

2009 HOUSE EDUCATION

HB 1399

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1399

House Education Committee

Check here for Conference Committee

Hearing Date: January 21, 2009

Recorder Job Number: 7428

Committee Clerk Signature

Carmen Hart

Minutes:

Rep. Kenton Onstad, District 4, Parshall, appeared as a sponsor of this bill. (See Attachment 1.)

Vice Chair Lisa Meier: How many languages would be looking at?

Rep. Onstad: Standing Rock, about three languages. Ft. Berthold has basically three. Spirit Lake and Turtle Mountain is two to three. We are probably looking at 10 to 12 or more languages. That itself creates a problem because they are not similar to each other.

Rep. Rod Froelich, District 31, appeared. He began by trying to answer Rep. Meier's question. When he grew up on the Standing Rock Reservation, there were three languages—Lakota, Lakota, and Lakota. They were all spoke a shade different, but there is a difference. It is very important to keep your language. There are many experts following to speak on this matter.

Senator Marcellais, District 9, and Tribal Chairman for the Turtle Mountain Band of Chippewa, appeared. The language is dying in Turtle Mountain. They do have three languages up there. One of them coincides with the French Canadians so they get to listen to the Canadian radios. If this language was brought back, their children would be able to understand that language. He also serves on two local school boards up there so he is really involved with the education system. They are currently working on a dictionary for some of

these languages in their schools and hoping to implement it as part of their curriculum. They are looking at making it mandatory for their students to pass at least one of the Native American languages in order to graduate.

Rep. Hanson said something in Norwegian.

Rep. John Wall: You know what other states are doing as far as saving their language?

Senator Marcellais: I can probably comment on the state of Montana. They are very active in regard to Native American issues. They have all 13 flags of the nations displayed in the capitol, and I have been trying to get our five flags displayed in our capitol and I am having a hard time doing it. The superintendent of public education in Montana is Native American so I am sure they are very active with the languages over there also.

Delilah Yellow Bird, White Shield School, appeared in support. **(See Attachment 2.)**

Vice Chair Lisa Meier: In 1994 and 1995 when you received funding, was it from a federal grant?

Delilah Yellow Bird: Federal funding. Title 7.

Vice Chair Lisa Meier: Do you recall the amount?

Delilah Yellow Bird: It was a one year grant. I don't remember the amount.

Josh Askvig, NDEA, appeared. We support any efforts to offer a broader curriculum to Indian students across the state and support a bill like this.

Kathryn Froelich, Sitting Bull College Division of Education Chair, appeared in support.

(See Attachment 3.) Hawaii has made great strides in revitalizing their native language there.

Rep. Lyle Hanson: Are reservation elementary and secondary schools required by federal law to have No Child Left Behind qualifications? One of the things that is in that law is that you have to have a major to teach a class. Would you have a problem of getting somebody to teach your Native American classes?

Kathryn Froelich: They receive certification through ESPB and it is an imminent scholar certification. They have to pass certain requirements that are included in that.

Rep. Lyle Hanson: So you don't have to major then? You just have to pass their requirements?

Kathryn Froelich: As it stands right now. Other states are different. South Dakota has different requirements.

Rep. Lyle Hanson: So you shouldn't have any problems getting instructors then?

Kathryn Froelich: As was mentioned before, we need to rely on our elders who are fluent, and we do not have any elders, but with the coursework that we offer and then with the schools and the curriculum they are implementing—I am going to let the tribal ed. person at Standing Rock talk about the curriculum that they implemented and the success that has been.

We are always looking for additional training for our teachers because there are things that work and things that don't work.

Sacheen Whitetail Cross, Standing Rock Sioux Tribe-Tribal Education Manager, appeared in support of HB 1399. **(See Attachment 4.)** To answer Rep. Hanson's question, we do have a huge issue of providing teachers for our schools who are teaching the native language but we are trying to stay on to a new generation of teachers. At Sitting Bull College every summer we do a three week training in providing teachers and new people who want to keep the language in the school.

Rep. John Wall: You said that there were many different dialects. Is Lakota/Dakota in South Dakota—would you be able to communicate well with the languages there as North Dakota? Is that another different dialect?

Sacheen Whitetail Cross: There has been a little bit of an issue with the teaching of it, but we are trying to have the kids and everyone work together with it. The elders understand the Lakota/Dakota when they are speaking.

Rep. John Wall: Would South Dakota materials that they have developed work at all in North Dakota?

Sacheen Whitetail Cross: Yes. We have purchased curriculum that was developed for our tribes in South Dakota as well as North Dakota to use in the classrooms.

Fred Fox Sr., President of White Shield School Board, appeared in support. **(See Attachment 5.)**

Susan Paulson, Representing the Fort Berthold Community College, appeared. The Mandan Hidatsa and Arikara people are only located in the state of North Dakota. There are probably about 11,000 plus members of this tribe. At one time there were over 50,000 of us. These are the only such people left in this world, and as Delilah said, White Shield is the only place where you can hear the Arikara language spoken. I think that the problems we have are really based in North Dakota history. I believe that the history and the language of the tribes need to be preserved because this is part of our legacy. The strength of North Dakota is in its people. There is one fluent speaker of the Mandan people in North Dakota.

Rep. Phillip Mueller: This is a granting bill. What would that grant look like?

Susan Paulson: By the time it filters down to us it will probably be \$10,000 for the college. I could see us developing curriculum that we would incorporate into the elementary that would train teachers. I could see us developing curriculum and incorporating it into the college because we are training teachers. We would help them with their requirements for No Child

Left Behind.

Rep. Phillip Mueller: Another part of my question would be that from the testimony I am gathering the languages that you are speaking are going away, have they been recorded in a way that they can be continued to be taught and be part of curriculum for school and/or college?

Susan Paulson: I can speak to the Arikara. I know that our elders really helped us. My grandmother was the main consultant for the Arikara language. They recorded almost everything. It is all housed down in Indiana University. What we need to do is take that basic information and we need to put it in a curriculum that can meet the needs of our people. The raw material is there but we need money to develop it.

Vice Chair Lisa Meier: Do you hear many individuals speaking to their native languages on your campus?

Susan Paulson: Unfortunately, I don't.

Rep. John Wall: When you work with the preservation of the language which you are doing, where do you start? How many of these languages have a dictionary?

