

## **State laws and policies put administrative burdens on Catholic schools**

Christopher Dodson

With Catholic schools few and far between in North Dakota, too many Catholics overlook the schools' successes and challenges. As an integral part of the Church's ministry, however, we are all invested in, and should care about, Catholic schools.

Catholic schools in North Dakota overcome significant challenges placed by state law and policies. Unlike most states, North Dakota law makes few distinctions between nonpublic and public schools. Nonpublic schools must comply with the same government approval criteria, teacher certification requirements, graduation requirements, and other laws that apply to public schools.

These requirements place additional, and arguably unnecessary, financial and administrative burdens on Catholic schools. For example, when hiring teachers, Catholic schools must find someone who furthers the Catholic mission of the school *and* meets the state's requirements. These laws also create an environment that favors an uniformity among schools, public and nonpublic, that makes it harder for schools to stand-out, embrace creative solutions, and be wholly mission driven.

From the state's perspective, these laws guarantee that the state's children are educated. However, it is questionable whether such regulation necessarily corresponds to better outcomes for students. Most states do not impose so many regulations on nonpublic schools and Catholic schools in those states have students that perform as well as or better than public school students.

North Dakota also ranks at the bottom in the amount of assistance it gives to the families of children in nonpublic schools. Many states offer taxpaying parents services that help offset the cost of nonpublic education in the form of tax credits, tax deductions, transportation, books and other programs. An increasingly popular form of legislation in other states provides corporations with tax incentives to contribute to scholarship funds for nonpublic schools students. North Dakota provides practically no assistance. The small amount of government assistance that the state's nonpublic schools do receive usually comes through special federal programs.

Some people may argue that since both the public and nonpublic schools in North Dakota are mostly adequate, this system works and it should not be changed. That argument fails on several levels.

First, our goal should be the best education for every student, not just an adequate education. There is no evidence that giving nonpublic schools more flexibility and providing parents with assistance will hinder that goal. In fact, studies show that such actions would lead to better performing students.

Second, focusing solely on performance ignores the justice issues involved. Nonpublic schools, including religious schools, have a right to function and prosper without undue

interference by the state. Certainly, the state has a role in ensuring that basic health, safety, and basic education requirements are met. However, there comes a point when too much interference infringes upon the school's autonomy and hinders education. The fact that other states have found that nonpublic schools perform well without the level of regulation imposed by North Dakota raises the question of whether North Dakota's nonpublic schools are over-regulated.

The second justice issue concerns assisting parents.

Every parent has a fundamental right to choose the means of education for their children. This principle is established in Catholic teaching and is recognized by the United States Supreme Court. At the same time, every child has a right to an education and the state has an obligation to assist in financially supporting that education. This principle is also taught by the Catholic Church and is generally accepted by society.

State law, however, treats the two rights as mutually exclusive. It says to parents: "You can choose the school for your children" and "The government will pay for your child's education." But then it adds, "But if you choose a nonpublic school, you can't have both." There is no legal reason why the two rights cannot co-exist and the insistence that parents can have one or the other, but not both, is a legal and social injustice.

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