



**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.