Susan Paulson: It is different for every language. Right now the tribe is sponsoring one person who is working in a master-apprentice relationship with that fluent Mandan speaker. Right now what they are in doing in Indiana is trying to get teachers ready. But why are they are going to take Indiana? That's my question.

Rep. John Wall: Do you have a dictionary?

Susan Paulson: Yes, we do in Arikara. They are working on one in Hidatsa. There are linguists that have developed dictionaries but they are not useable to a lot of the people. There has to be more work with the dictionary. Dictionaries alone don't preserve a language.

For one thing Arikara is really difficult to read the way that it is written. It is almost like you have to have the oral. The syntax and the grammar is so complicated that just because you

know the words, you can't speak from the words. The words change when you change the sentence structure. It is nothing like English.

Rep. Mike Schatz: Sections 1 and 2 are underlined and Sections 3 and 4 are not underlined.

Is there a reason for that?

Chairman Kelsch: When it is an appropriation, that language does not go into code.

It is delineated basically for Sections 1 and 2.

Rep. Mike Schatz: This is an appropriation for \$450,000 and it is not in DPI's budget or in the Governor's budget?

Chairman Kelsch: That is correct.

Rep. Jerry Kelsh: Are the alphabet letters different? Do you have symbols?

Susan Paulson: We never had a written language. What they are doing is they are using linguistics and linguistics is really technical. We have whispered sounds in our language. We have voice syllables. We have things that aren't even in English.

Cheryl Kulas, Executive Director of the Indian Affairs Commission, appeared. She spent many years in various offices at DPI. It is extremely to know the intent and the issues that tribes have exerted in relation to the preservation and conservation of their language throughout the nation. The states that have legislation and which tribes are supporting within those states are Montana, Arizona, Oklahoma, and South Dakota. There are 563 sovereign native governments within the United States, and those governments are working at all different levels in the conservation or preservation of their language. About two years ago congress passed the ? Martinez legislation which also supports the preservation of native language. This is a very worthy effort. We should endorse this in a growing diverse world.

Vice Chair Lisa Meier: Are you aware of any attempts for a federal grant in North Dakota?

Cheryl Kulas: Standing Rock has been doing a tremendous amount of work. Turtle Mountain is doing the work on its own. New Town High School has Hidatsa I, II, and III that they teach. These are all being supported by the school districts. The funding nationally is very limited, and they are very organized large groups of native people.

Mari Rasmussen, Assistant Director of Bilingual and Language Acquisition Programs, Dept. of Public Instruction, appeared. (See Attachment 6.)

Rep. Phillip Mueller: You talk about the \$100,000 being done in a joint effort with a local education agency within a reservation and their tribal college. Would that not make sense for all of the monies that are being asked for here?

Mari Rasmussen: That very well may be. I wouldn't argue with that. Our tribal colleges are a great tapping resource that could help us in the education of Native American children that are in elementary and secondary education programs. However that involvement is worked into this program I think would be beneficial.

There was no opposition.

The hearing was closed.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1399

House Education Committee

Check here for Conference Committee

Hearing Date: February 2, 2009

Recorder Job Number: 8369

Committee Clerk Signature

Carmen Hart

Minutes:

Vice Chair Lisa Meier: I have some problems with this bill. You are looking at least 12 languages if not more. How do you get your hands around that? There is no dictionary.

Rep. Lyle Hanson: Any way of tracking this money?

Chairman Kelsch: What the money is for is for the grants and the development of the standards. Here is the issue that comes to my mind. We have English language learners that are immigrants to the state of North Dakota, but we also have English language learner students that are born and raised in North Dakota. A lot of them tend to be the Native American population. My concern is if we look at providing more bilingual education in our Native American schools, will we see an increase in the number of students that require ELS services?

Rep. David Rust: On one side of the coin is I can understand that this is a culture that they are very proud of and would like to see it preserved. On the other side of the coin, my grandfather was an immigrant and my father was a first generation American. They spoke a low German in their area. They talk about the time in school when they were punished for speaking German. I think the United States played a major role in destroying the culture of that area as well.

Rep. Lee Myxter: I can be taught German in high school. I can't be taught Arikara. I feel we owe the Native Americans something and I think it would be a great loss if they lost their heritage—they lost their language. I would support attempting to allow them to build their dictionaries and allow them to teach their language.

Rep. John Wall: I wonder if this shouldn't be put to an interim study?

Rep. Jerry Kelsh: I remember the time when it was wrong in schools to speak anything but English, and some of them couldn't in my area. I would make a motion to turn it into a study.

Rep. John Wall seconded the motion.

Rep. Lee Myxter: I would vote against turning it into a study. I believe it was the Mandan tribe where there were only three elders who spoke it. Two years from now they may not be here.

Rep. Bob Hunsakor: I think we know the facts. How much would you gain out of a study? We all know why it is important to the Indian culture. From my perspective if I was going to go with a study, I am just prolonging something that I really know the answer to. It should be dealt with now, one way or the other.

Rep. Phillip Mueller: I think I would have to be in favor of the study. There are a lot of AYP problems out in Indian country. The implication at least in a lot of the testimony was that if we did something akin to this, then there is a direct connection to them becoming more proficient students. I guess that is the part I would like to have studied. I don't get the connection there very well.

Rep. Jerry Kelsh: We all understand how important it is to the Native Americans that they maintain their language and that it is passed down. I don't think what the concerns of the bill were what are going to be the guidelines, what are going to be the assurances, how was DPI, what kind of rules and regulations are they going to set up, how are they going to use the

money providing grants to tribal colleges in creating research and development of bilingual education? I think that is where the questions are, not the need that we provide the bilingual education. How is it going to work? This would keep the issue at least alive which I am so afraid it may not survive otherwise.

Rep. Corey Mock: I agree with Rep. Myxter in saying that this is either an up or down vote. Turning it into a study is wasting valuable time and resources considering the issue at hand. We have HCR 3004 relating to a legislative council study of Indian issues. How is that not already accomplishing how to increase the AYP on reservations?

Rep. John Wall: I am also about preserving the culture and heritage. It seems to me that North Dakota Humanities Council works with the tribal officials all the time. I have to believe that there is grant money there to work much faster at capturing the language from this one person of the Mandan tribe. If the open window is so short, it would seem to me that if it was such a timely issue, they could find the money within to at least interview, talk to, and record the one individual.

