has an IEP for speech sounds, this is considered Special Education.

This student may have one additional teacher to provide services to their regular education. They may have a total of 5 staff members to teach them through the week. This student could possibly get into a parochial school, but not guaranteed.

*When a student has an IEP for a muskular-skeletal disorder, needs a feeding tube, is wheelchair bound, and has no verbal communication, this is also Special Education.

This student may have a total of **10 staff members** to help meet IEP needs through the week: classroom teacher, music, physical education, library, counselor, intellectual disability teacher, 1-on-1 para support, occupational therapist, physical therapist, and

speech pathologist. This student is in my school and we have several more that require up to 10 staff members to assist with their education.

If non-public schools are going to receive reimbursement from public tax dollars, there should be more equity in the student population. Non-public schools should be required to accept a higher percentage of special needs students with higher disabilities and test all students regardless of their disability. They may currently turn away ANY exceptional students. Public schools educate all students of every ability or disability.

Siphoning funds away from ND public schools is going to hurt students more than anyone. Students will bear the immediate burden of larger class sizes and fewer support staff that currently assist with high needs students. The unintended consequences are to be determined.

Again, I am asking for you to Vote NO on HB1532.

Sincerely,

Amy Neal
Kindergarten Teacher - Minot
2016 ND Teacher of the Year

To Whom It May Concern,

I teach at a private school in Mandan, North Dakota and know the positive impact Bill HB 1532 would have on the families I serve. If the bill passes, it will afford families greater financial freedom while still allowing them to send their children to a faith-based school. Please vote in support of Bill HB 1532! In God we trust.

Sincerely,

Rachel Pankratz

Christ the King Catholic Montessori School
Mandan, ND

I am a retired ND educator. Having taught all 47 years in the Enderlin Public Schools, a rural public school, I am opposed to HB1532 "The Voucher. bill" for several reasons.

I believe it is not a wise use of taxpayers money. This appropriation would likely only help families in communities with private school options– there is no benefit to kids in rural areas. but as a result rural school students and schools will receive less support this biennium if this bill passes as it would divert educational dollars away from rural schools. Public schools are required to educate all students, that includes the handicapped, learning disabled, and others who require special assistance and come at a higher cost per student. Private schools can choose who they want to accept in their schools and deny these students entrance into their schools.

Rather than taking all tax payers money to fund private schools let the voters in the communities who have private schools decide if they want to fund it with their taxes. They should be able to vote for limited mill levy authority if their communities wish to help fund the private school. Areas that do not have private schools should not be asked to fund them. The state should not be allocating tax dollars without that vote of the people's willingness to fund those schools.

And finally this bill would allow private schools to accept tax dollars without having to play by the same rules as public schools. No accountability, no transparency, nor requirements of a certain income threshold to get the voucher, no tuition caps. That is not acceptable.

I strongly urge you to vote "no" on HB 1532.

Sincerely,
Lanae Adair
128 1st Ave
Enderlin, ND 58027
701-361-2635
lollieadair@gmail.com

March 13, 2023

Dear Members of the Committee,

Public dollars should go to public schools not private or home schools. Will the government check on non-public schools to confirm they are abiding by laws, teaching the state standards, and following government requirements that public schools have to follow? This bill does not included any details on how the government will check on how public money is being spent in these non-public institutions. Keep public dollars where they belong, in public schools.

Sincerely,

Rhonda L. Nudell

Dear Voting Members,

I am writing this letter in support of HB 1532. My family resides in Williston and I have three sons enrolled in Williston Trinity Christian School. My husband and I choose to send our children to this school because we believe in its mission to instill Biblical value into each of its students. We want our children to know that God is essential in all aspects of life and that he values each human life equally. This small school operates as a family unit where all students are welcomed and accepted not because of rules requiring so, but because that's what Jesus instructs his children to do. In Williston, students are placed in schools where there is room for the students, regardless of the geographical proximity to their homes. The school we chose is located close to our homes and between each of our employers. Our children are treated like family and the values taught resemble that of our home. The staff working at our school have chosen lower paying careers to pour the values of Jesus into our students and for that, we are forever grateful.

Our educational choice has not come without sacrifice. My goal of being at home mom until our children started school, was cut short for our third child so I could return to work to help pay our tuition bills. Our family rarely eats meals out and vacations almost exclusively to neighboring states to visit family. We drive old vehicles and live life on a budget. Our tax dollars go only to public education. The truth is, we value education in all forms. We are not bitter about this fact and wish success to all students in all schools. I myself attended public school and received a fabulous education, but society is different now. We choose private education because we feel it is worth the sacrifice and the benefits greatly outweigh the challenges to make ends meet. The passing of this bill would help ease the financial stress our family feels. If it passes, we would be in a position to give more freely to community causes and fundraisers for non profits. It would also aid in our ability to save for college tuition for our three children. This bill would not allocate all our tax dollars but a portion. The majority would still go to support local public schools. The cost to educate a single child is astronomical. Children who attend private schools, decrease the burden of this on the public education system. If our school did not exist, the Williston School District 7 would have to accommodate hundreds more students. I believe the public and private schools work together in this manner. Private schools have great value in the community by sharing the load of the students in the region, and doing so without receiving any financial compensation. I am asking that you please take this into consideration as you vote.

In conclusion, I am asking that you would please prayerfully consider passing this bill and give more North Dakota parents the option of choosing a school that best suits their child and represents their family values.

Thank you for your time,
Sarah Fogarty- Williston, ND

Testimony on HB 1532

March 13, 2023

Chairman Elkin and Members of the House Education Committee, my name is Ken Miller, and I am fortunate to be the superintendent at the Hazen Public School District. If this bill passes, it will negatively impact my school district and other small North Dakota school districts. I write in **opposition of HB 1532** for the following reasons:

North Dakota has great private schools and residents in larger communities are fortunate to be able to choose to attend these schools. Some would say an advantage of private schools is they can say no to families, students, and the state. If private schools take public money, they should therefore lose the ability to say no. For example, this bill is not written to benefit our emotionally disturbed students, our students with intellectual disabilities, and other high need special education students because private schools will choose not to educate them for various reasons. Also, our rural students will not be able to access this voucher because they do not have a drive-able private school option. Hazen is 60 plus miles away from the closest private school. Most individuals that are in support of this bill are not from rural North Dakota but instead who live in our 4 largest cities. The patrons in our small school districts do not want to help fund private schools for about 7% of North Dakota students living in Bismarck, Fargo, Minot, and Dickinson.

I strongly urge the Committee to give a DO NOT PASS to HB 1532.

If any member of the Committee wishes to contact me for additional comments or questions, I would be happy to respond.

I respectfully submit this testimony and thank the Committee for its attention.

3/13/2023

ND Senate Education Committee
Bismarck, ND

Chairman Elkin and Members of the Senate Education Committee,

I would like to start off by expressing my gratitude to your Committee on the tireless work you do in support of education in the State of North Dakota. The work you do here is truly work worth doing as it directly impacts the lives of thousands of educators, students and their families across our state. Today, I am here to testify on behalf of myself and my position in regards to HB 1532.

My name is Kevin Leier and I have a rather unique position to share with you as I ask for your support on HB 1532. My professional career in education for well over a decade has included working as a classroom teacher, instructional leader, and REA Professional Development Specialist in the public education sphere. Now, to add to that, I find myself in a new position and honored to be Principal of Little Flower Catholic Elementary School in the rural community of Rugby, ND. I share this background with you because in the various roles I have played I have seen firsthand the quality of education being provided in our state from a unique perspective of both public and non-public. I am lucky to have close friends and colleagues in both the private and public school sectors and, although we might not see issues in education the same all the time, we respect the fact that North Dakota is a state blessed to have committed educators providing the best education possible for our kids.

For this testimony, I would like to focus your attention on two specific points that I do not think have been touched on enough in the debate about this bill.

Little Flower School has a PreK-6 student enrollment of 67 students. These students pay an average of just under \$3,000 dollars a year in tuition to attend the school. Having taught in the Rugby Public School System at the high school level for 10 years, I know that every student at Little Flower ends up a public school student when they transition to Junior High. These students become part of the student census for public school funding eventually graduating as a proud Rugby Panther. Our little school is fortunate to have a strong relationship with Rugby Public Schools. This is an important point to be made knowing that all students in Rugby, regardless of where they are educated PreK-6, end up Panthers at the end of their public school careers in our community. Because of this, I have never looked at Private and Public Education in North Dakota to be at odds with one another. The greater point I would like to make here is that over \$550,000 dollars is saved a year in state per pupil payments by students attending Little Flower. Would the state not have to pay that out if our school was to simply close and families had no choice but to send their kids to the public school? HB 1532 would reimburse parents a mere fraction of that dollar amount for choosing Little Flower Elementary. To this point it is important that you know this is not just an option in large communities. There are similar

situations to Rugby's in Langdon, Wahpeton, Jamestown, Belcourt, Devils Lake, and Valley City to name a few more. These schools all transition students to public school as they end at either grade 6 or 8 pending location.

The second point I would like to make is in regard to the example I can provide about how alumni from non-public schools, like Little Flower, become a great case study in workforce development, entrepreneurship and community involvement in our state. After reading all 225 written pieces of testimony as of Sunday night, there has been very little discussion on how impactful our non-public schools have been on retaining alumni to become successful future North Dakota residents. Most opposition stems around location, special education and educating all students and I'd be happy to answer questions, from my position, to those points. But, regardless of the positions in this room on this bill, I believe we all have common alignment when it comes to education being a primary pillar to workforce development. I've personally looked at the class rosters from our small school over the last 20 years and over 75% of those former students have gone on to live and work right here in North Dakota building companies, carrying on farming and ranching operations, serving their communities and maybe most importantly, building families for the next generation of our great state. I don't believe it is far-fetched to say similar numbers could be seen from our other non-public schools and maybe this is an idea to add to the legislative study now attached to the bill. During a special session last year, over \$85 million dollars was allocated to fund grants for CTE Centers across the state. Is it not a similar argument if your community is not a recipient of this funding that all taxpayers, regardless of the tax funding source, are supporting an educational initiative even if they can't use it due to location? Maybe we need to look at all aspects of success in educating, developing and retaining the high quality people of North Dakota and non-public schools undoubtedly play a part in this process. HB 1532 merely allows a small amount of new dollars (by comparison) in support for students to walk a different educational path in that pursuit. I strongly urge you to look at the impact of all our students in North Dakota and support passing this legislation with a Yes vote.

Thank you for your time and consideration,

Kevin Leier- Principal
Little Flower Elementary School
Rugby, ND



NORTH DAKOTA

Family Alliance LEGISLATIVE ACTION

Testimony in Support of House Bill 1532

Mark Jorritsma, Executive Director
North Dakota Family Alliance Legislative Action
March 14, 2023

Dear Chairman Elkin and members of the Senate Education Committee,

North Dakota Family Alliance Legislative Action would like to testify in support of HB 1532 and requests that you render a “DO PASS” recommendation from your committee on this bill.

Our organization strongly supports educational opportunities. We believe that the best educational system is one that gives children a wide-open future and the tools to explore God’s calling on their lives, under the loving and protecting guidance of their parents.

House Bill 1532 would give parents those opportunities. Fundamentally, we want North Dakota to be a state which advances policies that empower parents to have decision-making power when it comes to their children’s classrooms. We would also like our state to be able to minimize existing economic and legal obstacles that create an imbalance for tax-paying North Dakota parents who desire an educational program and environment which specifically aligns with their religious, moral, and philosophical beliefs.

It comes down to this. *A future full of choices for children needs a present full of options.* Thank you for allowing us to testify in support of HB 1532 and please don’t hesitate to contact us if you have any questions regarding this testimony.

Sincerely,

Mark Jorritsma
Executive Director

Joe Drumm

3274 36th Ave South Unit 18
Grand Forks, ND 58201
701 335 9763
drumm.jose@gmail.com

3/14/2023

To Whom it may concern,

My name is Joe Drumm. I'm writing in opposition to HB 1532.

As a teacher, my job at a public high school is to teach all students that come into my building, regardless of race, creed, orientation, or views. I aim to ensure they receive a quality education that the Education Standards and Practice Board of the state of North Dakota has outlined and agreed upon as important and worthwhile content.

We are centered in service. We do not seek profit, we seek to prepare the next generation of learners for our workforce and world.

This bill, directly and indirectly, flies in the face of the mission of public schools and the ESPB. The government has an obligation to provide education to all students and all people regardless of circumstances. Public institutions use whatever funds we are able to gather in order to directly serve our community, regardless of individual circumstances. Private schools hold no such obligation. They may turn away any student for any reason, which flies in the face of nearly every educational entity's mission statement. By supporting them fiscally, we undermine a truth we as North Dakotans and Americans all hold: no matter what, you deserve the highest education we can provide you.

Education cannot be conditional as a citizen, a well-educated population is necessary for democracy to flourish. This bill pulls funds from well-regulated institutions and gives them to institutions that do not require the same oversight. Do not endorse this bill.

Sincerely,

Joe Drumm

HB 1532 Testimony
Senate Education Committee
03/13/2023

To the Members of the ND Senate Education Committee:

My name is Jennifer LaGosh, and I am a mother to three young girls. We live in South Fargo, and my two older daughters are currently enrolled in Oak Grove Lutheran School. Being able to send my daughters to Oak Grove has been a blessing for our family.

I am in support of HB 1532 because while being fortunate enough to send my children to Oak Grove, I live in a neighborhood with families who have not been able to do so. In the first years with my oldest child we struggled with some severe behavior problems brought on by an anxiety we couldn't pinpoint. After much counseling and work we realized our daughter had social anxiety problems brought on by large groups and crowds. We were faced with a decision to leave Fargo to seek a school that could offer a smaller class size, or budget to send her to a private school. This realization coupled with our strong Faith led us to Oak Grove. Our daughter has thrived in this school with the faith-based learning and smaller size. She was able to wean into the scary new world that school was to her by starting their Pre-K program with only 10 kids. She is now a 1st grader and testing above average in all categories.

That being said, we have come across other families who have had poor experiences in their given school for different reasons. Because of their financial situations or not being allowed to open enroll, they were not able to send their kids to a different school that may provide better resources for their children. It has led to many struggles in these families. Some have chosen to leave Fargo; some have chosen to leave North Dakota all together in search of a more fitting learning experience. The loss of these wonderful families is a detriment to our community. I see this becoming a trend going forward.

Each school has special teachers and gifts to offer. They do not necessarily fit each child that is placed in their district. Allowing parents to find the school that feels like home to their child provides a learning experience that will help children grow and enjoy school.

I ask you to think of what the future of our community and our children should look like. I urge you to vote in favor of HB 1532. Thank you to the committee for taking time to read my testimonial, and for your service to our great state.

Sincerely,

Jennifer LaGosh

Chairman Heinert and Committee Members,

The time has come to begin the process of unshackling the chains that have bound school choice. Parents have reached a point where they are demanding better options for their children's education. I believe HB 1532 is a good step in that direction. Parents have a fundamental right to choose how their children will be educated. To tax the parent for educational purposes and then refuse to allow school choice is unconscionable.

To say the North Dakota Constitution does not allow it is a strawman. The Constitution states "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." What is a sectarian school? Sectarian by definition refers to a sect. A sect is a group of people having a common leadership, set of opinions, philosophical views, political principles, etc. This describes exactly what the public education system has become. There is no longer a benign public education system just teaching the basics of math, science, reading, writing and history. The public education system has become a sectarian school by aligning itself with specific ideologies. Therefore, if tax dollars are being used to support this form of sectarian education they must be used to support other sectarian schools. It is time to level the playing field. There is nothing like competition to bring real improvement and change to an industry. The children of North Dakota deserve it.

Please support HB 1532 and set the people of North Dakota free!

Thank you,

Rachel Haidle

Members of the Education Committee,

My name is Cassandra Baker. I am a parent who has 2 children that attend Christ the King Catholic Montessori School. My husband works at the University of Mary, and I work at Christ the King as a teacher. I have been a teacher in private schools for the past 10 years. I also am currently undergoing a Masters program in education.

HB 1532 would have on the families I serve. If the bill passes, it will afford families greater financial freedom while still allowing them to send their children to a faith-based school. Every family deserves the right to send their child to whichever school they choose. Helping to relieve financial burden would greatly benefit all families, and the education system overall. I believe that it would also help public schools by relieving some pressure with rising attendance and space issues.

I am also a parent. Both my husband and I work in private education, and earn far less than a public school teacher or many other career options. We also send our children to private schools, and pay tuition. It is difficult to afford, on our low salaries. However, we believe our work is mission work, and we make sacrifices to allow our children to attend a wonderful private school. If the bill passes, it would be a relief to our family, and would allow us to continue the work that we currently do. Please vote in support of Bill HB 1532!

Thank you members of the committee. Thank you for your service to this beautiful state of North Dakota. I absolutely love our state and I appreciate all you have done for the incredible people who live here.

Cassandra Baker

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
Marci Gilstad, Business ManagerMonica Reiner-Pletan, Board President
Brian Olson, High School principal

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

March 13, 2023

Chairman Elkin and Senate Education Committee Members:

RE: HB 1532

I am submitting this written testimony on behalf of the New Salem-Almont School Board. On Monday, March 13, 2023, at our regular board meeting, our school board voted unanimously to oppose HB 1532. We believe that these public funds need to be spent in an accountable manner, similar to the same criteria that our school district is held to.

As a public school district, New Salem-Almont is subject to an annual audit of our records. Under HB 1532, private schools would receive public funds with no accountability to taxpayers. Any individual can request to view financial information from a public school, which is not the case with a private school. The open meetings laws also pertain to any meeting held with our school board, be it a committee meeting or regular board meeting. The same cannot be held true for a private school. We cannot stress enough that this expenditure of public funds would lack transparency on so many different levels.

We also feel that this bill would favor private schools that are located in the larger cities and rural students would not see a benefit from these funds. Majority of the private schools are all located in larger cities and many students do not have the access to choose this option for a school over their local public school.

In closing, please vote “do not pass” on HB 1532 unless you are willing to hold private schools to the same standards as public schools. Keep our tax dollars transparent.

Sincerely,

Monica Reiner-Pletan

New Salem-Almont School Board President

Dear Members of the Education Committee,

My name is Keven Wanner, and I live in District 7. I am a parent who has chosen to enroll my child in Light of Christ Schools.

I support HB 1532 because it would give families like mine the freedom to choose a school setting that better suits our religious, moral, and philosophical values. We have chosen to enroll our child in Light of Christ Schools, and have seen great benefit in having our child be a part of this outstanding school system. We have made many financial sacrifices to make this educational choice for our family, and the modest education reimbursement that could be available to families like mine through this bill would be of great help in allowing us to continue to keep our son in Light of Christ Schools. It is not always easy to afford private school tuition and fees, so any sort of reimbursement of these costs would be a significant financial relief for our family.

While both my wife and I were educated in North Dakota's public school system, we feel the better choice for our child lies in the many advantages afforded by Light of Christ Schools, including smaller class sizes, a record of superior academic performance, and a more comprehensive education/formation of the whole person, which can better prepare students to be productive, responsible, and contributing members toward civic life and the Common Good.

While we believe our public school system in ND has a better environment for learning and better outcomes than in many other places in the country, parents and students still deserve alternatives and choices. The great many families in ND that choose private schools for their children deserve to have at least some portion of their tax dollars be committed to the education of their own children, especially since their choice for private school saves on the costs their local public school districts would otherwise incur for educating those same students.

North Dakota ought to be a state which advances policies that empower parents to have decision-making power when it comes to their children's education. HB 1532 minimizes economic and legal obstacles that create an imbalance for tax-paying North Dakotans, like me, who desire an educational environment that specifically aligns with their core values, and in which they believe their children will reach their fullest potential as students and citizens.

For the above reasons, I urge you to vote in favor of HB 1532.

I thank you all for your service to the state of North Dakota, and for your time in consideration of this worthy bill.

Sincerely,

Keven Wanner
Bismarck, ND

Dear Senate Committee,

I am writing as a taxpayer, parent, and a public school employee urging a NO vote to HB 1532.

I absolutely disagree with using public funds to assist in private education. Those institutions are not an option for most taxpayers in ND due to the cost or distance. Giving money to fund them will ultimately take away funding from public schools. Our public schools educate all students no matter the grade-point average, physical abilities, or mental abilities.

Public schools have many tedious requirements that private schools do not have to adhere to. Just look at the number of bills introduced in this legislation session that apply to public schools that would have zero warrant with a private school.

I read many of the testimonies and notice that most of the ones who are in favor are parents or employees of private schools. I can absolutely see why they would be in favor of this bill as it would help them directly. I agree with a parent's choice in education, but when choosing private schools, those same parents also know that a private school comes with a cost. Some of these private schools could see more aid than some of our smaller public districts with this bill.

Maybe a tour of a private school versus the facilities at a rural public school would help encourage a no vote on this bill.

Please vote NO on HB 1532.

Thank you for your time,

Natalie Hauf



March 13, 2023

Good morning Chairman Elkin and Members of the Senate Education Committee,

First, I would like to thank you for your service to our great state! The hours and energy you put into this work is very much appreciated by our entire WFPS team.

My name is Beth Slette, and I am the Superintendent of West Fargo Public Schools. I am writing this letter today as testimony in opposition of HB 1532. I am sure you have seen all the talking points and you are aware of the reasons for opposition. However, I would like to share my unique perspective.

I am the youngest of eight children raised in a large Catholic family in small town Mahanomen, Minnesota. I had the privilege of attending Catholic school through 6th grade and I am a strong advocate of private schools. I believe that private schools in our communities provide another option for families, and I welcome collaboration and partnerships with them. When there are options for families, we all do better.

That being said, I am opposed to HB 1532 for many reasons, but I will highlight a few that stand out to me:

1. I understand that the \$24 million is a separate appropriation, and I am told WFPS will not lose funding. I wonder, though, because it is all the same pot of money, coming from the general fund. We will have the same amount of peanut butter but more pieces of bread. I have a hard time believing it will not weaken our programs, especially considering how hard schools are feeling the impact of inflation. A 3% and 3% increase in the formula is deeply appreciated yet still lags inflation.
2. Public schools are required to take all children regardless of background or disability. We educate, love, and care for them ALL. We take them whether we are short staffed or have more students than we have room for, and we do so because it is our calling and moral imperative to do everything in our power to ensure every child has the opportunity to grow up and be a successful contributor to our society. If this bill passes as written, more than \$23 million of the proposed \$24 million could go to families who are already in private schools in just the first year of the biennium, whether the family needs the money or not. Only 4% will actually have a "choice"; and may have access to nothing in the second year. Furthermore, the private schools can pick the best and brightest, further increasing the gap between the "haves" and "have nots". Comparing outcomes between a private school and a public school is not an apples to apples comparison.
3. Have advocates of this bill considered that people may reconsider their monetary gifts to private schools if this bill passes because they are being funded by their tax dollars? Also, private schools may increase their tuition, which would limit the actual value to families. As we've seen with higher education, more money in the system doesn't guarantee tuition will stay the same.



WEST FARGO PUBLIC SCHOOLS

"Educating all learners for tomorrow's world."

I am proud to be the Superintendent of the second largest district in the state of North Dakota. Our district is a leader in innovative practices and quality experiences for all learners. Our special education programs are second to none. We welcome competition but we do not welcome a bill that is not fair to learners and their families. With no accountability and no expectations to take all the children, this bill will do harm. It does not advance 'true choice'; it provides state-funded choice for private schools, not for students and their families. It will send a message that our state leaders do not support public schools and the incredibly difficult work that is needed to be done to make our communities the very best they can be. The belief that money to private schools with no accountability and selective admission policies will improve public education is one I simply can't understand. It will divide our state in an already divided nation.

Please vote no on HB 1532, a bill that unfairly provides taxpayer dollars to private schools with no accountability. Unless all children across the state of North Dakota have equal access to the opportunity to attend a private school, it is not school choice.

Sincerely,

Beth Slette

Superintendent, West Fargo Public Schools



NDSBA
NORTH DAKOTA SCHOOL
BOARDS ASSOCIATION

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Bismarck ND 58507-7128
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HB 1532 | Testimony of Alexis Baxley
Senate Education Committee
March 14, 2023

Chairman Elkin and members of the Senate Education Committee, my name is Alexis Baxley. I am the executive director of the North Dakota School Boards Association. NDSBA represents all 170 North Dakota public school districts, their boards, and several multi-district special education units. NDSBA stands firmly in opposition to HB 1532.

While NDSBA supports the right of a parent to choose the best educational experience for their child, we believe the public dollars belong to public schools. There is good reason for this belief. The public school system is expected to adhere to a multitude of rules, standards, and requirements. Private, home, and parochial schools are not subject to these same requirements, the most significant of which is the inability to turn away any single student. Public schools are constitutionally obligated to provide a free and appropriate education to every student that walks through our doors. To direct funds towards any educational entity that is not obligated to do the same is inappropriate. Bill supporters will tell you they would be happy to take all students. I think we will hear testimony today that shows in reality, they are not prepared to truly take ALL students. The lack of accountability is further underscored by the bill's lack of definition for a qualified school beyond the willingness to accept program funds and basic approval by NDDPI. This was not an oversight, and supporters of the bill have adamantly opposed any measure of accountability resembling the requirements placed on public schools.

Bill supporters tell you that this bill is about providing choice to parents. However, it doesn't actually provide choice to parents who don't already have it. Families in rural North Dakota who do not have access to private schools will have no more access if this bill is to pass. In fact, it will be rural tax dollars subsidizing the tuition of students in Dickinson, Minot, Bismarck, and Fargo. Students with disabilities or behavioral issues who are turned away do not gain choice with the passage of this bill.

We have spent much time this session discussing parents' role in education. Public schools, through their locally-elected school boards, the legislature, and the Department of Public Instruction, are accountable to the taxpayers AND parents. Private and parochial schools, on the other hand, are often governed by boards of appointed directors and/or clergy rather than locally-elected boards. Appointed boards or directors do not require

the same level of accountability as elected boards, and there is no requirement to answer to parents or the taxpayer. The bill even goes so far as to prohibit any government entity from imposing regulations, including educational program, practices admissions, curriculum, etc. The bill wrongly asks North Dakota taxpayers to contribute to these schools, but expects nothing of them.

For these reasons, NDSBA stands in opposition to HB 1532 and encourages this committee to give it a do not pass recommendation. Thank you for your time, and I will stand for any questions.

March 13, 2023

Written Testimony in Support of HB 1532

Dear Members of the North Dakota Senate Education Committee,

We are writing to express our strong support for House Bill 1532, which seeks to establish an educational reimbursement program for North Dakota parents who decide to send their children to a non-public school.

Having a choice in the schools their young children attend is crucial for parents as it allows them to make decisions that best fit their family's needs and values. The passing of House Bill 1532 can significantly impact the financial burden that parents face when choosing between public and private schools for their children. It could promote school choice and allow parents to select educational options most suitable for their child's needs. Indeed, the bill's provisions could ease the financial constraints on families and enable them to access a broader range of educational opportunities.

In our communities, like our own family, several parents may have certain religious beliefs or unique educational objectives they wish to prioritize. The option of selecting schools can assist them in finding the most suitable match for their children, as per their preferences.

The claim made by critics that House Bill 1532 weakens the effectiveness of the public school system, and reduces its funding, is entirely untrue. These faulty perceptions have been largely influenced by the arguments of its opponents and lobbyists of the public school system. In reality, House Bill 1532 acknowledges the crucial role played by both public and private schools in our State and does not deprive any resources of the former. Moreover, it is entirely possible that House Bill 1532 will enhance the efficiency of the public school system. For example, the increased flexibility provided to parents by House Bill 1532 promotes healthy competition among schools, leading to improved educational opportunities and outcomes for all students in our local communities and throughout our entire State.

In order to guarantee that parents can make the best educational decisions for their children, it is crucial to offer them more flexibility in determining their children's educational path. Therefore, this bill is not only a matter of parental rights but also of ensuring that every child receives the highest quality of education possible. By supporting this bill, you are taking a crucial step towards empowering parents to make informed decisions regarding their children's education.

Thank you for your time and consideration on this matter.

Sincerely,

Shane & Dana Zaback



Zaback

The Lewis and Clark school district passed a resolution on March 13 to oppose public funding for private education. Th resolution was passed unanimously by roll call vote.

Waylen Deaver yes

Mike Lautenschlager yes

Bob Blunk yes

Kyle schepp yes

Troy Pank yes

Denver Deaver yes

Shane Erickson yes.

The Lewis and Clark School District would appreciate a NO vote on HB 1532. Thank you for your time.

March 13, 2023

RE: Testimony HB 1532

Chairman Elkin and Members of the Education Committee

I am writing to express my opposition to HB 1532. My education was mixed with both rural Catholic and rural public institutions. I am grateful for all three of these schools and the education I received. I am also a parent of three children, all of whom are educated in our rural public schools. I have served on our district's school board. I am also a property tax payer. These all play a role in my opposition to this bill.

I hold dear my faith and can appreciate private religious schools. However, since the nearest private Catholic schools are located 40 miles away, for us this has not been a practical option for educating our children.

There are parents who do choose private schools to educate their children. It is a choice in lieu of a public, taxpayer-funded education. Not everyone has that option readily available to them, so this really is not a bill of "school choice" for all students in the big picture. Furthermore:

1. This bill is unconstitutional. The ND Constitution clearly states that no taxpayer dollars levied for funding public education shall be given to or used to support any sectarian school. How is this voucher bill not in defiance of our state's constitution?
2. This bill does not create more funding from which to pull. This bill takes funding out of the pockets of the schools these taxpayer dollars are supposed to be directed to. If we feel public schools are failing, how can we fix them with less funding? We should focus on fully funding and improving the public school system, not funneling funds to private institutions.
3. Public schools serve all students. They are required to do so. Private schools take students upon application. They are not required to admit all who apply. The voucher program does not take this into consideration.
4. Public schools have to show where their dollars are spent. They are accountable to the taxpayer. If the legislature wishes to give taxpayer dollars through a voucher program to private school students, where is the transparency and accountability for these public dollars? Where are the rules to follow to show how the money is spent? Who qualifies for the money? If private schools want money from levied taxes, they should have to follow the same rules of financial transparency.
5. If the communities with private schools wish to fund them as they fund their public institutions, then that community should vote to levy funds for those schools. This bill would be taking public dollars that should come back to my school district and giving them to schools not even in my community.
6. If my house does not burn down this year, does that mean I get my fire district tax dollars refunded to me? Parents are given the opportunity to utilize a free public education system. They are free to choose other options if they wish and should be responsible for the expense to do so. It is still a duty as taxpayers to educate the majority of our future citizens, something all of us will benefit from.

DO NOT PASS HB 1532!

Respectfully,
Julie Reis, Fairfield ND

My name is Melissa Buchhop and I am a proud public school educator. I am testifying in opposition to HB 1532. The public schools are an important FREE education for ALL students.

Private schools that will benefit from HB 1532 are not required to follow many federal and state requirements. In fact, the bill specifically prohibits requiring private schools to alter their admissions policy. They are free to deny admission to any student for any reason, including cognitive ability, physical disability, as well as behavioral and social limitations. Public schools, on the other hand, proudly educate ALL students, regardless of their limitations and abilities. If private schools are to receive state funding, then they should have to follow the same state and federal requirements as North Dakota's public schools.

Instead of funding the private schools, why doesn't the state look at providing more funding to special education services and mental health services for our students. The students that private schools would likely deny admission.

Taxpayer money should not be funding private education. Keep the public funds in the public schools.

HB 1532

March 13, 2023

Chairman Elkin and members of the Senate Education Committee,

I am writing in support of HB 1532. We have sent our children to private schools in Bismarck and Mandan, having made sacrifices to do so, all the while continuing to pay for public education without receiving any educational benefit to our children. We were blessed to be able to do this, but with the increasing tax burden of public schools and the increasing cost of private education, I am concerned that other families may not have the same options we had, to the detriment of the education of the youth in our state.

To the best of its ability, the State of North Dakota historically has been generous in the support of public education for all grade levels in the state. The relatively small investment associated with the passage of HB 1532 will continue this tradition, with the added benefit of extending educational opportunities to the citizens of our state.

Please pass HB 1532.

Respectfully,

Bob Nutsch
Mandan, ND

Dear Chairman Schaible and members of the Senate Education Committee

I am writing to express my strong opposition to HB 1532. As you may be aware, this bill seeks to establish a school choice program that would allow public funds to be used for private and parochial schools. While I understand the arguments in favor of school choice, I believe that this particular bill is deeply flawed and should not be enacted into law. Further, I believe that this bill would have a detrimental effect on our public schools, and would like to urge you to vote against it.

One of my main concerns with this bill is the lack of accountability that it provides. The program does not expand the regulatory authority of any government agency to impose additional regulations on a qualified school under the program. This means that there will be no accountability over the program, and private schools that receive public money will not be subject to the same regulations as public schools. This is unacceptable, and I believe that if private schools are going to receive public funding, they should be held to the same standards as public schools. If this bill is supported and becomes law, at minimum, a qualified school or private school should have to follow all the requirements of public schools. For example, they should not be able to turn away students, if a student with special needs is too costly or too disruptive, they shouldn't be able to kick that student back to the public school if they are receiving public funds. They should follow all state and federal requirements, open records, open meetings, required audits, etc.

Furthermore, I strongly believe that public schools are essential to our communities and to the future of our state. The national narrative paints a very dark picture of public education. However a Gallup poll was conducted in North Dakota, in 2016, showed that almost 90% of North Dakota parents rated their local school highly, I can't speak to what happens in other states, but we have excellent public schools in our state and we should prevent vouchers from reducing funding to public education.

For these reasons, I urge you to vote against House Bill 1532. We need to ensure that public education remains strong and that public funds are used to support it. Thank you for your attention to this important issue.

Sincerely,

Dustin Hager
Rugby, ND

Honorable North Dakota Senators,

03-12-2023

Today I write about House Bill 1532 which has passed the house and is coming to the Senate. This bill is most likely known to you all as the private school “voucher” bill. I ask that you consider voting **red** on this bill.

I have a unique position where my son attended a local private school, and I currently am employed by Dickinson Public Schools (DPS). I feel that having been on both sides of the Bill, once as a parent of private education and currently an employee of public education, provides me opportunities to see through both lenses.

I want to first start by saying that financially I thought this would be great for my husband and me as private school parents. Private school is only getting more expensive, but class sizes are staying small, which was one of the huge draws to private education in the first place. After three years in a private school, my family has ended our private-school journey and started our public-school journey. There are a few things worth noting that I feel speak to the flaws in this Bill as it is currently written.

I do not wish to imply my son is perfect. He is “all boy,” which at times is difficult, to say the least. My son has struggled since preschool with self-regulation, sensory issues, and impulse control. He has problems with boundaries and understanding what appropriate behavior is and what is not in the classroom and out. This is something we, his parents, have been aware of and worked on for years. We genuinely believed the small class sizes and faith-based education offered at private schools would help to give him the best chance at success academically and emotionally.

I work in groups in the public-school setting at DPS that talk about emotional regulation and ways to assist children with coping skills. My family had assumed this was also happening at the private school and at a greater level. Some of the tools and procedures we put in place included text message check-ins between his teacher and us on a weekly basis; and hiring an Occupational Therapist to come into his classroom to assist with emotional regulation, impulse control, and understanding proper boundaries. After two years of this and thousands of dollars on top of tuition, we were no closer to helping him than where we started. It was at the point where our son spent his days going to the private school and within the first couple of hours being sent to the office to do his work for the remainder of his school day. He was secluded in a conference room and provided workbooks and assignment sheets to complete.

I started to listen more and ask DPS staff who oversee our procedures on self-regulation and found that there was quite a bit supports and processes that are done at DPS that were not an option at the private school he attended. I was confused. We were paying thousands of dollars every year to ensure a great education was taking place and with smaller class sizes the private school would have the advantage. We thought we were doing everything the correct way, but now feel we were wrong in assuming this.

The public school system has a legal responsibility to take all students, no matter where they are academically and emotionally. This, coupled with a belief in the DPS vision "Success for All," DPS is prioritizing this simple equation and meeting every student where they are. This could mean providing specialist services, sensory rooms, one-on-one paraprofessionals, the school within a school, tutoring, additional evaluations and assessments, and so many other things. In the end, these supports are focused on building a healthy understanding and sturdy relationship foundation with each student that walks in the door, as they have with my son. Dickinson Public Schools operates on public funding that has regulations and rules that require the District to meet students where they are when they enroll and help them succeed no matter their circumstances, which ensures that each child has a chance for an equal and fair education. When we move away from this and are allowed to turn away students that would cost us more time or money, such as in private education, that is when we lose the chance to change a child's future.

There is an expectation the private school experience would understand and be willing to reach deeper into their toolbox. Unfortunately, that is not what happened. Instead, the private school stated their school was not a "good fit" and that with a class of sixteen, it was not feasible to stop and connect with my child in his time of emotional de-regulation. That is the time he needs them the most. The private school did not have the services that Dickinson Public School has. This was surprising, and upsetting, and left us wondering how without warning we were going to tell our nine-year-old that the only school he has known would no longer be his school, and not by his parent's choice. I do think it is worth noting that after the private school administration spoke to us about our experience, they states to not only my husband and myself, but our son as well, that he could return to the private school once he is "good" and has "matured" a bit.

Over the last month, I have examined how our family ended up here. DPS has the resources in place that our funding has allowed because of the rules and regulations tied to it. This has also raised the bar to better equip us to help students at all levels. In no way am I implying that private schools do not meet student's needs and that our family would never choose a private school again, but I am saying that private schools are not held accountable to meet student's needs. This means that private schools are not required to offer services or to accept students that would not be a "good fit." I am happy to report that even though our private school journey was forced to end against our wishes, our public-school journey so far has been one that has my son's spark is starting to shine once again. In his new environment in the public school, my son is being seen, heard, and supported in ways that we could not imagine, even in a class of twenty-eight.

I run the financials for Dickinson Public Schools, and when reading and reflecting on other ways the legislature can help families have a choice in education without the cost being an issue, some considerations are suggesting that private schools use their Federal Title dollar allocations to divert and to free up current Title expenses being paid with their general fund dollars. Some private schools do not utilize Federal Title dollars due to their values or beliefs and the fact that rules and regulations that follow those dollars are not hoops they see worth

jumping through. This would free up funds in their budget and allow for them to offer students who may otherwise not be able to pay the steep tuition, the chance to attend private schools. Another item to consider is income tax relief to free up family's dollars to go toward private education. Currently, the bill has funds going directly to schools and not the families they are supposed to be giving the choice to. By having dollars go directly to schools and not families, without the language in the Bill prohibiting schools that receive these dollars from increasing tuition, there is a chance that the tuition will not be lowered for the families the dollars were intended to help. These are some ideas for diverting dollars from places where regulations and rules need not follow the dollars.

I have done a bit of research on voucher Bills in other states and have attached a comparison chart to this email for you to review as well. The chart displays that in most states that have voucher programs the primary eligibility requirement to receive the voucher is one or a combination of the following: that the student is on an IEP (has a disability), the student qualifies as low income under the Free and Reduced Lunch federal program thresholds, the student's family is at a certain percentage of the national poverty level, and the student resides in a school district that does not maintain a public school with the student's grade level. I could not find a state on the list that has an "open door" policy without any true regulations or rules to follow for public dollars to go to private schools like how this Bill is written.

I ask that all Senators please look at the attached document showing other state's voucher Bill language or at least amend this Bill to not have public dollars be given out without first calling for a study group to understand how voucher Bills work in other state's without assuming it works the way that this Bill is currently written. It is a fact that all families this Bill is supposed to assist, would in turn most likely not help them, because a growing population of students are coming from low-income families, have learning disabilities, struggle with emotional deregulation, and other academic and emotional lagging skills, which private schools would be able to deny these students enrollment under the current provisions of the bill.

In conclusion, as the voucher Bill is currently written, I will admit that I am confused as to what is the purpose of this House Bill. Is it to give the freedom of education choice to all families? If so, then it will need to have provisions that all families truly have the choice to attend a private school and that the private school would not have the choice on whom they will accept and not accept. Is the bill meant to help children that come from disadvantaged families or have severe disabilities attend a private school? If so, there are no provisions in the Bill stating that a child that meets certain poverty levels or is on an Individualized Education Program (IEP) and has identified disabilities would be eligible for private school voucher dollars if they qualify. I am a proponent of private education and a family's right to choose what education setting is best for their child, but I am not a proponent of public dollars not having rules and regulations tied to them, which ensures that all the public's best interest is at heart and not just some of the public.

Again, I ask that you please consider voting **red, do not pass**, on House Bill 1532. Thank you for your time, and please do not hesitate to reach out to me if you have any questions or concerns.

Stephanie Hunter
District 36 resident
PH: 970-218-5519
EMAIL: st.hunter1121@gmail.com



50-State Comparison

Vouchers

All data points for all states

March 2021

STATE	Does the state have a voucher program?	Citation	Program Name	Student eligibility requirements: Primary requirements	Student eligibility requirement: Previous public school attendance	Enrollment limits	Voucher amount	Testing requirement	Private school participation standards	Reporting Requirements (to state)	Other
Alabama	No.										
Alaska	No.										
Arizona	No.										

