



**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.