Rep. David Rust: In defense of my earlier comments, when he married in Wishek, ND, there was a lot of low German spoken that evening. People now learn the high German basically couldn't understand those speaking. It was a different language. I am with Rep. Wall in that there are probably other avenues. I will probably vote yes for the study.

Rep. Bob Hunsakor: Following up on Rep. Wall, is there any merit in cutting the amount in half and it would have to be matched before it could be used? Someone answered no.

Chairman Kelsch: Does anybody know what is in the economic stimulus package for the Native American students?

Rep. Lyle Hanson: Senator Dorgan is the head of the Indian whatever.

A voice vote was taken to amend to a study. The motion had to be taken by roll.

 **The amendment passes 11-3.**

There was some discussion between Chairman Kelsch and the law intern about the amendment to a study.



2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1399

House Education Committee

Check here for Conference Committee

Hearing Date: February 4, 2009

Recorder Job Number: 8718

Committee Clerk Signature

Carmen Hart

Minutes:

The amendments were handed out. **(See Attachment 1.)**

Vice Chair Lisa Meier made a motion for a **Do Pass as Amended** on HB 1399. **Rep.**

Johnson seconded the motion.

DO PASS AS AMENDED, 11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING. Rep. Jerry

Kelsh is the carrier of the bill.

Attachment 1

Prepared by Legislative Intern DRAFT
For House Education Committee
February 2, 2009

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1399

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative council study of American Indian bilingual education.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMERICAN INDIAN BILLINGAL EDUCATION-STUDY.

During the 2009-10 interim, the legislative council shall consider studying the development of American Indian bilingual education including the development of curriculum and instructional materials, the delivery of instruction, and the support of Indian students in the maintenance of their heritage language while learning English through a bilingual approach. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly."

Renumber accordingly

VR
2/5/09

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1399

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative council study of American Indian bilingual education.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMERICAN INDIAN BILINGUAL EDUCATION - LEGISLATIVE COUNCIL STUDY. During the 2009-10 interim, the legislative council shall consider studying the development of American Indian bilingual education including the development of curriculum and instructional materials, the delivery of instruction, and the support of Indian students in the maintenance of their heritage language while learning English through a bilingual approach. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly."

Renumber accordingly

Date: 2-2-09
Roll Call Vote #: 2

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1399

House Education Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass Do Not Pass Amended

Motion Made By Rep. Kelsh Seconded By Rep. Wall

Representatives	Yes	No	Representatives	Yes	No
Chairman RaeAnn Kelsch	✓		Rep. Lyle Hanson	✓	
Vice Chairman Lisa Meier	✓		Rep. Bob Hunsakor		✓
Rep. Brenda Heller	✓		Rep. Jerry Kelsh	✓	
Rep. Dennis Johnson	✓		Rep. Corey Mock		✓
Rep. Karen Karls	✓		Rep. Phillip Mueller	✓	
Rep. Mike Schatz	✓		Rep. Lee Myxter		✓
Rep. John D. Wall	✓				
Rep. David Rust	✓				

Total (Yes) 11 No 3

Absent 0

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:
Amended to ~~the~~ study

Date: 2-4-09
Roll Call Vote #: _____

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1399

House Education Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass Do Not Pass Amended

Motion Made By Rep Meier Seconded By Rep. Johnson

Representatives	Yes	No	Representatives	Yes	No
Chairman RaeAnn Kelsch	✓		Rep. Lyle Hanson		
Vice Chairman Lisa Meier	✓		Rep. Bob Hunsakor	✓	
Rep. Brenda Heller		✓	Rep. Jerry Kelsh	✓	
Rep. Dennis Johnson	✓		Rep. Corey Mock	✓	
Rep. Karen Karls	✓		Rep. Phillip Mueller	✓	
Rep. Mike Schatz	✓		Rep. Lee Myxter		✓
Rep. John D. Wall	✓				
Rep. David Rust	✓				

Total (Yes) 11 No 2

Absent 1

Floor Assignment Rep Kelsh

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1399: Education Committee (Rep. R. Kelsch, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1399 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative council study of American Indian bilingual education.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMERICAN INDIAN BILINGUAL EDUCATION - LEGISLATIVE COUNCIL STUDY. During the 2009-10 interim, the legislative council shall consider studying the development of American Indian bilingual education including the development of curriculum and instructional materials, the delivery of instruction, and the support of Indian students in the maintenance of their heritage language while learning English through a bilingual approach. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly."

Renumber accordingly

2009 SENATE EDUCATION

HB 1399

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1399

Senate Education Committee

Check here for Conference Committee

Hearing Date: March 4, 2009

Recorder Job Number: 10132, 10135, 10140, 10189, 10191, 10192

Committee Clerk Signature

Minutes:

Chairman Freborg opened the hearing on HB 1399. All members were present.

Representative Onstad introduced the bill. See written testimony.

Senator Taylor said with the oil development on the Three Affiliated Tribes, how many dollars are coming from it to the general fund.

Representative Onstad said he is not sure of the dollar amount but money is flowing to the state of North Dakota from the production tax. It is significant dollars.

Senator Lee said the reengrossed bill refers to learning English through a bilingual approach.

What does that mean?

Representative Onstad said in the past, grandparents spoke to their grandchildren in their native language and a lot of that happens in the homes of Native American children today. In the engrossed version they are saying that English is very important. It is very important for the Native American children to understand the importance of education and keep their interest in education. In the early elementary grades, they often find a lack of success and become discouraged. In testimony today, we will hear that when Native American language curriculum is used, it increases interest and success.

Senator Lee asked if English would be their second language.

Representative Onstad said no, English would be their first language, as a co-curricular, they could teach Native American language, to keep their interest.

Representative Froelich testified in favor of the bill. For years the tribe and state had no tax agreement on oil, so there was always a problem. This past summer the tribe and the state reached an agreement and the tribe gave up quite a bit. By law, they can assess any tax they want on trust property. They took 50% of the 5% production tax, they only took 20% of the 6 ½% tax. They could have charged 11 ½ % themselves. To get oil development going, they gave up quite a little. They don't get any tax from the non trust property on the reservation. That is a finance and tax problem. Since the tax agreement has been in place, there have been over \$10 million generated. This would be a good funding source.

Kathryn Froehlich testified in favor of the bill. See written testimony.

Delilah Yellow Bird testified in favor of the bill. See written testimony.

Debbie Poitra, Federal Programs Officer for the Belcourt School District, testified in favor of the bill. See written testimony.