STATE	Does the state have a voucher program?	Citation	Program Name	Student eligibility requirements: Primary requirements	Student eligibility requirement: Previous public school attendance	Enrollment limits	Voucher amount	Testing requirement	Private school participation standards	Reporting Requirements (to state)	Other
Arkansas	Yes.	Ark. Code Ann. §§ 6-41-902-907	Succeed Scholarship Program	<p>Students who meet one of the following criteria:</p> <ul style="list-style-type: none"> - Is a current or former foster care student. - Has an individualized education program or medically diagnosed by a licensed physician as a child with disability. - Participated in the program during the prior school year but has not graduated high school or attained twenty-one years of age. - Has an individualized service plan. 	<p>Yes. Student must be enrolled in a public school in the prior year.</p> <p>This does not apply to a student who is a dependent of an active duty member of any branch of the United States Armed Forces or if the superintendent of the student's residence waives this requirement.</p>	No.	<p>The state's per-pupil amount or the cost of tuition, whichever is less.</p>	<p>Yes. State assessments must be administered.</p> <p>An eligible private school shall annually prepare a portfolio that provides information on a student's progress to the student's parent or guardian if a student is exempt from standardized testing as permitted by state policy.</p>	<ul style="list-style-type: none"> - Meets the accreditation requirements set by the State Board of Education, the Arkansas Nonpublic School Accrediting Association, Inc., or its successor, or another accrediting association recognized by the state board as providing services to individuals with severe disabilities; or - Is an associate member of or has applied for accreditation by the Arkansas Nonpublic School Accrediting Association, Inc., or its successor, or another accrediting association recognized by the state board as providing services to individuals with severe disabilities. - Demonstrates fiscal soundness by having been in operation for one (1) school year or providing the division with a statement by a certified public accountant confirming that the private school is insured and the private school has sufficient capital or credit to operate in the upcoming school year. - Complies with federal anti discrimination provisions - Meets state and local health and safety requirements; is academically accountable to the parent or legal guardian for meeting the educational needs of the student; - Employs or contracts with teachers who hold baccalaureate or higher degrees - Complies with all state laws and rules governing private schools; and - Adheres to the tenets of its published disciplinary procedures before an expulsion of a student receiving a scholarship. 	<ul style="list-style-type: none"> - A list of all students who have received a Succeed Scholarship who have been dismissed from the Succeed Scholarship Program by the private school - A list of all students who have received a Succeed Scholarship under this subchapter who have voluntarily returned to a traditional public school - A list of foster children who have entered the Succeed Scholarship Program, been dismissed from the Succeed Scholarship Program, or been removed from the Succeed Scholarship Program by the Department of Human Services. - The administrative costs required to implement the Succeed Scholarship Program - The demographic data of students who have applied for the Succeed Scholarship under this subchapter and students who were awarded the Succeed Scholarship under this subchapter, including without limitation the geographic location in the state of the students who are participating in the Succeed Scholarship Program. 	
California	No.										
Colorado	No.										
Connecticut	No.										
Delaware	No.										

STATE	Does the state have a voucher program?	Citation	Program Name	Student eligibility requirements: Primary requirements	Student eligibility requirement: Previous public school attendance	Enrollment limits	Voucher amount	Testing requirement	Private school participation standards	Reporting Requirements (to state)	Other
District of Columbia	Yes.	D.C. Code Ann. §§ 38-1853.01- .14	Opportunity Scholarship Program	<p>Students who meet one of the following criteria:</p> <ul style="list-style-type: none"> - Receive assistance from the supplemental nutrition assistance program. - Have a household income less than 185% of the federal poverty level. <p>In the event that a student received a scholarship in the preceding year, their household income must be below 300% of the federal poverty line.</p>	No.	<p>No. However, the following eligible students must be given priority:</p> <ul style="list-style-type: none"> - Students attending a school that has been identified for comprehensive or targeted support and improvement. - Students awarded a scholarship in a previous year. - Students with a sibling who has received a scholarship through the program. 	<p>For the 2011-12 school year:</p> <ul style="list-style-type: none"> - K-8: \$8,000 - 9-12: \$12,000 <p>The voucher amount is adjusted for inflation annually based on the Consumer Price Index.</p>	<p>Yes. The Institute of Education Sciences shall administer nationally norm-referenced standardized tests to participating students as a part of their evaluation of the program.</p>	<ul style="list-style-type: none"> - Maintain a valid certificate of occupancy in D.C. - Make school accreditation information available. - Provide proof of financial soundness for schools operating 5 years or less. - Ensure that core-subject teachers have a BA or equivalent degree. - Be accredited or pursuing accreditation by a national or regional accrediting agency. - Conduct criminal background checks of school employees. - Not discriminate against program participants or applicants on the basis of race, color, national origin, religion, or sex. 	<p>The approved entity administering the program must annually report data on:</p> <ul style="list-style-type: none"> - Academic growth and achievement of participating students. - High school graduation rates. - College admission rates. - Parental satisfaction. 	<p>The D.C. Opportunity Scholarship is a federally funded voucher program originally established by the D.C. School Choice Incentive Act of 2003. The secretary of education approves entities to administer the voucher program. Among other application requirements, entities must outline how they will meet enrollment priorities.</p>
Florida	Yes.	<p>Fla. Stat. Ann. § 1002.39</p> <p>Fla. Stat. Ann. § 1002.421</p>	<p>John M. McKay Scholarship for Students with Disabilities Program</p>	<p>Students who meet one of the following criteria:</p> <ul style="list-style-type: none"> - Have an Individual Education Program (IEP). - Have a 504 accommodation plan. 	<p>Yes. Student must be enrolled in a public school in the prior year.</p> <p>This does not apply to a dependent child of a member of the United States Armed Forces who transfers to a school in this state from out of state or from a foreign country due to a parent's permanent change of station orders or a foster child.</p>	No.	<p>The state's per-pupil amount or the amount of private school tuition, whichever is less.</p>	<p>No. However, private schools must administer assessments upon parental request.</p>	<ul style="list-style-type: none"> - Comply with state private school requirements, including: complying with federal anti discrimination policy, demonstrating fiscal soundness, meet state and local health, safety, and welfare laws, codes. - Employ or contract with teachers who hold baccalaureate or higher degrees, have at least 3 years of teaching experience in public or private schools, or have special skills, knowledge, or expertise that qualifies them to provide instruction in subjects taught. 	N/A	<p>Homeschool students not eligible. Students participating in tax credit scholarship programs are not eligible.</p>
	Yes.	Fla. Stat. Ann. § 1002.394	Family Empowerment Scholarship	<p>Students who meet one of the following criteria:</p> <ul style="list-style-type: none"> - Qualify for the food assistance program, the Temporary Assistance to Needy Families Program, or the Food Distribution Program on American Indian reservations. - Have a household income of 185% or less of the federal poverty level. - Currently or formerly (last fiscal year) in foster care. - Other household income requirement. 	<p>Yes. Student must be enrolled in a public school in the prior year.</p> <p>This does not apply to a student who is a dependent of an active duty member of any branch of the United States Armed Forces or if the superintendent of the student's residence waives this requirement.</p>	No.	<p>95% of the state's per-pupil amount or the amount of the private school tuition, whichever is less.</p>	<p>No. However, private schools must administer assessments upon parental request.</p>	<ul style="list-style-type: none"> - Comply with state private school requirements, including: complying with federal anti discrimination policy, demonstrating fiscal soundness, meet state and local health, safety, and welfare laws, codes. - Employ or contract with teachers who hold baccalaureate or higher degrees, have at least 3 years of teaching experience in public or private schools, or have special skills, knowledge, or expertise that qualifies them to provide instruction in subjects taught. 	<p>Schools must report all students participating in the program.</p>	

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Georgia	Yes.	Ga. Code Ann. §§ 20-2-2110-2118	Georgia Special Needs Scholarship Program	Students with an Individual Education Program (IEP). This does not apply to children of active-duty military stationed in the state. The state board of education may waive the prior school year requirement at its discretion on a case-by-case basis.	Yes. Student must be enrolled in a public school in the prior year and be a resident in the state for at least one year.	No.	The state's per-pupil amount or the amount of the private school tuition, whichever is less.	No. However, private schools must administer assessments upon parental request.	- Have a physical location in the state. - Demonstrate fiscal soundness by being in operation for more than a year or by submitting other information demonstrating fiscal soundness. - Comply with federal antidiscrimination standards. - Comply with applicable state laws and codes including health and safety standards and employing teachers that meet certain criteria.	The program must report annually to the state. The report must include, but is not limited to: - Numbers and demographics of students participating and numbers of participating schools. Such report shall also be posted on the Office of Student Achievement website.	
Hawaii	No.										
Idaho	No.										
Illinois	No.										
Indiana	Yes.	Ind. Code Ann. §§ 20-51-4-1-12.	Choice Scholarship Program	Students between the ages of 5 and 22 who are residents of Indiana and meet one of the following criteria: - Have an Individual Education Program (IEP) and a household income of not more than 200% of the amount required to qualify for the free- or reduced-price lunch program. - Would otherwise attend a school placed in the lowest category or designation of school improvement and is a member of a household with an annual income of not more than 150% of the amount required to qualify for the free- or reduced-price lunch program. If a student received the scholarship in the previous year they still qualify so long as their annual income is not more than 200% of the amount required to qualify for free- or reduced-price lunch.	No.	No. However, the department shall establish the standards used to allocate choice scholarships among eligible choice scholarship students.	Equal to the sum of tuition, transfer tuition and fees OR - 90% of state tuition support for students with household incomes not more than the amount of scholarship eligibility. - 70% of state tuition support for students with household incomes not more than 125% of scholarship eligibility. - 50% of state tuition support for students with household incomes not more than 150% of scholarship eligibility. Whichever is less.	State assessments must be administered.	- Is located in Indiana. - Is accredited. - Administers the statewide assessment program.		
Iowa	No.										
Kansas	No.										
Kentucky	No.										

STATE	Does the state have a voucher program?	Citation	Program Name	Student eligibility requirements: Primary requirements	Student eligibility requirement: Previous public school attendance	Enrollment limits	Voucher amount	Testing requirement	Private school participation standards	Reporting Requirements (to state)	Other
Louisiana	Yes.	La. Stat. Ann. §§ 17:4011-4025	Student Scholarships for Educational Excellence	Students with a household income of less than 250% of the federal poverty level that meet one of the following criteria: - Kindergartener in a school within the Recovery School District. - Enrolled in a low-performing school - receiving a C, D, or F - the previous school year. - Received a scholarship through this program in the in the previous school year.	Yes. Students must be enrolled in kindergarten in a school within a Recovery School District or a low-performing school in the prior year.	No. However, when applications exceed capacity, students attending schools with a D or F letter grade must be given priority. Students attending a public school with a letter grade C are entered into a lottery. Preference may be given to siblings, students enrolled in the school's Pre K program, and students residing in the parish.	The state's per-pupil amount.	State assessments must be administered.	- Approved by the state board of education and notified the department of their intent to participate on February 1st of the previous school year. - Use an open admissions process for student enrollment and are prohibited from establishing additional eligibility criteria for student participation. - Voucher student enrollment at private schools open for two years or less must be 20% or less of student enrollment. - Must accept the scholarship amounts provided to scholarship recipients as full payment of all educational costs, including incidental or supplementary fees that are charged to all enrolled students. - Voucher students at participating schools must be included in the state's accountability system.	- Participating schools must report scholarship student enrollment within ten days of the first day of school. - Participating schools must submit an independent financial audit of the school conducted by a certified public accountant who has been approved by the legislative auditor to the department .	
	Yes.	La. Stat. Ann. § 17:4031	School Choice Program for Certain Students with Exceptionalities	Students with a disability who are eligible to attend a public school in a parish with over 190,000 people and meet one of the following criteria: - Have an Individual Education Plan. - Have a service plan developed by the nonpublic school the student attends or will attend.	No.	No.	50% of the state's per-pupil amount but may not exceed the amount of tuition charged by the nonpublic school.	No.	- Must be approved by the state board of education - Provided educational services to students with exceptionalities for at least two years prior to participating in the program - Teachers must have appropriate special education certification or training.	Participating schools must inform the department of the types of student exceptionalities that the school is willing to serve.	

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Maine	Yes.	Me. Rev. Stat. tit. 20-A, §§ 2951-2955 Me. Rev. Stat. tit. 20-A, §§ 5804-5806 Me. Rev. Stat. tit. 20-A, §§ 5203-5205 Me. Rev. Stat. tit. 20-A, §§ 2701-2704	Town Tuitioning Program	Students residing in a school district that does not maintain a public school with the students' grade.	No.	No.	Elementary school: - For students attending a public school in another district as a tuition student, the school district's per-pupil cost for the preceding school year, although the sending school district may approve a higher tuition rate with a vote. - Private school tuition may not exceed the average per-pupil cost in all public elementary schools in the state for the previous school year. High school: - For students attending a public school in another district as a tuition student, whichever is less of the state's per-student amount or an amount determined by a statutory formula, although the sending school district may approve a higher tuition rate with a vote. - For students attending a private school, whichever is less of the state's per-student amount or an amount determined by a statutory formula. Tuition also includes an insured value factor as outlined in statute. Private schools may also charge tuition up to 15% above the allowed amount in some circumstances.	No. However, private schools that enroll 60% or more publicly-funded students must administer state assessments.	- Meet the state's basic requirements for a private school. - Schools enrolling 60% or more publicly-funded students must be accredited by an outside association and meet the requirements of the state's system of learning results. - Provide the Commissioner of Education any information that may be required, and the Commissioner may request an audit. - Must be nonsectarian. The governing bodies of the school district and private school may establish a joint committee to select teachers, set teacher salaries, arrange a course of study, supervise instruction, and oversee other educational activities. The superintendent of the school district in which the private school is located should participate in the committee.	A private school approved for tuition and attendance purposes shall annually, in accordance with time schedules established by the commissioner, report to the commissioner the information the commissioner may require.	Eligible students may attend a public school in another school district or a nearby private school. School districts may contract to send all students in the district to a single public or private school.

STATE	Does the state have a voucher program?	Citation	Program Name	Student eligibility requirements: Primary requirements	Student eligibility requirement: Previous public school attendance	Enrollment limits	Voucher amount	Testing requirement	Private school participation standards	Reporting Requirements (to state)	Other
Maryland	Yes.	Maryland Senate Bill 190 (2020) R00A03.05	Broadening Options and Opportunities for Students Today (BOOST) Program	Students who are eligible for the free or reduced-price lunch program.	No.	No. However, student applications are ranked based on family income and federal poverty levels to determine priority for participation in the program.	Award amounts determined by the BOOST Advisory Board. Unless the student has special needs due to a disability the voucher may not be more than the state per-pupil amount or school tuition, whichever is less.	Yes. Non-public schools must administer national, norm-referenced standardized assessments chosen from the list of assessments published by the U.S. Department of Education to qualify nonpublic schools for the National Blue Ribbon Schools Program. Participating schools must also administer math and english/language arts assessments to students in grade 3 and 8, and at least once for students in grades 9-12. Participating schools must administer a science assessment at least once in grades 3 through 5, at least once in grades 6 through 9 and at least once in grades 10 through 12.	- Previously participated in the state's Aid to Non-Public Schools Program for textbooks and computers. - Serve at least one grade level beyond Pre-kindergarten and kindergarten. - Comply with federal civil rights law and not discriminate in student admissions, retention, or expulsion or otherwise discriminate against any student on the basis of race, color, national origin, or sexual orientation, or gender identity or expression.	Participating schools must submit information necessary for the department of education's BOOST program report by the prescribed deadline.	
Massachusetts	No.										
Michigan	No.										
Minnesota	No.										
Mississippi	Yes.	Miss. Code. Ann. §§ 37-175-1-29	Nate Rogers Scholarship for Students with Disabilities Program/ Speech-Language Therapy Scholarship for Students with Speech-Language Impairments Program	Students in grades K-6 who have been screened and diagnosed with a speech-language impairment. Homeschool or virtual school students are not eligible to participate.	Yes. Students must be enrolled in a public school or an accredited private school with a special purpose in speech-language therapy in the prior year.	No.	The voucher may not exceed the state's per-pupil amount.	No. However, participating schools are academically accountable to parents and must provide a written explanation of the student's progress annually.	- Accredited by the state as a special purpose school emphasizing speech-language therapy. - Provide an annual report to parents on the student's progress. - Maintain an in-state physical location where a scholarship student regularly attends classes. - Participating schools must have speech language pathologists. - Comply with public school background check requirements. - Adhere to state auditing requirements.	Participating schools must report the number of students with a speech-language impairment, student enrollment in the same manner local districts do, and financial records in compliance with state auditing requirements.	

STATE	Does the state have a voucher program?	Citation	Program Name	Student eligibility requirements: Primary requirements	Student eligibility requirement: Previous public school attendance	Enrollment limits	Voucher amount	Testing requirement	Private school participation standards	Reporting Requirements (to state)	Other
	Yes.	Miss. Code. Ann. §§ 37-173-1-29	Dyslexia Therapy Scholarship for Students with Dyslexia Program	Students in grades 1 through 12 who have been screened and diagnosed with dyslexia. Homeschool or virtual school students are not eligible to participate.	Yes. Student must be enrolled in a public school or any other state approved nonpublic school in the state that emphasizes instruction in dyslexia intervention in the prior year..	No.	The voucher may not exceed the state's per-pupil amount.	No. However, participating schools are academically accountable to parents and must provide a written explanation of the student's progress annually.	- Accredited by the state as a special purpose school emphasizing speech-language therapy. - Provide an annual report to parents on the student's progress. - Maintain an in-state physical location where a scholarship student regularly attends classes. - Participating schools must have the following staff: an administrator or director with training in dyslexia; a licensed dyslexia therapist; dyslexia therapists in training participating in approved programs; licensed elementary school teachers supervised by a licensed dyslexia therapist. - Comply with public school background check requirements. - Adhere to state auditing requirements.	Participating schools must report the number of students with dyslexia, student enrollment in the same manner local districts do, and financial records in compliance with state auditing requirements.	
Missouri	No.										
Montana	No.										
Nebraska	No.										
Nevada	No.										
New Hampshire	Yes.	N.H. Rev. Stat. Ann. §§ 193:3-4	Town Tuitioning Program	Students residing in a school district that does not maintain a public school with the students' grade.	No.	No.	Current operating expenses, as estimated by the state board of education for the preceding school year.	Yes. Nonsectarian private schools must administer an annual assessment in reading and language arts, mathematics, and science. The assessments may be any nationally recognized standardized assessment used to measure student academic achievement and shall be aligned to the school's academic standards.	- Must be nonsectarian. - Receive approval as a school tuition program by the school board. If the school enrolls 10 or more publicly-funded tuition program students and if the school's group assessment percentile score for tuition program students is less than the 40th percentile, the commissioner may require a site visit to determine if the school provides the opportunity for an adequate education. Following a third year of assessment performance below the 40th percentile, a school may have its status as a school tuitioning program revoked.	Participating schools must report student assessment results to the commissioner and school board.	The school must submit annual student performance progress reports to the school board, which may include reporting of aggregate achievement data to protect student privacy, and that demonstrates that students are afforded educational opportunities that are substantially equal in quality to state performance standards for determining an adequate education.
New Jersey	No.										
New Mexico	No.										
New York	No.										
North Carolina	Yes.	N.C. Gen. Stat. Ann. §§ 115C-562.1-8	Opportunity Scholarship	Students with a household income up to 150% of the	Yes. Students must have spent one semester prior in a	No. However, beginning with the	Students with household incomes at	Yes. Participating schools must annually	- Provide an annual progress report to parents.	A nonpublic school enrolling more than 25 students	

STATE	Does the state have a voucher program?	Citation	Program Name	income requirements for Student eligibility requirements: Primary requirements programs and who meet one of the following criteria: - Attended a North Carolina school during the previous semester. - Received a scholarship grant the previous year. - Entering kindergarten or first grade. - In foster care. - Adopted in the prior year. - Child of active-duty military personnel.	state public school or a Student eligibility requirement: Previous public school attendance school located in the state. This does not apply to students entering kindergarten or first grade or children of active-duty military.	2017-18 school year, Enrollment limits: The number of award vouchers to at least 2,000 more eligible students than were served in the prior year. In addition, the program is subject to appropriations by the General Fund to the Opportunity Scholarship Grant Fund Reserve. The state may create a lottery system for applicants, giving first priority to students who were prior recipients of scholarships. After that, at least 50% of remaining funds must be used to students with a household income at or below the income guidelines for free or reduced-price meal programs.	or below the income Voucher amount: Free or reduced-price meal programs: \$4,200 per year or the cost of tuition, whichever is less. Students with household incomes above the income guidelines for free or reduced-price meal programs: 90% of the school's tuition and fees, up to \$4,200.	administer a nationally Testing requirement that assessment that measures achievement in English grammar, reading, spelling, and mathematics.	- Administer a nationally Private school participation standards results to the state. - Annual financial audit. - Provide the state with information about graduation rates for participating students. - Participating schools may not require additional fees from participating students. - Private schools enrolling more than 25 participating students must provide the state with aggregate test performance data for participating students.	Reporting Requirements (to state) whose tuition and fees are a scholarship grant shall report to the authority on the aggregate standardized test performance of eligible students. The state education assistance authority shall report annually to the joint legislative education oversight committee on the following information from the prior school year: - Student participation disaggregated by grade level, race, ethnicity, and sex of eligible students receiving scholarship grants. - The total amount of scholarship grant funding awarded. - The number of students previously enrolled in local school administrative units or charter schools in the prior semester. - The nonpublic schools in which scholarship grant recipients are enrolled, including numbers of scholarship grant students at each nonpublic school. - The nonpublic schools deemed ineligible to receive scholarships. The state education assistance authority shall report annually to the shall report annually to the department of public instruction and the joint legislative education oversight committee on the following: - Learning gains or losses of students receiving scholarship grants. The report shall include learning gains of participating students on a statewide basis and shall compare, to the extent possible, the learning gains or losses of eligible students by nonpublic school to the statewide learning gains or losses of public school students with similar socioeconomic backgrounds, using aggregate standardized test performance data provided to the Authority by nonpublic schools and by the Department of Public Instruction. - Competitive effects on public school performance on standardized tests as a result of the scholarship grant program. The report shall analyze the impact of the availability of scholarship grants on public school performance on	Other

STATE	Does the state have a voucher program?	Citation	Program Name	Student eligibility requirements: Primary requirements	Student eligibility requirement: Previous public school attendance	Enrollment limits	Voucher amount	Testing requirement	Private school participation standards	standardized tests by local Reporting Requirements (to state) to the extent possible, and shall provide comparisons of the Impact by geographic region and between rural and urban local school administrative units.	Other
	Yes.	N.C. Gen. Stat. Ann. §§ 115C-112.5-9.	Special Education Scholarships for Children with Disabilities	<p>Students with a disability who meet one of the following criteria:</p> <ul style="list-style-type: none"> - Identified as a child with a disability prior to the year of enrollment in kindergarten or first grade. - Received special education services at a North Carolina public school or as a preschool student in the previous semester. - Received a scholarship in the previous semester. - Child of active-duty military personnel. - In foster care. - Adopted in the prior year. - Lived in the state at least six months. <p>Student eligibility must be assessed at least every three years by a local school district or a licensed psychiatrist or school psychologist.</p>	<p>Yes. Student must be enrolled in a public school or department of defense school in the prior year.</p> <p>This does not apply to students entering kindergarten or first grade or children of active-duty military.</p>	No. However, the state gives preference to students who received a scholarship during the previous year, then children meeting any of the other eligibility requirements, with last preference to children with a disability who have lived in the state for six months but meet no other criteria.	<p>\$8,000 per year.</p> <p>In addition, parents may apply to be reimbursed for certain, pre-approved special education services if the student has received at least 75 days of special education services.</p>	<p>Yes. All private schools in the state are required to administer a nationally standardized test at least once in grades 3, 6, and 9, and a high school competency test in grade 11.</p>	- Meet the state's requirements for private schools.	<p>The Authority shall report annually to the joint legislative education oversight committee on the special education scholarships for children with disabilities. The annual report shall include all of the following information from the prior school year:</p> <ul style="list-style-type: none"> - Total number, age, and grade level of eligible students receiving scholarships. - Total amount of scholarship funding awarded. - Nonpublic schools in which scholarship recipients are enrolled and the number of scholarship students at that school. - The type of special education or related services for which scholarships were awarded. - Total number of applicants by eligibility type. - The total number of scholarships awarded by priority type. 	Students may use the voucher monies to attend a private school or a public school that require tuition for non-resident students.
North Dakota	No.										

STATE	Does the state have a voucher program?	Citation	Program Name	Student eligibility requirements: Primary requirements	Student eligibility requirement: Previous public school attendance	Enrollment limits	Voucher amount	Testing requirement	Private school participation standards	Reporting Requirements (to state)	Other
Ohio	Yes.	Ohio Rev. Code Ann. §§ 3310.01 - 3310.17	Educational Choice Scholarship Program	<p>Students assigned to low-performing schools in a resident district that has an average of 20% or more of its students qualified to be included in the formula to distribute federal Title I funds. However, students are ineligible if their resident district is operating under the Alternative Schools plan.</p> <p>Eligible students are identified as follows:</p> <ul style="list-style-type: none"> - In the 2021-22 and 2022-23 school years, eligible students are those enrolled in, or assigned to, a school ranked in the lowest 20% of buildings for each of the 2017-18 and 2018-19 school years. - In the 2023-24 school year, they must belong to a school ranked in the lowest 20% of buildings for each of the 2020-21 and 2021-22 school years. - In the 2024-25 and every school year after, their school building must be ranked in the lowest 20% for at least two of the three most recent rankings. 	<p>Yes. Student must be enrolled in a public school in the prior year.</p> <p>This does not apply to the following students:</p> <ul style="list-style-type: none"> - The student was enrolled in a public school district or community school and, for the current or following year, the student otherwise would be assigned to public school. - The student was not enrolled in any public or nonpublic school before the student enrolled in a nonpublic school and would have been assigned to a public school. - At the end of last school year before the student enrolled in a nonpublic school, the student was enrolled in a school that was in the lowest 20% of buildings in the district and had at or over 20% of students qualify for funds under Title I. 	60,000 students	<p>K-8: \$4,650</p> <p>9-12: \$6,000 or the cost of tuition, whichever is less.</p>	<p>Yes. State assessments must be administered.</p> <p>Elementary schools primarily serving students with disabilities and meeting certain requirements may be exempt.</p>	<ul style="list-style-type: none"> - Must have a charter from the state board of education. - May not charge over the voucher amount for students with household incomes at or below 200% of federal poverty guidelines. - Other requirements specified in administrative rules. 	If a private school charges participating students tuition beyond the voucher amount, it must report to the state the number of students charged and the average amount.	If applications exceed enrollment limit, priority is first given to students who received a voucher in the prior year and then to students based on household incomes (specifically, under 200% of federal poverty guidelines) and those attending low-performing schools. For students within these categories, a lottery will be used to allocate scholarships. Resident districts must provide transportation to students to and from the private school.
	Yes.	Ohio Rev. Code Ann. §3310.032	EdChoice Expansion Program	<p>Students with a household income below 250% of federal poverty guidelines.</p> <p>Reduced voucher amounts are also available for families under 400% of federal poverty guidelines.</p>	No.	<p>It is unclear if the Education Choice Scholarship Program limits apply to the EdChoice Expansion Program. However, the number of voucher awards given is dependent on appropriations.</p>	<p>K-8: \$4,650</p> <p>9-12: \$6,000.</p> <p>Under the expansion program, students with household incomes between at or below 250% of federal poverty guidelines may not be charged a tuition fee more than the voucher amount. Students with household incomes between 200% and 400% of federal guidelines receive reduced voucher amounts.</p> <p>Above 250% and below 300%: 75% of the voucher amount.</p> <p>Above 300% and below 400%: 50% of the voucher amount.</p>	<p>Yes. State assessments must be administered.</p> <p>Elementary schools primarily serving students with disabilities and meeting certain requirements may be exempt.</p>	<ul style="list-style-type: none"> - Must have a charter from the state board of education. - May not charge over the voucher amount for students with household incomes at or below 200% of federal poverty guidelines. - Other requirements specified in administrative rules. 	If a private school charges participating students tuition beyond the voucher amount, it must report to the state the number of students charged and the average amount.	Priority given to: (1) eligible students who received a scholarship the previous year, (2) students at or below 100% of federal poverty guidelines, (3) to other eligible students.

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	Yes.	Ohio Rev. Code Ann. §§ 3310.41 - 3310.43	Autism Scholarship Program	Students with autism who have an Individualized Education Program (IEP).	Yes. Students must be identified as autistic by a school district.	No.	\$27,000 or the cost of tuition, whichever is less.	No.	- Students may attend school districts outside of the student's resident district, public entities other than a school district, or a private school. - Education services must be provided by qualified, credentialed providers. - Private schools must be approved by the department of education.	None.	
	Yes.	Ohio Rev. Code Ann. §§ 3310.51 - 3310.64	Joh Peterson Special Needs Scholarship Program	Students with an Individual Education Plan (IEP). Students attending a charter school are eligible to apply.	Yes. Students must be identified as having a disability by a school district.	5% or less of students living in the state identified as having a disability.	\$27,000, the state's per-pupil amount, or the cost of tuition, whichever is less.	Yes. State assessments must be administered. Students may be exempt if it is specified in their IEP.	- Students may attend school districts outside of the student's resident district, public entities other than a school district, or a private school. - Private schools must be chartered by the state board or meet several requirements and be approved by the department of education. - Private school employees must be appropriately credentialed.	None.	Students are entitled to transportation. (3310.60)
	Yes.	Ohio Rev. Code Ann. §§ 3313.974 - .979	Cleveland Scholarship Program	Students living in Cleveland. Priority is given to returning students and their siblings and students from families with a household income of less than 200% of the federal poverty level. Students receive a voucher to attend a private school or to purchase tutoring services while attending public school.	No.	No. However, vouchers and tutoring grants are subject to available funding.	K-8: \$4,250, or the cost of tuition, whichever is less. 9-12: \$5,700 or the cost of tuition, whichever is less.	Yes. State assessments must be administered. Students may be exempt if it is specified in their IEP.	- Private schools must be located within city limits or high schools up to 5 miles outside of city limits. - Must be registered with the state superintendent. - Meet class size requirements. - Participating schools may not charge tuition for students in grades K-8 beyond the voucher amount for students at or below 200% of federal poverty guidelines. - For students in grades 9-12, schools may not charge tuition to students beyond the voucher amount.	None.	

STATE	Does the state have a voucher program?	Citation	Program Name	Student eligibility requirements: Primary requirements	Student eligibility requirement: Previous public school attendance	Enrollment limits	Voucher amount	Testing requirement	Private school participation standards	Reporting Requirements (to state)	Other
Oklahoma	Yes.	Okla. Stat. Ann. tit. 70, § 13-101.1-102	Lindsey Nicole Henry Scholarship for Students with Disabilities Program	Students with an Individualized Education Program (IEP).	Yes. Student must be enrolled in a public school in the prior year. This does not apply to children of active-duty military transferring to the state following orders and students who were in the state's program for infants and children with developmental delays.	No	The state's per-pupil amount, including grade and disability weights for the applicable school year, or the amount of the private school's tuition and fees, whichever is less. The state may retain 2.5% of the voucher amount for administrative services.	No.	<ul style="list-style-type: none"> - Meet state's accreditation standards. - Demonstrate fiscal soundness and in operation for at least one year. - Be accountable to parents for meeting students' academic and emotional needs. - Teachers must have baccalaureate degrees or higher or meet certain requirements. - Adhere to the school's published disciplinary procedures before expelling a participating student. - Comply with all state laws applicable to private schools. 	The State Department of Education shall annually prepare and post on its website a report of Lindsey Nicole Henry Scholarship Program. The annual report shall include the following information: <ul style="list-style-type: none"> - The total number and amount of scholarships awarded and reported for each participating private school; - The total number of scholarships denied; - The total number and amount of scholarship payments suspended for each participating private school; and - Data on participating students, disaggregated by years of participation in the program, grade level, economically disadvantaged status, racial and ethnic groups and disability category. 	
Oregon	No.										
Pennsylvania	No.										
Rhode Island	No.										
South Carolina	No.										
South Dakota	No.										
Tennessee	No.										
Texas	No.										

STATE	Does the state have a voucher program?	Citation	Program Name	Student eligibility requirements: Primary requirements	Student eligibility requirement: Previous public school attendance	Enrollment limits	Voucher amount	Testing requirement	Private school participation standards	Reporting Requirements (to state)	Other
Utah	Yes.	Utah Code Ann. §§ 53F-4-301 - 307	Carson Smith Scholarship Program	Students with disabilities who are three years or older and have an Individualized education program (IEP).	Yes. Student must be enrolled in a public school in the prior year. This does not apply to students if they will attend a private school that previously served students with disabilities and an assessment team determines the student has a disability that would qualify for special education services.	No. However, if money is not available to pay for all requested scholarships, they must be distributed randomly with preference for students receiving a scholarship the previous year.	For students who receive an average of 180 minutes per day of special education services: The state's per pupil amount times 2.5 or the cost of tuition and fees, whichever is less. For students who receive an average of less than 180 minutes per day of special education services: The state's per pupil amount times 1.5 or the cost of tuition and fees, whichever is less. Students enrolled in half-day kindergarten or part-day preschool program receive the state's per pupil amount times .55	Yes. Annual assessments of the student academic progress must be administered.	<ul style="list-style-type: none"> - Located in the state. - Demonstrate fiscal soundness. - Annually assess scholarship students. - Employ teachers meeting specific criteria. - Meet state and local health and safety laws and codes - Provide written disclosures to parents. 	Financial records in compliance with state auditing requirements.	Scholarships remain for three years, and may be extended another three years after an assessment team determines the student still qualifies for special education services. Students may not participate in dual enrollment. Home schooled students not eligible for the program.
Vermont	Yes.	16 V.S.A. §§ 821-836	Town Tuitioning Program	Students residing in a school district that does not maintain a public elementary or high school. Eligible students may attend another a public school in another school district or a private school.	No	No	The state's per pupil amount.	N/A	N/A	N/A	
Virginia	No.										
Washington	No.										
West Virginia	No.										

STATE	Does the state have a voucher program?	Citation	Program Name	Student eligibility requirements: Primary requirements	Student eligibility requirement: Previous public school attendance	Enrollment limits	Voucher amount	Testing requirement	Private school participation standards	Reporting Requirements (to state)	Other
Wisconsin	Yes.	Wis. Stat. § 119.23	Milwaukee Parental Choice Program	Students who live in Milwaukee with a household income up to 300% of the federal poverty level.	No.	No.	<ul style="list-style-type: none"> - All teachers and administrators have a teacher license or meet other requirements. - Participating schools must be accredited by an accrediting agency. - Provides minimum yearly instruction of 1,050 hours for grades 1-6 and 1,137 for grades 7-12. - Schools may only reject students for capacity issues. If applications exceed capacity, the school must hold a lottery and give preference to previous students, siblings of previously enrolled students, students attending another private school under the choice program and their siblings. - Participating schools may not charge tuition beyond the voucher amount for students in grades K-8 and students in high school with household incomes at or below 220% of federal poverty guidelines. However, schools may charge reasonable fees for various things, although unpaid fees cannot affect a student's grades. - Participating schools must meet one of several standards (see (7)(a) for specifics). - Adopt standards in math, science, reading and writing, geography, and history. 	<p>Yes. State assessments, including a 3rd grade reading assessment, must be administered.</p>	<ul style="list-style-type: none"> - All teachers and administrators have a teacher license or meet other requirements. - Participating schools must be accredited by an accrediting agency. - Provides minimum yearly instruction of 1,050 hours for grades 1-6 and 1,137 for grades 7-12. - Schools may only reject students for capacity issues. If applications exceed capacity, the school must hold a lottery and give preference to previous students, siblings of previously enrolled students, students attending another private school under the choice program and their siblings. - Participating schools may not charge tuition beyond the voucher amount for students in grades K-8 and students in high school with household incomes at or below 220% of federal poverty guidelines. However, schools may charge reasonable fees for various things, although unpaid fees cannot affect a student's grades. - Participating schools must meet one of several standards (see (7)(a) for specifics). - Adopt standards in math, science, reading and writing, geography, and history. 	<ul style="list-style-type: none"> - Provide evidence of fiscal soundness and meet financial requirements. 	<p>The Wisconsin Department of Education collects a fee from participating private schools that covers the cost of one full-time auditor to evaluate participating private schools.</p>

STATE	Does the state have a voucher program?	Citation	Program Name	Student eligibility requirements: Primary requirements	Student eligibility requirement: Previous public school attendance	Enrollment limits	Voucher amount	Testing requirement	Private school participation standards	Reporting Requirements (to state)	Other
	Yes.	Wis. Stat. § 118.60	Racine Parental Private School Choice Program	Students who live in Racine with a household income up to 300% of the federal poverty level.	Yes, but not applicable in all cases. Students are eligible for this program if they meet one of the following requirements: <ul style="list-style-type: none"> - They were enrolled in public school or home school the previous year. - They were not enrolled in school in the previous year. - They were previously enrolled in a private school under a different voucher program. - They are entering kindergarten, first grade or ninth grade. 	No.	For the 2020-21 school year: K-8: \$8,300 9-12: \$8,946 The maximum voucher amount will increase by an amount equivalent to an increase in state public school funding.	Yes. State assessments, including a 3rd grade reading assessment, must be administered.	<ul style="list-style-type: none"> - All teachers and administrators have a teacher license or meet other requirements. - Participating schools must be accredited by an accrediting agency. - Provides minimum yearly instruction of 1,050 hours for grades 1-6 and 1,137 for grades 7-12. - Schools may only reject students for capacity issues. If applications exceed capacity, the school must hold a lottery and give preference to previous students, siblings of previously enrolled students, students attending another private school under the choice program and their siblings. - Participating schools may not charge tuition beyond the voucher amount for students in grades K-8 and students in high school with household incomes at or below 220% of federal poverty guidelines. However, schools may charge reasonable fees for various things, although unpaid fees cannot affect a student's grades. - Participating schools must meet one of several standards (see (7)(a) for specifics). - Adopt standards in math, science, reading and writing, geography, and history. 	<ul style="list-style-type: none"> - Provide evidence of fiscal soundness and meet financial requirements. - Maintain progress records for each student. 	

STATE	Does the state have a voucher program?	Citation	Program Name	Student eligibility requirements: Primary requirements	Student eligibility requirement: Previous public school attendance	Enrollment limits	Voucher amount	Testing requirement	Private school participation standards	Reporting Requirements (to state)	Other
	Yes.	Wis. Stat. § 118.60	Wisconsin Parental Choice Program	Students who do not live in Milwaukee or Racine and have a household income up to 220% of federal poverty level.	Yes, but not applicable in all cases. Students are eligible for this program if they meet one of the following requirements: - They were enrolled in public school or home school the previous year. - They were not enrolled in school in the previous year. - They were previously enrolled in a private school under a different voucher program. - They are entering kindergarten, first grade or ninth grade.	Starting in the 2017-18 school year, the enrollment cap was automatically increased from one to two percent. Every school year after 2017-18, the enrollment cap increases by one percent. For the 2021-22 school year, there is an enrollment cap of 5%. Automatic increases to the enrollment cap will end at start of the 2026-27 school year, totaling 10%. If the enrollment cap is reached, the Department of Public Instruction selects students through a random drawing.	For the 2020-21 school year: K-8: \$8,300 9-12: \$8,946 Starting in the 2015-16 school year, the maximum voucher amount will increase by an amount equivalent to an increase in state public school funding.	Yes. State assessments, including a 3rd grade reading assessment, must be administered.	- All teachers and administrators have a teacher license or meet other requirements. - Participating schools must be accredited by an accrediting agency. - Provides minimum yearly instruction of 1,050 hours for grades 1-6 and 1,137 for grades 7-12. - Schools may only reject students for capacity issues. If applications exceed capacity, the school must hold a lottery and give preference to previous students, siblings of previously enrolled students, students attending another private school under the choice program and their siblings. - Participating schools may not charge tuition beyond the voucher amount for students in grades K-8 and students in high school with household incomes at or below 220% of federal poverty guidelines. However, schools may charge reasonable fees for various things, although unpaid fees cannot affect a student's grades. - Participating schools must meet one of several standards (see (7)(a) for specifics). - Adopt standards in math, science, reading and writing, geography, and history.	- Provide evidence of fiscal soundness and meet financial requirements. - Maintain progress records for each student.	
	Yes.	Wis. Stat. § 115.7915	Wisconsin Special Needs Scholarship Program	Students with an Individualized Education Program (IEP).	Yes.	No.	For the 2020-21 school year, the maximum voucher amount is \$12,977. Starting 2016-17 school year, the maximum voucher amount increases equal to increases in the dollar amount in general school aid to Wisconsin public schools. Also, if participating private schools submit a financial statement to the Department of Public Instruction, the state will provide up to 150% of the maximum voucher amount. The state also provides an option, high-cost reimbursement of 90% of the cost, if the cost exceeds 150% of the maximum voucher amount.	Yes. The state Civics exam required for high school graduation must be administered. Students may be exempt if it is specified in their IEP.	Jon Peterson Special Needs Scholarship Program	- Provide evidence of fiscal soundness and meet financial requirements. - Maintain progress records for each student.	

STATE	Does the state have a voucher program?	Citation	Program Name	Student eligibility requirements: Primary requirements	Student eligibility requirement: Previous public school attendance	Enrollment limits	Voucher amount	Testing requirement	Private school participation standards	Reporting Requirements (to state)	Other
Wyoming	No.										

Members of the Education Committee:

My name is Rachel Meyer and I live in District 37. I am a parent of four children and currently have two children attending Trinity Elementary West. My passion for this school system began when I had the privilege to student-teach with Joleen Praus. She opened my eyes to a beautiful way to teach children about our faith and incorporate Christ into our classrooms.

After we had children, I insisted that they attended Trinity Catholic Schools. This has helped us attend daily mass, volunteer on a regular basis, and give more financially. Also, another aspect of trinity I really admire is the **public speaking skill. At the young age of five years old, Lillia Meyer had read petitions in front of a filled church.** This is an impressive feat!

As my passion has continued for trinity, so has the **PRICE!** I provide childcare for our younger children during the day and work weekends/summers at a local restaurant to pay for our private education. If this bill was passed, it would give us the same financial freedom that most public-school parents would have. I urge you to vote in favor of ND 1532 to help us ease the financial burden of private schools. Thank you for your service to the State of North Dakota for your time on ND 1532.

Dear Legislators,

I am writing in opposition to HB 1532. I am the great granddaughter, granddaughter, and daughter of public-school educators. I am a retired educator and school counselor. My children are both public school teachers in North Dakota. Public education is my passion, so much so that I ran to be on my local school board. Public education is a one of North Dakota's most valuable institutions.

Vouchers will take money and funnel it away from public schools that already are struggling with funding. It may be especially harmful to our rural school districts. Schools are presently struggling with teacher shortages. This will further exuberate this critical issue. Funds need to be dedicated to improving teacher salaries. Vouchers also will have negative affects on funds necessary to support our students with special needs. Finally, there is no credible data that vouchers improve student performance.

North Dakota has a long tradition of string public schools that educate ALL students regardless of their limitation or abilities. I strongly urge opposition to this bill.

Sincerely,

Gayle Nelson



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

4725 AMBER VALLEY PARKWAY, SUITE B,
FARGO, ND 58104

3/13/2023

Chairman Elkin and Committee Members,

My name is Britney Bachmeier and I live in Fargo where my sisters and I are the co-founders of Full Circle Pediatric Solutions and more recently, Full Circle Academy. Thank you for the opportunity to provide testimony in favor of House Bill 1532. I am trained as a School Psychologist and Board-Certified Behavior Analyst and my sisters are both Speech Language Pathologists. Our clinic provides applied behavior analysis (ABA), speech-language, and occupational therapies to children, and also behavior consultation to many surrounding public schools.

I am originally from rural ND, attended public elementary and high school, and previously worked in the public-school setting for several years serving some of the most intense and behaviorally complex students in the state. I continue to be a large supporter of the public school system and 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 collaboration and partnership between the public and private sectors; House Bill 1532 can be a step to make this more realistic for students with special needs.

As I am sure you are aware, behavioral health needs are at an all-time high and all schools are directly impacted. Since opening our clinic, we have been overwhelmed with the number of requests for contacted behavior support services from surrounding districts. We often push into the public school and support kids in their general education and/or special education classrooms. However, there are times when students engage in extremely unsafe behaviors towards themselves or others, and another option is required. Thus, we created Full Circle Academy (FCA) and we received our 501c3 approval last summer.

Full Circle Academy is a private elementary school for kids with special needs and is approved by the Department of Public Instruction. FCA works in partnership with our clinic to provide therapeutic and individualized programming for students with autism, intellectual disabilities, emotional disturbances, learning disabilities, ADHD, down syndrome, etc. We are in the initial stages of fundraising to make the services more available to the community and again, have received an overwhelming number of requests for district placements and from parents. There is no doubt we are working to fulfill a much-needed gap in services. We are passionate about ensuring students with disabilities receive the highest quality education and **it should be highlighted that there is a nonpublic option designed specifically for students with special needs.**

We currently have a great relationship with many of the surrounding school districts, including those in rural areas. Districts can privately place students in our Academy whose needs exceed what can be met in the typical self-contained classroom, often with the intentional of transitioning them back to their home school after teaching new skills and decreasing maladaptive behavior. Public schools can benefit by having an option for district placements, but if additional funding was available, it would be more feasible for parents to choose to enroll their child in a therapeutic school, just like others choose a faith-based school. This would take additional pressure off public schools. We are proud of the work we

have done in partnership with the local school districts and look forward to continuing to work together to ensure all students receive the educational services they deserve.

I encourage you to vote in favor of House Bill 1532 and take a step toward making private school options available to all students, including those with unique learning needs.

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

HB 1532

Senate Education Committee,

I write this letter with strong **opposition** to HB 1532. I begin with making a few points.

- 1.) A free school lunch bill that would benefit many students has been altered from 89,500,00 to 6,000,000 since “there isn’t enough money.” Yet, \$24,000,000/year that can be allocated to private school parents? 24 million dollars annually applied toward school meals for students could have a huge impact on hungry students across the state of North Dakota. (HB 1491)
- 2.) Public Schools, that accept **ALL** students living within their districts. At times, those students come with a higher cost to the district. This appropriation is almost double what was asked for in that bill. (HB 1464) Upon a brief final discussion, it was brought up to be discussed on the second half of session and this factor will be considered in the funding formula discussion. Since the 24 million hasn’t yet been “claimed” and it “isn’t being taken out of the public-school funds” (yet it is public dollars?), let’s add it to the public-school formula instead!
- 3.) According to the current bill & study proposition, the money will be allocated for the 24-25 school year. Currently there are 7,700 students in private schools. During appropriation hearing on 2/15, it was clarified the \$24,000,000 is for **one** school year and the next legislative session “if the program continues” would need \$48,000,000/biennium. Why does there need to be dollars attached with the study? Cut the attached money, conduct the study, and get the answers needed.

How can we enhance the learning experience with \$24,000,000 rather than handing it out to parents of private school students with no strings attached.

$\$24,000,000/174$ school districts = \$137,931.03 per school. I can only image how programs could be implemented, expanded, and enhanced with that money!

Please represent the 115,385 students who are enrolled in public schools.

As proven in the house it takes more than just a committee recommendation of no, but also talk to your other senators to stop this bill where it is.

Cassidy Lyngaas

Principal & Educator

Members of the Education Committee:

Hello, my name is Melodie Zach. I live in District #1, and I am a parent who has chosen to enroll my child in Trinity Catholic Schools.

I support ND 1532 as I feel parents, like myself, who wish to send their children to a private school should have the same government's financial assistance as public schools. We have six children and have sent them all to Trinity Catholic Schools. Our decision to send our children to private school has been such a blessing. We love the school, staff, and Christian based environment. We believe sending them to Trinity has assisted to the direction our children have taken later in life. The hardship of tuition was a challenge for us; however, we were able to afford it unlike many other families who were unable to. Having this reimbursement for education expenses would have helped greatly!

We are on our last child going through Private School System but would like to help other families coming up to be able to send their child/children to a private school without the burden of tuition costs. I have had several friends that believe sending their children to private school was too expensive or already had them enrolled and had to switch to public school because they could not afford the expense.

Please, I strongly asked that you support in favor of ND 1532.

Thank you for your service to the state of North Dakota and for your time on ND 1532.

Respectfully,

Melodie Zach

Members of the Education Committee,

I am Father Christian Smith, a priest of the Roman Catholic Diocese of Bismarck, and I currently serve as an Administrator of Trinity High School in Dickinson.

I ask that you please vote in favor of HB 1532. Every family makes a sacrifice to send their students to Trinity, and that sacrifice is very impactful for some. This bill would provide relief to a lot of struggling families and open the door to families who, for whatever economic reason, wouldn't otherwise be able to afford to have any choice among schools. As the Dean of Students and as someone who is very active in the community, one of the things that I hear most from people is that they would try to give their student an education that fits better fits them if they only had the wiggle room in their budget.

There is a common misconception that this bill is a cash grab for private schools. As I can see behind the curtain of the day-to-day of school administration, I can tell you first that schools would not benefit from this bill in any way except for increased enrollment. The benefit will go to families, and there will not be tuition increases because of it. Secondly, we work hard to meet all the requirements that the State requires for schools. In fact, much of my job is to ensure we are meeting the requirements put out by the Century Code and good folks at DPI and ESPB. We do this despite spending less per pupil than the State reimbursement rate while keeping tuition as low as possible.

Please vote in favor of HB 1532.

Thank you for all that you do for our State and our Country.

Fr. Christian Smith

**Do Pass Testimony
of Doug Sharbono, citizen of North Dakota
on HB1532
in the Sixty-eighth Legislative Assembly of North Dakota**

Dear Chairman Elkin and members of the Senate Education Committee,

I am writing as a citizen and believe HB1532 is great legislation. It fulfills the State of North Dakota's constitutional duty to educate children.

Private education is efficient and accountable education and should be entrusted with legislative funding, which will not detract from public school funding. The dollars spent on private education already saves vast amounts of public money by not having this education burden on the less efficient public school systems.

There have been arguments that the public school system is the only acceptor of special needs students, and this adds cost and skews performance standards. However, this argument does not adequately explain why in the Fargo Public School District only 45% of 7th grade students are proficient and advanced at math, while 55% are not proficient. Accountability is a concern, but not for private schools.

[FPS Data \(k12.nd.us\)](https://k12.nd.us)

Accountability is actually a good argument FOR the funding in HB1532. I am aware of millions of dollars of Covid ESSER funds going into the public-school programs (such as DEI) unrelated to education and certainly not very well applied to the needed math education. These expensive non-educational programs in the public school setting have little accountability and unconstitutionally drive a wedge between a family's parents and their children with respect to the family's religious beliefs.

There have also been arguments that students already have a choice between private and public schools. This is not completely true. Some families do not have that choice as their family does not have the funding available for that choice.

HB1532 has all the right reasons to be supported and meets our state's constitutional requirements. Please give HB1532 a Do Pass recommendation. Thank you,

Doug Sharbono
1708 9th St S
Fargo, ND 58103

March 13, 2023

Senate Education Committee

RE: HB1532

Good evening,

As a single parent of two school-aged children, I decided to enroll my oldest at Bishop Ryan Catholic School last fall when he entered 6th grade. Since that time, he has grown in confidence, respect, structure, discipline, attitude, and so much more. The strain of the tuition cost has not gone unnoticed though, and with his younger sister planning to join him at Bishop Ryan in 2024, my fear of not being able to afford this tuition burden is real.

A non-public, Catholic education is important to my family. Prayer in school today is vital, and the classes that my son participates in are growing his character every day. I am grateful to the teachers and staff of Bishop Ryan for their commitment to our faith and partnering with me to pass that along to my children.

If passed, HB1532 would show ND families that a non-public school education is as equally important as a public school education. The offset of some of the education costs would be a tremendous relief for my budget, while my tax dollars continue to support public schools. This seems like a win-win to me!

I implore you to prayerfully consider a yes vote on HB1532 to help families like mine.

Thank you,

Joanne Christianson
2106 4th Avenue SW
Minot ND 58701
joannehulm@yahoo.com

Chairman Elkin and members of Senate Education Committee

I am advocating for the passing of HB1532. I believe children's education should be supported by North Dakota per the constitution. Please pass HB1532.

Respectfully Submitted,

Kristin Sharbono

March 13, 2023

To Members of the Education Committee,

Hello. My name is Lisa Jacobs and I live in District 37 in Dickinson, North Dakota, and I am a parent who has chosen to enroll my children at Trinity Catholic Schools in Dickinson.

I support HB 1532 because these funds would greatly support me in paying the cost of private school tuition. It was a hard choice to make when choosing where to send my kids to school knowing that it would be a financial burden to our family. We gave it much thought and knew that smaller classroom sizes, small town atmosphere within a larger town, close school family ties, Christian values and faith formation taught daily was so very important to educating my children. Trinity teaches the whole person- body, mind, and soul. We are so very blessed to have another choice in education for our kids which is the best for our children. Trinity Catholic Schools has had a very positive impact on our children in that they have become confident and strong in their values and daily living and thrive in the classroom setting.

I urge you to vote in favor of HB 1532. Thank you so much for your service to the state of North Dakota and your time spent on HB 1532.

Sincerely,

Lisa Jacobs

Honorable Members of the Senate Education Committee,

Thank you for serving the great state of North Dakota. My name is Matthew Ellerkamp and I live in District 37, and I have chosen to send my five children to Trinity Catholic Schools for a variety of reasons. I writing to show my support for HB 1532, the financial ramifications for our family would be substantial. Having five children in private education certainly comes with sacrifice and we have been willing to make those sacrifices primarily for not just the educational benefits, but for the spiritual benefit of our children.

It has been proven that children who come from homes where moral values and virtues are practiced and demonstrated, tend to prove to be strong contributing members to society. These children grow up and tend use less government services, abide by the law and raise up others to create a culture to do so a well. A culture that values the human dignity each of us deserve regardless of background or choices. We choose Trinity Catholic Schools because the institution reinforces the morals and values, we teach at home. Trinity Catholic Schools help create a culture of virtue by educating the whole person, mind, body and SOUL.

It is only right, just, and fair that private school families have the same support of that of public institutions. My family currently does not directly benefit from public educations dollars. With that being said, HB 1532 does not take away funding or resources from students attending public schools. In fact, HB 1532 has no impact on funding public schools or continued funding of public schools. HB 1532 is one small step to help balance out the lopsided funding of only public schools. The direct benefit of the financial assistance will allow our family to direct our hard-earned dollars to other areas of need in the family, there bolstering our local and state economy further.

I humbly ask for a "yes" vote to pass HB 1532 as members of the ND Senate Education Committee.

Again, thank you all for your service to the state of North Dakota and for your time on ND HB 1532.

Respectfully,

Matthew Ellerkamp



Drew H. Wrigley
ATTORNEY GENERAL

STATE OF NORTH DAKOTA
OFFICE OF ATTORNEY GENERAL
www.attorneygeneral.nd.gov
(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).

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

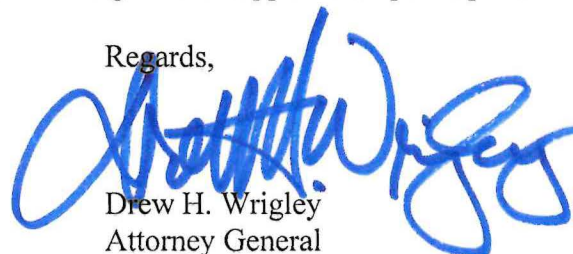
November 29, 2022

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).

Senate Education Committee
Chairman Jay Elkin
March 14, 2023

Testimony
Shane Goettle
Lobbyist for State Association of Nonpublic Schools (SANS)

HB 1532

Chairman Elkin and members of the Senate Education Committee, my name is Shane Goettle and I am here as the registered lobbyist for the State Association of Nonpublic Schools (SANS).

This bill is about empowering parents and giving them the freedom to choose the educational environment they believe is best for their child.

The North Dakota Constitution

Let me start with the North Dakota Constitution. I am sure you are familiar with Article VIII, Section 5, which reads, in part:

“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.”

N.D. Const. art. VIII, § 5.

This provision is called the “Blaine Amendment” and in 1889 when North Dakota became a state, this provision was required of states desiring to enter the Union. So, this policy was really decided in Washington, D.C., and not by the people of North Dakota.

On November 29, 2022, Attorney General Drew Wrigley interpreted this section of our state constitution to conclude, in accordance with U.S. Supreme Court precedent cited in his opinion, that:

“...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.”

Letter Opinion 2022-L-07 (Attached)

The Attorney’s General opinion is binding and governs the actions of public officials unless a court decides otherwise. So, the takeaway here is that you are serving in the first legislative session that can fully consider a proposal such as the one before you without concern that it violates the Blaine Amendment.

But let me point out one the lesser cited sections of Article VIII, namely Section 4:

“Section 4. 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.” N.D. Const. art VIII, § 4. [Emphasis added]

With the Blaine Amendment dead, Section 4 charges the legislative assembly to take such steps as may be necessary to promote education of our people. What you have before you is a proposal to do just that.

House Bill 1532

I want to draw the committee’s attention to a few things in the bill. First, on Page 1, lines 19-20 you will see the definition of “qualified school.” The definition limits “qualified schools” to schools inside the state of North Dakota, and does not include homes schools. I think that is important so that you know this program will apply only to qualified expenses a parent might incur at nonpublic schools that are approved as such by the Superintendent of Public Instruction under NDCC § 15.1-06-06.1.¹

On page 2, lines 2-3, you can see the whole process proposed in this bill starts with a “parent” (defined in the bill) requesting a program form from a qualified school for the upcoming school year. Now, while a parent initiates this process with a particular nonpublic school of their choice, this bill is not designed as a traditional school choice voucher bill. The parents don’t handle the funds, nor do they receive any kind of redeemable certificate.

Rather, on page 2, lines 4-5, the qualified school receives the request from the parent, certifies enrollment at that school, and then requests program funds for the child’s qualified educational expenses. In short, the dollars are handled between DPI and the qualified school.

¹ Approval is mandatory:

- The superintendent of public instruction must approve all nonpublic schools offering elementary or secondary education. *N.D. Cent. Code* §15.1-06-06.1.
- For those nonpublic schools that are not in compliance with the requirements for approval and do not then receive a certificate of approval, the superintendent of public instruction is to notify those nonpublic school students' parents that they may be in violation of the compulsory attendance requirements. *N.D. Cent. Code* §15.1-06-06.1.
- The superintendent of public instruction may not approve a school unless each teacher is licensed or approved to teach by the education standards and practices board; teacher is teaching courses only in fields in which he or she is licensed or for which he or she has received an exception under section 15.1-09-57; students are offered all subjects required by law; the school is in compliance with all local and state health, fire, and safety laws; and the school has conducted criminal history record checks on employees who have unsupervised contact with children. *N.D. Cent. Code* §§15.1-06-06 and 15.1-06-06.1.
- The superintendent of public instruction may approve a nonpublic secondary school with enrollment of fifty students or fewer if the school provides courses in all subjects required by law, complies with statutes regarding the length of the school year, and meets all health, fire, and safety standards. Curricular programs offered by schools that deliver courses by telecommunications or other electronic means must be prepared by individuals holding at least baccalaureate degrees and delivered by those with a North Dakota professional teaching license or who at least meet the average cutoff scores of states that have normed the national teacher's examination. The school must have at least one state-licensed high school teacher for each twenty-five students. *N.D. Cent. Code* §15.1-06-07.

The school, then credits that received amount, back to the parent on their invoice, reducing the amount the parent would otherwise pay the school.

The appropriated dollars for this program are found in Section 3, on page 4 of the bill. It is \$24m for the biennium from the general fund. Note: this is a new appropriation. It is NOT being taken from public school funding. It is NOT decreasing the amount going to any school in this state, rural or urban. In fact, based on other bills you are voting on this session, public schools stand to gain more money from this legislative session. Note the \$24m equates to \$12m per school year. That is what House Appropriations intended in the amendments they took up and added to the bill. One sentence was missed on page 3, line 30. I understand Representative Keith Kempenich has prepared an amendment for you to strike that sentence so that it comports with what the House intended.

You can also note on page 2, lines 10-11, no matter the appropriation level or participation level in the program, no more than 30% of the state's per-student payment rate may be paid out per student. This is further limited as an offset against only the qualified education expenses the parent might otherwise have paid. In summary, once the qualified school receives the funds, the parent would see this a credit on the invoice the qualified school sends to the parents for that family, but never more than qualified expenses or 30% of the state's per-student payment rate, whichever is less.

You will note on page 3 that HB 1532 has accountability, including the power to suspend a school from the program if there is any abuse. It also has protections for the schools that participate in that no other additional requirements may be imposed through rulemaking. Nor does a school need to alter its creeds, practices, admissions policies, or curriculum to participate as a qualified school.

Mr. Chairman and members of the committee, I have with me today Gerald Vetter, the President of the State Association of Nonpublic Schools, who will follow me if you any questions for the qualified nonpublic schools.

I will also gladly stand for any question myself that help this committee get to a "do pass" recommendation!

DATE: Monday, March 13, 2023

TO: North Dakota Legislative Body 2023

FROM: Tammy Gilstad, New Salem, ND

RE: HB 1532 – Education Vouchers

As a retired teacher who spent 28 years in the classrooms of public schools, I oppose HB 1532. I currently serve as a local school board member.

My major reasons for opposing public dollars spent as vouchers in private schools include the following:

1. Private schools do not have the accountability measures required of public schools; therefore, public dollars should not support schools that do not have to meet all of the same requirements as public schools.
2. Private schools have the option to not accept students, including those with disabilities. A private school can deem any student difficult to serve for whatever reasons or lack of,
3. Voucher programs do not equally benefit all students in North Dakota. Only students whose families reside in large cities with private schools benefit from vouchers. Rural taxpayers will be subsidizing students and families in larger communities.

As a former educator, present school board member, and taxpayer, I urge all legislators to vote NO regarding school vouchers in North Dakota.

TG

RE: HB 1532

Dear Members of the Senate Education Committee,

My name is Andrew Currie, and I am a school administrator in a district that borders 2 districts, each with a city that has a private school. I am writing this testimony, in opposition of HB 1532.

While I am not against private/non-public schools, I do have an issue with this bill. My biggest issue with this is equity. Until private/non-public schools are held to the same accountability standards and must take every child that comes to their doors, I am against the use of public funds for private schools.

If funded, private school should follow under the same umbrella as public schools and be held to the same accountability measures. And not just some, but all.

Private school should also not have the ability to pick and choose who is admitted and who is denied. Public schools open their doors to all families and kids.

Lastly, parents do have many educational choices for their child/ren: two of which are attending a public school on public dollars or acceptance to attend a private school at their own expense.

All things being equal I could support this bill but until that happens, I urge a do not pass on HB 1532.

Respectfully,

Andrew Currie

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

Monica Reiner-Pletan, Board President

Lauren Bennett, Elementary Principal

Brian Olson, High School Principal

Marci Gilstad, Business Manager

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

March 14, 2023

ND Legislative Members

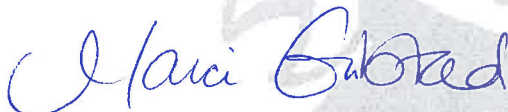
RE: HB 1532

I'm sending this letter to urge you to vote 'No' on HB1532. As the business manager in a public-school district, I am required to follow many procedures to ensure transparency to taxpayers regarding the use of public funds by law. The awarding of public funds to private schools without the same accountability is problematic. If all schools are the "same", expectations of the business office must also be equal.

The bill as it stands does not hold private schools to the same standard as public schools. If private schools wish to receive public tax dollars, reporting and auditing procedures must be the same as well.

Please vote NO on HB 1532.

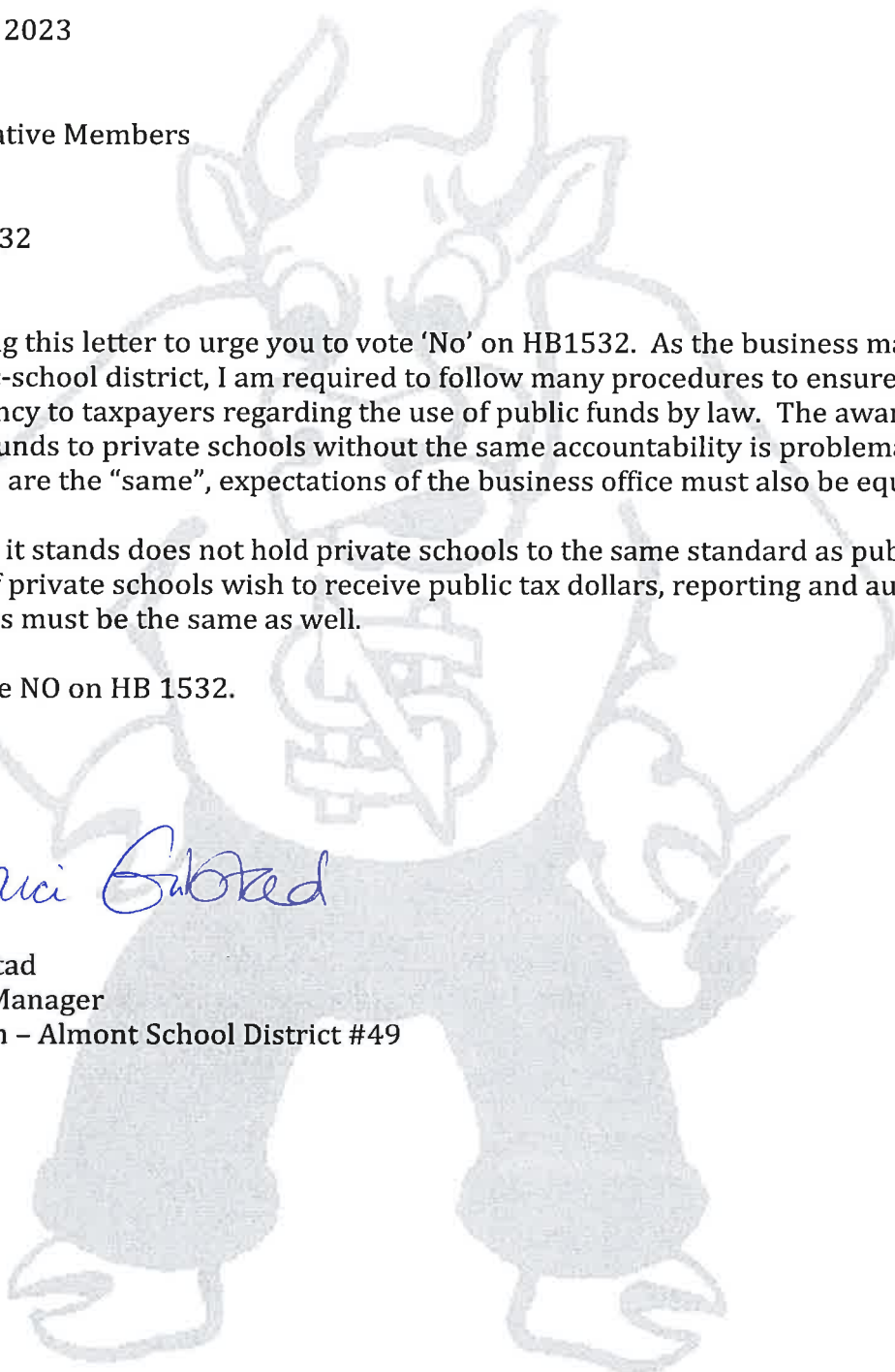
Sincerely,



Marci Gilstad

Business Manager

New Salem - Almont School District #49





Great Public Schools

Great Public Service

**Testimony before the Senate Education Committee
In opposition to HB 1532
Nick Archuleta, North Dakota United
March 14, 2023**

Good morning, Chairman Elkin, and members of the Committee. For the record, my name is Nick Archuleta, and I am the president of North Dakota United. North Dakota United is a union of 11,500 professionals, including K-12 teachers, dedicated to public service. On behalf of our members, I rise today in opposition to HB 1532 and to urge a ***do not pass*** recommendation for this bill.

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

“A high degree of intelligence, patriotism, integrity, and morality on the part of every voter in a government by the people being necessary in order to ensure the continuance of that government and the prosperity and happiness of the people, the legislative assembly shall make provision for the establishment and maintenance of a system of public schools which shall be open to all children of the state of North Dakota and free from sectarian control. This legislative requirement shall be irrevocable without the consent of the United States and the people of North Dakota.”

Section 5 of Article VIII of our Constitution further states:

“All colleges, universities, and other educational institutions, for the support of which lands have been granted to this state, or which are supported by a public tax, shall remain under the absolute and exclusive control of the state. No money raised for the support of the public schools of the state shall be appropriated to or used for the support of any sectarian school.”

I cite these Constitutional touchstones not as commentary on the constitutionality of HB 1532, though the issue has not been argued before a North Dakota court, but to merely

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

Members of the Committee, North Dakota United has a long history of opposing proposals that divert monies raised for public education and other public purposes to non-public educational entities. Unfortunately, HB 1532 is yet another such proposal.

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

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

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

Additionally, Mr. Chairman, HB 1532 does not provide equal opportunity to all North Dakotans. Should HB 1532 become law, it would primarily apply only to those families in large cities where private and parochial schools exist. Taxpayers and their families in rural North Dakota, and those in our smaller communities, would receive no practical benefit from the passage of this bill.

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

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

- **Vouchers mostly fund children already in private school.** Despite supporter rhetoric that voucher schemes are about new opportunities, the reality is 70-80 percent of kids in states like Arizona, Wisconsin, and Indiana, were already in private school before taxpayers picked up the tab. In New Hampshire, that number is 9 out of 10 already-private kids. It is not unfair to consider vouchers an entitlement for the entitled.
- **This is the proverbial “camel’s nose under the tent.”** In Arizona, what started as a small voucher program has grown to consume one fifth of the Arizona school budget. That amounts to \$500 million dollars the state pays out to private and parochial schools. The strategy has been described as getting the camel’s nose under the tent and then knock the tent down.
- **There is limited accountability called for in HB 1532.** In contrast, North Dakota’s public schools governed by locally elected school boards, must account for every dime they receive from the taxpayers of North Dakota.
- **Private and parochial schools routinely discriminate against students they do not want to educate.** Should HB 1532 become law, private and parochial schools will use public monies to choose only the students they want to educate and turn away students they don’t want to attend their schools.
- **The vast majority of North Dakota’s small and medium sized communities will get no benefit from HB 1532.** What they will see is their tax dollars going to our larger communities to educate children, the vast majority of whom are already enrolled in private and parochial schools.

For these reasons and more, Chairman Elkin and members of the Committee, I strongly and respectfully urge a ***do not pass*** recommendation for HB 1532. With that, Chairman Elkin, I will conclude my testimony and stand for questions you may have.

Dear Senate Education Committee Members,

My name Jason Riter and I reside in District 17. I am a parent who has chosen to enroll my child in a non-public school. I support HB 1532 because my child's non-public school serves my child's needs and has positively impacted my child. We make a financial sacrifice by sending our child to a non-public school and continue to pay taxes to support the public schools. The tax reimbursement will help my family and support parents in the state of North Dakota. I urge you to vote IN FAVOR of HB 1532.



Contact:
Matt Perdue, Lobbyist
mperdue@ndfu.org | 701.641.3303

**Testimony of
Matt Perdue
North Dakota Farmers Union
Before the
Senate Education Committee
March 14, 2023**

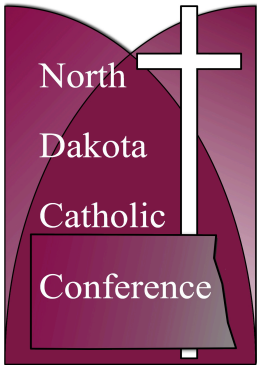
Senator Elkin and members of the committee,

Thank you for the opportunity to submit testimony on House Bill No. 1532. My name is Matt Perdue, and I am submitting this testimony on behalf of North Dakota Farmers Union's members. NDFU opposes HB 1532.

NDFU's member-driven Policy & Action states "We are opposed to public funding of private schools." We fully support parents' right to choose the educational experience that best meets their child's needs. However, many of our rural families live far away from the nearest private education option. We do not believe rural taxpayers should have to contribute to private schools they do not have access to.

We respectfully encourage a "Do Not Pass" recommendation on HB 1532. Thank you for your consideration.

I urge a do not pass on HB 1532. Taxpayer contributions should go to institutions with oversight on how that money is spent—ensuring the money is not used to discriminate. Private schools can refuse to provide an education if the student doesn't meet their standards. Private schools can hire teachers with less qualifications. As a teacher, as a parent, and as a taxpayer I strongly disagree with providing public moneys for private schools.



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

103 South Third Street
Suite 10
Bismarck ND 58501
701-223-2519
ndcatholic.org
ndcatholic@ndcatholic.org

To: Senate Education Committee
From: Christopher Dodson, Executive Director
Subject: House Bill 1532 - Educational Reimbursement and Parental Choice
Date: March 14, 2023

The North Dakota Catholic Conference supports House Bill 1532.

All children have a right to state-supported education. This right is rooted in who we are as human persons and the obligations of the political community to concretely assist in the development of all children so that they can reach their full potential.

Parents, as the primary educators of their children, have a right to choose the best educational setting for their children.

The two rights are not mutually exclusive. Treating them as such by violates both the child's and the parent's basic human rights, and mostly hurts poorer families.¹ These rights are so fundamental that the North Dakota Catholic Conference would support HB 1532 even if there were no Catholic schools in North Dakota.

House Bill 1532 respects both rights by allowing a parent to request that the school they freely chose for their child receive reimbursement for part of the child's costs of education. It is constitutional, does not take money from public schools, and includes all the oversight, requirements, and accountability that go with operating a school in North Dakota and implementing the program. Calls for additional, irrelevant requirements have no merit.

House Bill 1532 is Constitutional

Opponents of parental choice will often cite Article VIII, Section 1, of the North Dakota Constitution. It states that "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." The provision does not prohibit parental choice programs. It merely says that there must be a system of public schools. House Bill 1532 does not affect this provision in any way.

The other constitutional provision often cited by opponents of parental choice is Article VIII, Section 5, which states: "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 provision is often called the "Blaine Amendment."

Of course, HB 1532 does not use “money raised for the support of the public schools,” but, more importantly, the time has come that we no longer give any credence to arguments appealing to the state’s Blaine Amendment.

After two opinions from the United States Supreme Court in 2017 and 2020 that found that state Blaine Amendments violated the First Amendment, state Blaine Amendments have been on life-support, at best.² In 2022, the U.S. Supreme Court finished them off.³

Do these decisions apply to North Dakota’s Blaine Amendment? On November 29, 2022, Attorney General Drew Wrigley issued a formal opinion answering that question in the affirmative.⁴ 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.” North Dakota’s Blaine Amendment is unconstitutional on its face.⁵

House Bill 1532 Does Not Take or Divert Money from Public Schools

The appropriation for HB 1532 comes from the general fund, not public schools. Despite this clear language or, perhaps because of it, some argue that any money that does not go to public schools is money taken from the public schools. If we follow that logic, however, money this body appropriates for roads, human services, law enforcement, or anything else is taken from the public schools.

House Bill 1532 Does Not Mean the Schools Should Take Every Student

We have heard in opposition to HB 1532, that nonpublic schools are not required to take all students, as if this is somehow relevant to the bill. Others will comment on how nonpublic schools do take special needs students and could take more with HB 1532, but a few flaws of this argument are worth noting.

First, HB 1532 is not about public schools or nonpublic schools or which students they take. This bill is not about the schools at all. It is about the parents and their choice. The school is merely incidental to parents’ choice. There is no rational reason why the decision of a parent should trigger legal mandates on the school unrelated to the decision or the costs borne by the parent.

Second, if we follow the logic of the “take every student” argument, it would have to apply to every nonpublic school, including the Anne Carlson Center, Full Circle Academy, the school at the Dakota Boys and Girls Ranch, and the tribal affiliated schools. Such a policy would eventually undermine and destroy their ability to adhere to their missions and provide specialized educational services. Applying a “take every student” policy to just the religious schools, of course, would violate the U.S. Constitution.

Parental Choice and Reimbursement Should Not Trigger Unrelated Regulations

Another argument made by opponents is that HB 1532 should require nonpublic schools to follow every regulation and law applicable to public schools as if nonpublic schools were government institutions from top to bottom.

Here again, there is no rational reason why the decision of a parent should trigger legal mandates on the school unrelated to the decision or the reimbursement. Every nonpublic school already meets every requirement for operating as a school in North Dakota. HB 1532 includes whatever oversight, open records requirements, and rules that are necessary to implement the legislation. There is no rational reason to apply additional requirements appropriate to a government institution to a nonpublic school merely because a parent is reimbursed for services provided by that school. According to that logic, all the state's hospitals and clinics, Catholic Charities, and Village Family Services should be turned into government institutions merely because the state reimburses them for provided services.

HB 1532 Does Not Hurt Rural Public Schools

We have already established that HB 1532 does not take any funding from public schools, including rural public schools. Despite this fact, some opponents of HB 1532 argue that this body should defeat the bill merely because rural areas do not have nonpublic schools. This, of course, is patently untrue. Nonpublic schools operate in Rugby, Langdon, Valley City, Belcourt, Fort Yates, Fordville, Fort Totten, and Dunseith.

Moreover, if you follow the logic of this appeal, we should not fund anything that might, as a result of where people live, benefit one area more than another. According to this thinking, we should not fund English Learner programs because 76% of those students live in urban areas. Parental rights and children's rights to education should not depend on where they live.

House Bill 1532 does not negate the state's constitutional obligations to public schools. It does not violate the state constitution. It does not violate the federal constitution. It does not take any money from public schools. It does not require adding any more requirements to the bill. Instead, it respects the rights of parents and children and strengthens education in North Dakota.

We urge a **Do Pass** recommendation on House Bill 1532.

¹ Please read the filed testimony of Monsignor Chad Gion, pastor of the Catholic Indian Mission in Fort Yates, North Dakota. Available at: https://ndlegis.gov/assembly/68-2023/testimony/SEDU-1532-20230314-24343-F-GION_CHAD.pdf and attached to this testimony.

² *Trinity Lutheran Church of Columbia, Inc. v Comer*, 137 S.Ct. 2012 (2017); *Espinoza v. Montana Dept. of Revenue*, 140 S.Ct. 2246 (2020).

³ *Carson v. Makin*, 142 S.Ct. 1987 (2022).

⁴ North Dakota Attorney General Opinion 2022-L-07. (Attached to this testimony.)

⁵ To the extent that any non-religious nonpublic school, such as the Anne Carlsen Center, receives any state funding, the amendment is also unconstitutional as applied.



CATHOLIC INDIAN MISSION

Standing Rock Indian Reservation

P.O. BOX 394
FORT YATES, ND 58538-0394
(701) 854 - 3473 • FAX (701) 854 - 3474

My name is Monsignor Chad Gion. I am the pastor of the Catholic Indian Mission in Fort Yates, ND. I also oversee Saint Bernard Mission School, an element of the Mission.

Saint Bernard Mission School has served the families of Fort Yates since 1910. It was established at the request of members of the tribal community who sought an alternative to the federally operated boarding school system in Fort Yates. The request sprang from a two-fold desire: 1. That children would receive a quality education, and 2. That they would return to their homes and families at the end of each school day. The Catholic Indian Mission, itself established in the 1880's, stepped up and met the need. For over 112 years, Saint Bernard Mission School has accomplished the work of educating and forming young people in Fort Yates. Since its establishment, high school graduation rates of former Saint Bernard students have exceeded those of the public school system.

Saint Bernard continues to exist solely through the generosity of people of all faiths, all ethnicities, and all economic circumstances from across the United States. While we occasionally receive support in the form of a significant bequeathal or major donation, these are rare. The vast majority of our donations come in the form of checks for \$5-\$100 from good people of limited means who desire to see our students flourish.

While I do not know the detail of our families' financial situations, I can confidently say that none of our families are able to afford the full cost of educating their children. For most, even a fraction of that cost would be a significant hardship. The purpose of tuition at Saint Bernard is not to add to the school income but to provide a sense of "buy-in" on the part of families.

HB 1532 would ensure costs to families remain low while providing reimbursement to Saint Bernard that will significantly aid the school in its work serving the families of our community. For a small school of limited means, passage of this bill will allow us to look at ways to expand our services to students.

Simply put, HB 1532 would be a significant aid to the work we do at Saint Bernard. Please vote PASS.

Respectfully,

Msgr. Chad Gion



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).

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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

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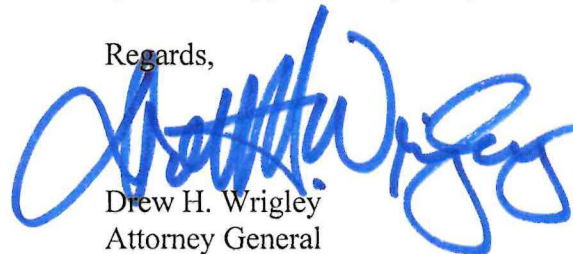
November 29, 2022

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

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

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

Regards,



Drew H. Wrigley
Attorney General

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

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

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

¹⁵ *Id.* at 2261.

¹⁶ 142 S.Ct. 1987 (2022).

¹⁷ *Id.* at 2002.

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

March 14, 2023

My name is Derrick Nagel and I am submitting my testimony in support of HB 1532.

I am currently the Head of School at Christ the King Montessori School in Mandan, ND, where I have been for the past 6 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 a principal, I believe that Christ the King School is offering an education very different from other models, both seen in public and nonpublic schools in our community. Among many other things, at Christ the King Catholic Montessori School (CTK), we believe we are meeting the childhood Mental Health crisis with Montessori education. Though we take pride in the academic formation we are giving our students who will one day be the leaders in our community, we also see the extreme importance of educating the whole person. In the fall of 2021, the American Academy of Pediatrics declared a national emergency in child and adolescent mental health. In the wake of the pandemic, children are experiencing soaring rates of depression, anxiety, trauma, and loneliness. Mental health is just as important as physical health, and if left untreated mental health problems can interfere with early learning, self-esteem, and other important aspects of child development.