Sacheen Whitetail Cross, Standing Rock Sioux Tribe Tribal Education Manager, testified in favor of the bill. See written testimony.

Frederick Baker testified in favor of the bill. He is a fluent Hidatsa speaker. He has travelled to and lived in a lot of places including 12 years in Alaska. The ability to speak with his mother gave him a foundation. It is alarming that there are very few Hidatsa speakers now. Learning a language is a good exercise for the mind and there is a need to preserve the Native language.

Connie White Bear, Three Affiliated Tribes, testified in favor of the bill. She has visited with

Mari Rasmussen about bilingual language learning. She has surveyed schools and their materials and most materials and resources were over 10 years old, some go back to the

1930's. It takes money to get and develop materials and resources. The tribe is working with Native language instructors in 5 schools, Mandaree, Newtown, White Shield, Twin Buttes. It takes time and money. This bill would help.

Irene Schmidt, Superintendent at White Shield School, testified in favor of the bill. Their school is very committed to reviving the language. The kids need to find a connection. We can reach the children and help them learn about their culture. Grandma Delilah does a great job teaching the students about their native language. There are 127 students at White Shield School, finding funding is a struggle.

Mari Rasmussen, Department of Public Instruction, testified in favor of the bill. See written testimony.

Senator Bakke asked when was the last time North Dakota developed curriculum for teaching Native American language.

Mari Rasmussen said there has been no concerted effort in this area. There had been funding under the previous elementary and secondary education act that provided bilingual teaching grants but it was a hit and miss effort. There was no state effort. At one time the state granted funding for North Dakota curriculum, not specifically addressing languages, that sunseted years ago.

Senator Bakke asked if we have developed curriculum to study North Dakota history but there has been no curriculum developed to teach Native language.

Mari Rasmussen said no there hasn't and that is what this bill would do if it were funded.

Bob Parisien, Indian Affairs Commission, testified in favor of the bill. He supports the original version of the bill. Time is of the essence. They are losing their elders who speak the

language. Another challenge is resources. No Child Left Behind takes all the money for academics.

Senator Freborg said several sessions ago, the legislature allowed Native American schools to have an elder come in without a teaching degree to teach the language to the school children.

Was this successful?

Bob Parisien said he has only been in his position for a year and does not know about that program.

Fern Pokorny, North Dakota Education Association, testified in favor of the bill. They support expanding any opportunity for students.

Cheryl Kulas, Executive Director, North Dakota Indian Affairs Commission, testified in favor of the bill. She spent 13 years with Department of Public Instruction and 9 years with the Indian Affairs Commission. The education of Native American children is her constant concern. In

the 1980's the Ramirez Study was conducted. It documented that first native language

learners, in this case Hispanic students, achieve higher when they first understand their own language. In Indian country, there are various processes to boost achievement of school children. The influence of native language is a critical factor. There are 10,573 Native American students K-12 statewide. New Town High School offers Hidatsa I, II and III. This is crucial.

Senator Freborg asked if there are licensed teachers in the New Town Hidatsa language program.

Cheryl Kulas said it is taught by a credentialed elder and the classes are well attended.

Senator Bakke asked a question for Mari Rasmussen. Does our state assessment have a bias against students with these language issues?

Mari Rasmussen said the test goes through bias review with McGraw Hill. Greg Gallager works with the state assessment.

Chairman Freborg closed the hearing on HB 1399.

Later in the day, Chairman Freborg opened the discussion on the bill.

Senator Taylor said he would like to return to the language in the original bill. It could be justified by the compact reached with the Three Affiliated Tribes on the oil revenues. There is no need for a study. He would like to move forward with some grants.

Senator Lee said asked if we are looking to change the agreement reached this summer. If so, he thinks the appropriate time to do so would be at the end of the lease period.

Senator Bakke said her concern is we set up the program with the elders many years ago but they are no longer able to teach. If we are going uphold our responsibility to their culture and language which is the heritage of North Dakota, we have to act on this soon. We need to develop the curriculum before we lose the human resources. We cannot afford to wait 2 more years. We must invest in the culture before we lose it. She doesn't care where we get the money. We need to fix it.

Senator Taylor said we need to improve achievement levels and address adequate yearly progress. He has asked Mari Rasmussen to get him a copy of the Ramirez Study that was referenced in testimony. In 1400 we will also study second languages and how they improve our cognitive ability. It would be a mistake to pass it as a study. Maybe we can find other funding sources between now and the end of the session. If we can find a way to justify this in terms of improving student achievement, there may be some other dollars that could play a role. If we force a conference committee, it would buy us some time.

Senator Freborg said he would allow Senator Taylor some time to draft an amendment. He urged him to be careful about how much money and where he finds it.

Later in the day, Senator Taylor said he talked to Anita Thomas and she is swamped. He can describe what he wants to do in the amendment. His intent in section 3 of the original bill would be to use \$450,000 in federal stimulus money, with \$50,000 retained by Department of

Public Instruction for administrative cost. The intent of the stimulus money is for one time appropriations that can put something on the ground and curriculum is such a onetime investment that would give us something we could use for years to come on our reservations. There would also be the added advantage of improving student performance. The funding in section 4 would be kept as general funds, realizing that oil tax money from the Three Affiliated Tribes is flowing into the general fund. Another possibility would be \$500,000 from federal stimulus money.

Senator Freborg said he prefers no general fund dollars so there is a much better chance. After the first half of the session when we spent too much money, appropriations starts to take the money out of small projects.

Senator Bakke asked if he was more in favor of \$500,000 in stimulus money.

Senator Freborg said he prefers \$450,000 for grants. He is not saying how he would vote.

Senator Flakoll said he would be more inclined to like something along the lines of federal stimulus dollars. The numbers that will come out will be mind numbing and much of that money will go to the schools that are being talked about here. Section 4 is confusing, is it P – 16 or higher ed? How does it interface?

Senator Bakke said section 4 is the money that would go to the tribal colleges to help them develop the curriculum. The other piece is for purchasing and distributing the materials.

Senator Taylor said section 1 is related to section 3 and is K – 12 grants. Sections 2 and 4 go together, looking at the students enrolled at the tribal colleges. If we have to make a call, it is most important and most effective to introduce language at a young age. He would also like to see these programs in the tribal colleges as well. Stimulus funds are probably most aptly

applied to K – 12.

Senator Bakke asked if there is some merit to combining the language so that the needs in section 4 could be a part of the money in section 3.

Senator Taylor said maybe the tribal colleges would take a role in implementing the program at the K – 12 level and that could be a way to tie it together.

Later in the day, Senator Taylor said working off the original version of the bill, his amendment would reinstate section 1, the grants, and also reinstate section 2, eliminate section 4 and put all the appropriation in section 3. It would all be stimulus monies, \$400,000 for the bilingual grants to school districts, \$100,000 for section 2 to the tribal colleges. In sharing the administrative costs, Superintendent of Public Instruction could retain \$25,000 from the \$400,000 and \$25,000 from the \$100,000.

Senator Freborg said there is \$150 million in the stimulus package for North Dakota for education, 90 some percent is to enhance title 1.

Senator Taylor moved the Taylor amendment, seconded by Senator Bakke.

Senator Lee said he will vote against the amendment reluctantly. Representative Berg said today English is the global language for everyone except, seemingly, this group. Are we enabling something here that is not going to work? Are we helping them go backwards? They have struggled indefinitely and he is not sure what the answer is to their issue. They need English. The other languages are a part of their heritage if they want to keep them. Why haven't they done this over the time that has already elapsed? He struggles with the concept.

Senator Taylor said he can appreciate that. In testimony we learned we may actually improve English language school with learning this second language. English will most likely be their first language. We add foreign language to curriculums, not because they are a universal

language, but because it makes students more well rounded. There is a lot of strength in pride of culture. Our strength as a state does not come from being homogenous, it comes from

diversity. We would all be poorer if we all spoke only English. We would have had a good chance of losing World War II if we did not have code talkers who knew the Navajo language and the Japanese did not. Every language we retain is of value. We may see some increase in test scores.

Senator Bakke said the bill doesn't say the children aren't speaking English so we will accommodate them in the classroom. They are saying a lot of these kids on the reservations don't speak the native language and it is not written down anywhere and they are not being allowed to retain their heritage. There is no place to go to learn the Native American dialects. They are asking before the elders pass on, they be allowed to put this curriculum together so they can teach the native language. It is their attempt to maintain the culture of North Dakota.

Senator Freborg said through enabling legislation several years ago we allowed the elders to come into the schools to teach the native language during school hours. They needed no qualifications other than being able to speak the language. Couldn't they do that in one of their open periods right now?

Senator Bakke said yes, they can do that but it has only been passed down verbally, it is not written. Those who are fluent are passing away. We don't want it to become obsolete. No one speaks Latin any more but many people study it. It preserves history.

Senator Freborg said he was disappointed this morning when 3 of the 4 people he asked were not even aware of the enabling legislation. Mrs. Froelich said it was being used and had some positive comments.

Senator Bakke said there display showed pictures of the elders that have been coming to the school to teach the language to the kids. It has to be written down somewhere.

Senator Flakoll asked if this is a preservation project. Who will teach it? We have really lost that already. What is the delivery strategy?

Senator Bakke said there would be audio tapes so it can be heard. He is right, we are losing the language that is why this is so urgent.

Senator Taylor said the bill says the grants can be used for the development of materials and the delivery of instruction.

Senator Flakoll said we have this session a 55% increase on the weighting factors for ELL funding, are we propping up both ends? On one hand we hear they have trouble with the English language because their Native American language is so prevalent at home and yet we also hear they don't have enough of their native tongue.

Senator Taylor said we are looking at the 3rd or 4th level of ELL where there are some mild difficulties. The problem is not because Native American language is spoken in the homes. It isn't that their parents are fluent speakers of their native language. It is a blend between the language. It doesn't mean we should quit teaching Spanish in the schools because we are teaching Hispanic children how to speak English in the grades. Knowing either language in its formal sense is what the education is to teach.

Senator Flakoll said when they come asking for additional ELL dollars and adding the 3rd weighting factor, it was because they are so immersed in their native language they do not perform well in their English proficiency tests.

Senator Bakke said her work with Native American children has shown they do not speak their native language, they speak English. They hear their native language spoken by their grandparents. There are some subtleties in English that earlier generations did not pick up, therefore the English that is passed on does not have those subtleties. We want to preserve the native language much like we preserve trails in North Dakota.

Senator Freborg said if they replaced a foreign language, they would have the dollars to do that without an appropriation.

Senator Bakke said that is true if there was a curriculum.

Senator Flakoll said he is mostly supportive of preservation with federal dollars.

Senator Freborg said which federal dollars.

Senator Flakoll said stimulus dollars.

Senator Lee asked Senator Taylor, would this just be stimulus money, no oil or general funds.

Senator Taylor said that is correct.

Senator Freborg asked the clerk to review the Taylor amendment.

The motion failed 2 – 3.

Senator Flakoll said he looks at this as more of a preservation project, not distribution.

Senator Bakke said if he is suggesting we write the curriculum and not give it to anyone.

Senator Flakoll said if we are looking at this from a history standpoint, it is preservation of the language. It is archival. We would be preserving a living record of the language. He would be more inclined to look at that. It would be a step up from a study.

Senator Taylor said we need to do something. There is a bilingual learning approach. There are two ways to preserve a language, in audio and print and also living in the vocabulary of those who speak it.

Senator Freborg asked if it could be an elective in school.

Senator Bakke said yes, it would be a foreign language.

There was discussion by the committee of the Native American language being offered as a foreign language elective and discussion of curriculum and the allowable language in HB 1400.

Senator Lee and Senator Taylor will work together to develop an amendment.

Chairman Freborg closed the discussion on HB 1399.

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1399

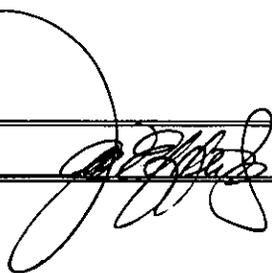
Senate Education Committee

Check here for Conference Committee

Hearing Date: March 10, 2009

Recorder Job Number: 10561, 10611

Committee Clerk Signature



Minutes:

Chairman Freborg opened the discussion on HB 1399. All members were present.

Senator Taylor said he got some draft language from Mari Rasmussen, Department of Public Instruction. It can be abbreviated. He will continue to work with it and with Senator Lee.

Later in the day, Senator Taylor said he could put a proposed amendment together quickly.

Senator Freborg said he would rather the committee work on 1400.

Chairman Freborg closed the discussion on HB 1399.