The educational philosophy of Maria Montessori offers an antidote to the post-pandemic childhood mental health crisis. Why? Because Montessori education 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 CTK, we believe that every child is born with a unique, unrepeatable relationship with their Creator, who loves them and calls them to make their own unique contribution to the world. Children spend time each week in an environment created for the sole purpose of being a place to enjoy their relationship with God where their enduring love of God becomes the horizon toward which children live their whole lives. Though

we are a Catholic School, almost half of our enrollment is non-Catholic. We are serving students throughout Bismarck, Mandan, Lincoln, and beyond. To have the option to send my own children to a Montessori School is invaluable to me, and HB 1532 would help many more families like my own, choose an educational model that might better fit their children. Or, even just one child from their family. We have many families that send some or most of their children to public 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 exceptional public schools. However, one size does not fit all and so though our exceptional public school partners might be a safe haven for many students, there are many families who have found a home in nonpublic schools. With the passing of this bill, 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 resident to educate my children how I see best fit. My children, though they attend private schools, are ND residents. All 128,351 students of ND of which private schools make of 6%...we are also a proponents of ND families and we support their right to make decisions regarding their children. It is their right to select the form of education that best aligns with their family's needs.

Please support HB 1532. Thank you.

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

**Senate Education Committee
Testimony in Opposition to HB 1532
March 14, 2023**

Dear Chairman Elkin and members of the Senate Education Committee,

I am writing in opposition to HB 1532. As Superintendent of Wahpeton Public School District, I oppose HB 1532 for the following reasons:

- Public dollars should be spent in public schools. The \$24 million proposed in HB 1532 could be used to fund school lunches for low-income kids, increase transportation funding, or increase teacher pay in public schools.
- Public schools are held accountable to taxpayers and parents by locally elected school boards, open record laws, and open meeting laws. Private schools will receive this funding without any reporting or accountability measures.
- Public schools are obligated to provide a free and appropriate education to every student and proudly do so. Private schools are not required to educate all students.
- I support a parent's right to choose an educational experience for their child. If this bill does not pass, no one loses school choice.

Therefore, I urge you to VOTE NO on HB 1532. Thank you for time and consideration.

Respectfully,

Michael J. Kaiser, Superintendent
Wahpeton Public School District

March 14, 2023

Chairman Elkin and Members of the Senate Education Committee –

While I am a member of the Westhope Public School Board, ND State Board of Public School Education, and State Board of Career and Technical Education, I submit my testimony **in opposition to HB 1532** as a taxpayer and parent, heavily invested and engaged in the educational process of my children.

As a parent, one of the greatest rights and responsibilities available is choosing educational experiences *for* and *with* our children, including which school they attend. Families in our rural communities in the great state of North Dakota are farthest away from that opportunity to choose, therefore, many of us proudly engage in our local public schools. HB 1532 disproportionately benefits children and families with a suburban ND zip code. Tax dollars from our rural community would work to subsidize educational experiences in other communities, rather than supporting our own. This is detrimental.

As an educator myself, I understand that the needs of our rural educators, families, and most importantly, learners, require all resources currently available to us. I also understand that the current non-public school system in ND may not allow parents to choose. Rather, non-public schools are afforded the opportunity to deny educational experiences to any child, for any given reason. Further, if a non-public school chooses to enroll a child, they are not held to the high standards of transparency and accountability for student outcomes like public schools are.

Thank you for discussing parent choice and resource allocation, as it relates to education. Please oppose HB 1532.

Respectfully submitted,



Lyndsi Engstrom

HB 1532 Testimony
Senate Education Committee
Gerald Vetter, President, Light of Christ Catholic Schools
March 14, 2023

Chairman Elkin and members of the Senate Education Committee,

I thank you for the opportunity to speak in support of House Bill 1532.

My name is Gerald Vetter and I serve as the president of Light of Christ Catholic Schools in Bismarck. Our five schools educate 1,437 students pre-k through grade 12. Our approximately 850 families are integral partners within this community and are privileged in being the primary teachers of their children. Historically, the St. Mary's Academy and Boarding School was the first Catholic school in this region, dating back to 1878, just five years after the railroad reached the Missouri.

Personally, I am the product of both public and private schools. My parents and dedicated educators instilled within me a great respect and admiration for North Dakota schools, educators and a passion for student learning.

Additionally, I serve as the current president for the North Dakota State Association of Non-public Schools. There are approximately 7,700 non-public students in North Dakota, which is about 7% of all North Dakota student's pre-k through grade 12. Non-public schools in North Dakota are approved by the ND Department of Public Instruction. The superintendent of public instruction must approve all non-public schools offering elementary or secondary education. To be an approved school, each year non-public schools must comply with the annual accountability pieces as required by the Department of Public Instruction.

HB 1532 would offer a welcomed educational reimbursement to our North Dakota families. In covering a modest portion of the actual cost to educate their child this would assist families to attend the school most aligned to their ideological beliefs and ultimately deemed the best fit for each child. Thereby, lessening the challenges that may restrict them and lessening the financial sacrifices being made to attend a non-public school and assuring the right that each child will be receiving a quality education in a North Dakota school.

Speaking on-behalf of the students and families of Light of Christ Catholic Schools, they appreciate calling North Dakota their home. After our students receive their ND approved diplomas, nine of 10 graduates then decide to attend one of our ND private or public colleges or universities. Many during the course of their higher education and beyond regularly seek employment in their state becoming generous citizens, parents and taxpayers helping to support the common good of their local communities and state.

On-behalf of the State Association of Non-Public schools, we are committed to continuous improvement and statutory compliance of all school approval requirements, post-secondary and workforce preparedness, support for social emotional concerns and providing safe and secure school environments. These intentional efforts are implemented with fidelity, while still honoring and preserving a distinctive mission that each institution was founded upon.

HB 1532 is an investment in the families and students of North Dakota. Thank you for your work and service to our state and for your consideration of House Bill 1532. This educational reimbursement program both supports and respects the rights of parents to make informed decisions regarding their child's education and to create greater access to an excellent North Dakota education in covering a modest portion of the cost to educate their children in a North Dakota school deemed the best fit for each child.

There are several intelligent administrators, parents and alumni here today that can expand in greater detail relative to some of the matters I highlighted in my comments.

I am able to stand for questions.



North Dakota Small Organized Schools

Mr. Michael Heilman
Executive Director
3144 Hampton Street
Bismarck, ND 58504
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701-527-4621

Mr. Brandt Dick
President
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HB 1532 – Testimony in Opposition
Senate Education Committee
Senator Elkin– Chairman
March 14, 2023

Senator Elkin and members of the Senate Education Committee, my name is Michael Heilman. I am the Executive Director of the North Dakota Small Organized Schools (NDSOS). I represent 150-member school districts of the North Dakota Small Organized Schools. NDSOS is in strong opposition to HB 1532.

HB 1532 clearly diverts public funds to private schools under the guise of educational choice. The problem is not with choice. The problem is asking the public to pay for this choice. Particularly when this choice is for a small percentage of families, about 7% who happen to live in one of the 5 or maybe 6 major population centers, then you may have a choice. However, for the vast majority of the rural areas of the state there is no choice. Furthermore it is only choice if you will be accepted into the private school and make no mistake, not all are included at our private schools. I was an administrator for a private school and denied enrollments to families and students. I not saying that is a bad thing to be denied private school enrollment and I would defend the private schools' right to decide who enrolls. It was the likely the best choice for the student to attend the public school that provided the services they needed, but denied they were.

HB 1532 is about choice, but not parental or student choice. In the end the private schools get to decide who can attends. The taxpayers that live in areas with no choice whatsoever get the privilege of paying for someone's choice when they themselves have no choice. Perhaps this will cause an increase in private education attendance, I doubt it will be significant. That means that HB1532 simply provides a subsidy to those that have made this choice and for the most part have the means to afford it.

I must acknowledge that the private schools I am familiar with do a great job providing education and work hard to help those that struggle with the cost to attend. Donations from the church community, alumni, private donations, corporate sponsors, and other sources all help fund private education, and all are a matter of personal choice. Passage of HB 1532 to provide state taxpayer dollars is not choice, unless the taxpayers of each district are allowed to decide if they wish to fund private education. If the

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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.

taxpayers of each school district with a private school want to fund the private schools, let them decide by passing a mil levy to support private schools in their districts.

We have been told that this will not impact public school funding. Perhaps not this session, but we are kidding ourselves if we think this is the final request for funding. The dollar amount will grow, the request will become larger and when funding is tight, make no mistake, it will impact the funding of public education. The \$24 million in this bill would go a long way toward restoring the reimbursement rates for transportation that has dwindled from 70% to under 40% in recent years. The largest private schools at a rate of \$1500 per student would receive more aid than nearly 70 public schools.

Finally, if it is the choice of this body that private schools are going to be funded with public dollars there must be accountability and all publicly funded schools held accountable to the same rules. It seems only fair. If publicly funded then the same rules need to apply, for example open meetings and records laws, state mandated testing, required professional development and curriculum and private school parents must have the same rights as public school parents. No child can be turned away regardless of disability or behavioral issues. Private or public it's a choice. Choose one or the other, but not both!

North Dakota Small Organized Schools urges a do not pass recommendation from the Senate Education Committee.

Mr. Michael Heilman – Executive Director
North Dakota Small Organized Schools
mheilmandsos@gmail.com
701.527.4621

To the Senate Education Committee,

I am reaching out to you today as the Superintendent of Washburn Public School. I am asking you to DO NOT PASS HB1532. From a smaller district perspective, public dollars should be spent in public schools. It is inappropriate to give public funds to private schools without any accountability measures. Unlike public schools, private schools are allowed to turn away students they deem too difficult to serve, including students with disabilities. Our district has a variety of needs and challenges, yet we embrace all of them as essential and important learners within our building.

This bill as it stands could provide more than \$3000 per student to families who have chosen to not take advantage of the public school system that North Dakota constitutionally provides and who have instead gone to a private school. St. Mary's in Bismarck will get more money than 68 of our rural public schools do in their entire budget. A similar number exists in Fargo private schools. This appropriation would only help urban families – there is no benefit to rural schools, but rural school students and schools will receive less support this biennium if this bill passes as it would divert educational dollars away from rural schools. The amount allocated \$24M for 7700 is the equivalent of a 1% per pupil increase – the same amount that public schools have barely been able to get to support 113,000 students for the past several legislative sessions. A parity increase to support our public school students would cost nearly \$340M and be a 14% increase in the per pupil payment.

Voucher programs do not equally benefit all North Dakotans. Only students in large cities with private schools will benefit. Rural students will not benefit from the vouchers and rural taxpayers will be subsidizing students and families in other communities.

While I support a parent's right to choose an educational experience for their child, I do not believe public dollars should support schools that do not have to meet all of the same requirements as public schools. For these reasons, I respectfully ask you for a DO NOT PASS on HB1532.

Dr. Penny Veit-Hetletved, Superintendent
Washburn Public School District 4
701.462.3221

WASHBURN CARDINALS
SOUTHERN MCLEAN ROUGHRIDERS



"The mission of the Washburn School District is to provide a quality education addressing the academic, physical, social, and emotional well-being of each student."

Dear Members of the Senate Education Committee:

Please vote Do Not Pass on HB 1532. Using public taxpayer funds—whether they're diverted from funds intended for public education or not—to support 'faith-based learning' is just one reason amongst many, many others parents like myself with the public good of our state and nation in mind oppose this bill. For instance, it's pretty clear that the private schools that would benefit from these public funds would be operating under different regulatory principles, from whom they could 'choose' to let in or not, to the sorts of support services students would need, to systems of pay and protection for teachers. Public education is a public good that has stood North Dakota extremely well. We all know multiple, multiple people in each of our communities who have dedicated and are dedicating their lives to public education in the spirit of what's best for democracy. Using the public funds of all to support the private choice of some for potentially religious-based motives is at its core anti-democratic, and on the surface and throughout suggests that a stated preference for a particular religion's worldview—and, really, any religious instruction—is deserving of receiving funding from all citizens of North Dakota. While some may assert that this Bill doesn't go primarily to faith-based schools, a quick review of the testimony submitted in approval of the Bill should put that claim to rest.

Since I've read most of the testimony submitted so far, I'm sure that those who would benefit financially from this misuse of public funds—the teachers, principals, and founders of, and the parents of students sent to, such school—are largely in favor of this bill. While I'm equally sure many of those who oppose are also likewise engaged in public schools, I would suggest that most without a particular dog in this hunt would view the public use of taxpayer funds for such a private cause as a pretty foundational reason for a Do Not Pass vote. As both a sometime private (Baptist; 8th-10th grade) and public (American; the rest of the time) student in a state not so far away, and as a 22-year resident of this state and a parent of three kids in public school in North Dakota (12th, 11th, and 7th grades), I can both attest to the quality of public education in this state and understand the desire of some to instill their children with private values. However, neither I nor my parents—even in our moments of most need—would ever have expected our neighbors and/or our fellow citizens to help pay for what was a private choice. We—as many, many others, including De Tocqueville way back in the 1830's—have always seen the unique value a public education holds for democracy in America. Please vote Do Not Pass on Bill 1532.

Lee Kruger

From: Brian Nolan

To: Senator Keith Boehm

Subject: HB 1532 Comments

Good morning Senator Boehm. I am writing to you this morning as a taxpayer and Hazen School Board member to share my opposition of House Bill # 1532. I firmly believe that public dollars should be spent in public schools. It is also my opinion that it is inappropriate to give public funds to private schools without any accountability measures put in place by the state. In addition, nothing in this bill prohibits private schools from increasing tuition rates while also receiving these state funds. Unlike our public schools, private schools are allowed to turn away students they deem too difficult to serve, including students with disabilities and other special needs. While our public schools welcome all students, it is unfair that state funds may be shared equally, however, the choice of which students a district selects to accept is not. Ultimately, a voucher program would not equally benefit all North Dakotans. Students in larger cities with private schools will see a greater benefit than rural students and our rural taxpayers will be subsidizing students and families in other communities. While I fully support a parent's right to choose an educational experience for their child, I do not believe public dollars should support schools that do not have to meet all of the same requirements as public schools. Thank you for your time and have a wonderful day.

Very Respectfully,
Brian Nolan
Hazen, ND

HB 1532 – Testimony in Opposition
Senate Education Committee
Senator Elkin– Chairman
March 14, 2023

Senator Elkin and members of the Senate Education Committee, my name is Michael Heilman. I live in south Bismarck in District 30. My legislators are Representatives Glenn Bosch and Mike Nathe and Senator Diane Larson. Whom I proudly support but disagree with on this issue.

A little context on my background. I sent my children to St. Nicholas Catholic grade school in Garrison. I was on the school board at St. Nicholas School for several years. I have worked as a private school administrator and my time there was among some of the best professional educational experiences I had in my 40+ year career in education.

When our own children graduated from high school, we told them we would pay a certain amount of their college education. Our daughter decided to attend an out-of-state university at considerably higher cost than going to a North Dakota university. She borrowed money and we her parents cosigned the loans. I don't expect anyone else to pay for her choice, but perhaps I am wrong, and everyone should contribute to her loan payment or maybe we could have a complete forgiveness of her college debt as is being suggest or attempted at a national level. No! It was our choice and is our responsibility to pay for that choice, not the taxpayers of this state or any other for that matter.

I believe that having in the parental right to choice private education or home education, but I don't believe that I or anyone else should help fund that choice with public dollars. The state provides a for a free public education and establishes the rules and law that regulate it. If private education is to be publicly funded, it is no longer private and the same rules and laws need to be in place for all schools receiving public funding. I can live with a decision to fund private schools as long as the same rules apply. I do not believe our private schools want the rules and regulations, just the money. Wouldn't we all.

Please keep our private schools just that private and vote no on this legislation.

Thank you.

3/13/2023
North Dakota Legislative Council
State Capitol
600 East Boulevard Avenue
Bismarck, ND 58505

Chairman Elkin and members of the Senate Education Committee,

I write in opposition to House Bill 1532. As a school board member of a rural public school, I understand the importance of the resources provided to us to ensure the educational needs of all students are met and also be accountable to our taxpayers. Vouchers do not provide actual choice for students living in rural areas who have few, if any, access points to schools other than their local public schools.

HB 1532 fails to provide accountability measures and proper oversight to the taxpayers to ensure the private schools meet even a minimal of standards. Also, private schools do not provide the same rights and protections to students as tax-dollar receiving public schools do.

Additionally, this bill would allow private schools to accept state money while also allowing the schools the right to reject students with vouchers for a variety of reasons like disability or ability to pay. This system is school choice, and not parent choice.

Thank you for your consideration,

Liz Tofteland
Westhope, ND



North Dakota House of Representatives

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360

#24749



Representative Claire Cory

District 42
P.O. Box 5094
Grand Forks, ND 58206-5094
C: 701-213-6553
clairecory@ndlegis.gov

COMMITTEES:

Judiciary
Government and Veterans Affairs

March 14, 2023

Good Morning Chairman Elkin and Senate Education Committee Members,

For the record, my name is Claire Cory. I represent District 42 in Grand Forks, which includes the northwestern part of Grand Forks and expands out to include the Grand Forks Air Force Base. I am here as the prime sponsor seeking support of House Bill 1532.

House bill 1532 seeks to improve the way education works in North Dakota by respecting the right of parents to choose the best educational setting for their child. Currently, a parent is provided one of three options when educating their child; enroll their child in a public school, pay out of pocket for a private school, or educate the child through a homeschool program.

House Bill 1532 recognizes that not all of these choices are created equal, in terms of their burden upon a family. As such, House Bill 1532 seeks to facilitate parents' individual decisions by alleviating a portion of the financial costs required by parents who choose to educate their child in a nonpublic school. In these instances, the parent is forced to consider the financial burden, and this financial burden can be prohibitive.

In Grand Forks, private school tuition can reach \$7,000 a year, and for a family of four this could represent a \$14,000 expenditure, assuming 2 adults and 2 children. With our median family incomes in North Dakota, this would represent roughly 20% of their pretax income going to tuition. This is an incredible financial burden requiring substantial sacrifice; for a poorer family, it becomes ultimately impossible to afford.

As a result, the current system deprives families of making the choice of a nonpublic school. As many will testify before you today and as many have submitted written testimony, this sacrifice is simply not

possible and places an undue burden on the family. No family should be forced to choose between a school which does not fit their child's needs and paying the bills. This is the main reason why I and many of my colleagues introduced House Bill 1532.

Mechanically, this bill works as follows:

- When a parent enrolls their child in a nonpublic school, the school gives the parents a form requesting reimbursement for the cost of tuition.
- If the parent completes the form requesting the reimbursement, the school furthers that request to the Superintendent of Public Instruction.
- The Superintendent then issues a payment to the school for the cost of tuition
- The parent will see this as a credit on the invoice they receive from the nonpublic school their child attends.

Chairman Elkin and members of the Senate Education Committee, this concludes my testimony. I respectfully ask for a do pass recommendation from your committee. I am happy to stand for any questions.

Senator Conley and Members of the Senate Education Committee,

Intention and implementation are two different things. I urge you to OPPOSE HB 1532. As a taxpayer who has no children, I am happy that a portion of my taxes go to fund public schools in my city and across the state; I appreciate contributing financially to the education and support of our young people, and I believe we all benefit from public education spaces where teachers “teach them all,” as one member of my community often says. This seems to be a reaction to parents and others who say tax money should go to non-public schools to offset the cost of education for parents who have chosen alternate options for their child’s education.

I have spoken with multiple members of my community about this bill- from public school teachers who tell me of the foster students who have safe space in their class to friends who send their child to private school because that is where they felt their child was better served. I’m a product of public schools, my mom taught and still teaches at a private school. I always say, she knows there are kids who thrive in the smaller classes and alternate environment and she knows she can lead kids in prayer. Parents have a choice, private school teachers have a choice, but I personally believe public dollars should not go to private schools.

The implementation of this bill is worrisome too, while supporters say there are safeguards and accountability, I am worried about the structure of having already limited-resourced administrators of public schools having to navigate this program, and further taking money that could go rather to making public schools better.

I appreciate the hard work of all teachers and respect the right for parents to choose where their child attends school. However, I do not think it is fair that a portion of my tax dollars will be allocated to non-public schools. This diverts much-needed funds from our public schools. Educators at public schools must follow standards and procedures from the state more comprehensively than those at a non-public school. Maybe it is a tricky balance and a hard decision to weigh “empowering” parents to choose non-public alternatives and respecting my right as a taxpayer to not have public funds got to religious spaces. Please consider both the opinions of the testimonies before you and also the consequences of this bill. Thank you.

Sincerely,
Olivia Johnson
District 12
Jamestown, ND

Good morning Chairman Elkin and members of the Senate Education Committee. My name is Rick Diegel, and I am the superintendent of both the Kidder County and Linton School Districts, and I am speaking in opposition to HB 1532. This is my 36th year in education and my 23rd year as a superintendent.

My purpose for opposing HB 1532 falls into two categories; lack of accountability and the effects of funding public education.

On the accountability side, I just don't understand how we can distribute \$24 million of tax payer money with no accountability. Light of Christ School System (St. Mary's) will get more public monies than one of my school districts (Linton), along with area schools HMB, Medina, Strasburg, Zeeland, Ashley and Wishek.

However, all of the schools I mentioned are held accountable by conducting financial audits that the public can request, having open meetings that the public can attend and having open records that the public can request. St. Mary's, and other private schools, will not be required to do any of these. If transparency isn't important for a private school that receives \$2.2 million of public funds, why is it important for the districts I listed that receive the same or less in public funds. If you tell the tax payers and farmers in all of these districts that we will no longer have financial audits, open records and open meetings, my guess is that you'll need to have this hearing in a lot bigger room.

I have been told that our private schools will be held accountable by their major donors that help oversee their schools, and that they should simply be trusted. Well, I also have big donors, they're called farmers and ranchers. Why can private school donors be trusted to keep watch over their school, but mine can't? That is a major slap in the face, and insinuates that they can be trusted, but public schools can't. Over my 23-year career, I have become used to accountability, and I believe that when we know we're being watched, we all act a little better. When is accountability ever bad, and why are private schools afraid of it?

Also, has anyone noticed how ironic it is that we are in a body that is funded by public monies, so in the name of transparency, this testimony is live streamed to the public, and my testimony, along with other submitted testimony is published on the legislative website? However we are

debating giving \$24 million of public funds to private schools that will provide no transparency to the public.

On the funding side, the argument is being made that this \$24 million isn't being diverted from public to private schools, but I don't agree with that argument. If this \$24 million were part of our funding formula, it would equate to approximately \$212 per pupil. Over the past 6 years, here are the amounts that the funding per pupil payment has increased: \$0, \$0, \$193, \$197, \$100 and \$101. This \$212 increase is more than any of the increases we've had over the last 6 years! If there is an extra \$24 million laying around that you don't know what to do with, why not add it to the funding formula? In my Kidder County School District, next year we are cutting our Family and Consumer Science program because of finances, and we will offer it through an online CTE course. I have plenty of students and parents not happy that we aren't offering this program, but we are trying to make our expenditures and revenues become more equal, and those decisions are part of my job. And in my Linton School, we are delaying replacing a roof because of finances. However, this \$212 per student pupil payment would equal approximately \$92,000 in Kidder County and \$67,000 in Linton, and would allow both of my schools to continue to provide programs, perform general maintenance and keep local property taxes as low as possible.

Thank you, and I will stand for any questions.

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Sixty-eighth
Legislative Assembly _____ **BILL NO.** _____
of North Dakota

Introduced by:

A BILL for an Act to add a section 15.1-09 and 57-15-16.01, and 15-39.1-04 of the North Dakota Century Code, relating to support of non-public schools and mill levy authority

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

Section 15.1-09-61 of the North Dakota Century Code is amended and reenacted as follows and section 57-66 is created and enacted as follows:

Section 1. Amendment.

- 1. Non-public schools, with the majority of the vote of the electors of that district may request during the general or primary election the approval of up to a 3 mill levy authority to assist in the operation or tuition assistance of an approved non-public school with a physical presence in this state. This authority does not extend to a non-public virtual school that does not provide for 75% of its operational budget in a physical school in North Dakota.
- 2. Fund derived from this levy may not be used to pay out of state tuition or services. All services must be used for expenditures in the local voter approved district

Section 2. 57-15-14.6. of the North Dakota Code is created and enacted as follows and section 57-66 is created an

- 1. The board of a non-public school district may levy no more than up to three mills or the lesser value as necessary, on the taxable valuation of the district, for the payment of tuition buildings or operations, in accordance with section 15.1-09-61. The proceeds of this levy must be deposited into a special fund known as the tuition or operations fund to be dispersed by the state superintendent of public instruction upon the successful majority vote of the electorate of the city or township of the non-public school physical residence.

Section 3. 57-15-16.01 of the North Dakota Century Code is created and enacted as follows:

- 1. Tax levy for building fund in non-public school districts.

- a. The governing body of any non-public school district may levy taxes annually for a 4 year period a levy, which is not restricted by the levy limitations prescribed by law, when authorized to do so by fifty percent plus one of the qualified electors voting upon the question at a regular or special election in any school district. The governing body of the non- public school district may create a building, tuition, or operations fund by appropriating and setting up in its budget for an amount not in excess of 3 mills.
- b. This authority expires as of July 1, 2025, or the date as determined in the vote or whichever is sooner.

Section 4. 15-39.1-04. Is amended and reenacted

For purposes of this chapter, unless the context or subject matter otherwise requires:

1. "Actuarial equivalent" means the amount calculated to be of equal actuarial value to the benefit otherwise payable when computed on the basis of actuarial assumptions and methods adopted by the board.
2. "Beneficiary" means a person, estate, trust, or organization designated in writing by a participating member to receive benefits provided by this plan, in receipt of benefits, or otherwise provided under section 15-39.1-17.
3. "Board" means the board of trustees of the teachers' fund for retirement.
4. "Contract" means a written agreement with a school board or other governing body of a school district or special education unit of this state or a letter of appointment by a state institution, state agency, or other employer participating in the fund.
5. "Fund" means the teachers' fund for retirement.
6. "Interest" as applied to member assessments is an annual rate of six percent compounded monthly and as applied to the repurchase of credit for withdrawn years is six percent compounded annually.
7. "Normal retirement age" means the age at which a member becomes eligible for monthly lifetime normal unreduced retirement benefits as provided in subsection 1 of section 15-39.1-10.
8. "Retirement" means cessation of covered employment and acceptance of a benefit under former chapter 15-39, or chapter 15-39.1 or 15-39.2.
9. "Retirement annuity" means the payments made by the fund to a member after retirement, these payments beginning on the first or fifteenth day of the month following eligibility for a benefit.
10. "Salary" means a member's earnings in eligible employment under this chapter for teaching, supervisory, administrative, and extracurricular services during a plan year reported as salary on the member's federal income tax withholding statements plus any salary reduction or salary

1 deferral amounts under 26 U.S.C. 125, 132(f), 401(k), 403(b), 414(h), or 457, as amended.
2 "Salary" includes amounts paid to members for performance of duties, unless amounts are
3 conditioned on or made in anticipation of an individual member's retirement or termination.
4 The annual salary of each member taken into account in determining benefit accruals and
5 contributions may not exceed the annual compensation limits established under 26 U.S.C.
6 401(a)(17)(B), as amended, as adjusted for increases in the cost of living in accordance with 26
7 U.S.C.

8 401(a)(17)(B), as amended. A salary maximum is not applicable to members whose
9 participation began before July 1, 1996. "Salary" does not include:

- 10 a. Fringe benefits or side, nonwage, benefits that accompany or are in addition to a
11 member's employment, including insurance programs, annuities, transportation
12 allowances, housing allowances, meals, lodging, or expense allowances, or other benefits
13 provided by a member's employer.
- 14 b. Insurance programs, including medical, dental, vision, disability, life, long-term care,
15 workforce safety and insurance, or other insurance premiums or benefits.
- 16 c. Payments for unused sick leave, personal leave, vacation leave, or other unused leave.
- 17 d. Early retirement incentive pay, severance pay, or other payments conditioned on or made
18 in anticipation of retirement or termination.
- 19 e. Teacher's aide pay, referee pay, bus driver pay, or janitorial pay.
- 20 f. Amounts received by a member in lieu of previously employer-provided benefits or
21 payments that are made on an individual selection basis.
- 22 g. Signing bonuses as defined under section 15.1-09-33.1.
- 23 h. Other benefits or payments not defined in this section which the board determines to be
24 ineligible teachers' fund for retirement salary.

25 11. "State institution" includes North Dakota vision services - school for the blind, the school for the
26 deaf, and the North Dakota youth correctional center.

27 12. "Teacher" means:

- 28 a. All persons licensed by the education standards and practices board who are contractually
29 employed in teaching, supervisory, administrative, or extracurricular services by a state
30 institution, multidistrict special education unit, area career and technology center,
31 regional education association, school board, or other governing body of a school district
32 or non-public approved school of this state, including superintendents, assistant
33 superintendents, business managers, principals, assistant principals, and special teachers.
34 For purposes of this subdivision, "teacher" includes persons contractually employed by
35 one of the above employers to provide teaching, supervisory, administrative, or
36 extracurricular services to a separate state institution, state agency, multidistrict special

1 education unit, area career and technology center, regional education association, school
2 board, or other governing body of a school district of this state under a third-party
3 contract.

4 b. The superintendent of public instruction, assistant superintendents of public instruction,
5 county superintendents, assistant superintendents, supervisors of instruction, the
6 professional staff of the department of career and technical education, the professional
7 staff of the center for distance education, the executive director and professional staff of
8 North Dakota united who are members of the fund on July 1, 1995, the professional staff
9 of an interim school district, and the professional staff of the North Dakota high school
10 activities association who are members of the fund on July 1, 1995.

11 c. The executive director and professional staff of the North Dakota council of school
12 administrators who are members of the fund on July 1, 1995, and licensed staff of teachers
13 centers, but only if the person was previously a member of and has credits in the fund.

14 d. Employees of institutions under the control and administration of the state board of
15 higher education who are members of the fund on July 16, 1989.

16 13. "Tier one grandfathered member" for purposes of sections 15-39.1-10 and 15-39.1-12 means a
17 tier one member who, as of June 30, 2013, is vested as a tier one member in accordance with
18 section 15-39.1-11; and

19 a. Is at least fifty-five years of age; or

20 b. Has a combined total of years of service credit in the plan and years of age which equals
21 or exceeds sixty-five.

22 14. "Tier one member" means a teacher who has credit in the system on July 1, 2008, and has not
23 taken a refund pursuant to section 15-39.1-20 after June 30, 2008.

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15. "Tier one nongrandfathered member" for purposes of sections 15-39.1-10 and 15-39.1-12 means a tier one member who does not qualify as a tier one grandfathered member.
16. "Tier two member" means a teacher who is not a tier one member.

401(a)(17)(B), as amended. A salary maximum is not applicable to members whose participation began before July 1, 1996. "Salary" does not include:

- a. Fringe benefits or side, nonwage, benefits that accompany or are in addition to a member's employment, including insurance programs, annuities, transportation allowances, housing allowances, meals, lodging, or expense allowances, or other benefits provided by a member's employer.
 - b. Insurance programs, including medical, dental, vision, disability, life, long-term care, workforce safety and insurance, or other insurance premiums or benefits.
 - c. Payments for unused sick leave, personal leave, vacation leave, or other unused leave.
 - d. Early retirement incentive pay, severance pay, or other payments conditioned on or made in anticipation of retirement or termination.
 - e. Teacher's aide pay, referee pay, bus driver pay, or janitorial pay.
 - f. Amounts received by a member in lieu of previously employer-provided benefits or payments that are made on an individual selection basis.
 - g. Signing bonuses as defined under section 15.1-09-33.1.
 - h. Other benefits or payments not defined in this section which the board determines to be ineligible teachers' fund for retirement salary.
17. "State institution" includes North Dakota vision services - school for the blind, the school for the deaf, and the North Dakota youth correctional center.
18. "Teacher" means:
- a. All persons licensed by the education standards and practices board who are contractually employed in teaching, supervisory, administrative, or extracurricular services by a state institution, multidistrict special education unit, area career and technology center, regional education association, school board, or other governing body of a school district or non-public approved school of this state, including superintendents, assistant superintendents, business managers, principals, assistant principals, and special teachers. For purposes of this subdivision, "teacher" includes persons contractually employed by one of the above employers to provide teaching, supervisory, administrative, or extracurricular services to a separate state institution, state agency, multidistrict special education unit, area career and technology center, regional education association, school board, or other governing body of a school district of this state under a third-party contract.
 - b. The superintendent of public instruction, assistant superintendents of public instruction, county superintendents, assistant superintendents, supervisors of instruction, the professional staff of the department of career and technical education, the professional staff of the center for distance education, the executive director and professional staff of

North Dakota united who are members of the fund on July 1, 1995, the professional staff of an interim school district, and the professional staff of the North Dakota high school activities association who are members of the fund on July 1, 1995.

- c. The executive director and professional staff of the North Dakota council of school administrators who are members of the fund on July 1, 1995, and licensed staff of teachers centers, but only if the person was previously a member of and has credits in the fund.
 - d. Employees of institutions under the control and administration of the state board of higher education who are members of the fund on July 16, 1989.
19. "Tier one grandfathered member" for purposes of sections 15-39.1-10 and 15-39.1-12 means a tier one member who, as of June 30, 2013, is vested as a tier one member in accordance with section 15-39.1-11; and
- a. Is at least fifty-five years of age; or
 - b. Has a combined total of years of service credit in the plan and years of age which equals or exceeds sixty-five.
20. "Tier one member" means a teacher who has credit in the system on July 1, 2008, and has not taken a refund pursuant to section 15-39.1-20 after June 30, 2008.

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DRAFT

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21. "Tier one nongrandfathered member" for purposes of sections 15-39.1-10 and 15-39.1-12 means a tier one member who does not qualify as a tier one grandfathered member.
22. "Tier two member" means a teacher who is not a tier one member.

23.0143.08001
Title.

Prepared by the Legislative Council staff for
Representative Kempenich
March 13, 2023

PROPOSED AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1532

Page 3, line 29, replace "**Applicability**" with "**Educational reimbursement program expenditures**"

Page 3, line 29, remove "**to the legislative management**"

Page 3, line 30, remove "**Funds must be available to qualified schools starting with the 2024-25 school year.**"

Renumber accordingly

HB 1532 – Amendment - Relating to the establishment of an educational reimbursement program; to provide for a legislative management study; to provide for a legislative management report; and to provide an appropriation.

The amendment is in Section 1 of the bill; on page 3, line 27.

15.1 - 39 - 07. Limitation on regulation of qualified schools.

1. The program does not expand the regulatory authority of the superintendent of public instruction, a school district, or any other government agency to impose additional regulations on a qualified school under the program beyond what is necessary by the superintendent of public instruction to enforce the program's financial and administrative requirements. The superintendent of public instruction or a school district may not regulate a qualified school's educational program under the program.
2. A qualified school may not be required to alter the school's creed, practices, admissions policy, or curriculum to receive reimbursement for qualified education expenses.
3. The ~~superintendent of public instruction~~ North Dakota State Auditor shall annually audit program funds disbursed to a qualified school.

FORT RANSOM SCHOOL DISTRICT NO. 6

135 MILL ROAD, FORT RANSOM, ND 58033-4011

PHONE 701-973-2591, FAX 701-973-2491

<http://www.ft-ransom.k12.nd.us>

March 12, 2023

North Dakota Senate Education Committee:

I write this letter in opposition to HB 1532. HB1532 would establish an educational reimbursement program for students who attend our private schools. As a conservative Christian, I believe strongly in the First Amendment of the United States Constitution, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." The North Dakota Constitution states in Article VIII Education, Section 1. "... legislative assembly shall make provisions 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."

As a coach, teacher, principal, and superintendent for over 46 years in both public schools and one private school, I have considered laws similar to HB1532 to be unconstitutional. When I was the Dean of Academic Affairs at Oak Grove Lutheran School in Fargo(1987-1993), we believed our mission was to create a faith based education of the Evangelical Lutheran Church in America. Oak Grove was created as an alternative for those parents who wanted a faith based education for their child (ren) based on the mission of the ELCA. If parents wanted our faith based education it was their choice with the responsibility of paying for the education coming in the form of tuition and support from ELCA Churches. Many of the students at Oak Grove were not residents of North Dakota but came to us from Minnesota.

Currently, I am the superintendent of Fort Ransom School District #6. We are a very small k-6 with only 22 students located in a very small community. When you are 75 miles from the nearest Wal-Mart in North Dakota, you do not have school choice except to open enroll to a neighbor school or home educate your children. As a resident of rural North Dakota, I have a problem with \$24 million of our tax dollars going to private schools when most of those schools and students reside in the eight largest communities in North Dakota. Small schools and small communities in rural North Dakota are getting sick of our money going to the BIG cities while small rural schools/communities are forgotten. We believe strongly

that this \$24 million could go to help fund transportation or other important issues facing our rural school districts in North Dakota.

North Dakota taxes should not be given to private schools nor would a true conservative faith based private school accept those funds. What a privilege it is to live in a state and country that would permit us to choose where we education our children. HB1532, would now ask others to help pay for that privilege by establishing a payment to those faith communities/schools with no strings attached. In *Carson, vs. Makin*, U.S. Supreme Court ruling, https://www.supremecourt.gov/opinions/21pdf/20-1088_dbfi.pdf In this Montana case from June 21, 2022 decision, Chief Justice John Roberts explains, “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.” It is my belief that if you were to pass HB1532 and it would become law, you could not disqualify any private school based on religion. You may be surprised to know that there are over 4,000 recognized religions in the world. Which one are you going to disqualify?

Respectfully,

Dr. Steven L. Johnson, Superintendent
Fort Ransom School District #6
135 Mill Road
Fort Ransom, ND 58033

Cc: Chairman: Senator Jay Elkin
Vice Chairman: Senator Todd Beard
Member: Senator Michelle Axtman
Member: Senator Cole Conley
Member: Senator Randy Lemm
Member: Senator Michael Wobbema

March 24, 2023

Dear Members of the North Dakota Senate Appropriations Education and Environment Division,

My name is Amber Ertelt, I live in Fargo (District 46) and my kids attend Sacred Heart Middle School and Nativity Elementary school. Both are part of Fargo's JP2 Catholic School System.

I'm asking you to please vote yes on this HB 1532. We love our school for so many reasons. The biggest being the small class sizes even in our growing community. I feel this is so important so students can get more one on one times with teachers and its noticed if a child is falling behind. This benefits of this have been very evident with our family. My daughter has had difficulty reading, when this was first brought to our attention it was the end of her first grade year. We were told she was falling behind and that she should have a summer tutor. I had asked about enrolling her in summer school through Fargo Public schools and was told she wasn't behind by the district standards she was behind by our schools standards. This was very eye opening to me that our school holds kids to a higher standard and just cemented the decision we made to send her there.

On the flip side of this my son is now a teenager and is starting to act like it! We have had three different teachers from the middle school reach out about his behavior in class with him talking back and not listening. The teachers wanted to help form a plan together with us for how we can combat this since Liam didn't act like this before. My husband went to a large school and pointed out that meetings like that with parents never happened unless the behavior was extreme. As much as I didn't enjoy having to have meetings about my son's bad behavior the fact that more than one teacher was on top of it and wanting to get us involved was extremely refreshing.

I also absolutely love that my children are learning about God every day. They both have daily prayer time and are learning how to make God the center of everything they do. In this day and age where everything feels so divided I love that they are learning these important lessons. It has also been a great refresher for me to hear some of the bible stories and stories of saints that I had forgotten from my youth or in some cases never learned.

As much as we love our school the reality is that it is getting harder to pay for it. The money we pay in taxes has greatly increased in the last few years. So much so that our mortgage is going up \$200 per month just to cover taxes and insurance. The largest percentage of this is going to public schools. It would be so nice if this bill were to pass to get a break somewhere to help relieve this with the higher taxes on top of private school tuition.

We love our schools and don't want to make the hard choice to send our kids somewhere else because of financial reasons. Sadly, it's getting to that point. This bill could really help us, a hard-working family who wants to send their kids to a school that puts God and family values first. This bill does not hurt public schools but helps families like ours. I'm asking you to Please vote YES on HB 1532.

Thank you for your service to our state and for your attention in this matter.

Sincerely,

A handwritten signature in black ink that reads "Amber Ertelt". The signature is written in a cursive style with a large initial 'A'.

Amber Ertelt

JP2 Catholic School Parent

Fargo, ND District 46

Members of the ND Senate Appropriation Committee,

My name is Britainy Kralicek, and I live in Dickinson, ND, and I am a parent who has chosen to enroll my children in Trinity Catholic Schools.

I support 1532 because it can help families who desire to send their child(ren) to a non-public school begin to do so or continue to do so, knowing that the financial burden weighing their decision will be at least in part diminished. I know a family who works extra hours to pay tuition. How beautiful it would be if those extra hours were unnecessary. I know a single mother who desires to send her child to a non-public school. When I told her about this legislation, her heart leaped at the idea that it might be financially easier. For my own family, it is our joy to be able to discern how our children will receive their education. It is my hope that more families can share in this joy. This legislation financially supports families of North Dakota, which altogether does more in showing consideration for the needs of each citizen and joining in their hopes and dreams for their children.