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1399

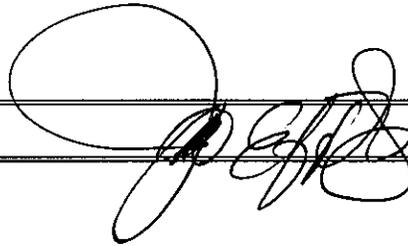
Senate Education Committee

Check here for Conference Committee

Hearing Date: March 17, 2009

Recorder Job Number: 11075

Committee Clerk Signature



Minutes:

Chairman Freborg opened the discussion on HB 1399. All members were present.

Senator Freborg said Senator Lee and Senator Taylor worked together on an amendment.

Senator Taylor distributed amendment .0201 which is a hog house amendment. Senator Lee

and Senator Taylor met with Mari from the Department of Public Instruction. The original bill had a \$550,000 appropriation. They noticed the stimulus dollars will be coming at a high level

to the reservation schools. When you look at fiscal stabilization, it would be appropriate for

those dollars to be spent on development of curriculum. It would be a onetime expense to

bring the elders in, do some recording, develop some books and learning materials. The hog

house amendment calls for a panel to be appointed to work with the Department of Public

Instruction to help the native schools on the reservations coordinate language preservation.

They would each be putting their own dollars into the effort. The intent is that the funding

would come from stimulus dollars. The Department of Public Instruction would pull the

projects together with collaboration with the independent schools. They will share ideas.

Tribal colleges will play a role, the Indian Affairs Commission, administration, a teacher, a

school board member will be on the panel. It lays out some of the projects. It provides for a

report. The appropriation was decreased from \$550,000 to \$50,000 to cover the administration portion.

Amendment .0201 was moved by Senator Taylor, seconded by Senator Lee.

Senator Flakoll said if the recording or preservation of the language is permissive or a duty and if they would use stimulus dollars to help carry it out.

Senator Taylor said we can't mandate the process; there is the encouragement of the process. It must come from their own efforts because it is their dollars that they would be using for the project. It might not happen on every reservation. From what we heard in testimony, it is a priority.

Senator Lee said in looking back at the testimony, his interest was in the preservation of the languages for historic reasons. This would offer them the opportunity to put a framework in place. The resources would be available for someone to look back on the language, even if it isn't spoken.

Amendment .0201 passed 5 – 0.

Senator Taylor moved a Do Pass As Amended and Rerefer to Appropriations, seconded by Senator Lee.

The motion passed 5 – 0. Senator Taylor will carry the bill.

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1399

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 15.1-21 of the North Dakota Century Code, relating to the teaching and preservation of American Indian languages; and to provide an appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

American Indian languages - Teaching and preservation committee - Duties - Report.

1. The superintendent of public instruction shall appoint an American Indian language teaching and preservation committee.
2. The committee must include:
 - a. A representative of the Indian affairs commission;
 - b. A representative of the tribal colleges;
 - c. A school board member;
 - d. A school district superintendent; and
 - e. A teacher of American Indian languages.
3. The committee shall assist the superintendent of public instruction in:
 - a. Developing research-based and standardized methods to be used in the teaching and preservation of American Indian languages within elementary and high schools in this state;
 - b. Developing and disseminating instructional materials;
 - c. Training school district personnel in the teaching and preservation of American Indian languages;
 - d. Ensuring coordination with other state and federally funded education programs; and
 - e. Data collection.
4. Before September 2010, the superintendent of public instruction shall provide a report to the legislative council regarding the teaching and preservation of American Indian languages in this state.

SECTION 2. APPROPRIATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$50,000, or so much of the sum as may be necessary, to the superintendent of public instruction for the purpose of providing technical assistance to school districts engaged in the

teaching and preservation of American Indian languages, for the biennium beginning July 1, 2009, and ending June 30, 2011."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1399, as engrossed: Education Committee (Sen. Freborg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the Appropriations Committee (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1399 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 15.1-21 of the North Dakota Century Code, relating to the teaching and preservation of American Indian languages; and to provide an appropriation.

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 - b. Developing and disseminating instructional materials;
 - c. Training school district personnel in the teaching and preservation of American Indian languages;
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Renumber accordingly

2009 SENATE APPROPRIATIONS

HB 1399

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1399

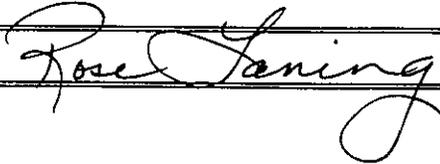
Senate Appropriations Committee

Check here for Conference Committee

Hearing Date: March 23, 2009

Recorder Job Number: 11370

Committee Clerk Signature



Minutes:

Chairman Holmberg called the committee hearing to order on HB 1399, all members present.

Kenton Onstad: Representative District 4 introduced and testified in support of HB 1399.

This bill deals with preservation of Native American language and started with \$500 request to set up program. The committee was restructured and the addition is a \$50,000 appropriation to work with DPI. The bill is brought forward because 1) our first residents are looking to preserve their language. There has been a struggle in doing this because the language is passed on orally from generation to generation. We have little material available to do this. Some of the schools have been working with Indiana University to help create material of this nature. There are stimulus dollars set aside for Native American Languages. The current bill has \$50,000 going to DPI and sets up committee and who committee members would be. Education is important in our tribal schools. They are working toward our own language. The steam and excitement starts early on and after 3rd and 4th grade, they are able to keep this going. It's an important part of AYP (Adequate Yearly Progress) and bigger picture. I hope we can adopt this structure and work through preservation of Native American Studies. It's difficult because several languages are spoken on each reservation. We don't have the materials to support it. We want to move it forward.

Chairman Holmberg: As school districts receiving their Title I money, is this area a wise investment for areas using money on a onetime basis. We're getting ideas from schools how to use money on onetime. It clearly impacts the reservations and schools

Ken Onstad: Many title one programs restrict funding. Since stimulus money is coming forward, they can go to some of those schools. In the Senate Education committee, there was a recommendation.... The current bill just sets up a structure

Chairman Holmberg: We're going to take it and put it into secondary education.

Senator Warner: This bill as originally introduced creates a basket so people can pick and chooses sources of revenue to put this together. They can go to different trees and pick different fruit and put together the best comprehensive package together. Create the mechanism that creates the leverage.

V. Chair Bowman: Who would be the teachers and what would be the qualifications? Do they need to find someone who speaks? And how do you test to see if it's working?