I urge you to vote in favor of ND 1532.

Thank you for your service to the state of North Dakota and for your time on ND 1532.

North Dakota's rural communities, served by public schools, will receive absolutely no benefit from this bill as there are no private or parochial nonpublic schools located in 36 of North Dakota's 53 counties.

Additionally, HB 1532 requires no accountability for these expenditures on the part of the private schools who will receive them. In contrast, public schools, governed by locally elected school boards and open meetings laws, must account for every dime they receive from the taxpayers of North Dakota.

Finally, nonpublic schools that will benefit from HB 1532 are not required to follow many federal and state requirements and the bill specifically prohibits requiring nonpublic schools to alter their admissions policy. They are free to deny admission to any student for any reason, including cognitive ability, physical disability, as well as behavioral and social limitations. Public schools, on the other hand, proudly educate all comers, regardless of their limitations and abilities. It is not unreasonable to believe that if private, nonpublic schools receive state funding, then they should have to follow the same state and federal requirements as North Dakota's public schools.

March 24, 2023

Good day and thank you for your work in the legislature of our state.

I am Fr Kurtis Gunwall and I live in District 9B. I recently moved to Langdon and am now pastor at St Alphonsus Parish and School (with children from pre-school through 8th grade).

Since I moved to town last summer, I have spoken with members of the Langdon area about the reasons they do or do not send their kids to St Alphonsus School. These discussions included members of our parish that send to the public school and those at St Alphonsus School. The conversations also included families who do not attend our church but send their children to St Alphonsus School. I believe that the majority of our students are from families who do not attend our church. So one reason I support 1532 is because it allows any member of our community to take advantage of the benefits of smaller class sizes and more individual attention as well as the strong internal support that exists among the registered families. There are numerous other reasons including the ability to include and express faith which is an important part of a whole and healthy life, and relatedly, the freedom to pray with students during difficult times to bring them comfort and hope. Even students from “None” or “other” faith traditions attend our school.

I urge you to vote in favor of HB 1532.

Thank you for your serious consideration of this bill for the good of dozens of communities throughout the state of North Dakota.

AMDG,

Fr. Kurtis Gunwall

North Dakota's rural communities, served by public schools, will receive absolutely no benefit from this bill as there are no private or parochial nonpublic schools located in 36 of North Dakota's 53 counties.

HB 1532 requires no accountability for these expenditures on the part of the private schools who will receive them. In contrast, public schools, governed by locally elected school boards and open meetings laws, must account for every dime they receive from the taxpayers of North Dakota.

Nonpublic schools that will benefit from HB 1532 are not required to follow many federal and state requirements and the bill specifically prohibits requiring nonpublic schools to alter their admissions policy. They are free to deny admission to any student for any reason, including cognitive ability, physical disability, as well as behavioral and social limitations. Public schools, on the other hand, proudly educate all comers, regardless of their limitations and abilities. It is not unreasonable to believe that if private, nonpublic schools receive state funding, then they should have to follow the same state and federal requirements as North Dakota's public schools.

Finally, North Dakota parents that choose to send their children to private schools already have the financial ability to do so. Spending public money to reimburse the wealthy for sending their children to private school is a mismanagement of ND taxpayer money. Public schools and public school teachers like me need the financial support to educate every child that comes through our front door. Private schools that are operated for the "select few" with the financial ability to pay for a private education do not.

3/25/2023

To: Senate Appropriation Committee

From: Paul O'Donnell – 2204 Centennial Rose Dr S, Fargo

Greetings – My name is Paul O'Donnell and I live in District 46 and I have been blessed to have my 6 sons attend and graduate from Shanley HS.

I urge you to support 1532 in order to more fairly allow all parents to be able to make the decision on where to send their children for their education. Private schools shouldn't just be for "the rich" and there are many who would love from their children to attend a private school who just can't afford it. This bill helps create a more viable option for them.

Thank you for serving as a representative and hope you agree this bill would be a positive for all.

Sincerely,

Paul and Anne O'Donnell

Good morning, Chairman [Sorvaag](#) and committee members.

I am Sara Dudley, principal of St. Michael's School in Grand Forks. My school has a 23% free and reduced rate as well as serving 30% of families receiving scholarship. Even with free and reduced lunches and scholarship opportunities, families make a financial sacrifice when they choose St. Michael's School. HB 1532 is not about financially benefiting non-public schools, it is about supporting all families in North Dakota and the choices they make for their children's education by providing a tax credit. The money does not go directly to the non-public school.

Non-public schools have received tax payer services in federal Title I programs and always complied with audits by DPI. In consultation with our public school partners, the resources and equitable services that are allocated from our free and reduced students go directly to serve them in the non-public setting. The resources from tax payers follow the students in this example.

The approved non-public schools are approved by DPI with the assurances currently required of non-public schools. As assurances have been added, non-public schools comply and provide the required reports. An example would be the recently added Science of Reading professional development required by both private and public schools. Non-public schools are not avoiding accountability. We are doing exactly what is asked of us by DPI and will continue to do so.

Non-public schools do serve students with special needs. It is only because of the current state funding model that we cannot provide all services. It is not because we do not want to serve a child. When a student qualifies for a special education service in a non-public school, it is through rigorous evaluation and partnership between public and non-public schools. The best outcomes arrive when the public and non-public can serve students who are in a non-public school. Non-public schools serve students who are not identified using the special education categories and those who do not meet special education categories as well as students who qualify for special Ed services.

Students who have Autism spectrum disorder , ADHD, post traumatic stress disorder, learning disability, speech and language disorder, oppositional defiant disorder, reactive attachment disorder, dyslexia, generalized anxiety disorder, and sensory processing

disorder all attend my school this year. To say we don't accept students with special needs is not accurate. With the current funding model, the services are limited but not because of the commitment to the child or desire to have the child in our school community. It is limited because of the current state funding model.

Non-public schools are accredited using the same school improvement process as public schools through Cognia. We use the same school improvement model as public schools. There are 25 non-public schools that are fully accredited in the state of North Dakota.

Accountability looks like licensed teachers, DPI approval, accreditation and the school improvement process, consultation with our public partners and school districts, partnerships with our individual boards, compliance with special education law and DPI audits, professional development and most importantly, our relationship with parents and guardians who choose to send them to our school.

Non-public's schools value the accountability that comes with the trust that each parent has placed in our schools and those I have shared today. With this high level of accountability that I have outlined for you, I urge you to vote in favor of HB1532 to support parents and guardians who make a different educational choice for their children.

Thank you for your time and I will stand for questions.

Good Morning Chairman Sorvaag and Committee Members,

I am Marie Vetter of Grand Forks, District 18. My husband Tim and I have 10 children. Tim is a Federal Agent in Public Service, and I work part-time. We have run the gamut of educational experiences including public, homeschool, and non-public settings in search of what we consider to be the ideal balance of environment, content, and transparency. It is to our credit, if I may say so, that we held out for as long as we did in public education, ever hopeful, the long-length of which was entirely due to wonderful educators who tried valiantly to make up for what was lacking in environment and transparency of the institution itself. We forayed briefly into home education, where I acquired a sudden and deepened respect for professional educators; and now, finally, we have settled into non-public education, and it is here where we have found our home. We will never go back to public education since discovering the level of integrity, dedication to the fostering of virtue, the height of academic rigor, and above all, the partnership we feel as respected primary-educators of our children that we have found in non-public education.

We're all here today because we know private education comes at a cost. We're here to decide who is responsible for that cost. We know that parents are free to choose non-public education, but that that education is not free. For my family, we are so convinced our children are in the best possible learning environment for their needs, we make whatever financial sacrifice necessary to be able to pay tuition. Even after accepting financial assistance, we sacrifice by forgoing a large house, new cars, vacations of almost any sort, most extracurriculars, and we buy what we can second-hand before buying new in order to prioritize the learning environment our children are in.

We understand that we have entered into this choice electively. My husband and I are not new to elective choices: my husband as a current public servant and former US Paratrooper; myself as a former military spouse, losing my first husband in mind, following multiple traumatic deployments, and later, finally, in body, by, as described on his death certificate, a "single gunshot wound to the head": Veteran Suicide. Electively serving our Nation may cost you your very life, widow your spouse, and orphan your children, and it is unjust that in return it will offer you only one choice for educating your children. Let's be just. Families are not asking for a free ride, or that anything be taken from those that benefit from public education. We're simply asking for a gesture that recognizes parents as the first and best advocates for the needs of their children. A tax credit that allows us to recoup even some of the costs of what we contribute to public education through what we pay in taxes, yet do not utilize, is absolutely just.

Please pass HB 1532 and let North Dakota join the new era of a nation that makes school choice possible for all, without undue hardship.

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

North Dakota Legislative Council

State Capitol

600 East Boulevard Avenue

Bismarck, ND 58505

Dear Senate Education Committee Members,

I am writing to provide my testimony in support of HB 1532 for non-public school education in North Dakota. My name is Lu Jin and I am a resident of Grand Forks.

As a parent, I strongly support the bill because non-public schools offer specialized and individualized education, smaller class sizes, and a curriculum tailored to meet the specific needs of students. I enrolled my child in St. Michael's Catholic school as he grows up in a bilingual family so he needed more help from teachers on English at the beginning of his kindergarten. Although he had some difficulties understanding instructions initially, the teachers helped him thrive in school by teaching him patiently. He can switch between two languages effortlessly now, and his cognitive flexibility is evident in his ability to focus on one thing and change his response quickly. I'm so impressed with the progress he has made in St. Michael's since he was enrolled there.

I strongly believe that supporting non-public schools can benefit a lot of students and will ultimately improve the quality of education in the state. Therefore, I urge you to vote in favor of HB 1532.

Thank you for your service to the state of North Dakota and for your time on HB 1532.

Sincerely,

Lu Jin

Dear Members of the Education Committee,

My name is Keven Wanner, and I live in District 7. I am a parent who has chosen to enroll my child in Light of Christ Schools.

I support HB 1532 because it would give families like mine the freedom to choose a school setting that better suits our religious, moral, and philosophical values. We have chosen to enroll our child in Light of Christ Schools, and have seen great benefit in having our child be a part of this outstanding school system. We have made many financial sacrifices to make this educational choice for our family, and the modest education reimbursement that could be available to families like mine through this bill would be of great help in allowing us to continue to keep our son in Light of Christ Schools. It is not always easy to afford private school tuition and fees, so any sort of reimbursement of these costs would be a significant financial relief for our family.

While both my wife and I were educated in North Dakota's public school system, we feel the better choice for our child lies in the many advantages afforded by Light of Christ Schools, including smaller class sizes, a record of superior academic performance, and a more comprehensive education/formation of the whole person, which can better prepare students to be productive, responsible, and contributing members toward civic life and the Common Good.

While we believe our public school system in ND has a better environment for learning and better outcomes than in many other places in the country, parents and students still deserve alternatives and choices. The great many families in ND that choose private schools for their children deserve to have at least some portion of their tax dollars be committed to the education of their own children, especially since their choice for private school saves on the costs their local public school districts would otherwise incur for educating those same students.

North Dakota ought to be a state which advances policies that empower parents to have decision-making power when it comes to their children's education. HB 1532 minimizes economic and legal obstacles that create an imbalance for tax-paying North Dakotans, like me, who desire an educational environment that specifically aligns with their core values, and in which they believe their children will reach their fullest potential as students and citizens.

For the above reasons, I urge you to vote in favor of HB 1532.

I thank you all for your service to the state of North Dakota, and for your time in consideration of this worthy bill.

Sincerely,

Keven Wanner
Bismarck, ND

Dear Senators,

I am writing in opposition to HB 1532. As a public school educator in North Dakota, I oppose HB 1532 for the following reasons:

Diverting public funds away from the public education system and toward private institutions will result in fewer resources, larger class sizes, and reduced opportunities for students at public schools. Additionally, private schools may have different admission criteria and may not be required to provide the same services or accommodations as public schools, which will lead to increased inequity in education. If students are incentivized to leave the public school system, it may become economically unfeasible to keep some public schools open, which could result in closures and further reduction of resources for remaining public schools.

North Dakota's rural communities, served by public schools, will receive absolutely no benefit from this bill as there are no private or parochial nonpublic schools located in 36 of North Dakota's 53 counties.

Additionally, HB 1532 requires no accountability for these expenditures on the part of the private schools who will receive them. In contrast, public schools, governed by locally elected school boards and open meetings laws, must account for every dime they receive from the taxpayers of North Dakota.

Finally, nonpublic schools that will benefit from HB 1532 are not required to follow many federal and state requirements and the bill specifically prohibits requiring nonpublic schools to alter their admissions policy. They are free to deny admission to any student for any reason, including cognitive ability, physical disability, as well as behavioral and social limitations. Public schools, on the other hand, proudly educate all comers, regardless of their limitations and abilities. It is not unreasonable to believe that if private, nonpublic schools receive state funding, then they should have to follow the same state and federal requirements as North Dakota's public schools.

Therefore, I urge you to VOTE NO on HB 1532. Thank you for your time and consideration.

Respectfully,

Noah Brenden, School Counselor
Wahpeton Public School District

Dear Legislators,

I would like to offer you my personal testimony in support of HB 1532. My husband and I are parents of two children with special education needs. We are also both teachers – one in the public school system the other in a private school. Our children have attended both public and private schools. They are now grown, and if the saying hindsight is 20/20 is true, then I would like to share the wisdom I have gained over the last 30 years with you so that you can make the best decision for families living in our state.

I knew before my children were one that they were going to need extra help. They struggled with learning to speak, regulating emotions, making friends, processing sensory information, and as they grew the needed help learning to read, spell and understand abstract concepts. Both our boys have moderate to severe autism spectrum disorder. I am a special education teacher with access to both medical and educational professionals, and believe me; I sought help from whomever I could. My husband and I assumed that our boys would have to go to public schools because they needed extra support. But beginning in preschool, their only option was to be placed in a segregated classroom with other children who had disabilities, many who could not speak. Yes, they had 4 highly educated teachers in a classroom of 10 children, but there were no typical peer models to learn from. I wanted my sons to talk, learn and behave as other children did. So I enrolled them in a preschool with typical children and provided support to the staff, and sought outside services so they could learn. When it was time for elementary school, they could talk so the school said they were no longer eligible for support services despite the fact that they struggled academically, behaviorally, and socially. They were included in the classroom, but denied access to recess, gym, field trips and anything ‘unstructured’. I was told to medicate them. Many of the meds cause serious side-effects, but the pediatrician warned me that if they weren’t medicated, they would be in a residential facility or jail by the time they were teens.

This was unacceptable to us. These were our boys, and we knew they just needed ‘something’ more. We pulled them from public school and put them in a private school despite the financial burden it placed on us. These teachers had no resources, so we again had to provide support and outside services. It was a major struggle. I did not know if either they or I could meet their needs. We contemplated the unthinkable, a residential facility that our pediatrician predicted. Now many of you may not know this – we sure didn’t – but putting your child in a residential facility doesn’t just mean they won’t live with you, but in order to afford the whooping \$16,000/month per child tuition fees, I would have to relinquish my parental rights, and have them become wards of the state. Luckily, for them and us, our support systems and the school pressed on and worked hard to help my boys accessing that ‘something’ that no one else was able to provide – an education based in virtue and faith. This was life-changing for them. We worked with teachers and coaches helping our boys understand that they were beloved children of God with great purpose. Together we painstakingly taught them lessons in how to live a virtuous life in accord with their peers regardless of their disability. Behaviors improved

allowing them to learn fully in the classroom with their peers, and even participate with their peers in sports.

Sports became an avenue in which they could not only release a lot of energy and emotion, but they could truly shine and be a part of a team – a small community working toward common goals and making a difference – preparing them to be citizens in the community. Our oldest son went on to play college football and earn a degree in Psychology. He now is a productive member of society owning his own home, making more money than I do and receiving multiple awards in his government job helping airmen and their families at the MAFB. Additionally, he helps educate teachers on what students with autism need, and he tutors and mentors young people who are on the spectrum. Our youngest son went to state in both golf and baseball and is now full-time as a mechanic as he trains to be a Master mechanic at a local dealership – again, making more money than me. And it is a good thing. Do you know that that average cost of raising a child with autism spectrum disorder is 1.4 million dollars – and we had two of them! How would have HB 1532 helped me if it were in effect back then? Even though the financial benefit would have been small - essentially about \$700/year which would have covered school lunches or gas to their therapy appointments, it still would have been something helping us to make decision not based on cost, but what was best for our children. What if we had left them in the public schools or turned over our rights to place them in a residential facility letting the state foot the bill? I wonder how much that would have cost the state of North Dakota.

In the end, HB 1532 is not about public vs. private schools. It is about supporting families in raising their children in the way they feel is best. It is also not about giving money to the rich. As a teacher in the private school system, I make 40% less than my public school counterparts, and no percentage of support provided by this bill could ever come close to the costs we incurred in raising our children. It is clear to me that HB 1532 not only helps parents to raise their children, but at a fraction of the cost it would be for the state to do so. Additionally, I shudder to think where my sons would be now – still in a residential facility, or in the correctional system, instead of serving their community – if it were not for a private school option? Please let the parents of North Dakota know that you support them in raising their children. A vote in favor of HB 1532 is a vote of confidence in parents knowing what is best for their children.

Thank you for taking the time to fully consider the impact of HB 1532.

Sincerely,

David and Barbara Johnson

2501 23rd St. SW

Minot, ND 58701

To those serving on the Senate Appropriations Committee,

My name is Megan Petersen. 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 1532 because it helps me to give my kids a better education than they would get in our local school district.

My husband and I are both public school-educated kids. My husband is the son of a public school teacher. We had an excellent experience in the public school setting. We decided on a non-public education for our kids because of the lack of resources we see in the public school setting while working in the public schools in our state and assessing the national scores of schools in our area. In my career as a social worker supporting youth in the foster care system, I was exposed to the public education system throughout the state. Our elementary school district, Wilder, seems overfull, underfunded and is constantly under threat of closure by the school board. Wilder's test scores demonstrate a 42% proficiency in Math and Reading according to the US News and World Report. The middle school in our district, Valley Middle School, is similarly on the chopping block. It's overfull, run down and the school board says it needs to be bulldozed and a new one built with funds they no longer have. Valley's test scores demonstrate a 34% proficiency in Math and Reading.

We chose to attend a non-public school to offer our children smaller class sizes, more resources and a better chance at education. We love their education! We love to see the moral education they receive. We love the academic rigor they are challenged with! Both of our children are testing between 92-99th percentile in Math and Reading in their national testing. The only downside is the cost.

We make sacrifices to make tuition work within our budget. With two more kids heading to school soon, it is with trepidation we have to consider whether we have to send some or all of our kids to a chaotic, underperforming school district. We want more for our kids and believe that other families shouldn't have to accept less than the best for their kids due to cost. A tuition reimbursement would let us comfortably afford our kids' education.

Please, I ask you to consider giving your full support to HB 1532 as it comes up for a vote.

Thank you for your service to the state of North Dakota and for your time on ND 1532.

March 26, 2023

Written Testimony in Support of HB 1532

Dear Members of the North Dakota Senate Appropriations - Education and Environment Division,

As we have had a great experience with the private school system and because of its positive impact on our children, we are writing to express our full support for House Bill 1532—a measure we believe necessary to promote and enhance private education.

We live in District 5 and have five children, all of whom attend or have attended Bishop Ryan Catholic School in Minot, ND. Like many other parents, we, too, made a substantial financial commitment by sending our children to Catholic schools. Nevertheless, we were resolute in our decision and realized that Catholic schools are and will continue to be the optimal choice for our children's education and future.

The passing of House Bill 1532 can significantly impact the financial burden that parents face when choosing between public and private schools for their children. The bill's provisions can notably promote school choice and empower parents to select the most suitable educational options for their child's needs. Furthermore, it would grant parents access to a wider range of educational opportunities, especially those that align with their closely held religious beliefs.

The claim made by critics that House Bill 1532 weakens the effectiveness of the public school system, and reduces its funding, is entirely untrue. These faulty perceptions have been largely influenced by the arguments of its opponents and lobbyists of the public school system. In reality, House Bill 1532 acknowledges the crucial role played by *both* public and private schools in our State and does not deprive any resources of the former.

Moreover, it is entirely possible that House Bill 1532 will *enhance* the efficiency of the public school system. For example, the increased flexibility provided to parents by House Bill 1532 promotes healthy competition among schools, leading to improved educational opportunities and outcomes for all students in our local communities and throughout our entire State.

In order to guarantee that parents can make the best educational decisions for their children, it is crucial to offer them more flexibility in determining their children's educational path. Therefore, this bill is not only a matter of parental rights but also of ensuring that every child receives the highest quality of education possible. By supporting this bill, you are taking a crucial step towards empowering parents to make informed decisions regarding their children's education.

Thank you for your time and consideration on this matter.

Sincerely,

Shane & Dana Zaback

HB1532

Chairman Sorvaag and members of the committee,

My name is Karen Backman and I would like you to consider voting to approve HB1532. This bill would help parents who believe private schooling is the best choice for their children.

Not only did my own children attend a private school for most of their education I also taught there for thirty years. For the past six years, I am now a substitute teacher in both private and public schools in Bismarck. My heart is happiest when I am in the classroom.

Great education is going on in most classrooms, however, I desired to include the faith component in my children/grandchildren's education.

I also need to point out that the students attending the private school I taught at have changed since I started teaching. We have a "Learning Center" that helps students who have learning disabilities, students who struggle, as well as students who learn in different ways. One out of every 7 students receive some additional help. Our teachers have also been trained for the behavioral changes in today's students.

This bill will give a 30% relief to parents who send their child to a private school. The parents still have to pay 70%. Many parents sacrifice to pay this tuition. I've had parents who supplement by having a daily paper route, or whose children only get to choose one hot lunch per week, but bring cold lunch the other days to save money. Private education is important enough to these parents to sacrifice in other areas.

In my opinion, this isn't a public versus private issue. We should all want the education system that is best for each child. Please consider helping the financial strain these parents have as they decide the best, healthiest, learning environment for their child.

Thank you for your consideration and for your service to North Dakota citizens,
Karen Backman
District 8

Dear Senate Appropriations, My name Jessica Schumacher and I reside in District 17. I'm not sure if you all have children or not however I do. I have 2 that currently attend a non-public/private school in Grand Forks. I have a 3rd that will attend once she's old enough. I support HB1532 because it would support my decision to choose where, what, and how my children learn. This is the best choice for our family. Maybe in a few years I'll have a different opinion however, the option for me to let my children explore their beliefs, say a prayer without consequence or "odd" looks, sing songs that could potentially be omitted, and attend church on a weekly basis are extremely important to our family. We make a financial sacrifice by sending our child to a non-public school and continue to pay taxes to support the public schools. I in no way would expect full reimbursement for my personal choice. The tax reimbursement will help my family in a small way and support parents in the state of North Dakota. I urge you to vote IN FAVOR of HB 1532.

To Whom It May Concern:

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 HB1532 because it will positively impact our family by easing the financial burden of a private school education. A private school education was an easy decision for our family; we have chosen to lead our family in the Catholic faith, ground our parenting in virtue, and be prudent in our decisions that will help get our children to Heaven, help to make them virtuous leaders, and help to cultivate adults who are contributing members of society.

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

As an educator myself, I support both public and private school education. However, it is constitutional to provide both the choice and appropriations granted by the state legislator. Please help us to ease the financial burden so that families like ours can provide the best learning environment for our children and their specific needs. I urge you to vote in favor of HB1532.

Thank you for your service to the state of North Dakota and for your time on ND 1532.

Sincerely,

Samantha and Ryan Bryans

March 27, 2023

Re: HB 1532

Dear committee members,

My name is Christina Roemmich, I live in District 47, and I am a parent who has chosen to enroll my children in Light of Christ Schools.

I support 1532 because it allows for our tax dollars to support our school of choice. My husband and I chose to educate our children through the Light of Christ School systems so that they learn to live a life of faith, service to the community and support to those in need. While this is a financial burden it is essential in inspiring a life of servant leadership in our children.

I urge you to vote in favor of HB 1532 as this will allow more families with similar desires to participate in faith-based learning.

Thank you for your service to the state of North Dakota and for your time on ND 1532.

Sincerely,

Christina Roemmich

Hello,

My name is Beck Hruby and I reside in District 34. I am a parent who has chosen to enroll my children in Light of Christ Schools. I support HB1532 because it does not take away from any public-school funding. In addition, non-public schools save the state over 150 million dollars each biennium. This will be the little bit of help that certain families might need to allow them to choose the appropriate school for their children's education. I urge you to vote in favor of HB1532. Thank you for your service and for your time.

Beck Hruby

Mandan, ND

23.0143.06000

Sixty-eighth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1532

Introduced by

Representatives Cory, Kasper, Kempenich, Lefor, Nathe, Porter, Strinden
Senators Beard, Burckhard, Hogue, Meyer, Wobbema

1 A BILL for an Act to create and enact chapter 15.1-39 of the North Dakota Century Code,
2 relating to the establishment of an educational reimbursement program; to provide an
3 appropriation; and to provide an effective date.

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

5 **SECTION 1.** Chapter 15.1-39 of the North Dakota Century Code is created and enacted as
6 follows:

7 **15.1-39-01. Definitions.**

8 For purposes of this chapter, unless the context otherwise requires:

- 9 1. "Parent" means a resident of this state who is a parent, conservator, legal guardian,
10 custodian, or other individual with legal authority to act on a program participant's
11 behalf.
- 12 2. "Program" means the educational reimbursement program created under this chapter.
- 13 3. "Program participant" means an eligible child participating in the program.
- 14 4. "Public school" means a public school in this state which serves students in any grade
15 from kindergarten through grade twelve.
- 16 5. "Qualified education expenses" means the costs for a program participant to enroll in
17 or attend a qualified school.
- 18 6. "Qualified school" means a nonpublic school in the state which accepts program
19 funds, not including a home school.

20 **15.1-39-02. Educational reimbursement program establishment.**

- 21 1. The superintendent of public instruction shall establish and administer an educational
22 reimbursement program to reimburse qualified schools for qualified education
23 expenses of program participants.
- 24 2. To participate in the program:

- 1 a. The parent of an eligible child shall request a program form for the school year
- 2 from a qualified school in which the eligible child is enrolled; and
- 3 b. Upon receiving the parent's program form, the qualified school shall:
- 4 (1) Certify to the superintendent of public instruction proof of the eligible child's
- 5 enrollment at the school; and
- 6 (2) Request program funds for the eligible child's qualified education expenses.
- 7 3. For each eligible school program form received, the superintendent of public
- 8 instruction shall pay to the qualified school in which the eligible program participant is
- 9 enrolled a sum not less than fifteen percent and not more than thirty percent of the
- 10 per-student payment rate under subsection 3 of section 15.1-27-04.1.
- 11 4. A qualified school that receives funds under this chapter may use the funds only to
- 12 offset the cost of qualified education expenses the program participant or parent would
- 13 otherwise be obligated to pay.
- 14 5. If a program participant is enrolled in a qualified school for less than an entire school
- 15 year, the qualified school must return to the superintendent of public instruction the
- 16 funding provided under this chapter for that school year, reduced on a prorated basis,
- 17 to reflect the shorter enrollment period. The superintendent of public instruction shall
- 18 deposit with the public school district in which the program participant resides any
- 19 funds returned under this section.

20 **15.1-39-03. Program participant eligibility.**

21 A child is eligible for the program if the child is:

- 22 1. Eligible to attend public school; and
- 23 2. Enrolled in a qualified school for any grade from kindergarten through grade twelve.

24 **15.1-39-04. State treasurer duties - Rules.**

25 In administering the program, the state treasurer:

- 26 1. Shall develop procedures and forms necessary to implement the program.
- 27 2. Shall use a standardized enrollment form to determine a qualified school's and child's
- 28 eligibility for the program and make the form readily available to the public.

29 **15.1-39-05. Program suspension.**

30 The state treasurer shall suspend a qualified school from the program for failure to comply
31 with applicable law or the program's requirements. The state treasurer shall notify the school in

1 writing that the school's participation in the program is suspended. The notification must specify
2 the grounds for the suspension and state the school has ten business days to respond and take
3 any corrective action ordered by the state treasurer. Following the expiration of the ten-day
4 period, the state treasurer shall:

- 5 1. Declare the school ineligible for the program;
- 6 2. Order temporary reinstatement of the school's participation in the program,
7 conditioned on the performance of specified action by the school; or
- 8 3. Order full reinstatement of the school's participation in the program.

9 **15.1-39-06. Fraudulent use of funds - Referral to attorney general.**

10 If the state treasurer obtains evidence of fraudulent use of program funds, the treasurer
11 shall refer the matter to the attorney general for investigation and prosecution.

12 **15.1-39-07. Limitation on regulation of qualified schools.**

- 13 1. The program does not expand the regulatory authority of the superintendent of public
14 instruction, state treasurer, a school district, or any other government agency to
15 impose additional regulations on a qualified school under the program beyond what is
16 necessary by the treasurer to enforce the program's financial and administrative
17 requirements. The treasurer or a school district may not regulate a qualified school's
18 educational program under the program.
- 19 2. A qualified school may not be required to alter the school's creed, practices,
20 admissions policy, or curriculum to receive reimbursement for qualified education
21 expenses.

22 **15.1-39-08. Applicability.**

23 Funds must be available to qualified schools starting with the 2024-25 school year.

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

25 **EDUCATIONAL REIMBURSEMENT PROGRAM.** There is appropriated out of any moneys in
26 the general fund in the state treasury, not otherwise appropriated, the sum of \$24,000,000, or
27 so much of the sum as may be necessary, to the department of public instruction for the
28 purpose of establishing an educational reimbursement program, for the biennium beginning
29 July 1, 2023, and ending June 30, 2025.

30 **SECTION 3. EFFECTIVE DATE.** This Act becomes effective on July 1, 2024.

January 28, 2023

RE: Testimony for HB 1532

Dear Legislators of North Dakota,

Greetings! My name is Shawna Helbling and I reside in Mandan, ND. My husband and I have been married for almost 15 years and we have 3 children, ages 12, 10, and 7. All our children are currently enrolled at Saint Joseph Catholic Montessori School in Mandan.

I am a life-long resident of Mandan, and my husband moved here when he was 8. I work for the Church of St. Joseph and been the parish secretary and youth minister there for over 11 years. When I look at my family history, I am the 4th generation to work for the Church of St. Joseph or St. Joseph School, in some aspect. My husband works for Bismarck Motor Company, the Mandan Dealership, as a service writer.

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, sending them to daycare, 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 12-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 forwent 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 an employee, 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 daughter 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.

Good morning, my name is Jennifer Holle of District 31, and I am a parent who has chosen to enroll my children in Light of Christ Schools. I support 1532 because we have personally sent all 4 of children to private, Christian education for their elementary years and the last 2 are there through their Middle School years. We personally believe in faith-based education to establish the building blocks of their characters. Dawson Holle, is my oldest son, and one of the House of Republicans for District 31. We are very proud of the man he is turning into and we personally believe it is because of his strong foundation. Please support this bill and allow parents the choice to send their children to whatever education system that they chose. I urge you to vote in favor of HB 1532.

Thank the committee: Thank you for your service to the state of North Dakota and for your time on ND 1532.

Hello,

My name is Jeremy Schmaltz. I am a parent that has chosen to send my child to St. Joseph's Catholic Montessori School in Mandan, ND. I am also a licensed educator of 9 years and currently enrolled in a graduate counseling program at the University of Mary.

I support HB 1532 because it is a way to ensure that my child can get his needs met. My wife and I were considering sending him to a head start program and traditional public school until we realized that his needs were not in alignment with the pedagogical methods set forth by the traditional models in our community. We then sought out St. Joseph's Catholic Montessori School and immediately fell in love with the environment, educators, and ways in which the kids learn. They take care of animals, they learn life skills, they are being taught to become independent in a nurturing setting in which they cook their own food, make their own beverages, clean up after themselves, and also have plenty of time to play, learn math, reading, science, and develop the necessary social skills for their ages. I was completely blown away that anything like it existed. As a licensed educator, I can say that THIS model is what we need for grades Pre-K through 1st. The kids feel safe, they learn, and best of all, my child has fallen in love with school.

I strongly urge you and the committee to vote in favor of HB 1532. It will only help families who need alternative education for their children in order to meet their needs. Best of all, it will not take away from public school funding in any way.

Thank you for your time,

Jeremy Schmaltz

HB 1532

Testimony in opposition

Chairman Sorvaag and members of the Senate Appropriations – Education and Environment Division. For the record my name is Travis Jordan and I’m currently the Superintendent of Beulah Public Schools. I would also like to note that during the 2015-2016 school year I was employed as a school superintendent of a private school.

I’m testifying today urging a “do not pass” on HB 1532. I want to clarify before diving further into my testimony that my children had a top-notch education at the private school at which I was employed, and I would also clarify that they are also receiving a top-notch education in Beulah. My testimony has nothing do with the deliverance of quality education as I believe all schools are doing their best to do so.

It is true that private schools do not have to take every student. I’ve sat in the family interviews in which we denied entrance to students and families. This was usually a direct result of the family’s belief’s and/or the academic skills of the children. A family’s financial status or ability to pay tuition was never really a factor as most families attending this private school qualified for some sort of tuition assistance already and received scholarships to help cover some of the costs. Has the research been done to find out exactly how many families already receive some sort of assistance to attend the private schools of their choice?

Furthermore, school voucher programs such as in HB 1532 creates a system of the “haves” and “have nots.” Not all families have the ability to pick up and move their child to a different school. This is especially true in rural North Dakota, as typically there is no alternative opportunity for education in those areas. And one would suspect from the narrative that we all

hear that families leave the public school system to escape bullying or for better academic opportunities. Bullying behavior is not immune to private schools – it happens there too. And as far as better academic opportunities? Josh Cowen, a Professor of Education Policy at Michigan State University has studied school voucher programs for more than two decades and his research shows that school voucher programs have actually contributed to greater learning loss gaps across the country rather than shrink them. You can hear about his research in the Podcast that I have linked below.

\$24 million dollars is a lot of money. It's certainly a lot of money to throw at something that we simply have not studied enough and at something that only affects a small portion of our states' students. I'm a mental health advocate and I can't help but think what \$24 million dollars could do for ALL children and their mental health. If we want schools to improve, we cannot ignore mental health.

I urge a "do not pass" on HB 1532. At the very least, cut the \$24 Million-dollar fiscal note from the bill and send it on to a study.

Link

Have You Heard Podcast – Episode #143 entitled Moving the Goal Posts.

<https://soundcloud.com/haveyouheardpodcast/goalposts>)

Dear Senate Appropriations - Education & Environment Division and Senate Appropriations:

My name is Jennifer Baker, I live in District 5, and I am a parent who has chosen to enroll my child in Bishop Ryan Catholic School.

I am asking you to vote yes on HB 1532. Catholic education is very important to our family. Our son is in preschool at Bishop Ryan Catholic School this year. Bishop Ryan has become like a family to us. The students there are cared about and matter. Plus, our child gets exposed to, and is surrounded by, our Catholic faith and morals. It warms our hearts, when in the evenings at home, our child talks about Jesus or other aspects of the Catholic faith that our child had learned about at school.

Catholic education is expensive. Our wish is to continue to send our child to Bishop Ryan. However, other financial obligations may prohibit us, in the future, from sending him to Bishop Ryan. HB 1532 would assist families, like ours, in deciding the best schools for our children without having financial constraints.

I urge you to vote in favor of HB 1532.

Thank you for your service to the state of North Dakota and for your time on ND 1532.

March 27, 2023

Honorable members of the North Dakota State Senate,

My name is Perry Olson, and my wife Melissa and I write today to strongly encourage your support of HB1532 which has already passed the House and has gotten a thumbs up from the Senate Education Committee earlier this month. This bill, as you know, would move ND in the direction of school choice – a conservative idea that has been sweeping the country (**Gov. DeSantis just TODAY signed sweeping legislation in Florida into law. That follows states like Missouri, Arizona, Kansas, Oklahoma, Utah, Texas, Virginia, Idaho, and Nebraska making moves toward school choice**). Our children attend school at Bishop Ryan Catholic School in Minot, and we are firm believers in private school options for all parents and children in our state. This bill will help make that possible for more North Dakota families.

While we want to be clear – our state’s public institutions do a fine job – the option still should be on the table for all North Dakotans to investigate private options. As taxpayers, we currently support the public schools but do not use them. This plan would shift some of those dollars into **following the child, not the school**. We see this as wise, forward-looking, and of great benefit to our state’s next generation.

Our children’s education at Bishop Ryan has been top notch and is provided at great cost to our family. We however feel it is a great investment in their futures – and worth every penny. It is so wonderful that this fully constitutional option exists. Other states have jumped on it – and ND needs to do the same. This is a good bill that does not take funds from the state’s public schools and limits to 30% reimbursement of the state’s per-pupil rate. It is a modest option, and one that deserves your support.

We look forward to seeing the Senate pass this bill, and Governor Burgum sign it into law!

Thank you for your service to our great State of North Dakota. We know the time commitment made, and regardless of your stance on this bill – THANK YOU for what you do.

Perry and Melissa Olson
Minot, ND

Good Morning Chairman Sorvaag and Committee Members.

My name is Diane Jilek. I am a resident of District 128. I am here to support House Bill 1532 that would provide tuition reimbursement options for families that choose to send students to non-public schools.

Thank you for the opportunity to give testimony today.

I was a math teacher in a large public high school in the twin cities metro area for 13 years and also taught in a small rural public high school in Texas while my husband completed his doctorate. My husband currently teaches music at the University of North Dakota. He previously taught at various public and private schools in North Dakota, South Dakota and Minnesota. Education has always been a central part of our lives.

We have five children between the ages of 1 and 12. Three of our children attend St. Michael's School in Grand Forks. We believe the education and formation of our children is the most important job we have in this life.

Ensuring our kids grow into educated citizens and productive members of society who treat others with respect and kindness has and always will be our goal. St. Michael's has served as a true partner in achieving this objective, and we believe it is the best fit for our family.

Individual attention, differentiated instruction, and parental involvement are at the forefront of a St. Michael's education. The teachers know their students and use information from their performance in the classroom and on standardized tests to make data-driven decisions. Individualized tutoring, after school help, and enrichment opportunities are just some of the ways St. Michael's meets the needs of ALL students.

My kindergarten daughter recently went through an evaluation for special education services. Her teacher and principal have been reliable allies and advocates throughout this process. My 2nd grade son is reading at a level significantly higher than his grade level. He now meets with a specialist for reading

and math enrichment twice a week. We are thankful that St. Michael's has provided our children with these opportunities.

Being good stewards of our limited resources is a way of life at St. Michael's. On any given day, our principal can be seen greeting students at the door, subbing in a classroom, writing grants, performing lunch duty, and shoveling the side-walk all in addition to her "regular" administrative duties. The teachers go above and beyond on a daily basis, and the community of St. Michael's takes great pride in caring for and maintaining the school building, parts of which are over 100 years old.

The choice to send our kids to a non-public school does not come without its sacrifices. We do receive tuition assistance through the generosity of the parishioners of St. Michael's, but we still pay a significant amount in tuition each year. We live modestly and work extremely hard to make ends meet. In addition to his full-time faculty position at UND, my husband also serves as the artistic director of a community choir, drives charter buses on evenings and weekends, and helps a local farmer during planting and harvest season. When our third child turned one, we made the decision that I would no longer teach full-time so I could be home with our children. Since then, I have done childcare and secretarial work to bring in extra income and currently work 15-20 hours per week mostly from home.

We happily make these sacrifices because we believe so strongly in the quality education our children receive at St. Michael's, but this tuition reimbursement would certainly ease our burden especially as we watch the rapidly rising prices of gas and groceries eat away at our monthly budget. I hope this bill will give other parents the opportunity to choose the school that best meets the needs of their child.

On behalf of all the families of North Dakota that would benefit from school choice, I urge you to vote in favor of ND House Bill 1532.

Thank you for your time.

TRINITY CATHOLIC SCHOOLS

March 27, 2023

Dear Members of the ND Senate Appropriations Committee,

My name is DeAnn Scheeler. I am a 1999 graduate and I currently work as Director of Mission Advancement at Trinity Catholic Schools. As residents of District 37, my husband Jared and I have chosen to enroll our four children at Trinity Catholic Schools because we believe in the mission of Educating the whole student – mind, body, and soul, noting that Catholic education is a priority for our family.

I support HB 1532 because it supports families like ours who choose non-public schools for our children. Our oldest child attended public schools for a short time, and while our public education is very good in this area, this Catholic school is a better fit for our family. An educational reimbursement, considering that we pay ND taxes that support public education in North Dakota, only helps the state offer high-quality education because non-public schools have a positive impact on the economy and on creating a diverse population.

Our public schools are strong and capable, but the element of faith in the classroom is a non-negotiable for our family. **Please pass this bill** to help families like ours be able to practice our religious freedoms with some tax relief, since our children do not partake in the public education offered by the state of ND.

Sincerely,



DeAnn Scheeler (THS, '99)
Director of Mission Advancement
DeAnn.Scheeler@k12.nd.us

To the Members of Committee,

My name is Shanshan, I live in [District 43], and I am a parent who has chosen to enroll my child in St. Michael's School.

I support HB 1532 because I believe every child should have equal opportunity to gain religion education. All religions are equal and religious supports are the key points for a person to have a better and peaceful life. I will support any measure or bill which will give our children more chances to get religion education.

Please vote in favor of ND 1532.

Thank you for your service to the state of North Dakota and for their time on ND 1532.



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

4725 AMBER VALLEY PARKWAY, SUITE B,
 FARGO, ND 58104

3/27/2023

Chairman Sorvaag and members of the committee,

My name is Britney Bachmeier and I live in Fargo where my sisters and I are the co-founders of Full Circle Pediatric Solutions and more recently, Full Circle Academy. Thank you for the opportunity to provide testimony in favor of House Bill 1532. I am trained as a School Psychologist and Board-Certified Behavior Analyst and my sisters are both Speech Language Pathologists. Our clinic provides applied behavior analysis (ABA), speech-language, and occupational therapies to children, and also behavior consultation to many surrounding public schools.

I am originally from rural ND, attended public elementary and high school, my mom was a public school teacher, and previously worked in the public-school setting for several years. I have and continue to serve some of the most intense and behaviorally complex students in the state. I continue to be a large supporter of the public school system and 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 collaboration and partnership between the public and private sectors; House Bill 1532 can be a step to make this more realistic for students with special needs.

As I am sure you are aware, behavioral health needs are at an all-time high and all schools are directly impacted. Since opening our clinic in 2019, we have been overwhelmed with the number of requests for contacted behavior support services from surrounding districts. We often push into public school classrooms and support students in their general education and/or special education classrooms. However, there are times when students engage in extremely unsafe behaviors towards themselves or others, and another option is required. Thus, we created Full Circle Academy (FCA) and we received our 501c3 approval last summer.

Full Circle Academy is a private elementary school for kids with special needs and is approved by the Department of Public Instruction. FCA works in partnership with our clinic to provide therapeutic and individualized programming for students with autism, intellectual disabilities, emotional disturbances, learning disabilities, ADHD, down syndrome, etc. We are in the initial stages of fundraising to make the services more available to the community and again, have received an overwhelming number of requests for district placements and from parents. There is no doubt we are working to fulfill a much-needed gap in services. We are passionate about ensuring students with disabilities receive the highest quality education and **it should be highlighted that there is a nonpublic option designed specifically for students with special needs.**

We currently have a great relationship with many of 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. Public schools can benefit by having an option for district placements, but if additional funding was available, it would be more feasible for parents to choose to enroll their child privately in a therapeutic school, just like others choose a faith-based school. This would take additional pressure off public schools. We are proud of

the work we have done in partnership with the local school districts and look forward to continuing to work together to ensure all students receive the educational services they deserve.

I encourage you to vote in favor of House Bill 1532 and take a step toward making private school options available to all students, including those with unique learning needs.

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

Monday, March 13, 2023

Re: HB 1532

Members of the Education Committee:

My name is Jon Artz, I live in District 30, and I am a parent who has chosen to enroll my children in Light of Christ Schools. This letter is in support of 1532. Providing a reimbursement program for qualified schools for qualified education expenses of program participants will assist and ease the financial burden of private education. The financial burden of non-public schools or private schools can factor into the choice decision many families are faced with. I support my tax dollars allocated to public schools and public education is important. However, I support more choice and assisting with the financial burden and encourage the passing of HB 1532.

I urge you to vote in favor of HB 1532.

Thank you for your service to the state of North Dakota and for your time on HB 1532.

Jon Artz

Bismarck, ND

Testimony in Opposition to HB 1532

My name is Connie Hoffman, Fargo, ND, writing in opposition to HB 1532.

Language in this bill is vague regarding what constitutes a 'qualified school' or 'qualified education expenses'. Questions:

1. What restrictions would prevent this money from going to children's families with a primary residence outside of North Dakota, while attending a private school located in North Dakota?
2. Who will monitor if or how much a private school raises their tuition in response to this bill, increasing the threshold for 'qualified expenses'?

This bill, if approved, would lead 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.

HB 1532 clearly violates ND Constitution Article VIII, Section 5, stating 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." Therefore this bill is unconstitutional and is only a vehicle to transfer \$24 million tax dollars illegally to private schools with no restrictions.

Public schools are required to follow the Americans with Disabilities Act and the Individuals with Disabilities Education Act. Private schools are not. Private schools pick and choose their students, turning away lower income and children with learning, behavioral or physical disabilities to avoid the federal requirements associated with disabilities.

As a homeowner paying property taxes to fund my local public schools, if I have an issue with the school system, I can bring it to the local public school board elected locally. If enacted, HB 1532 reimbursement dollars would go to parents to fund private schools that are not accountable to taxpayers in this same way. As a reminder, churches are exempt from paying taxes.

If parents want to send their children to private schools, that is their choice to fund themselves. However, my choice is that my tax dollars DO NOT go to private schools.

The ND Constitution mandates that each child in ND be provided with a free public education. That is our priority as required by ND law. We must stand by our public schools or we will lose them.

Thank you.

Connie Hoffman

Fargo, ND

March 27, 2023

Chairman Sorvaag and members of Senate Appropriations Committee - Education and Environment Division,

My name is Collin Pigeon. I am an educator in North Dakota and live in District 9 in Rolla, ND. This is currently my 7th year as an educator and I teach Junior High English and High School Social Studies. I greatly enjoy working in our state in one of its close knit rural communities.

I write this letter to you today concerning HB 1532. HB 1532 would establish an educational reimbursement program for students who attend our private schools. I urge you to vote against this bill as constructed and give it a DO NOT Pass recommendation. It also benefits private schools at the expense of our public schools that serve 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.”

This is a bad bill in my opinion 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 school’s 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 is coming from taxpayers and could be put toward public education.

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. HB1532 would now ask others to help pay for parents' choices to attend private schools by establishing a payment to those faith communities/schools with no strings attached. 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 tax payer 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 be potentially funding 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.

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. Please vote NO on this bill.

Thank you,

Mr. Pigeon

Rolla, ND

Testimony

HB 1532

In Support of

From: Dale R. Lawson, 1711 1st St SW Minot, ND. 58701

Dear Senate Education Committee members, I'm writing in support of HB 1532 Education Bill. I can hardly express the value our family puts on the freedoms we all cherish in our Nation, such as our right to choose a school for our children, that values the Bible and Jesus Christ. The school we've chosen, Our Redeemers Christian School, also provides a high standard of academics, with opportunities in sports, music, speech, the arts, etc.

Having this choice and creating competition in our school system over all is a healthy thing, bringing about a better system. We believe that with our whole hearts. But what a burden this has placed on our family paying out over \$12,000 per year to send our two kids to this great school, the sacrifice is immense for us. Why shouldn't our taxes paid for schooling, allow us and all families the financial ability to choose a school for their children that represents their wholesome values?

Thank you for taking this matter very seriously.

Sincerely,


Dale Lawson

HB 1532 testimony
Senate Appropriations Committee, Education and Environment Division
Bob Otterson, President, Oak Grove Lutheran School
March 12, 2023

Chairman Sorvaag and senators:

Thank you for the opportunity to testify in support of House Bill 1532 and the acknowledgement from legislators that nonpublic schools make positive impacts to North Dakota life.

I serve more than 720 students from age 3 through grade 12 and their families as president of Oak Grove Lutheran School. Oak Grove has a special place in the history of education in North Dakota and along the Red River. It opened in the fall of 1906 as a high school for girls, 14 years before their mothers were eligible to vote in the United States. The humility of faithful Norwegians continues in the school's shared values — concepts such as character, courage and curiosity, faith and reason.

I ask you to consider four points in this brief written testimony:

- Oak Grove and partner nonpublic schools are part of the state's educational ecosystem.
- Oak Grove and partner nonpublic schools feed North Dakota's workforce needs.
- Oak Grove and partner nonpublic schools help attract families from other states to our respective communities.
- Oak Grove and partner nonpublic schools provide options for students and families.

Oak Grove students populate North Dakota's universities. Taking into account the last four graduating classes, 55% of domestic Oak Grove graduates enrolled at North Dakota colleges and universities. Many of those choosing out-of-state options enroll at Concordia College in Moorhead. Those students remain part of North Dakota's largest market, even from the east side of the Red River. Our schools help you keep North Dakota's colleges and universities relevant in today's world.

Oak Grove alumni continue to serve North Dakota. Almost one thousand graduated Grovers live in North Dakota today. Those Grovers comprise a larger population than 22 of the state's county seats. These are people engaged in a wide range of vocations — education, engineering, medicine and health care, social services, ministry and others.

Oak Grove and our partner nonpublic schools attract families and the key people needed to fill positions in certain industry sectors. And some of those recruited professionals and their families look for private schools because their children already know private schools in other markets. Lastly, Oak Grove and our partner schools expand options for families. We all live in public school districts that respond to community needs, and our colleagues in those K-12 districts must plan each year for enrollment swells and drops. All educators know that some students succeed in large environments; others flourish in smaller groups. Some students can process complex reading assignments; others grasp the material better from a guided lesson or a study group. Some students prefer a large swath of co-curricular options and extracurricular activities. Some students, in competitive classes, may focus on one or two activities. Meanwhile, students in smaller schools benefit 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.

Opponents of this bill will 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.

To close, I reiterate that my colleagues emphasize the position of private schools as additions to 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 House Bill 1532, and I thank you for your time.

To: Education & Environment Division and Senate Appropriations

My name is Maria, I live in district 34, and I am a parent who has chosen to enroll my children in St. Joseph's Montessori School of Mandan, ND.

I support 1532 because I have been blessed to witness this style of learning advance my children past all of my expectations. My children have drastically different learning styles from one another, but have both felt accepted and encouraged through a hands on approach with learning. My husband and I have had to make many sacrifices in order to pay for our children's educations and that has put a financial strain on our family. This bill would help to allow us to continue educating our children at the school they love, with the style that has fit their needs perfectly, while not burdening our family with an excessive financial burden.

I urge you to vote in favor of HB 1532.

Thank you for your service to the state of North Dakota and for your time on ND 1532.

Sincerely,

Maria Redfield

House Bill 1532

Senate Appropriation Committee

Tuesday, March 28, 2023

Good morning Chairman Sorvaag and members of the Senate Appropriations Committee.

My name is Katie Kost and my children are in 2nd and 4th grade at Bismarck's Shiloh Christian School.

I am in favor of House Bill 1532 that would appropriate money from the state treasury general fund to the department of public instruction in order to establish an educational reimbursement program for non-public school families.

Support for this bill is support for parent choice, support for having options with education. Just as consumers have options for almost every service - we get to choose our doctors, our mechanics, which grocery store we go to - having a choice in our childrens' education is important. It may be one of the most important decisions we make in our children's lives.

Our story of how we chose non-public education may be a little different. Our daughter was in the Bismarck Public School system for kindergarten and first grade. Our son was set to start kindergarten in a public school in the fall of 2020.

However, in the spring of 2020, as we were all trying to navigate the impact of the COVID-19 pandemic - we found out our transfer request, to keep our kids at the school we had been attending the past 2 years, was denied.

We knew as transfer students, there would always be the possibility of having to move schools at some point. What we could not have predicted was that it would happen in the middle of an incredibly uncertain time.

Given the situation, we began looking into other options. Fortunately, we were able to consider a private school and the benefits of smaller class sizes were very appealing when quarantining was a very real thing.

We made the switch and our kids started at Shiloh in the fall of 2020. I knew it was the right decision for us at the time and I was incredibly grateful it was an option for us. What I did not know at the time, is how much our kids would thrive at Shiloh.

Fast forward, 2.5 years and we are still there. While this testimony could quickly turn into an advertisement for Shiloh - as I could list all the things that make our school wonderful, I want to focus on the idea of school choice.

Bismarck/Mandan, and I'm sure most of our state, has an amazing public school system and a strong public school system contributes to a strong community.

When I was present for the testimony of this bill when it was in the House Education Committee, there was a lot of discussion about how North Dakota is a state with open enrollment- that I am able to send my kids to a school that is not our assigned school. That I, as the parent, have a choice in my child's education.

It sure didn't feel that way to us in May of 2020.

Just as we didn't feel like we had much of a choice as we were forced to switch schools, many families don't feel like they have a choice to consider non-public schools due to financial reasons.

Up to this point and for our family, we've been incredibly fortunate to be able to make tuition a priority. But each spring as we look towards the next school year, we have to have the conversation about how we will continue to make this work. Private education tuition is a huge financial commitment that comes at the sacrifice of something else.

HB 1532 would help lessen that sacrifice when exercising your school choice options; and it provides an opportunity.

For our family, the opportunity to have a choice meant we discovered a school that better supported our daughter's reserved personality. She has absolutely thrived in the smaller class settings. Prior to our transition to Shiloh, school was a source of anxiety for her.

It was finding a support system - not just a school - that aligned with our family's values. It's been incredible to watch our kids navigate challenges and situations where their faith gets to be a part of the conversation.

I know our kids would be successful in any school they attend - they are resilient and strong learners. However, I am not sure they would thrive at another school like they do at Shiloh.

Again, it comes down to having the option and giving parents the opportunity to explore what is best for their children.

While public school isn't necessarily the best option for some, neither is private school; but cost shouldn't be the determining factor.

A reimbursement program would support school choice. It would help make non-public education accessible to families in our community. It strengthens parent choice in education. It keeps our communities viable and attractive to families. This is why I support House Bill 1532.

Thank you for allowing all of us the opportunity to share our experiences and our position on this bill.

Dear Senate Appropriations Committee,

My name is David Neff, and I am a resident of District 30 in Bismarck. I am writing to you today to ask for your support for HB 1532, which would provide a tuition reimbursement for families whose children attend private schools in North Dakota. As you know, private schools provide a unique and valuable educational experience for many families in our state. However, the cost of tuition can be a significant financial burden, and the economic sacrifice required is not possible for many families who are desirous of sending their children to private schools.

This bill would help to ease that financial burden and would make private education more accessible to families in our state. This bill would not only benefit these families, but it would also promote competition and choice in education, ultimately leading to better educational outcomes for all students in our state.

I urge you to consider the benefits of HB 1532 and to support its passage. Thank you for your time and consideration of this bill as well as for your dedicated service to our state.

Very respectfully,

David Neff

HB 1532 – In Favor

As a parent and resident of North Dakota, I am writing to express my support for HB 1532. This bill provides educational reimbursement for each student attending a non-public school in grades K-12, which will benefit many families in our state.

First and foremost, this program will not take any funds or resources away from students attending public schools. In fact, it is entirely separate from public school K-12 foundation aid payments and is funded by a new appropriation. This ensures that public schools will not be negatively impacted by this program. It has been misstated that HB 1532 is unconstitutional, when that is not the case. States and legislators serving their constituents are not violating the U.S. Constitution by acting affirmatively on HB 1532.

HB 1532 is fiscally prudent and smart with respect to its return on investment. The cost of this program is capped by the appropriation granted through the legislature, currently set at \$24 million for the biennium. Additionally, the reimbursement amount per student is no more than 30% of the state's base per-pupil rate. This is a very fiscally sustainable bill, showing good stewardship of the state's resources.

Additionally, a strong school ecosystem, comprised of a diverse array of schools, is important to attracting new residents to our state, retaining existing residents, and supporting a multitude of workforce needs. By providing families with the opportunity to choose from a variety of schools, we can ensure a vibrant and innovative educational landscape in North Dakota.

Personally, our family moved from Minnesota to North Dakota because of the strong private school options through the JP II Schools in Fargo, North Dakota. We have been very grateful for the quality of the education our daughter is receiving, and we are confident that the families of North Dakota will be well served if HB 1532 passes. Our child's school does an outstanding job of involving parents in the complex process of fostering a positive school environment, and I have been impressed with their commitment to transparency in decision making and reporting on school outcomes.

The school environment that we chose is one that cultivates empathy and compassion for others, fosters ethical development and decision making, motivates and empowers individuals and communities, builds academic achievement and success, educates the whole person, and provides rigorous opportunities for learning, reflection, and growth. While I can see the tremendous impact of this environment for our family, I also see how it positively impacts the community and state. HB 1532 is a win-win for families, students, and North Dakota!

In conclusion, I urge you to support HB 1532. This program will provide important educational opportunities for families in our state without having any negative impact on public schools. Thank you for your consideration and for your service to the great state of North Dakota.

Sincerely,

Jill Abbott, Ed.D.

6877 17th St. So.

Fargo, ND

507.828.1047, cell

abbotrjm@gmail.com, email

North Dakota Legislators,

I would ask your support for House Bill 1532. I am a parent of 4 grown children who attended Catholic school and 9 grandchildren 4 of whom are currently in the Catholic School system. I believe all children are deserving of the best possible education their parents choose. It is only fair and fitting school choice be a parents decision and receive the same financial support as kids in the public school system. House bill 1532 would not cover the cost of educating a student but it is a good step in the right direction to achieve excellence and fairness in education for our youth and future leaders. I have been a property tax payer for over 45 years and my kids did not benefit from those tax dollars with their education, passage of this bill would bring fairness in education. Thank you for considering House Bill 1532.

Regards,

Florian Friedt

Dear Senate Appropriations Committee,

My name is Kristen Klein, I am not sure in which district I live in but my address is 2420 11th Ave NW, Minot ND 58703. I am a parent who has chosen to enroll my children in Bishop Ryan Catholic School. I support 1532 because it would create financial support for my family and all other who choose to send their children to a private school in North Dakota.

I choose Bishop Ryan Catholic School because of many reasons but recently I lost my daughter at 4 months pregnant and the support and guidance my two boys received at the school was overwhelming. I have a 9- and 11-year-old. This loss hit them hard, and they chose to go to school right after the loss because they knew they could talk to Father Crane and Father Nelson about it and receive the support they needed. In no other school could my kids receive this faith-based guidance on such a loss. I urge you to vote in favor of HB 1532. Thank you for your service to the state of North Dakota and for your time on ND 1532.

Kristen Klein
Parent at Bishop Ryan Catholic School

North Dakota Legislators,

I would ask for your support for House Bill 1532. I am a parent of 4 children who attended Catholic school and I am a graduate of the Catholic School System. All children deserve the best possible education their parents choose. As a parent, school choice should be a decision I can make, and receive the same financial support as kids in the public school system. House bill 1532 would not cover the cost of educating a student but it is a step in the right direction to achieve equality in education. As a taxpayer, my kids have not benefited from those tax dollars with their education, passage of this bill would be a step in the right direction. Thank you for considering House Bill 1532.

Regards,
Lexi Steienr

Testimony on House Bill No. 1532

March 27th, 2023

Good Evening Chairman Sorvaag and Committee Members,

My name is Dan Beauchamp and I am here to support House Bill 1532 that would provide tuition reimbursement options for families that choose to send students to non-public schools.

My wife and I have four children. Three are currently in college and one is currently a sophomore 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. That choice would still come with sacrifice but allow them an education option that may be the very best for them. I would recommend support at the 30% of the per student payment rate.

I strongly support the committee to give a pass to HB 1532. 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.

Senate Appropriations Committee - Education & Environment Division
Chairman Ron Sorvaag
March 27, 2023

Testimony
Shane Goettle
Lobbyist for State Association of Nonpublic Schools (SANS)

HB 1532

Chairman Sorvaag and members of the Senate Appropriations E&E Division, my name is Shane Goettle, and I am here as the registered lobbyist for the State Association of Nonpublic Schools (SANS).

This bill is about empowering parents and giving them the freedom to choose the educational environment they believe is best for their child.

The North Dakota Constitution

Let me start with the North Dakota Constitution. I am sure you are familiar with Article VIII, Section 5, which reads, in part:

“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.”

N.D. Const. art. VIII, § 5.

This provision is called the “Blaine Amendment” and in 1889 when North Dakota became a state, this provision was required of states desiring to enter the Union. So, this policy was really decided in Washington, D.C., and not by the people of North Dakota.

On November 29, 2022, Attorney General Drew Wrigley interpreted this section of our state constitution to conclude, in accordance with U.S. Supreme Court precedent cited in his opinion, that:

“...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.”

Letter Opinion 2022-L-07 (Attached)

The Attorney’s General opinion is binding and governs the actions of public officials unless a court decides otherwise. So, the takeaway here is that you are serving in the first legislative session that can fully consider a proposal such as the one before you without concern that it violates the Blaine Amendment.

But let me point out one the lesser cited sections of Article VIII, namely Section 4:

“Section 4. 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.” N.D. Const. art VIII, § 4. [Emphasis added.]

With the Blaine Amendment dead, Section 4 charges the legislative assembly to “take such other steps as may be necessary” to promote education of our people.

What you have before you is a proposal to do just that.

House Bill 1532

I want to draw the committee’s attention to a few things in the bill. First, on Page 1, lines 19-20 you will see the definition of “qualified school.” The definition limits “qualified schools” to schools inside the state of North Dakota, and does not include homes schools. I think that is important so that you know this program will apply only to qualified expenses a parent might incur at nonpublic schools that are approved as such by the Superintendent of Public Instruction under NDCC § 15.1-06-06.1.¹

On page 2, lines 2-3, you can see the whole process proposed in this bill starts with a “parent” (defined in the bill) requesting a program form from a qualified school for the upcoming school year. Now, while a parent initiates this process with a particular nonpublic school of their choice, this bill is not designed as a traditional school choice voucher bill. The parents don’t handle the funds, nor do they receive any kind of redeemable certificate.

Rather, on page 2, lines 4-5, the qualified school receives the request from the parent, certifies

¹ Approval is mandatory:

- The superintendent of public instruction must approve all nonpublic schools offering elementary or secondary education. *N.D. Cent. Code* §15.1-06-06.1.
- For those nonpublic schools that are not in compliance with the requirements for approval and do not then receive a certificate of approval, the superintendent of public instruction is to notify those nonpublic school students' parents that they may be in violation of the compulsory attendance requirements. *N.D. Cent. Code* §15.1-06-06.1.
- The superintendent of public instruction may not approve a school unless each teacher is licensed or approved to teach by the education standards and practices board; teacher is teaching courses only in fields in which he or she is licensed or for which he or she has received an exception under section 15.1-09-57; students are offered all subjects required by law; the school is in compliance with all local and state health, fire, and safety laws; and the school has conducted criminal history record checks on employees who have unsupervised contact with children. *N.D. Cent. Code* §§15.1-06-06 and 15.1-06-06.1.
- The superintendent of public instruction may approve a nonpublic secondary school with enrollment of fifty students or fewer if the school provides courses in all subjects required by law, complies with statutes regarding the length of the school year, and meets all health, fire, and safety standards. Curricular programs offered by schools that deliver courses by telecommunications or other electronic means must be prepared by individuals holding at least baccalaureate degrees and delivered by those with a North Dakota professional teaching license or who at least meet the average cutoff scores of states that have normed the national teacher's examination. The school must have at least one state-licensed high school teacher for each twenty-five students. *N.D. Cent. Code* §15.1-06-07.

enrollment at that school, and then requests program funds for the child's qualified educational expenses. In short, the dollars are handled between DPI and the qualified school.

On page 2, lines 12-13, a qualified school that receives funds is to use the funds only to offset the cost of qualified education expenses the program participant or parent would otherwise be obligated to pay. How will this be documented? The school will need to credit that amount back to the parent on their invoice, demonstrating a reduction in the amount the parent would otherwise pay the school for services provided to the parent's student.

The appropriated dollars for this program are found in Section 3, on page 4 of the bill. It is \$24m for the biennium from the general fund. Note: this is a new appropriation. It is NOT being taken from public school funding. It is NOT decreasing the amount going to any school in this state, rural or urban.

In fact, based on other bills you are voting on this session, public schools stand to gain more money from this legislative session. Note the \$24m equates to \$12m per school year. That is what House Appropriations intended in the amendments they took up and added to the bill.

You can also note on page 2, lines 10-11, no matter the appropriation level or participation level in the program, no more than 30% of the state's per-student payment rate may be paid out per student. This is further limited as an offset against only the qualified education expenses the parent might otherwise have paid. In summary, once the qualified school receives the funds, the parent would see this a credit on the invoice the qualified school sends to the parents for that family, but never more than qualified expenses the parent must pay, or 30% of the state's per-student payment rate, whichever is less.

You will note on page 3 that HB 1532 has accountability, including the power to suspend a school from the program if there is any abuse. It also has protections for the schools that participate in that no other additional requirements may be imposed through rulemaking. Nor does a school need to alter its creeds, practices, admissions policies, or curriculum to participate as a qualified school.

Mr. Chairman and members of the committee, I have with me today Gerald Vetter, the President of the State Association of Nonpublic Schools, who will follow me if you any questions for the qualified nonpublic schools.

I will also gladly stand for any question myself that help this committee get to a "do pass" recommendation!



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).

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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

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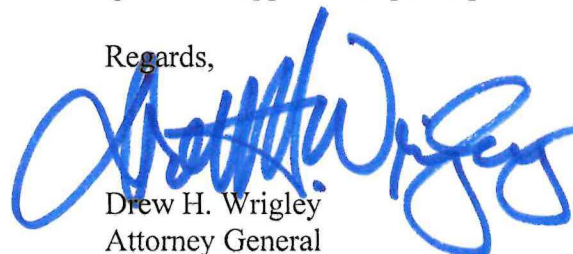
November 29, 2022

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

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

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

Regards,



Drew H. Wrigley
Attorney General

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

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

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

¹⁵ *Id.* at 2261.

¹⁶ 142 S.Ct. 1987 (2022).

¹⁷ *Id.* at 2002.

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

3/27/2023

ND Senate Education Committee
Bismarck, ND

Chairman Sorvaag and members of the committee,

My name is Kevin Leier and I have a rather unique position to share with you as I ask for your support on HB 1532. My professional career in education for well over a decade has included working as a classroom teacher, instructional leader, and REA Professional Development Specialist in the public education sphere. Now, to add to that, I find myself in a new position and honored to be Principal of Little Flower Elementary School, a non-public school, in the rural community of Rugby, ND. I share this background with you because in the various roles I have played I have seen firsthand the quality of education being provided in our state from a unique perspective of both public and non-public. I am lucky to have close friends and colleagues in both the private and public school sectors and, although we might not see issues in education the same all the time, we respect the fact that North Dakota is a state blessed to have committed educators providing the best education possible for our kids.

Little Flower School has a PreK-6 student enrollment of 67 students. Every student at Little Flower ends up a public school student when they transition to Junior High. These students become part of the student census for public school funding eventually graduating as a proud Rugby Panther. We are fortunate to have a strong relationship with Rugby Public Schools. This is an important point to be made knowing that all students in Rugby, regardless of where they are educated PreK-6, end up Panthers at the end of their public school careers in our community. Because of this, I have never looked at Private and Public Education in North Dakota to be at odds with one another. The greater point I would like to make here is that over \$500,000 dollars is saved a year in state per pupil payments by students attending Little Flower. Would the state not have to pay that out if our school was to simply close and families had no choice but to send their kids to the public school? HB 1532 would reimburse parents a mere fraction of that dollar amount for choosing Little Flower Elementary. To this point it is important that you know this is not just an option in large communities. There are similar situations to Rugby's in Langdon, Wahpeton, Jamestown, Belcourt, Devils Lake, and Valley City to name a few more. These schools all transition students to public school as they end at either grade 6 or 8 pending location.

The second point I would like to make is in regard to the example I can provide about how alumni from non-public schools, like Little Flower, become a great case study in workforce development, entrepreneurship and community involvement in our state. There has been very little discussion on how impactful our non-public schools have been on retaining alumni to become successful future North Dakota residents. Most opposition stems around location, special education and educating all students and I'd be happy to answer questions, from my

position, to those points. But, regardless of the positions in this room on this bill, I believe we all have common alignment when it comes to education being a primary pillar to workforce development. I've personally looked at the class rosters from our small school over the last 20 years and over 75% of those former students have gone on to live and work right here in North Dakota building companies, serving their communities and maybe most importantly, building families for the next generation of our great state. I don't believe it is far-fetched to say similar numbers could be seen from our other non-public schools. During a special session last year, over \$85 million dollars was allocated to fund grants for CTE Centers across the state. Is it not a similar argument if your community is not a recipient of this funding that all taxpayers, regardless of the tax funding source, are supporting an educational initiative even if they can't use it due to location? Maybe we need to look at all aspects of success in educating, developing and retaining the high quality people of North Dakota and non-public schools undoubtedly play a part in this process. HB 1532 merely allows a small amount of new dollars (by comparison) in support for students to walk a different educational path in that pursuit. I strongly urge you to look at the impact of all our students in North Dakota and support passing this legislation with a Yes vote.

Thank you for your time and consideration,

Kevin Leier- Principal
Little Flower Elementary School
Rugby, ND

March 27, 2023

Dear Committee Members,

Hello my name is Nicholas Schmaltz and I am writing in support of HB 1532. I am a member of the Little Flower School Advisory Board and also a member of the Rugby Public School Board. I would like to share with you my thoughts as to why I urge support of HB 1532.

Our family has sent all of our children to Little Flower School in Rugby through the 6th grade and then they have attended Rugby Public School for the rest of their education. We are very fortunate to have this opportunity in our community. The 2 schools work very well together.

I have heard that passage of HB 1532 would be taking money away from Public Schools. I don't believe that there is language in the current Public per pupil formula or anywhere in this Bill that requires a deduction of dollars from the public per pupil student payment to be transferred to the Private School student payment! The dollars proposed for this Bill in no way come or will come from the current public per pupil formula! No current program funding, as I understand, is going to be cut/reduced to fund this Bill.

An area of concern is Accountability of Public Funds. I agree that all public funds provided should be shown how they are used. I know this would not be an issue with Little Flower School. Little Flower School currently receives Title One funding, administered by the RPS District, and can only spend it on items that are covered by Title One. There is documentation for Title One and there is no reason why documentation can't be provided for HB 1532 funds.

Another area of concern is the ability of Private Schools to turn away students for various circumstances. If the state would be willing to fund Private School students at the same level as Public School students, then by all means a strong argument would be that both settings should be required to abide by the same requirements. Until then, it's up to each Private School to do the best that they can with the funds that they are able to generate.

I support our public education through our real estate taxes and by contributing to the various fundraising events. I also support our local Private School through the various fundraising and tuition payments while our children attended school there and continue to do so.

HB 1532 would recognize the importance and value of the students that attend the Private Schools. I strongly urge you to pass HB 1532.

Thank-you for your time on this bill and your public service to our great state!

Nicholas Schmaltz

Dear Committee Members,

I urge you to vote no on HB 1532. Taking public money and spending it on private school is not good for our state. I am a teacher in a public school. My children go, or will go when old enough, to a public school. I believe in our public school systems. My fellow teachers are some of the best people I know, and they put so much into their students and classrooms. Diverting the much needed public funds to run a public school to go to a private school is beyond frustrating.

Taking away funds limits the staff (paraprofessionals, secretaries, custodians, cooks, coaches, and teachers) a public school can hire. Limits the technology, resources, building updates, and so many other things a school needs.

I understand that parents who choose to send their child to a private school feel that financial burden. However, that is their choice, not mine. The states tax money should not go to a private school, especially since most private schools are religious based schools. Private schools also dont have to follow as many regulations as public schools do. If private schools are given state tax money, will they be required to fulfill all the requirements that a public school follows? Will private schools be expected to follow every rule set forth by the state legislature if this bill passes?

I am frustrated to see this bill and I fear what will happen to public schools if money is taken away and given to private schools. Please vote no on HB 1532.

Thank you for your time,
Stephanie Robinson



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

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To: Senate Appropriations - Education and Environment Division
From: Christopher Dodson, Executive Director
Subject: House Bill 1532 - Educational Reimbursement and Parental Choice
Date: March 28, 2023

The North Dakota Catholic Conference supports House Bill 1532.

All children have a right to state-supported education. This right is rooted in who we are as human persons and the obligations of the political community to concretely assist in the development of all children so that they can reach their full potential. At the same time, parents, as the primary educators of their children, have a right to choose the best educational setting for their children.

These two basic human rights are not mutually exclusive. Treating them as such violates both the child's rights and the parent's rights, and mostly hurts poorer families.¹ This is why House Bill 1532 is not about nonpublic schools and certainly not about Catholic schools. Indeed, these rights of children and parents are so fundamental that the North Dakota Catholic Conference would support HB 1532 even if there were no Catholic schools in North Dakota.

House Bill 1532 respects both rights by allowing a parent to request that the school they freely chose for their child receive reimbursement for part of the child's costs of education. It is constitutional, does not take money from public schools, and includes all the oversight, requirements, and accountability that go with operating a school in North Dakota and implementing the program.

House Bill 1532 is Constitutional

Opponents of parental choice will often cite Article VIII, Section 1, of the North Dakota Constitution. It states that "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." The provision does not prohibit parental choice programs. It merely says that there must be a system of public schools. House Bill 1532 does not affect this provision in any way.

The other constitutional provision often cited by opponents of parental choice is Article VIII, Section 5, which states: "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 provision is often called the "Blaine Amendment."

Of course, HB 1532 does not use “money raised for the support of the public schools,” but, more importantly, the time has come that we no longer give any credence to arguments appealing to the state’s Blaine Amendment.

After two opinions from the United States Supreme Court in 2017 and 2020 that found that state Blaine Amendments violated the First Amendment, state Blaine Amendments were on life-support, at best.² In 2022, the U.S. Supreme Court finished them off.³

As expressed in the *Espinoza* case, “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.” North Dakota’s Blaine Amendment does just that. Article VIII, Section 5 is unconstitutional on its face.

On November 29, 2022, Attorney General Drew Wrigley issued a formal opinion affirming the unconstitutionality of the provision.⁴ 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.”

Nevertheless, we continue to hear that although the state’s Blaine Amendment is unconstitutional, the legislature should respect the intent of the state’s Founders and enforce it legislatively. The assertion is deeply troubling. The state’s Blaine Amendment is unconstitutional because it violates the First Amendment of the United States Constitution. 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.⁵

Alternatively, we hear that the drafters of our state constitution intended to prohibit any assistance to nonpublic schools, religious and secular. But that is not what the state constitution states. It only — unconstitutionally — drew the line at “sectarian.” By implication, it authorized funding for nonpublic schools. Moreover, Article VIII, section 4, expressly authorizes the state to take steps to provide education “other” than providing for a system of public schools.⁶ In short, nothing in the state constitution prevents HB 1532.

House Bill 1532 Does Not Take or Divert Money from Public Schools

The appropriation for HB 1532 comes from the general fund, not public schools. Despite this clear language or, perhaps because of it, some argue that any money that does not go to public schools is money taken from the public schools. If we follow that logic, however, money this body appropriates for roads, human services, law enforcement, or anything else is taken from the public schools.

House Bill 1532 Does Not Mean the Schools Should Take Every Student

We have heard in opposition to HB 1532, that nonpublic schools are not required to take all students, as if this is somehow relevant to the bill. Others will comment on how

nonpublic schools do take special needs students and could take more with HB 1532, but a few flaws of this argument are worth noting.

First, HB 1532 is not about public schools or nonpublic schools or which students they take. This bill is not about the schools at all. It is about the parents and their choice. The school is merely incidental to parents' choice. There is no rational reason why the decision of a parent should trigger legal mandates on the school unrelated to the decision or the costs borne by the parent.

Second, if we follow the logic of the "take every student" argument, it would have to apply to every nonpublic school, including the Anne Carlson Center, Full Circle Academy, and the school at the Dakota Boys and Girls Ranch. Such a policy would eventually undermine and destroy their ability to adhere to their missions and provide specialized educational services.

Parental Choice and Reimbursement Should Not Trigger Unrelated Regulations

Another argument made by opponents is that HB 1532 should require nonpublic schools to follow every regulation and law applicable to public schools as if nonpublic schools were government institutions from top to bottom.

Here again, there is no rational reason why the decision of a parent should trigger legal mandates on the school unrelated to the decision or the reimbursement. Every nonpublic school already meets every requirement for operating as a school in North Dakota. HB 1532 includes whatever oversight, open records requirements, and rules that are necessary to implement the legislation. There is no rational reason to apply to a nonpublic school additional requirements appropriate to a government institution merely because a parent is reimbursed for services provided by that school. According to that logic, all the state's hospitals and clinics, Catholic Charities, and Village Family Services should be turned into government institutions merely because the state reimburses them for provided services.

HB 1532 Does Not Hurt Rural Public Schools

We have already established that HB 1532 does not take any funding from public schools, including rural public schools. Despite this fact, some opponents of HB 1532 argue that this body should defeat the bill merely because rural areas do not have nonpublic schools. This, of course, is patently untrue. Nonpublic schools operate in Rugby, Langdon, Valley City, Belcourt (two), Fort Yates (two), and Fordville. Four of these schools serve Native American communities.⁷

Moreover, if you follow the logic of this appeal, we should not fund anything that might, as a result of where people live, benefit one area more than another. According to this thinking, we should not fund English Learner programs because 76% of those students live in urban areas. Parental rights and children's rights to education should not depend on where they live.

House Bill 1532 does not negate the state's constitutional obligations to public schools. It does not violate the state constitution. It does not violate the federal constitution. It does not take any money from public schools. It does not require adding any more requirements to the bill. Instead, it respects the rights of parents and children and strengthens education in North Dakota.

We urge a **Do Pass** recommendation on House Bill 1532.

¹ Please read the filed testimony of Monsignor Chad Gion, pastor of the Catholic Indian Mission in Fort Yates, North Dakota. Available at: https://ndlegis.gov/assembly/68-2023/testimony/SEDU-1532-20230314-24343-F-GION_CHAD.pdf.

² *Trinity Lutheran Church of Columbia, Inc. v. Comer*, 137 S.Ct. 2012 (2017); *Espinoza v. Montana Dept. of Revenue*, 140 S.Ct. 2246 (2020).

³ *Carson v. Makin*, 142 S.Ct. 1987 (2022).

⁴ North Dakota Attorney General Opinion 2022-L-07. (Attached to this testimony.)

⁵ 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, 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).)

⁶ "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." North Dakota Constitution, Art. VIII, sec. 4.

⁷ The positive impact these schools have on their community is illustrated by St. Bernard's at Fort Yates. The high school graduation rate on the Standing Rock Reservation is 40%-49%. Yet, 90% of the students who start at St. Bernard's go on to finish high school.



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).

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

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

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

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

⁵ N.D. Const. art. VIII, § 5.

⁶ N.D.A.C. § 67.1-04-04-03.

⁷ N.D.C.C. § 15.1-13-10(9).

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

⁹ 137 S.Ct. 2012 (2017).

¹⁰ *Id.* at 2021 (citations omitted).

¹¹ *Id.* at 2021-2022.

¹² 140 S.Ct. 2246 (2020).

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

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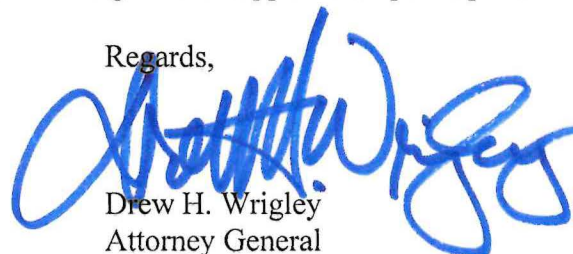
November 29, 2022

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

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

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

Regards,



Drew H. Wrigley
Attorney General

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

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

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

¹⁵ *Id.* at 2261.

¹⁶ 142 S.Ct. 1987 (2022).

¹⁷ *Id.* at 2002.

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

Jeffrey L. Skaare – District 39

House Bill 1532

March 27, 2023 (8:30 A.M.)

Senate Appropriations – Education and Environment Division

In Favor of HB 1532

Chairman Sorvaag, and fellow House Committee Members. My name is Jeffrey Skaare, I live in Dickinson, North Dakota and I am in District 39. I was born, raised, and educated in the great state of North Dakota. I was fortunate to graduate from both North Dakota State University, as well as the University of North Dakota. I am an attorney by education, and a certified professional landman by trade. My North Dakota pride runs deep. I am mostly proud to not only raise my family here, but to instill in my children a love of this great State. We are leaders in Energy and Agriculture. Our State is faced with numerous challenges including workforce challenges. To continue to develop our communities around this State, we need to support House Bill 1532.

First, this bill does not negatively impact public education. The enactment of House Bill 1532 creates opportunities for North Dakota students. School of choice allows parents to the opportunity to decide what is best for their children whether that is a public or a private education. We are fortunate to have both a strong public and private school system in ND. There is no reason to suggest otherwise. The property taxes supporting our school systems will remain in place. When a parent decides to place their child in a private education, they will continue to pay property taxes. That property tax payment will continue to support the public school system and the parent will be required to pay for the private education. This bill allows parents to request assistance to pay for the expenses for a qualified school.

Second, there are good reasons to support a parent's decision regarding their child's education. We can continue to develop our State's much needed workforce by attracting those interested in such opportunities. We are able to discuss bills like this because of our other state resources, namely oil and gas, and the revenue that they generate. To continue to develop our

vast resources, we need to attract a workforce capable of the hard work necessary to develop our resources. This bill provides opportunities for parents but more importantly for all children.

Let's continue to show our support of a North Dakota education in all respects. Let's incentivize families to work and live in our great communities by demonstrating our commitment to the success of every North Dakota student, regardless of whether they attend a public or nonpublic school. It is for these reasons that I support the enactment of House bill number 1532 and request a recommendation of DO PASS. Thank you.