Ken Onstad: Currently schools have language teachers and they are putting together their own information. They rely on elders. It is structured through school system. There is foreign language and Native American is recommended as foreign study.

Chairman Holmberg: Would there be a reluctance to add member of state Historical Society to give overview?

Ken Onstad: That has been part of discussion and I think it would be a welcome addition. It's part of the ND heritage. That would be welcome.

Richard Marcellais: Senator District 9 testified in favor of HB 1399. (See attachment # 1)

Senator Wardner: Do you feel you're qualified to go into schools and teach the language?

Richard Marcellais: No, however we do have qualified people who can teach.

Senator Christmann: Is there one dialect or several?

Richard Marcellais: Cree, Ojibwa, Chippewa.

Senator Fischer: It seems to me that the state sees if you are certified. We have this backwards.

Richard Marcellais: We'd have to teach the state before anyone could get certified.

Senator Krebsbach: Dictionary, Is purpose of committee to get textbooks in the Native American language or just textbooks itself.

Richard Marcellais: The purpose is to get the textbooks into the classroom.

Chairman Holmberg: Goal is to put a language book in schools?

Richard Marcellais: Yes, just like German, French, or any other language in the schools.

Kim Abbey: Coordinator for Three Affiliated Tribes, Bismarck Office testified in favor of HB 1399. No Written attached testimony.

Children need to be taught in order to preserve the language; the need to preserve the native languages of our ancestry for generations to come.

Senator Mathern: Local office here. Are there activities that promote language studies in Bismarck studies?

Kim Abbey: no

Deliah Yellowbird: Arikara Language Instructor at White Shield School testified in favor of HB 1399. (See attachment #2)

Qualified to teach, worked with University of Indiana. Taken materials to different conferences around United States. Online dictionary- all through Indiana Univ. Would like to see continuity going.

V. Chair Bowman: What percentages of parents teach their children the language?

Deliah Yellowbird: Very low percentage. Families that have computers ask for materials. One family I know uses it a lot.

Senator Warner: Does someone teach Hidatsa at White Shield?

Deliah Yellowbird: We teach Arikara?

Senator Christmann: Ft. Berthold, are the communities generally one tribe or another?

Deliah Yellowbird: The Arikara moved to White shield and became. Most moved to New Town.

Senator Christmann: Will all schools teach all three of the languages?

Deliah Yellowbird: We are intermarried and at White Shield we teach Arikara.

Senator Mathern: How does our language compare to other languages in difficulty of learning?

Deliah Yellowbird: Learning the Arikara language has been one of the hardest languages to learn. We've been fortunate enough to have the language printed.

Robert Parisien: Coordinator, for Indian Affairs Commission testified in favor of HB 1399. Language loss – happens when not spoken at all. Language is not spoken anywhere else. Native American students – late 1800s boarding schools established to eliminate Indian and its language. Language revitalization programs are important. Language program developers need to be considered. Time is of the essence. Some tribes only have one or two speakers in their communities and need to keep the language.

Chairman Holmberg: explained to a group of students from Lamoure about the bill.

Dr. Mari Rasmussen: Assistant Director of Bilingual and Language Acquisition Programs for DPI testified in favor of HB 1399. (See attachment #3)

Went over amendments.

This program can help academic achievement of Native American students. Many Native

Americans can be labeled "at risk" and this is a positive method because it brings students to the tables that have something at stake because of their heritage.

Eminent elders credential – know language and certified by their elders, they can teach with this license. They could work on bilingual certification endorsement and teach the language at community colleges.

Chairman Holmberg: Stimulus money that we don't yet know. One thing is reservations and economic disadvantage may receive a lot of money. The legislators keep bring back that when school districts A<B<C receive a lot of money, this would be a great way to invest that money. We aren't appropriated that money because we can't do that, but their schools could consider this. The coordination which this bill does will be looked at in the subcommittee.

Chairman Holmberg: Closed the hearing on HB 1399

Subcommittee: Chairman Holmberg Senator Krebsbach Senator Robinson

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1399

Senate Appropriations Committee

Check here for Conference Committee

Hearing Date: 04-01-09

Recorder Job Number: 11600 (HB 1013 also on this job. Starts at 3.40)

Committee Clerk Signature

Alice Pelzer

Minutes:

Chairman Holmberg called the committee to order in regards to HB 1399.

SENATOR ROBINSON MOVED A DO PASS. SECONDED BY SENATOR KRAUTER. A ROLL CALL VOTE WAS TAKEN RESULTING IN 11 YEAS, 1 NAY, 2 ABSENT. SENATOR TAYLOR FROM THE EDUCATION COMMITTEE WILL CARRY THE BILL.

Chairman Holmberg mentioned this bill will go into conference committee.

Senator Robinson had questions regarding having the Historical Society involved with that effort.

Chairman Holmberg stated we left that to the Conference Committee. He then closed the hearing on HB 1399. (2.55)

Date: 4/1/09

Roll Call Vote # 11

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1399

Senate Senate Appropriations Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass Do Not Pass Amended

Motion Made By Robinson Seconded By Krauter

Senators	Yes	No	Senators	Yes	No
Sen. Ray Holmberg, Ch	✓		Sen. Tim Mathern	✓	
Sen. Tony S. Grindberg, VChA	✓		Sen. Aaron Krauter	✓	
Sen. Bill Bowman, VCh	✓		Sen. Larry J. Robinson	✓	
Sen. Randel Christmann		✓	Sen. John Warner	✓	
Sen. Rich Wardner	✓		Sen. Elroy N. Lindaas	✓	
Sen. Ralph L. Kilzer	✓		Sen. Tom Seymour	✓	
Sen. Tom Fischer A	✓				
Sen. Karen K. Krebsbach	✓				

Total Yes 11 ~~10~~ No 1 ~~0~~

Absent 2

Floor Assignment ed Committee Taylor

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
April 1, 2009 1:30 p.m.

Module No: SR-55-5837
Carrier: Taylor
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1399, as engrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman) recommends DO PASS (11 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). Engrossed HB 1399, as amended, was placed on the Fourteenth order on the calendar.

2009 HOUSE EDUCATION

CONFERENCE COMMITTEE

HB 1399

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1399

House Education Committee

Check here for Conference Committee

Hearing Date: April 17, 2009

Recorder Job Number: 11926

Committee Clerk Signature

Carmen Hart

Minutes:

Chair Karen Karls: HB 1399 deals with preserving Native American languages. Would the Senate care to explain the changes?