My name is Lindsay Thorfinnson and I live in district 43. I am a parent who has chosen to enroll my children in St. Michael's Catholic School. As a private educator, as well as a mother whose child attends a private school, I urge this bill to be passed. I am a product of a Catholic school, as well as my siblings. We never took for granted this opportunity that was made possible through our mother's employment at our school. Had she worked elsewhere, there's a good chance that we would not have had the same education and formation. Following in those footsteps, I see first hand the families who have to sacrifice so much in order to send their children to a private school. I also see those families who feel that they can't afford to send their children to our school. I strongly support 1532 because I believe that all families should have the opportunity to send their children to their school of choice. I can't imagine sending my children anywhere else. I realize that it's not a possibility for many due to financial obligations. From a Catholic educator, I can also see the benefits of using funding for more support for our students. There are children with special needs who wouldn't have to go to a different school than their siblings if we had the funding and resources to provide the support they need. I urge you to vote in favor of HB 1532. Thank you for your service to the state of North Dakota and for your time on ND 1532.

To the Senate Appropriations Committee,

My name is Grant Thorfinnson, I live in District 43 and I am a parent of a child who attends private school. I support HB 1532 because I believe all parents should have a choice in where their child is educated regardless of financial situation. Unfortunately for a lot of families that is not the case. My son has greatly benefited from his private school education in his time in school, he has gotten support from staff that I do not believe he would have had in a public school. Every parent should have the opportunity to make that choice and send their child to a private school if they believe it will be best for their child. For these reasons I urge you to vote in favor of HB 1532. I thank you for your time, your service to this committee, and to the state of North Dakota.

Testimony on House Bill 1532
March 27, 2023
Senate Appropriations Committee –
Education & Environment Division
Senator Ronald Sorvaag, Chairman

Marya J. Skaare, President, Trinity Catholic Schools

Affirmative Support of HB 1532

Greetings Chairman Sorvaag and Senate Education Committee Members,

My name is **Marya Skaare**, and I reside in District 39. I am the current **President of Trinity Catholic Schools in Dickinson and more importantly, the mother of two school-age daughters**, so this bill is of great interest to me and is of great impact to not just my own children, but to the children entrusted to my schools by their parents. Thank you for the opportunity to share my support of HB 1532 with you. 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, only about 6% 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 HB 1532 is not intended to be an indictment of public schools, just as it should not be used as an indictment of non-public schools. This bill is about students. Plain and simple. It allows for EVERY North Dakota student to receive some level of support from the State to assist in their cost of education.

Ever since the Supreme Court ruled Blaine Amendments unconstitutional, conservative states like North Dakota have been responding enthusiastically to the decades-long demand for parent choice in education with bills like HB 1532. Misinformation campaigns by the opposition have been attempting to create confusion about who HB 1532 supports. Make no mistake—this bill supports students. No, HB 1532 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 a reimbursement program for families who send their children to qualified nonpublic schools—a category of schools recognized by NDDPI that includes more than just Catholic, Lutheran, and other faith-based schools, but also schools like the Anne Carlsen Center and Full Circle Academy; as well as tribal schools, innovation academies and schools for at-risk students. Even so, HB 1532 is clearly not about State support of nonpublic school systems, it is about State support of STUDENTS in these systems—support for EVERY North Dakota school-age student regardless of the type of school with which they affiliate; and as a parent, that is incredibly

Testimony on House Bill 1532
March 27, 2023
Senate Appropriations Committee –
Education & Environment Division
Senator Ronald Sorvaag, Chairman

Marya J. Skaare, President, Trinity Catholic Schools

Affirmative Support of HB 1532

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.

The collective nonpublic schools in ND save the State millions of dollars each year with the help of our stakeholders, which include tuition-paying families, we operate schools that not only save the State the per pupil rate for each of the 7700+ nonpublic school students, but also contribute to our local economies and produce ND graduates who go on to attend ND colleges and universities and work in our communities. Nonpublic schools are essential to offering a diverse education landscape in our state and actually help to attract new families to our North Dakota home. When I worked in workforce recruiting in the energy industry, one of the first questions our HR department was asked was about our schools—not just pertaining to public school quality, but are there private, charter and Montessori schools available? For new North Dakotans, education choice matters.

In Dickinson alone, if we closed our doors, our local school district would struggle to accommodate the influx of students with already strained capacity, and the State would be responsible for the full per pupil payment for each student now in public school. This bill is requesting a modest reimbursement based on the current per pupil rate to be paid to help the education cost for students whose families choose nonpublic schools. Public schools are well-funded and will continue to get the per pupil rate per student enrolled in their schools. This bill does not reduce the amount paid per pupil to public schools and is not a taking of money from ND students. On the contrary, this bill actually expands the state's commitment to North Dakota students by supporting ALL students, regardless of school affiliation.

Detractors continue to try and make this about the differences between nonpublic and public schools—but that is just a distraction. The State has determined the guidelines to become a qualified nonpublic school operating in the State of ND and they have established standards, reporting guidelines, etc., with which we must comply. Your nonpublic schools follow these guidelines, are recognized as qualified schools and are compliant with all State requirements. We are doing what we are being asked to do according to the rules created for us by the State. That being said, this is a distraction because this legislation is not about how nonpublic schools behave, it is about helping the families who choose nonpublic schools. These are tax-paying, North Dakota families who could use the help provided with HB 1532. With the rising cost of education, nonpublic schools are constantly trying to keep up with our well-funded, public school neighbors. We strive to pay 80% of what public schools pay, but that

**Testimony on House Bill 1532
March 27, 2023
Senate Appropriations Committee –
Education & Environment Division
Senator Ronald Sorvaag, Chairman**

Marya J. Skaare, President, Trinity Catholic Schools

Affirmative Support of HB 1532

continues to be a struggle as public school wages increase and retirement benefits outpace what we are able to provide; and we are all keenly aware that no one is immune from the impacts of inflation. Our utility costs alone have increased over 30% in the past year—even with updating our buildings to employ energy saving measures. The meaningful point here is that these are costs that get passed on to our tax-paying, nonpublic school families. They are the ones who bear the burden of helping our nonpublic schools to cover the rising costs to educate with their tuition dollars—costs that are heavily influenced by our public schools as they are the market drivers in the education sector. As the cost to educate increases, their tuition costs increase. HB 1532 will provide needed support to families who choose nonpublic schools and unlock access for families who have felt like they had no choice in education due to financial limitations.

Chairman Sorvaag and esteemed Senators, please accept my enthusiastic and sincere encouragement for your support of HB 1532. Your support of 1532 is support of ND students and their success. Your support of 1532 is your support of unlocking funds for ND families to choose the educational setting that is right for their children. Your support of 1532 is an investment in our future by investing in our people. Your support of 1532 begins today, with a do-pass.

HB 1532 Testimony
Senate Appropriations - Education Environment Division
Gerald Vetter, President, Light of Christ Catholic Schools
March 28, 2023

Chairman Sorvaag and members of the Senate Appropriations – Education Environment Division,

I thank you for the opportunity to speak in support of House Bill 1532.

My name is Gerald Vetter and I serve as the president of Light of Christ Catholic Schools in Bismarck. Our five schools educate 1,437 students pre-k through grade 12. Our approximately 850 families are integral partners within this community and are privileged in being the primary teachers of their children. Historically, the St. Mary's Academy and Boarding School was the first Catholic school in this region, dating back to 1878, just five years after the railroad reached the Missouri.

Personally, I am the product of both public and private schools. My parents and dedicated educators instilled within me a great respect and admiration for North Dakota schools, educators and a passion for student learning.

Additionally, I serve as the current president for the North Dakota State Association of Non-public Schools. There are approximately 7,700 non-public students in North Dakota, which is about 7% of all North Dakota student's pre-k through grade 12. Non-public schools in North Dakota are approved by the ND Department of Public Instruction. The superintendent of public instruction must approve all non-public schools offering elementary or secondary education. To be an approved school, each year non-public schools must comply with the annual accountability pieces as required by the Department of Public Instruction.

HB 1532 would offer a welcomed educational reimbursement to our North Dakota families. In covering a modest portion of the actual cost to educate their child this would assist families to attend the school most aligned to their ideological beliefs and ultimately deemed the best fit for each child. Thereby, lessening the challenges that may restrict them and lessening the financial sacrifices being made to attend a non-public school and assuring the right that each child will be receiving a quality education in a North Dakota school.

Each North Dakota student has the right to receive an education and each parent has the right to determine what school would best meet the needs of their child. The needs for students arise in many different forms, and non-public school administrators, instructors and instructional aides work diligently to identify and support students that may struggle socially, physically, emotionally and academically. Additionally, non-public schools work collaboratively, with the local public school district, to serve students that do qualify for additional individual support services.

I'd like to briefly address the process of how the educational reimbursement would work.

First of all, we expect to work closely with DPI to ensure the program starts with parents and ends with parents as the legislation proposes.

During the enrollment process for new students and the re-enrollment of existing students, we would provide our parents the information and opportunity to opt-into the program. This is a key point: the parents must request reimbursement to prompt the program.

For the parents that do opt-in, we will aggregate the requests and communicate those requests to DPI within the deadline established by DPI. After processing all parent requests, DPI will then issue a check to each qualified non-public school who submitted parent requests.

After the funds are received from DPI, a credit would be issued to parents on their next invoice. The credit will equal the amount of the reimbursement from DPI. This will document that the benefit requested by the parent is going back to that parent. It will be documented as a credit on their bill for the qualified education expenses of their student--expenses they would otherwise be obligated to pay in full.

Speaking on-behalf of the students and families of Light of Christ Catholic Schools, they appreciate calling North Dakota their home. After our students receive their ND approved diplomas, nine of 10 graduates then decide to attend one of our ND private or public colleges or universities. Many during the course of their higher education and beyond regularly seek employment in their state becoming generous citizens, parents and taxpayers helping to support the common good of their local communities and state.

On-behalf of the State Association of Non-Public schools, we are committed to continuous improvement and statutory compliance of all school approval requirements, post-secondary and workforce preparedness, support for social emotional concerns and providing safe and secure school environments. These intentional efforts are implemented with fidelity, while still honoring and preserving a distinctive mission that each institution was founded upon. HB 1532 is an investment in the families and students of North Dakota.

Thank you for your work and service to North Dakota families and students. Additionally, for your consideration of House Bill 1532. This educational reimbursement program both supports and respects the rights of parents to make informed decisions regarding their child's education and to create greater access to an excellent North Dakota education in covering a modest portion of the cost to educate their children in a North Dakota school deemed the best fit for each child.

There are several intelligent administrators, parents and alumni here today that can expand in greater detail relative to some of the matters I highlighted in my comments.

I am able to stand for questions.

Good Morning, Chairman Sorvaag and Senate Committee Members.

Thank you for giving me the opportunity to speak with you about HB 1532.

My name is Kimberly Efta and I reside in Grand Forks, specifically in District 42. I am a full-time Realtor and my husband, Deven, is a farmer. We are so grateful to be living in North Dakota. We have three kids, ages 7, 6, and 4. I grew up on a family farm near Petersburg, ND, and attended Lutheran Church my entire life. My husband and I were both public-school educated and had wonderful experiences.

I believe this bill is about a generational change, so I would like to give a little background of my education growing up. In 1993, when I was in 2nd grade at Unity Elementary School in Petersburg, my parents fought for open enrollment in North Dakota. For my older sisters to qualify for extra-curricular activities my parents made the decision to move the entire family to Larimore, more than 20 miles away. My parents told me how they had to remove all of our beds from our farmhouse during the harvest season because the Department of Public Instruction threatened to come to the house to do checks and make sure no one was staying there. Even though I was young I remember my parents were certainly concerned about our education. They traveled to Bismarck 19 times during the 1993 legislative session in support of open enrollment. Fast forward 30 years to today we find ourselves with another generational change bill: HB 1532.

Eight years ago, when my husband and I moved to Grand Forks to start our careers, it took us months of searching to find a home where we could raise a family. During our home search the number one item on our list was proximity to an elementary school. We found the perfect home. It's located adjacent to an elementary school near the UND campus. Our backyard gate opens to the school playground. We didn't even purchase a swing set for our yard because the school playground was so close. Attending public school was our first choice in our kids' education. When my oldest was old enough to attend public school, we registered her for Grand Forks Public Schools. She was so excited to be going to school right next door. In August 2021 she attended a month-long Intro to Kindergarten class at that school. The convenience of walking her to the school from our house was so nice and I think she told the entire teaching staff where our home was located.

However, due to the worldwide pandemic, the world had begun to shift. Seemingly everything turned political: from social issues, masking, American history, to our cherished American traditions. It was during this very heated political climate in our world that my husband and I had a long discussion about where she would begin her educational journey. We knew we had a parental duty and choice to see our kids raised in an environment that shared our beliefs and philosophies. That is when I reached out to St. Michael's, only five days before the start of our oldest child's kindergarten year.

Several people have asked me why I switched to a non-public school five days before the start of the school year? This is why. Our local school board held three different votes over 11 days to require masking of our children. They finally got the majority to mandate masking on the third vote, five days before the start of the school year.

These were all the meetings held in August of 2021.

Monday, August 9, 2021 at 6:32 PM - REGULAR MEETING at the Mark Sanford Education Center - Motion was passed to recommend but not require students to wear masks while inside/on school property. **Passed 6-2 with one absent.** Several parents spoke about parental choice in masking.

Monday, August 16, 2021 at 8:39 PM - SPECIAL MEETING in Grand Forks City Council Chambers - Motion to have universal masking through October 20, 2021 unless a different recommendation is brought by the Smart Restart Committee sooner, failed on roll call votes. **Failed with a 4-4 vote with one absent. No public comment.**

Friday, August 20, 2021 at 12:00 PM - SPECIAL MEETING at the Mark Sanford Education Center - Motion was passed and amended to require masks be worn by all individuals age 2 or older while inside of Grand Forks Public School facilities or Grand Forks Public Schools leased facilities effective Monday, August 23, 2021. The amendment that if any one of the three indicators is triggered [risk level, CDC transmission level, Smart Restart Committee recommendation], it should come back to the board for discussion. **Passed with a 8-1. No public comment.**

Monday, August 23, 2021 - REGULAR MEETING at Hilton Garden Inn - No discussion of Smart Restart. After the meeting the board had a private retreat and the public was told to leave. A police officer was guarding the door during the retreat.

What changed in the four days in August between the two special meetings? Why were these special meetings held late at night and during a work day? Why five days before the start of the school year? Why were parents not allowed to speak at these special meetings? Why didn't the masking vote happen during the regular school board meeting on August 23, 2021?

I am a Lutheran and choose to send my kids to a non-public Catholic school. This certainly was not an easy decision. My husband and I had many discussions about finances, transportation to and from school, and after school care. We are paying for our children's education with financial assistance from St. Michael's, their grandparents and personal finances. I know there are parents and caregivers who cannot afford non-public schools. Supporting HB 1532 would provide them the opportunity to choose where their children are educated.

Passing HB 1532 would be very helpful for many parents. There are people that cannot afford to have CHOICE. Currently our community has a vote coming down for a \$79 million referendum. The state of North Dakota has given property tax relief to homeowners but everyone's taxes keep going up in our city. Our school board has maxed out their mills. I'm paying taxes and private education to fund both public and non-public schools. Certainly education is an important item in our state and communities, otherwise we wouldn't be here today.

One of the most important things we have learned about raising children? It is impossible to go back to square one and restart their educational journey. You get one chance to raise your kids – that's it – one chance. We are making the choice to get them a solid foundation in their Christian faith. Now that our middle child was old enough to start school this year, we had the same discussion as when we sent our oldest to St. Michael's. It was an easier decision for us since watching our oldest child flourish at St. Michael's.

Over spring break a few weeks ago, my oldest children asked me "what does liberty mean?" It might be because the new Paw Patrol character is named, Liberty but mostly it's because they state the Pledge of Allegiance every morning at St. Michael's. I told them it means freedom.

I looked it up the other day. Liberty means "the state of being free within society from oppressive restrictions imposed by authority on one's way of life, behavior, or political views."

During August 2021 the Grand Forks public school board voted 3 times regarding the mask mandate before the start of the 2021-2022 school year. The mandatory mask mandate on our children vote finally passed in the 2nd special meeting at 12 PM on a Friday - 5 days before the start of the year. As a new parent in the school district I quickly learned how special school board meetings work - there's no public comment.

Life. Liberty. And the pursuit of happiness. My decision to send my children to St. Michael's was reassured when a school board of one of the largest school districts in the state voted to remove the pledge of allegiance from their meetings. It's unfortunate our beloved state and country is at this crossroad.

Parental choice is needed in our state with LIBERTY and justice for all.

It has been 30 years now since the open enrollment bill was passed; a much-needed change in the education system. Now it's time for parental choice in our kids' education. On behalf of so many families who support school choice, we would deeply appreciate your support for HB 1532.

Thank you for your time and consideration.

Date: March 27, 2023

To: Senate Appropriations Committee - Education and Environment Division

Re: Support of ND HB 1532

My name is Theresa Boltz, I live in District #61, and I support HB 1532 because parent choice in education is critical to ensuring their children are educated in an environment that they know is best for them to thrive and grow.

As a parent to young children, I have seen firsthand how their surroundings make a lasting impact upon them. Having exposure to St. Michael's Catholic School in Grand Forks where they support each child as a whole and foster the many virtues, I feel privileged that this school is in the Grand Forks community. I believe that this school setting, and others like it should be a possibility for more families, and it can be a possibility for more families with the passing of HB 1532.

Many families are burdened with the ever-increasing cost of raising a child and it is unfortunate to think that so many aren't able to consider a private school due to the cost. I believe that parent choice for their children's school provides those that know their child the best the ability to make the best decision for their education. The best decision cannot be made if not all options are truly available to the parents.

By providing an education reimbursement through HB 1532, more families can seriously consider private schools such as St. Michael's, which were previously financially unattainable. I urge you to vote in favor of HB 1532.

Thank you for your service to the state of North Dakota and for your time on ND HB
1532.

Testimony for HB1532

My name is Katie Vidmar, and for my husband Jeremy and I, being able to exercise school choice has made all the difference for our family. This is especially true for our oldest daughter Mary Claire who has a non-specified neurodevelopmental disorder, as well as a cognitive disability.

Our family had been living in Mott, North Dakota, and while the local school district was doing the best they could, it was clear their capacity to serve our daughter was limited. As an early elementary student, spending 80% of her time in a resource room was very isolating for Mary Claire and we began to be concerned for her social and emotional well-being. It was then that we began to seriously consider moving from our beloved rural community to be closer to better support for Mary Claire, as well as an educational system equipped to be more inclusive of our daughter. It was then that we discovered Christ the King Catholic Montessori School in Mandan.

We were drawn to Montessori education and Christ the King specifically because by nature of the educational philosophy embraced at the school, having children of varying ages and abilities present in the same environment is the norm. Administration was clear they didn't have the same LD supports as a Public School, but they were willing to work with us to find creative solutions to integrate Mary Claire into the CTK community. We moved in October of 2021, and our oldest three children are now enrolled at the school.

Mary Claire is thriving. She's fully integrated in a lower elementary environment, where her presence as a member of her community is valued and even treasured. We've partnered with a local outpatient pediatric therapy group that sends PT, OT, and Speech Therapists to treat Mary Claire in the context of her school day, allowing for collaboration between her teachers and therapists. We feel we've found the setting that is truly the best fit for our daughter.

Christ the King has been wonderful for our other children as well. Our 8 year old son has dyslexia, and an embodied approach to reading meets him at the point of his need. Our 6 year old daughter is an extremely precocious Kindergartner. She's doing academic work well above her same-age peers, while also enjoying the leadership she has as one of the oldest children in her 3 to 6 year old environment.

Jeremy and I have 3 more children at home, which means at some point we'll be paying private school tuition times 6. This is a significant financial commitment on our behalf, and the burden is real.

Some may hold the opinion that perhaps if rural school districts received more funding for special education, perhaps our family could have been better supported in Mott. While more support is always helpful, what we have found at Christ the King is a unique philosophy of education that allows Mary Claire to be integrated with her peers, leading to her growth socially, emotionally and spiritually in a way that even a very well-funded public school cannot accommodate. Simply appropriating more dollars to our rural public school would not have been enough to keep us there, as it would have been simply "more of the same," not the kind of holistic educational support we are receiving now at CTK.

As taxpayers and parents, we are grateful to the Senate for considering this assistance to families. For us, it would make all the difference.

Members of the North Dakota Senate Appropriations Committee,

My name is Jaimie Brunner, and I write to you today as a District #40 mom expressing my support for HB1532.

Both my husband, Randy, and I experienced public and private education during our years growing up in Minot, and I like to think that our parents made their decisions with one goal in mind: raising us both (along with our brothers and sisters) to be good people and responsible, productive citizens in our community.

A common theme heard from many educators today is the importance of recognizing that children are not "one size fits all" when it comes to educational environments. We dedicate resources to creating the spaces and teaching methods that encourage meeting our students where they are in public schools, so it's hard to understand how a private school setting could not be seen as another viable option for families in offering a different environment and approach to educating children.

For our family, we have chosen private education at a school that goes through the same accreditation process that our state public schools go to. (And our last accreditation scores were among the top in the state.) Our expectation as parents is for our children to learn and grow and become the next generation of citizens shaping and supporting their communities, and we believe that our school is our partner in doing that. I fully recognize that our school might not be the best answer for every family (a statement that would be true for every school), but for my family and many others who have chosen nonpublic education, this is our best fit.

I urge you to support HB1532 to support parents in their right to find the school that is the best environment for raising their children. Thank you for your work in committee on this bill.

Respectfully,
Jaimie Brunner
Minot, ND

House Bill 1532

Senate Appropriations: Tuesday, March 28th at 8:30am

In support

My name is Daniel Neff from District 35. I attended private education kindergarten through 12th grade along with my two siblings. I attended two public colleges in North Dakota and received the State Scholarship. I moved to Minnesota for 3 years, but returned to Bismarck to plant roots and to send my children through the same private school system I attended. I am now employed by that private school system.

I believe families should have the choice between private and public-school offerings. Private school can be cost prohibitive. I am grateful for the economic sacrifice my parents made to send me to private school, though it is not an economic reality for every family. I believe that the existence of private schools and their accessibility benefits all North Dakotans.

However, I do not believe that cost should be a barrier for families in identifying the best fit for their child's academic needs. North Dakota public and private schools both have strong academic outcomes, but a student may succeed better in one environment versus the other.

Not every community or state has private school options and am grateful that North Dakota does. It is in the best interest of academic outcomes for students and for the general community that private schools continue to prosper hand-in-hand with public schools in North Dakota. **I urge you to vote in favor of HB 1532.**

Thank you,

Daniel Neff

danneff44@gmail.com



March 28, 2023

Dear Legislators,

On behalf of American Experiment North Dakota, I am writing in support of H.B. 1532 and urge you to vote “yes” on this important piece of legislation for the state’s students and families.

When 56% of North Dakota students can’t read at grade level as measured by the state’s standard ELA assessment, and 61% aren’t proficient in math, it’s clear that too many students are not in a learning environment that best meets their needs. Yet access to alternatives is too often limited by financial barriers. Access to a quality education should not just be for the rich.

As an education reimbursement program, H.B. 1532 would relieve North Dakota families a small portion (up to 30%) of tuition-related expenses at a nonpublic school so that more students can access the same education opportunities. Empowering parents and families should not be controversial.

Despite significant increases in education funding — state revenue growth from 2002 to 2020 adjusted for inflation is up 142% — educational disparities persist across race and socioeconomic status. Abundant evidence shows private school choice programs improve the academic outcomes for both the students who participate and those who remain in the public schools.

For families who want to choose their neighborhood school, H.B. 1532 will not impact that decision or even impose changes to public education. This bill will also not lower public school funding. In fact, for families who participate in the education reimbursement program, local funding (through property taxes) will remain at the neighborhood public school even though the school is relieved of the costs of educating that family’s child(ren).

H.B. 1532 also does not violate the U.S. or North Dakota constitution. The Supreme Court and numerous state courts have held that similar private school choice programs are constitutional.

Education cannot be the great equalizer if financial barriers limit who can access better outcomes for their children. Please support H.B. 1532 and put North Dakota students first. Thank you for your consideration.

Best,

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

Catrin Wigfall
Education Policy Fellow
American Experiment North Dakota

Good morning Chairman Sorvaag and committee members.

My Name is Meghan Stegman and I am speaking in favor of HB 1532. I am a parent at St. Michael's Catholic School in Grand Forks.

Both of our kids attend St. Michael's and we are so grateful for the close knit community. The support and communication we have with the admin and staff is invaluable.

One of our children is medically complex and has special needs. Throughout his early years, we received an IEP and lots of meetings regarding school for him through the public schools. Although they have the capacity for more services, we still chose St. Michael's for school because it allowed me to be a part of his safety plan and the plan was flexible as needed with the admin and staff.

He currently is there and thriving. It was no doubt the right choice for our family. Everyone deserves that choice. The staff, admin, and teachers are highly involved in his safety plan, and have all done training to be aware of his needs.

With added costs of private therapies, medications and out of state travel for appointments, the tax reimbursement credit matters to parents and families like me and the complex decision making we make for our children.

Please vote in favor of HB 1532 and supporting parents with special needs children who choose non-public schools.

Thank you.

North Dakota House of Representatives

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



Legislative Assembly

Representative Claire Cory

District 42
P.O. Box 5094
Grand Forks, ND 58206-5094

C: 701-213-6553

clairecory@ndlegis.gov

COMMITTEES:

Judiciary
Government and Veterans Affairs

March 28, 2023

Chairman Sorvaag and members of the Senate Appropriations Committee,

For the record, my name is Claire Cory, and I represent District 42 in the northwestern corner of Grand Forks. I am here as the prime sponsor seeking your support for House bill 1532.

House Bill 1532 seeks to improve the way education works in North Dakota by respecting the right of parents to choose the best educational setting for their child. Currently, a parent is provided one of three options when educating their child; enroll their child in a public school, pay out of pocket for a private school, or educate their child through a homeschool program.

House Bill 1532 recognizes that not all of these choices are created equal, in terms of their burden upon a family. As such, House Bill 1532 seeks to facilitate parents' individual decisions by alleviating a portion of the financial costs required by parents who educate their child in a nonpublic school. In these instances, the parent is forced to consider the financial burden, and this financial burden can be prohibitive.

Mechanically, this bill works as follows:

- When a parent enrolls their child in a nonpublic school, the school gives the parent a form requesting reimbursement for the cost of educating that parent's child
- If the parent completes the form requesting the reimbursement, the school furthers that request to the Superintendent of Public Instruction
- The superintendent then issues a payment to the school for the cost of educating that parent's child
- The reimbursement payment must be at least 15% of and no more than 30% of the per-student payment rate
- The parent will see this as a credit on the invoice they receive from the nonpublic school for the cost of educating that child

This bill is asking for a \$24 million appropriation out of the General Fund to fund a portion of tuition costs at qualified schools. The initial version of the bill was asking for \$24 million for the 2024-2025 school year. The payment will be the sum of tuition but, not to exceed 30% of the per pupil payment. The house appropriation committee amended the appropriation to \$12 million for each half of the biennium. There are roughly 7,500 students in North Dakota who attend a nonpublic school. If all of these nonpublic school students attended a public school, it would cost the state at least an additional \$75 million.

For families in Grand Forks, private tuition can reach \$7,000 a year, and for a family of four this could represent \$14,000 expenditure, assuming 2 adults and 2 children. With our median incomes in North Dakota, this would represent roughly 20% of their pretax income going to tuition. This is an incredible financial burden requiring substantial sacrifice; for a poorer family; it becomes ultimately impossible to afford.

As a result, the current system deprives families of making the choice of a nonpublic school. As many will testify before you today and as many have submitted written testimony, this sacrifice is simply not possible and places an undue burden on the family. No family should be forced to choose between a school which does not fit their child's needs and paying the bills. This is the main reason why I and many of my colleagues introduced House Bill 1532.

Mr.Chairman and members of the Senate Appropriations Committee, this concludes my testimony. I respectfully ask for a do pass recommendation out of committee. I am happy to answer any questions.



STATE OF NORTH DAKOTA
OFFICE OF ATTORNEY GENERAL
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Drew H. Wrigley
ATTORNEY GENERAL

LETTER OPINION
2022-L-07

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

Dear Dr. Pitkin:

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

ANALYSIS

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

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

² N.D. Const. art. VIII, § 5.

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

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

LETTER OPINION 2022-L-07

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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

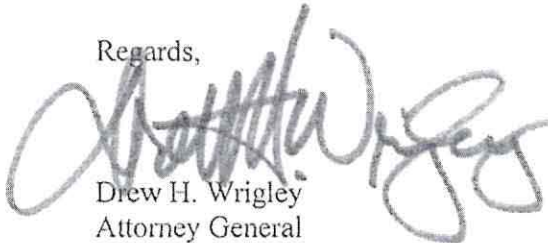
November 29, 2022

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)))

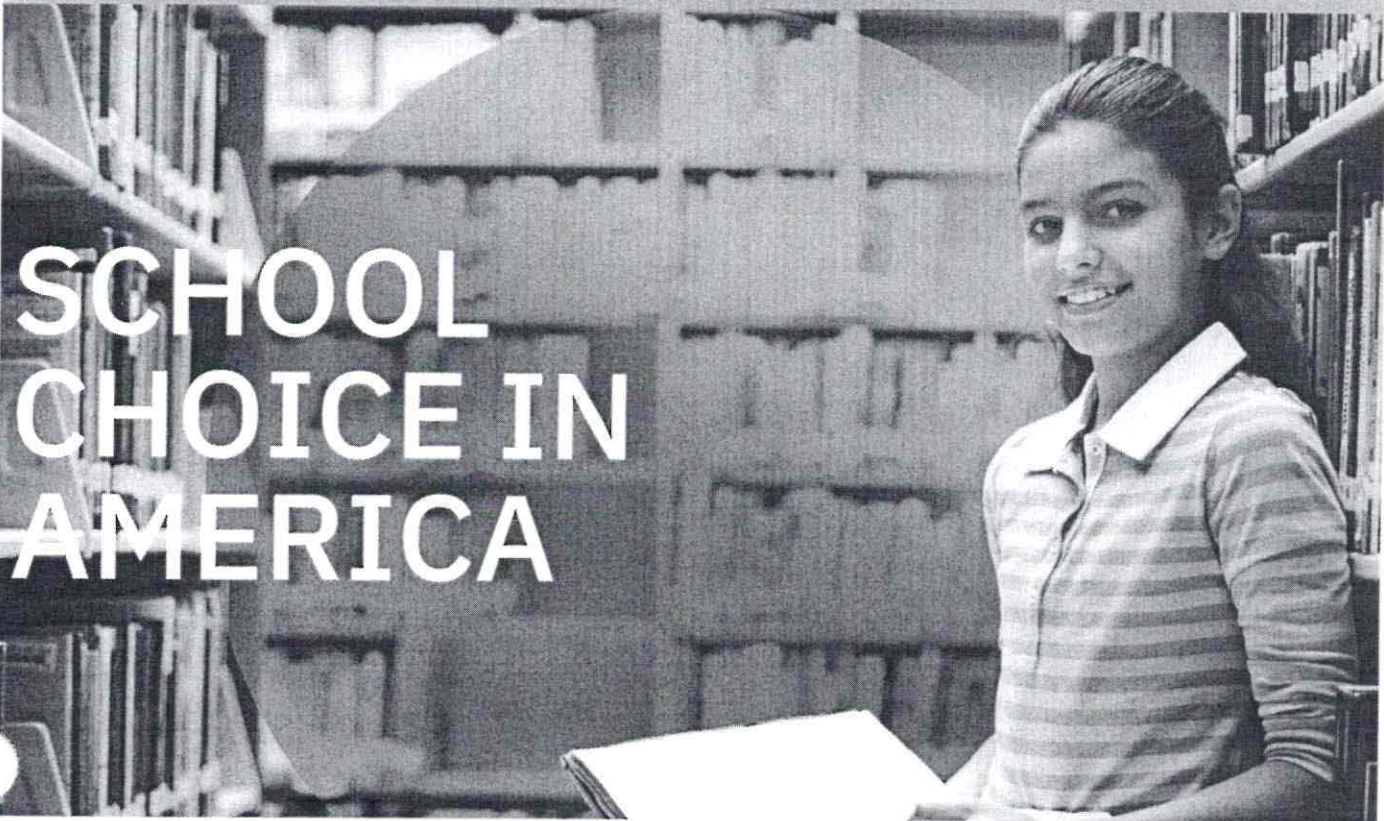
¹⁴ *Espinoza v. Mont. Dep’t of Revenue*, 140 S.Ct. 2246, 2260 (2020).

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).



SCHOOL CHOICE IN AMERICA

School Choice Is About A Fundamental Right For Parents To Have Access To The Educational Environment That Serves Their Children Best.

The American Federation for Children knows that education needs in America vary for every individual student. At AFC, we want to give every child the opportunity to have his or her education needs met. Through our state programs, parents can find an option that best serves their child's situation. Learn more about available school choice programs in your area by visiting your state program page.

[VIEW PROGRAMS & ELIGIBILITY](#)

[FIND YOUR STATE PROGRAM](#)

AT A GLANCE

31 STATES, D.C. AND PUERTO RICO HAVE PRIVATE SCHOOL CHOICE PROGRAMS

OVER **\$3.3** BILLION EXPENDED FOR PRIVATE SCHOOL CHOICE PROGRAMS

12 states + D.C. and Puerto Rico with Voucher Programs	21 states with Scholarship Tax Credit Programs	\$1.6 Billion Expended for Voucher Programs	\$1.4 Million Expended for Scholarship Tax Credit Programs
10 states with Educational Savings Account Programs	14 states with Special Needs Scholarship Programs	\$335 Million Expended for Educational Savings Account Programs	\$629.1 Million Expended for Special Needs Scholarship Programs

65 PRIVATE SCHOOL CHOICE PROGRAMS

\$5,400 AVERAGE SCHOLARSHIP AMOUNT FOR VOUCHER PROGRAMS
(\$5,400 PER YEAR)

27 Voucher Programs	25 Scholarship Tax Credit Programs	\$7,299 Average Scholarship Amount in Voucher Programs	\$3,955 Average Scholarship Amount for Scholarship Tax Credit Programs
9 Educational Savings Account Programs	23 Special Needs Scholarship Programs	\$9,329 Average Scholarship Amount in Educational Savings Account Programs	\$9,272 Average Scholarship Amount in Special Needs Scholarship Programs

Senate Appropriations Committee - Education & Environment Division
Chairman Ron Sorvaag
March 27, 2023

Testimony
Shane Goettle
Lobbyist for State Association of Nonpublic Schools (SANS)

HB 1532

Chairman Sorvaag and members of the Senate Appropriations E&E Division, my name is Shane Goettle, and I am here as the registered lobbyist for the State Association of Nonpublic Schools (SANS).

This bill is about empowering parents and giving them the freedom to choose the educational environment they believe is best for their child.

The North Dakota Constitution

Let me start with the North Dakota Constitution. I am sure you are familiar with Article VIII, Section 5, which reads, in part:

“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.”

N.D. Const. art. VIII, § 5.

This provision is called the “Blaine Amendment” and in 1889 when North Dakota became a state, this provision was required of states desiring to enter the Union. So, this policy was really decided in Washington, D.C., and not by the people of North Dakota.

On November 29, 2022, Attorney General Drew Wrigley interpreted this section of our state constitution to conclude, in accordance with U.S. Supreme Court precedent cited in his opinion, that:

“...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.”

Letter Opinion 2022-L-07 (Attached)

The Attorney’s General opinion is binding and governs the actions of public officials unless a court decides otherwise. So, the takeaway here is that you are serving in the first legislative session that can fully consider a proposal such as the one before you without concern that it violates the Blaine Amendment.

But let me point out one the lesser cited sections of Article VIII, namely Section 4:

“Section 4. 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.” N.D. Const. art VIII, § 4. [Emphasis added.]

With the Blaine Amendment dead, Section 4 charges the legislative assembly to “take such other steps as may be necessary” to promote education of our people.

What you have before you is a proposal to do just that.

House Bill 1532

I want to draw the committee’s attention to a few things in the bill. First, on Page 1, lines 19-20 you will see the definition of “qualified school.” The definition limits “qualified schools” to schools inside the state of North Dakota, and does not include homes schools. I think that is important so that you know this program will apply only to qualified expenses a parent might incur at nonpublic schools that are approved as such by the Superintendent of Public Instruction under NDCC § 15.1-06-06.1.¹

On page 2, lines 2-3, you can see the whole process proposed in this bill starts with a “parent” (defined in the bill) requesting a program form from a qualified school for the upcoming school year. Now, while a parent initiates this process with a particular nonpublic school of their choice, this bill is not designed as a traditional school choice voucher bill. The parents don’t handle the funds, nor do they receive any kind of redeemable certificate.

Rather, on page 2, lines 4-5, the qualified school receives the request from the parent, certifies

¹ Approval is mandatory:

- The superintendent of public instruction must approve all nonpublic schools offering elementary or secondary education. *N.D. Cent. Code* §15.1-06-06.1.
- For those nonpublic schools that are not in compliance with the requirements for approval and do not then receive a certificate of approval, the superintendent of public instruction is to notify those nonpublic school students' parents that they may be in violation of the compulsory attendance requirements. *N.D. Cent. Code* §15.1-06-06.1.
- The superintendent of public instruction may not approve a school unless each teacher is licensed or approved to teach by the education standards and practices board; teacher is teaching courses only in fields in which he or she is licensed or for which he or she has received an exception under section 15.1-09-57; students are offered all subjects required by law; the school is in compliance with all local and state health, fire, and safety laws; and the school has conducted criminal history record checks on employees who have unsupervised contact with children. *N.D. Cent. Code* §§15.1-06-06 and 15.1-06-06.1.
- The superintendent of public instruction may approve a nonpublic secondary school with enrollment of fifty students or fewer if the school provides courses in all subjects required by law, complies with statutes regarding the length of the school year, and meets all health, fire, and safety standards. Curricular programs offered by schools that deliver courses by telecommunications or other electronic means must be prepared by individuals holding at least baccalaureate degrees and delivered by those with a North Dakota professional teaching license or who at least meet the average cutoff scores of states that have normed the national teacher's examination. The school must have at least one state-licensed high school teacher for each twenty-five students. *N.D. Cent. Code* §15.1-06-07.

enrollment at that school, and then requests program funds for the child's qualified educational expenses. In short, the dollars are handled between DPI and the qualified school.

On page 2, lines 12-13, a qualified school that receives funds is to use the funds only to offset the cost of qualified education expenses the program participant or parent would otherwise be obligated to pay. How will this be documented? The school will need to credit that amount back to the parent on their invoice, demonstrating a reduction in the amount the parent would otherwise pay the school for services provided to the parent's student.

The appropriated dollars for this program are found in Section 3, on page 4 of the bill. It is \$24m for the biennium from the general fund. Note: this is a new appropriation. It is NOT being taken from public school funding. It is NOT decreasing the amount going to any school in this state, rural or urban.

In fact, based on other bills you are voting on this session, public schools stand to gain more money from this legislative session. Note the \$24m equates to \$12m per school year. That is what House Appropriations intended in the amendments they took up and added to the bill.

You can also note on page 2, lines 10-11, no matter the appropriation level or participation level in the program, no more than 30% of the state's per-student payment rate may be paid out per student. This is further limited as an offset against only the qualified education expenses the parent might otherwise have paid. In summary, once the qualified school receives the funds, the parent would see this a credit on the invoice the qualified school sends to the parents for that family, but never more than qualified expenses the parent must pay, or 30% of the state's per-student payment rate, whichever is less.

You will note on page 3 that HB 1532 has accountability, including the power to suspend a school from the program if there is any abuse. It also has protections for the schools that participate in that no other additional requirements may be imposed through rulemaking. Nor does a school need to alter its creeds, practices, admissions policies, or curriculum to participate as a qualified school.

Mr. Chairman and members of the committee, I have with me today Gerald Vetter, the President of the State Association of Nonpublic Schools, who will follow me if you any questions for the qualified nonpublic schools.

I will also gladly stand for any question myself that help this committee get to a "do pass" recommendation!



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

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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

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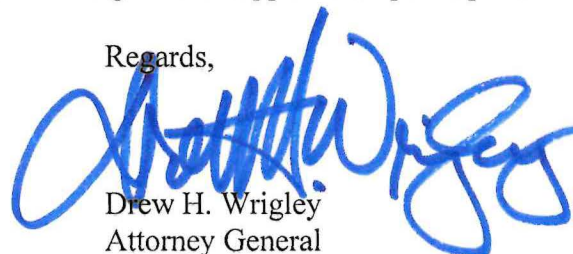
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State “cannot qualify as compelling in the face of the infringement of free exercise.”¹⁴ The Court concluded that “[a] State need not subsidize private education. But once a State decides to do so, it cannot disqualify some private schools solely because 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)))

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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).



Chairman Elkin and members of the Senate Education Committee,

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

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.

Public schools in ND will tell you that they are required to accept EVERY student – this is not true. ND public schools deny students wishing to open enroll from another district when they have run out of room or for other reasons. Every student at a non-public school is open enrolled and some are denied.

Public school districts in our largest districts have alternative schools that students with behavioral problems are sent. Some with significant disabilities are sent to Anne Carlson School



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www.orcsknights.org

in Jamestown. ND public schools also close their doors to students that have broken rules that have led to expulsion.

Some may suggest that public money cannot support private education. In 2021, \$384M of public funds went to support ND Higher Education. ND colleges are not expected to accept every student and they will kick students out if that student fails to meet academic expectations or if they violate school policies.

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 the right move for the families desiring a choice in education.

I would be open to any questions from the committee.

Respectfully,

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



HB 1532 Testimony
Senate Education Committee
03/13/2023

To the Members of the ND Senate Education Committee:

My name is Jennifer LaGosh, and I am a mother to three young girls. We live in South Fargo, and my two older daughters are currently enrolled in Oak Grove Lutheran School. Being able to send my daughters to Oak Grove has been a blessing for our family.

I am in support of HB 1532 because while being fortunate enough to send my children to Oak Grove, I live in a neighborhood with families who have not been able to do so. In the first years with my oldest child we struggled with some severe behavior problems brought on by an anxiety we couldn't pinpoint. After much counseling and work we realized our daughter had social anxiety problems brought on by large groups and crowds. We were faced with a decision to leave Fargo to seek a school that could offer a smaller class size, or budget to send her to a private school. This realization coupled with our strong Faith led us to Oak Grove. Our daughter has thrived in this school with the faith-based learning and smaller size. She was able to wean into the scary new world that school was to her by starting their Pre-K program with only 10 kids. She is now a 1st grader and testing above average in all categories.

That being said, we have come across other families who have had poor experiences in their given school for different reasons. Because of their financial situations or not being allowed to open enroll, they were not able to send their kids to a different school that may provide better resources for their children. It has led to many struggles in these families. Some have chosen to leave Fargo; some have chosen to leave North Dakota all together in search of a more fitting learning experience. The loss of these wonderful families is a detriment to our community. I see this becoming a trend going forward.

Each school has special teachers and gifts to offer. They do not necessarily fit each child that is placed in their district. Allowing parents to find the school that feels like home to their child provides a learning experience that will help children grow and enjoy school.

I ask you to think of what the future of our community and our children should look like. I urge you to vote in favor of HB 1532. Thank you to the committee for taking time to read my testimonial, and for your service to our great state.

Sincerely,

Jennifer LaGosh



March 10, 2023

Chairman Elkin and Members of the Senate Education Committee:

My name is Fr. Jady Nelson. I am the president of Bishop Ryan Catholic School in Minot, ND. I am testifying in support of House Bill 1532.

In my ten years at Bishop Ryan as both a religious leader of the Catholic community in Minot, as well as an administrator of Bishop Ryan, I have come to see first-hand the important role that faith-based schools play in our communities, our families, and our students. I've also come to see that there are economic and legal hurdles in place that create unjust burdens for tax-paying, North Dakota parents, who desire an educational program and environment that specifically aligns with their religious, moral, and philosophical beliefs.

Our current educational funding framework does not recognize the legitimate interests that some families have in choosing a school for their children other than the free public school. The current framework implies that a parent's reasons for seeking a non-public school education are not germane to the reason for which taxes are levied and appropriated to education in the first place, namely, that a well-educated populace is essential to a well-functioning society. It does this in two ways: First, this funding framework implies that there is no legitimate reason why a parent would seek a nonpublic education. Second, it implies that none of those reasons actually contribute to the common good.

Our current educational funding framework says quite simply to the families that seek a non-public education: you must pay taxes for the sake of educating our populace, but if you happen to believe that a non-public education is best for your child, then you must forfeit your right to receiving any benefit from the taxes which you pay. In doing so, it treats them and their children as undeserving of sharing in the common good of education and places a higher burden on those taxpayers who because of religious, moral, or philosophical beliefs seek an education other than public.

Recent developments in educational policy have superseded the "one-size-fits-all" approach to education implied by our funding framework. When open-enrollment opportunities were made available in this State, the educational paradigm began to shift from a "one-size-fits-all" approach to a "best-fit approach". Open-enrollment between public schools acknowledges that parents should have greater latitude to choose a school that best fits their needs. Furthermore, the "Choice Ready" framework espoused by this State acknowledges that students should have a multitude of pathways available for their education. Yet, our current funding framework says that choice is important, unless it is choice based upon religious, moral, or philosophical reasons. In this case, there can be no support for personal agency on the part of the family.

It is important here to address the fact that the relationship between a parent and their minor child is such that the parent has rights and duties toward that child that are not derived by concession of the State or any other human entity, but from the natural parental relationship itself. Parental rights and duties are more fundamental than the rights and duties articulated by positive law, such as the Constitution or North Dakota Century Code. Chief among the duties of parents is the duty to educate their children not only intellectually, but also morally and religiously. Correlative with this duty to educate is the right to direct that education. Education is first a prerogative of parents before it is a prerogative of government.

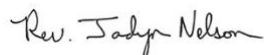
One of the ways that the religious freedom recognized in our Constitution is often exercised is through religious education. Religious liberty extends beyond one's specific worship liturgy. For many parents, the provision of an education that integrates religious truths and practices while fulfilling the purpose of a general education as articulated by the Constitution is important to living out their relationship with God. This bill would help to remove the financial obstacle to achieving this exercise of religious liberty.

The very status of school authority over children in this country is based upon the fact that the school's authority is derived from parental authority. The juridical term *in loco parentis*, in the place of the parent, is a juridical acknowledgment that the school's educational role is proper first to parents, but due to the specialization necessary for a developed economy and highly skilled educational environment, often requires parents to delegate this role to schools to act in their stead. Schools, even public schools, by definition, should work for parents. This bill helps to recognize the primacy of the parental role in directing their child's education.

Members of the committee, this bill addresses the most prominent obstacle that some families in our state face when trying to educate their children in accord with their religious, moral, and philosophical beliefs by recognizing that their children's education should not only contribute to the common good of the State of North Dakota, but also benefit from it.

It is noteworthy that the preamble of the Constitution of this great State places religious and civil liberty in a harmonious relationship. This bill will remove serious obstacles to experiencing that harmonious relationship in the lives of those parents whose religious, moral, and philosophical beliefs dictate that their natural and statutory obligations to educate their children are best achieved through enrollment in a non-public school.

Sincerely,



Rev. Jadya Nelson, M. Ed
School President



**HB1532 – Education Savings Accounts
Testimony in Opposition
North Dakota Council of Educational Leaders**

Good day Chairman Sorvag, and members of the Senate Appropriations Committee. My name is Dr. Aimee Copas – representing your North Dakota Public School Leaders & administrators (approximately all employees except for school boards, teachers, and ancillary staff) recommending to you that take pause before considering this bill to be the solution to education some of you may be searching for. In past sessions each time this body has resoundingly defeated similar voucher bills. I will focus on two key things today – appropriations and accountability.

Currently the ND legislature provides a per pupil payment to our schools for our approximately 115,000 students as you are constitutional charged to provide a uniform public system of public education. That number does not include the approximately 7500 private school children coming from non-public schools who charge tuition. Our tribal schools do not charge tuition to their families. More than 93% of all students in North Dakota attend school at a public institution. The beauty of North Dakota is that we have generous open enrollment laws, and I've not yet witnessed a private school turn away a student due to financial struggles – traditionally churches help provide financial supports to those in need. If this bill is about a parent's right to choose – that is a choice they can attempt to make – however, it should be evident by now that the choice isn't purely made by the parent – it is made by the school and it is only choice for families primarily in urban North Dakota. This bill has a silent expectation for businesses and North Dakota taxpayers in the rural areas of our state to pay for tuition assistance for individuals mostly in larger communities of North Dakota. That is meaning we are all paying for choice of the few. Public schools are rightly governed by open records, open meetings, bound by law by layers and layers of accountability including reporting of nearly every move of the school **because we accept public funds**. We are governed by locally elected school boards who are representative of the taxpayer **because we accept public funds**. With the multitude of parental rights bills – parents in public schools have the right to attend school board meetings. Private school parents are not afforded that ability or that transparency. Should that change if they **accept public funds**? The use of public dollars has always meant transparency and accountability. We would ask that all accountability and transparency requirements be the same for all schools who accept public funds. To say that this investment will not have an impact on public school funding is challenging to reconcile as \$24M is



approximately a 1% per pupil increase for all 115,000 public school children. Those of you on appropriations know how hard supporters of education have had to fight in most sessions the past 10 years to attempt to do a 1% increase per year for public schools. The dollars appropriated to various things whether it be DHS, HHS, Education, CTE, OMB, etc. all come out of the same budgets and the same funds you as appropriators have access to. I think we all know that \$24M for non-public education is impacting the conversation on the ability to provide a reasonable per-pupil increase to manage operational cost increases, give raises to teachers and ancillary staff. The following came from Rick Diegel (Superintendent of Linton and Kidder County) "If this \$24 Million were a part of our funding formula, it would equate to approximately \$212 per pupil. Over the past 6 years, here are the amounts that the funding per payment has increased to help the students in my districts: \$0, \$0, \$193, \$197, \$100 and \$101. This \$212 increase is more than any of the increases we've had over the last 6 years!"

So – I'd like to suggest some reasonable options:

- 1)** Maintain a 134-year North Dakota tradition and only fund public schools in accordance with the ND Constitution and vote no on this bill.
- 2)** Go back and consider Representative Louser's amendment offered on the floor of the House with the promise to introduce in the senate policy hearing (which he did) wherein a local community where private schools operate would be given an allowance to bring a question to the general election allowing for up to 3 mills of funding if a simple majority of that community approves. This would alleviate the rural business and taxpayer responsibility as well as the state's cost burden. It would be a choice by a vote of the people of that community. Furthermore, section 2 of that amendment then indicates that if the private school accepts public funds for education, their teachers would then be entered into the TFFR (teachers fund for retirement) with the full employee and employer contribution. This would be wonderful for those private school teachers and would be advantageous to the fund having more participants driving the fund toward being actuarially sound even faster than is currently on pace.
- 3)** If this is about alleviating the cost burden for families that struggle to afford it as the bill sponsor indicates, and considering the current budget crunches appropriations is dealing with, it would be dually appropriate to have an income limitation to receive the financial support. It seems reasonable that 200% of the poverty level (\$60,000 for a family of 4) which was evidently too high in yesterday's school lunch vote might be a



good place to at least begin the conversation. Even a baseline of \$100k would result in a cost savings for our state.

- 4) If you as the legislature believe your full constituency wants you to spend \$24M or more of their taxpayer dollars on less than 7% of the student families who have chosen to attend private school and to ensure appropriately funding 93% of our students with an adequate per-pupil payment increase, then fund them. But then, it is time to simply call us all approved schools in century code and obviously allow the private schools to maintain their missions to hold sectarian classes and BUT to then be **held by the same rules as public schools – transparency, accountability, fiscal rules, and acceptance of all students**. The state appropriation for larger private school districts will be larger than more than 65 of our schools including Tioga public schools where no state appropriation is received without - equal accountability. Currently public schools do over 50 mandatory reports while the non-public only must do 11 to be an approved school, and do not have to adhere to open records, meetings, have an elected school board, or full transparency as required by law for public schools. The financial transparency required in this bill is not a full financial audit as is required by public schools but rather is only how the schools spend the dollars they receive - which as the bill is written - can currently be spent on any educational expense and does not need to be directed to achieve the bill sponsor's goal of helping those who are in financial need.
- 5) OR regarding #4, release public schools of the requirements of accountability. Eliminate the reporting, the open meetings, open records, statewide strategic vision, or concern with performance. Let public schools live by private school levels of accountability.

We ask for a DO NOT PASS of this bill.



Great Public Schools

Great Public Service

**Testimony before the Senate Education Committee
In opposition to HB 1532
Nick Archuleta, North Dakota United
March 14, 2023**

Good morning, Chairman Elkin, and members of the Committee. For the record, my name is Nick Archuleta, and I am the president of North Dakota United. North Dakota United is a union of 11,500 professionals, including K-12 teachers, dedicated to public service. On behalf of our members, I rise today in opposition to HB 1532 and to urge a ***do not pass*** recommendation for this bill.

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

“A high degree of intelligence, patriotism, integrity, and morality on the part of every voter in a government by the people being necessary in order to ensure the continuance of that government and the prosperity and happiness of the people, the legislative assembly shall make provision for the establishment and maintenance of a system of public schools which shall be open to all children of the state of North Dakota and free from sectarian control. This legislative requirement shall be irrevocable without the consent of the United States and the people of North Dakota.”

Section 5 of Article VIII of our Constitution further states:

“All colleges, universities, and other educational institutions, for the support of which lands have been granted to this state, or which are supported by a public tax, shall remain under the absolute and exclusive control of the state. No money raised for the support of the public schools of the state shall be appropriated to or used for the support of any sectarian school.”

I cite these Constitutional touchstones not as commentary on the constitutionality of HB 1532, though the issue has not been argued before a North Dakota court, but to merely

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

Members of the Committee, North Dakota United has a long history of opposing proposals that divert monies raised for public education and other public purposes to non-public educational entities. Unfortunately, HB 1532 is yet another such proposal.

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

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

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

Additionally, Mr. Chairman, HB 1532 does not provide equal opportunity to all North Dakotans. Should HB 1532 become law, it would primarily apply only to those families in large cities where private and parochial schools exist. Taxpayers and their families in rural North Dakota, and those in our smaller communities, would receive no practical benefit from the passage of this bill.

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

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

- **Vouchers mostly fund children already in private school.** Despite supporter rhetoric that voucher schemes are about new opportunities, the reality is 70-80 percent of kids in states like Arizona, Wisconsin, and Indiana, were already in private school before taxpayers picked up the tab. In New Hampshire, that number is 9 out of 10 already-private kids. It is not unfair to consider vouchers an entitlement for the entitled.
- **This is the proverbial “camel’s nose under the tent.”** In Arizona, what started as a small voucher program has grown to consume one fifth of the Arizona school budget. That amounts to \$500 million dollars the state pays out to private and parochial schools. The strategy has been described as getting the camel’s nose under the tent and then knock the tent down.
- **There is limited accountability called for in HB 1532.** In contrast, North Dakota’s public schools governed by locally elected school boards, must account for every dime they receive from the taxpayers of North Dakota.
- **Private and parochial schools routinely discriminate against students they do not want to educate.** Should HB 1532 become law, private and parochial schools will use public monies to choose only the students they want to educate and turn away students they don’t want to attend their schools.
- **The vast majority of North Dakota’s small and medium sized communities will get no benefit from HB 1532.** What they will see is their tax dollars going to our larger communities to educate children, the vast majority of whom are already enrolled in private and parochial schools.

For these reasons and more, Chairman Elkin and members of the Committee, I strongly and respectfully urge a ***do not pass*** recommendation for HB 1532. With that, Chairman Elkin, I will conclude my testimony and stand for questions you may have.



North Dakota Small Organized Schools

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HB 1532 – Testimony in Opposition
Senate Education Committee
Senator Elkin– Chairman
March 14, 2023

Senator Elkin and members of the Senate Education Committee, my name is Michael Heilman. I am the Executive Director of the North Dakota Small Organized Schools (NDSOS). I represent 150-member school districts of the North Dakota Small Organized Schools. NDSOS is in strong opposition to HB 1532.

HB 1532 clearly diverts public funds to private schools under the guise of educational choice. The problem is not with choice. The problem is asking the public to pay for this choice. Particularly when this choice is for a small percentage of families, about 7% who happen to live in one of the 5 or maybe 6 major population centers, then you may have a choice. However, for the vast majority of the rural areas of the state there is no choice. Furthermore it is only choice if you will be accepted into the private school and make no mistake, not all are included at our private schools. I was an administrator for a private school and denied enrollments to families and students. I not saying that is a bad thing to be denied private school enrollment and I would defend the private schools' right to decide who enrolls. It was the likely the best choice for the student to attend the public school that provided the services they needed, but denied they were.

HB 1532 is about choice, but not parental or student choice. In the end the private schools get to decide who can attends. The taxpayers that live in areas with no choice whatsoever get the privilege of paying for someone's choice when they themselves have no choice. Perhaps this will cause an increase in private education attendance, I doubt it will be significant. That means that HB1532 simply provides a subsidy to those that have made this choice and for the most part have the means to afford it.

I must acknowledge that the private schools I am familiar with do a great job providing education and work hard to help those that struggle with the cost to attend. Donations from the church community, alumni, private donations, corporate sponsors, and other sources all help fund private education, and all are a matter of personal choice. Passage of HB 1532 to provide state taxpayer dollars is not choice, unless the taxpayers of each district are allowed to decide if they wish to fund private education. If the

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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.

taxpayers of each school district with a private school want to fund the private schools, let them decide by passing a mil levy to support private schools in their districts.

We have been told that this will not impact public school funding. Perhaps not this session, but we are kidding ourselves if we think this is the final request for funding. The dollar amount will grow, the request will become larger and when funding is tight, make no mistake, it will impact the funding of public education. The \$24 million in this bill would go a long way toward restoring the reimbursement rates for transportation that has dwindled from 70% to under 40% in recent years. The largest private schools at a rate of \$1500 per student would receive more aid than nearly 70 public schools.

Finally, if it is the choice of this body that private schools are going to be funded with public dollars there must be accountability and all publicly funded schools held accountable to the same rules. It seems only fair. If publicly funded then the same rules need to apply, for example open meetings and records laws, state mandated testing, required professional development and curriculum and private school parents must have the same rights as public school parents. No child can be turned away regardless of disability or behavioral issues. Private or public it's a choice. Choose one or the other, but not both!

North Dakota Small Organized Schools urges a do not pass recommendation from the Senate Education Committee.

Mr. Michael Heilman – Executive Director
North Dakota Small Organized Schools
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701.527.4621

23.0143.08004
 Title.
 Fiscal No. 1

Prepared by the Legislative Council staff for
 Senator Schaible
 March 31, 2023

PROPOSED AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1532

In lieu of the amendments adopted by the Senate as printed on page 1097 of the Senate Journal, Engrossed House Bill No. 1532 is amended as follows:

Page 1, line 2, after the semicolon insert "to provide a statement of legislative intent,"

Page 1, line 3, remove "to provide an"

Page 1, line 4, replace "appropriation" with "to provide an effective date"

Page 1, line 17, replace "costs" with "cost of tuition"

Page 2, line 12, replace "may" with "shall"

Page 2, line 12, remove "only"

Page 2, line 13, remove "would"

Page 2, line 14, after "otherwise" insert "would"

Page 2, line 14, after the underscored period insert "A qualified school may not use funds received under this chapter for any other purpose."

Page 2, line 23, remove "and"

Page 2, line 24, after "twelve" insert "; and

3. Documented as a child who is a dependent in a family with gross taxable income of less than two hundred percent of the federal poverty level"

Page 3, line 27, replace "superintendent of public instruction" with "state auditor"

Page 3, line 29, replace "**Applicability**" with "**Educational reimbursement program expenditures**"

Page 3, line 29, remove "**to the legislative management**"

Page 3, line 30, remove "Funds must be available to qualified schools starting with the 2024-25 school year."

Page 4, after line 2, insert:

"SECTION 2. LEGISLATIVE INTENT. It is the intent of the sixty-eighth legislative assembly that the sixty-ninth legislative assembly appropriate funding to the department of public instruction for the purpose of the educational reimbursement program under section 1 of this Act."

Page 4, line 5, replace "consider studying" with "study"

Page 4, line 12, after "admission" insert "or attendance"

Page 4, line 12, remove "and"

Page 4, line 13, remove "public"

Page 4, line 14, replace "schools situated within the same school district" with "constitutionally obligated budgets;

- f. A review of the impacts and benefits of enrolling qualified nonpublic teachers and administrators into the teachers' fund for retirement, including an actuarial study and fund impact; and
- g. Methods of providing school choice options for any family, including families in rural communities, by identifying underlying challenges and options for collaboration across school types and collecting data to identify trends in school choice by geography"

Page 4, replace lines 18 through 23 with:

"SECTION 4. EFFECTIVE DATE. Section 1 of this Act becomes effective on July 1, 2025."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1532 - Department of Public Instruction - Senate Action

	Base Budget	House Version	Senate Changes	Senate Version
Nonpublic school reimbursement		\$24,000,000	(\$24,000,000)	
Total all funds	\$0	\$24,000,000	(\$24,000,000)	\$0
Less estimated income	0	0	0	0
General fund	\$0	\$24,000,000	(\$24,000,000)	\$0
FTE	0.00	0.00	0.00	0.00

Department 201 - Department of Public Instruction - Detail of Senate Changes

	Remove Funding for Educational Reimbursement Program ¹	Total Senate Changes
Nonpublic school reimbursement	(\$24,000,000)	(\$24,000,000)
Total all funds	(\$24,000,000)	(\$24,000,000)
Less estimated income	0	0
General fund	(\$24,000,000)	(\$24,000,000)
FTE	0.00	0.00

¹ Funding of \$24 million from the general fund is removed for the educational reimbursement program.

This amendment also changes the requirements of an eligible child to be a dependent in a family with gross taxable income of less than 200 percent of the federal poverty level, defines qualified educational expenses as the cost of tuition, adds an effective date for the educational reimbursement program of July 1, 2025, and provides a section of legislative intent regarding funding for the program for the 2025-27 biennium.

23.0143.08005
 Title.
 Fiscal No. 2

Prepared by the Legislative Council staff for
 Senator Schaible
 April 4, 2023

PROPOSED AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1532

In lieu of the amendments adopted by the Senate as printed on page 1097 of the Senate Journal, Reengrossed House Bill No. 1532 is amended as follows:

Page 1, line 3, remove "and"

Page 1, line 4, after "appropriation" insert "; and to provide an effective date"

Page 1, line 17, replace "costs" with "cost of tuition"

Page 2, line 12, replace "may" with "shall"

Page 2, line 12, remove "only"

Page 2, line 13, remove "would"

Page 2, line 14, after "otherwise" insert "would"

Page 2, line 14, after the underscored period insert "A qualified school may not use funds received under this chapter for any other purpose."

Page 2, line 23, remove "and"

Page 2, line 24, after "twelve" insert "; and

3. Documented as a child who is a dependent in a family with gross taxable income of less than five hundred percent of the federal poverty level"

Page 3, line 27, replace "superintendent of public instruction" with "state auditor"

Page 3, line 29, replace "**Applicability**" with "**Educational reimbursement program expenditures**"

Page 3, line 29, remove "**to the legislative management**"

Page 3, line 30, remove "Funds must be available to qualified schools starting with the 2024-25 school year."

Page 4, line 5, replace "consider studying" with "study"

Page 4, line 12, after "admission" insert "or attendance"

Page 4, line 12, remove "and"

Page 4, line 13, remove "public"

Page 4, line 14, replace "schools situated within the same school district" with "constitutionally obligated budgets;

- f. A review of the impacts and benefits of enrolling qualified nonpublic teachers and administrators into the teachers' fund for retirement, including an actuarial study and fund impact; and
- g. Methods of providing school choice options for any family, including families in rural communities, by identifying underlying challenges and

options for collaboration across school types and collecting data to identify trends in school choice by geography"

Page 4, line 20, replace "\$24,000,000" with "\$10,000,000"

Page 4, after line 23, insert:

"SECTION 3. EFFECTIVE DATE. Section 1 of this Act becomes effective on July 1, 2024."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1532 - Department of Public Instruction - Senate Action

	Base Budget	House Version	Senate Changes	Senate Version
Nonpublic school reimbursement		\$24,000,000	(\$14,000,000)	\$10,000,000
Total all funds	\$0	\$24,000,000	(\$14,000,000)	\$10,000,000
Less estimated income	0	0	0	0
General fund	\$0	\$24,000,000	(\$14,000,000)	\$10,000,000
FTE	0.00	0.00	0.00	0.00

Department 201 - Department of Public Instruction - Detail of Senate Changes

	Reduces Funding for Educational Reimbursement Program ¹	Total Senate Changes
Nonpublic school reimbursement	(\$14,000,000)	(\$14,000,000)
Total all funds	(\$14,000,000)	(\$14,000,000)
Less estimated income	0	0
General fund	(\$14,000,000)	(\$14,000,000)
FTE	0.00	0.00

¹ Funding is reduced to provide \$10 million from the general fund for the educational reimbursement program.

This amendment also changes the requirements of an eligible child to be a dependent in a family with gross taxable income of less than 500 percent of the federal poverty level, defines qualified educational expenses as the cost of tuition, and adds an effective date for the educational reimbursement program of July 1, 2024.

Sixty-eighth
Legislative Assembly
of North Dakota

REENGROSSED HOUSE BILL NO. 1532

Introduced by

Representatives Cory, Kasper, Kempenich, Lefor, Nathe, Porter, Strinden

Senators Beard, Burckhard, Hogue, Meyer, Wobbema

1 A BILL for an Act to create and enact chapter 15.1-39 of the North Dakota Century Code,
2 relating to the establishment of an educational reimbursement program; to provide for a
3 legislative management study; to provide for a legislative management report; ~~and to provide an~~
4 appropriation; and to provide an effective date.

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

6 **SECTION 1.** Chapter 15.1-39 of the North Dakota Century Code is created and enacted as
7 follows:

8 **15.1-39-01. Definitions.**

9 For purposes of this chapter, unless the context otherwise requires:

- 10 1. "Parent" means a resident of this state who is a parent, conservator, legal guardian,
11 custodian, or other individual with legal authority to act on a program participant's
12 behalf.
- 13 2. "Program" means the educational reimbursement program created under this chapter.
- 14 3. "Program participant" means an eligible child participating in the program.
- 15 4. "Public school" means a public school in this state which serves students in any grade
16 from kindergarten through grade twelve.
- 17 5. "Qualified education expenses" means the ~~costs~~cost of tuition for a program
18 participant to enroll in or attend a qualified school.
- 19 6. "Qualified school" means a nonpublic school in the state which accepts program
20 funds, not including a home school.

21 **15.1-39-02. Educational reimbursement program establishment.**

- 22 1. The superintendent of public instruction shall establish and administer an educational
23 reimbursement program to reimburse qualified schools for qualified education
24 expenses of program participants.

- 1 2. To participate in the program:
- 2 a. The parent of an eligible child shall request a program form for the school year
- 3 from a qualified school in which the eligible child is enrolled; and
- 4 b. Upon receiving the parent's program form, the qualified school shall:
- 5 (1) Certify to the superintendent of public instruction proof of the eligible child's
- 6 enrollment at the school; and
- 7 (2) Request program funds for the eligible child's qualified education expenses.
- 8 3. For each eligible school program form received, the superintendent of public
- 9 instruction shall pay to the qualified school in which the eligible program participant is
- 10 enrolled a sum equivalent to the qualified education expenses, but not more than thirty
- 11 percent of the per-student payment rate under subsection 3 of section 15.1-27-04.1.
- 12 4. A qualified school that receives funds under this chapter ~~may~~shall use the funds ~~only~~
- 13 to offset the cost of qualified education expenses the program participant or parent
- 14 would otherwise ~~would~~ be obligated to pay. A qualified school may not use funds
- 15 received under this chapter for any other purpose.
- 16 5. If a program participant is enrolled in a qualified school for less than an entire school
- 17 year, the qualified school must return to the superintendent of public instruction the
- 18 funding provided under this chapter for that school year, reduced on a prorated basis,
- 19 to reflect the shorter enrollment period. The superintendent of public instruction shall
- 20 deposit with the public school district in which the program participant resides any
- 21 funds returned under this section.

22 **15.1-39-03. Program participant eligibility.**

23 A child is eligible for the program if the child is:

- 24 1. Eligible to attend public school; ~~and~~
- 25 2. Enrolled in a qualified school for any grade from kindergarten through grade twelve;
- 26 and
- 27 3. Documented as a child who is a dependent in a family with gross taxable income of
- 28 less than five hundred percent of the federal poverty level.

29 **15.1-39-04. Superintendent of public instruction duties - Rules.**

30 In administering the program, the superintendent of public instruction:

- 31 1. Shall develop procedures and forms necessary to implement the program.

1 2. Shall use a standardized enrollment form to determine a qualified school's and child's
2 eligibility for the program and make the form readily available to the public.

3 **15.1-39-05. Program suspension.**

4 The superintendent of public instruction shall suspend a qualified school from the program
5 for failure to comply with applicable law or the program's requirements. The superintendent of
6 public instruction shall notify the school in writing that the school's participation in the program is
7 suspended. The notification must specify the grounds for the suspension and state the school
8 has ten business days to respond and take any corrective action ordered by the superintendent
9 of public instruction. Following the expiration of the ten-day period, the superintendent of public
10 instruction shall:

- 11 1. Declare the school ineligible for the program;
12 2. Order temporary reinstatement of the school's participation in the program,
13 conditioned on the performance of specified action by the school; or
14 3. Order full reinstatement of the school's participation in the program.

15 **15.1-39-06. Fraudulent use of funds - Referral to attorney general.**

16 If the superintendent of public instruction obtains evidence of fraudulent use of program
17 funds, the superintendent shall refer the matter to the attorney general for investigation and
18 prosecution.

19 **15.1-39-07. Limitation on regulation of qualified schools.**

- 20 1. The program does not expand the regulatory authority of the superintendent of public
21 instruction, a school district, or any other government agency to impose additional
22 regulations on a qualified school under the program beyond what is necessary by the
23 superintendent of public instruction to enforce the program's financial and
24 administrative requirements. The superintendent of public instruction or a school
25 district may not regulate a qualified school's educational program under the program.
26 2. A qualified school may not be required to alter the school's creed, practices,
27 admissions policy, or curriculum to receive reimbursement for qualified education
28 expenses.
29 3. ~~The superintendent of public instruction~~ **state auditor** shall audit program funds
30 disbursed to a qualified school.

1 15.1-39-08. Applicability Educational reimbursement program expenditures - Report to
2 the legislative management.

3 Funds must be available to qualified schools starting with the 2024-25 school year. On or
4 before September 25, 2025, and annually each year thereafter, the superintendent of public
5 instruction shall report to the legislative management any educational reimbursement program
6 expenditures and supporting data.

7 **SECTION 2. LEGISLATIVE MANAGEMENT STUDY - FUNDING OF NONPUBLIC**
8 **SCHOOLS.**

9 1. During the 2023-24 interim, the legislative management shall ~~consider studying~~ study
10 the funding of nonpublic schools. The study must include:

- 11 a. An evaluation of how other states fund nonpublic schools, including
12 accountability and oversight methods;
- 13 b. A comparison of funding based on need versus funding every student;
- 14 c. An evaluation of the impact funding nonpublic schools would have on equity
15 related to rural schools and students affected by federal education regulations;
- 16 d. A review of the number of students denied admission or attendance by nonpublic
17 schools; ~~and~~
- 18 e. An evaluation of the impact funding nonpublic schools would have on ~~public~~
19 ~~schools situated within the same school district~~ constitutionally obligated budgets;
- 20 f. A review of the impacts and benefits of enrolling qualified nonpublic teachers and
21 administrators into the teachers' fund for retirement, including an actuarial study
22 and fund impact; and
- 23 g. Methods of providing school choice options for any family, including families in
24 rural communities, by identifying underlying challenges and options for
25 collaboration across school types and collecting data to identify trends in school
26 choice by geography.

27 2. The legislative management shall report its findings and recommendations, together
28 with any legislation required to implement the recommendations, to the sixty-ninth
29 legislative assembly.

30 **SECTION 3. APPROPRIATION - DEPARTMENT OF PUBLIC INSTRUCTION -**
31 **EDUCATIONAL REIMBURSEMENT PROGRAM.** There is appropriated out of any moneys in

Sixty-eighth
Legislative Assembly

1 the general fund in the state treasury, not otherwise appropriated, the sum of
2 ~~\$24,000,000~~ \$10,000,000, or so much of the sum as **may** be necessary, to the department of
3 public instruction for the purpose of establishing an educational reimbursement program, for the
4 biennium beginning July 1, 2023, and ending June 30, 2025.

5 **SECTION 4. EFFECTIVE DATE.** Section 1 of this Act becomes effective on July 1, 2024.

23.0143.08005
 Title.
 Fiscal No. 2

Prepared by the Legislative Council staff for
 Senator Schaible
 April 4, 2023

PROPOSED AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1532

In lieu of the amendments adopted by the Senate as printed on page 1097 of the Senate Journal, Reengrossed House Bill No. 1532 is amended as follows:

Page 1, line 3, remove "and"

Page 1, line 4, after "appropriation" insert "; and to provide an effective date"

Page 1, line 17, replace "costs" with "cost of tuition"

Page 2, line 12, replace "may" with "shall"

Page 2, line 12, remove "only"

Page 2, line 13, remove "would"

Page 2, line 14, after "otherwise" insert "would"

Page 2, line 14, after the underscored period insert "A qualified school may not use funds received under this chapter for any other purpose."

Page 2, line 23, remove "and"

Page 2, line 24, after "twelve" insert "; and

3. Documented as a child who is a dependent in a family with gross taxable income of less than five hundred percent of the federal poverty level"

Page 3, line 27, replace "superintendent of public instruction" with "state auditor"

Page 3, line 29, replace "**Applicability**" with "**Educational reimbursement program expenditures**"

Page 3, line 29, remove "**to the legislative management**"

Page 3, line 30, remove "Funds must be available to qualified schools starting with the 2024-25 school year."

Page 4, line 5, replace "consider studying" with "study"

Page 4, line 12, after "admission" insert "or attendance"

Page 4, line 12, remove "and"

Page 4, line 13, remove "public"

Page 4, line 14, replace "schools situated within the same school district" with "constitutionally obligated budgets;

- f. A review of the impacts and benefits of enrolling qualified nonpublic teachers and administrators into the teachers' fund for retirement, including an actuarial study and fund impact; and
- g. Methods of providing school choice options for any family, including families in rural communities, by identifying underlying challenges and

options for collaboration across school types and collecting data to identify trends in school choice by geography"

Page 4, line 20, replace "\$24,000,000" with "\$10,000,000"

Page 4, after line 23, insert:

"SECTION 3. EFFECTIVE DATE. Section 1 of this Act becomes effective on July 1, 2024."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1532 - Department of Public Instruction - Senate Action

	Base Budget	House Version	Senate Changes	Senate Version
Nonpublic school reimbursement		\$24,000,000	(\$14,000,000)	\$10,000,000
Total all funds	\$0	\$24,000,000	(\$14,000,000)	\$10,000,000
Less estimated income	0	0	0	0
General fund	\$0	\$24,000,000	(\$14,000,000)	\$10,000,000
FTE	0.00	0.00	0.00	0.00

Department 201 - Department of Public Instruction - Detail of Senate Changes

	Reduces Funding for Educational Reimbursement Program ¹	Total Senate Changes
Nonpublic school reimbursement	(\$14,000,000)	(\$14,000,000)
Total all funds	(\$14,000,000)	(\$14,000,000)
Less estimated income	0	0
General fund	(\$14,000,000)	(\$14,000,000)
FTE	0.00	0.00

¹ Funding is reduced to provide \$10 million from the general fund for the educational reimbursement program.

This amendment also changes the requirements of an eligible child to be a dependent in a family with gross taxable income of less than 500 percent of the federal poverty level, defines qualified educational expenses as the cost of tuition, and adds an effective date for the educational reimbursement program of July 1, 2024.

Sixty-eighth
Legislative Assembly
of North Dakota

REENGROSSED HOUSE BILL NO. 1532

Introduced by

Representatives Cory, Kasper, Kempenich, Lefor, Nathe, Porter, Strinden

Senators Beard, Burckhard, Hogue, Meyer, Wobbema

1 A BILL for an Act to create and enact chapter 15.1-39 of the North Dakota Century Code,
2 relating to the establishment of an educational reimbursement program; to provide for a
3 legislative management study; to provide for a legislative management report; ~~and~~ to provide an
4 appropriation; and to provide an effective date.

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

6 **SECTION 1.** Chapter 15.1-39 of the North Dakota Century Code is created and enacted as
7 follows:

8 **15.1-39-01. Definitions.**

9 For purposes of this chapter, unless the context otherwise requires:

- 10 1. "Parent" means a resident of this state who is a parent, conservator, legal guardian,
11 custodian, or other individual with legal authority to act on a program participant's
12 behalf.
- 13 2. "Program" means the educational reimbursement program created under this chapter.
- 14 3. "Program participant" means an eligible child participating in the program.
- 15 4. "Public school" means a public school in this state which serves students in any grade
16 from kindergarten through grade twelve.
- 17 5. "Qualified education expenses" means the ~~costs~~ cost of tuition for a program
18 participant to enroll in or attend a qualified school.
- 19 6. "Qualified school" means a nonpublic school in the state which accepts program
20 funds, not including a home school.

21 **15.1-39-02. Educational reimbursement program establishment.**

- 22 1. The superintendent of public instruction shall establish and administer an educational
23 reimbursement program to reimburse qualified schools for qualified education
24 expenses of program participants.

- 1 2. To participate in the program:
- 2 a. The parent of an eligible child shall request a program form for the school year
- 3 from a qualified school in which the eligible child is enrolled; and
- 4 b. Upon receiving the parent's program form, the qualified school shall:
- 5 (1) Certify to the superintendent of public instruction proof of the eligible child's
- 6 enrollment at the school; and
- 7 (2) Request program funds for the eligible child's qualified education expenses.
- 8 3. For each eligible school program form received, the superintendent of public
- 9 instruction shall pay to the qualified school in which the eligible program participant is
- 10 enrolled a sum equivalent to the qualified education expenses, but not more than thirty
- 11 percent of the per-student payment rate under subsection 3 of section 15.1-27-04.1.
- 12 4. A qualified school that receives funds under this chapter ~~may~~shall use the funds ~~only~~
- 13 to offset the cost of qualified education expenses the program participant or parent
- 14 would otherwise would be obligated to pay. A qualified school may not use funds
- 15 received under this chapter for any other purpose.
- 16 5. If a program participant is enrolled in a qualified school for less than an entire school
- 17 year, the qualified school must return to the superintendent of public instruction the
- 18 funding provided under this chapter for that school year, reduced on a prorated basis,
- 19 to reflect the shorter enrollment period. The superintendent of public instruction shall
- 20 deposit with the public school district in which the program participant resides any
- 21 funds returned under this section.

22 **15.1-39-03. Program participant eligibility.**

23 A child is eligible for the program if the child is:

- 24 1. Eligible to attend public school; ~~and~~
- 25 2. Enrolled in a qualified school for any grade from kindergarten through grade twelve;
- 26 and
- 27 3. Documented as a child who is a dependent in a family with gross taxable income of
- 28 less than five hundred percent of the federal poverty level.

29 **15.1-39-04. Superintendent of public instruction duties - Rules.**

30 In administering the program, the superintendent of public instruction:

- 31 1. Shall develop procedures and forms necessary to implement the program.

1 2. Shall use a standardized enrollment form to determine a qualified school's and child's
2 eligibility for the program and make the form readily available to the public.

3 **15.1-39-05. Program suspension.**

4 The superintendent of public instruction shall suspend a qualified school from the program
5 for failure to comply with applicable law or the program's requirements. The superintendent of
6 public instruction shall notify the school in writing that the school's participation in the program is
7 suspended. The notification must specify the grounds for the suspension and state the school
8 has ten business days to respond and take any corrective action ordered by the superintendent
9 of public instruction. Following the expiration of the ten-day period, the superintendent of public
10 instruction shall:

- 11 1. Declare the school ineligible for the program;
12 2. Order temporary reinstatement of the school's participation in the program,
13 conditioned on the performance of specified action by the school; or
14 3. Order full reinstatement of the school's participation in the program.

15 **15.1-39-06. Fraudulent use of funds - Referral to attorney general.**

16 If the superintendent of public instruction obtains evidence of fraudulent use of program
17 funds, the superintendent shall refer the matter to the attorney general for investigation and
18 prosecution.

19 **15.1-39-07. Limitation on regulation of qualified schools.**

- 20 1. The program does not expand the regulatory authority of the superintendent of public
21 instruction, a school district, or any other government agency to impose additional
22 regulations on a qualified school under the program beyond what is necessary by the
23 superintendent of public instruction to enforce the program's financial and
24 administrative requirements. The superintendent of public instruction or a school
25 district may not regulate a qualified school's educational program under the program.
26 2. A qualified school may not be required to alter the school's creed, practices,
27 admissions policy, or curriculum to receive reimbursement for qualified education
28 expenses.
29 3. The superintendent of public instruction **state auditor** shall audit program funds
30 disbursed to a qualified school.

1 15.1-39-08. Applicability Educational reimbursement program expenditures - Report to
2 the legislative management.

3 Funds must be available to qualified schools starting with the 2024-25 school year. On or
4 before September 25, 2025, and annually each year thereafter, the superintendent of public
5 instruction shall report to the legislative management any educational reimbursement program
6 expenditures and supporting data.

7 **SECTION 2. LEGISLATIVE MANAGEMENT STUDY - FUNDING OF NONPUBLIC**
8 **SCHOOLS.**

- 9 1. During the 2023-24 interim, the legislative management shall ~~consider studying~~ study
10 the funding of nonpublic schools. The study must include:
- 11 a. An evaluation of how other states fund nonpublic schools, including
 - 12 accountability and oversight methods;
 - 13 b. A comparison of funding based on need versus funding every student;
 - 14 c. An evaluation of the impact funding nonpublic schools would have on equity
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