Senator Ryan Taylor: The bill that came to you was a bill that had about \$550,000

appropriation dealing with instructing Native American languages in reservation schools in

North Dakota. The 200 version coming from your committee to our committee was a study.

We took some testimony in our committee that really didn't believe there was much left to

study about the issue. We know preserving it is going to include teaching the language to the

young children in these schools. The focus of our committee on the Senate side was that we

did not want to lose these languages for lack of being able to pass it on to the next generation

as the very few elders that speak the language die. In the midst of this all we also saw the

stimulus dollars coming, in particular fiscal stabilization dollars which have some flexibility to

them. That \$85 million total in fiscal stabilization which is where the schools would be looking

at one time expenditures, we thought here in the development of curriculum relating to Native

American languages, bringing elders in, recording, preserving those languages, that would

definitely be what we would consider a one-time expense because it is not reoccurring. As

those dollars are kind of targeted according to Title I formula, a significant amount of those

dollars are going to our reservation schools. I think it was somewhere in the neighborhood of

\$10 million or so we knew was coming to reservation schools. We thought there was an adequate pool of resources there as a one-time expenditure to help preserve these languages on those reservation schools. However, we really thought there is still the need for coordination and collaboration from the state level specifically through DPI. The bill you have in front of you today pulled out one segment of the original bill which was a \$50,000 administrative appropriation through DPI to put together a committee that would pull the four reservations together and their schools with representation from the Indian Affairs Commission that represent the tribal colleges which we think are an integral part of each of our reservations in the state as well as school boards, school superintendents, and teachers being represented on that committee. They know they have the fiscal stabilization dollars to actually do the work, but the \$50,000 that we retained in the bill is for this committee to pull together resources.

There is probably enough there to make it bring in some outside expertise at some point in time as to how best to go about preserving these languages. I think it is going on nationwide amongst our Native American tribes. The committee was united in its support and was passed on the Senate floor if not unanimous there was more than a couple of dissenting votes.

Rep. John Wall: Using stimulus dollars sounds like a good idea to me. Can any of those stimulus dollars be used to offset the \$50,000 for DPI?

Senator Ryan Taylor: The stimulus dollars, as you know, come into the individual school districts. We are looking at a DPI coordination effort which is our agency. The mechanics of trying to take the school district dollars, it would have to be their decision to if they were to kind of fund this committee structure and expertise. It would be a little tricky. A possibility might be the outside expertise could be actually funded by the individual school districts in some kind of cooperative fashion. The reason we used that \$50,000 figure because it was in the original bill.

Rep. John Wall: Would there be any vehicle available for the various tribes to use stimulus money to form their own committees and leave DPI out of the circle?

Senator Ryan Taylor: I am not aware of anything currently existing. They probably always have the ability to recreate the wheel. The reason we looked at DPI is this is where the expertise is currently. Within 1400 we have talked about native languages being one of the options for that foreign language option. If they did do that, I think it would be a little bit redundant and maybe skip over some of the resources we already have within the department.

Rep. John Wall: Are we creating a FTE there? Is there someone in place now that has worked on this?

Senator Ryan Taylor: Our resource has been Mari Rasmussen who deals with this area within the department so I think it would be available within her time that is already dedicated within the department. The \$50,000 I would see that coming to maybe offset some of the mileage and the costs of bringing this group together. There are no new FTEs are stressed beyond what the current employees could handle within the department.

Rep. Jerry Kelsh: What I have heard is this has been studied about as much as we need to study it. Do you think there is any way that we could lower that appropriation through the DPI? Then the stimulus dollars that are used out on the reservations could be used for their travel and that type of thing?

Senator Tim Flakoll: I understand the situation. Part of our push for making this happen is we want to get away from the ready, aim, and never have anything happen. We are losing the tribal elders who have that language. One option would be to say up to \$50,000 of the income accrued from the oil production on the reservations would be used to pay in this case for this work. One of the advantages to having the Department of Public Instruction involved is again

it really pushes that agenda along. It keeps it moving but also the applicability of the end product will have a greater usage not only in the education committee but beyond.

Rep. Jerry Kelsh: I couldn't agree with you more. The reason we turned it into a study is to keep the bill alive so some things could happen. My fear is if we take it back to \$50,000, the way it is, the whole idea may be dead, and I don't want that to happen.

Senator Gary Lee: I agree with Rep. Kelsh. That was part of our concern that every study had probably been done that was necessary to be done. We had testimony and other information provided that other states were doing a similar thing because they had the same concern in regard to preservation of these languages. We really are getting to the end of time where we will have an opportunity to preserve them. I don't know if \$50,000 is the right number either. I would be willing to consider something else as well. I don't know if taking it out of that oil money would be an approach. I know there is a lot of stimulus money going to the individual tribes. I do think it is important that DPI be involved in terms of an agency that can help facilitate the process of keeping this together. I would be open to a different number if that is what you think may be necessary to get it passed.

Senator Tim Flakoll: If all we pass is a study, we in effect have killed it. We could go on a cue line saying if federal stimulus dollars are available that would be the first option that we secure dollars from. In the event that they are not available, we could take it from oil income derived off the reservations as the second in the cue line to make this happen.

Chair Karen Karls: In your Senate testimony did they explain that this is 10 to 12 dialects across the four reservations?

Senator Ryan Taylor: He mentioned several dialects.

Chair Karen Karls: You are comfortable with tying all this together in a curriculum? Is that your goal?

Senator Ryan Taylor: The coordination we see at DPI isn't that we are bringing all those languages and going to teach them to all students across the four reservations. The three affiliate tribes would focus on their three languages, and DPI would be coordinating how they can learn from each other in terms of how they are recorded, how they are preserved, how the elders are interviewed, just the mechanical ability of recording these languages and preserving them rather than trying to bring all seven of them into one tent, so to speak. We weren't concerned in terms of trying to bring seven dialects under one textbook cover.

Chair Karen Karls: Did they address the fact that there are no dictionaries for some of these languages?

Senator Ryan Taylor: That is something we would aim to remedy with both stimulus dollars and the coordination of DPI.

Rep. John Wall: Has there been any dialogue to your knowledge with the tribes if they would be willing to divert stimulus monies for this purpose?

Senator Ryan Taylor: It is a little premature. We had good testimony from each of the tribes that this was very important to them and the same urgency that we felt that this window of time was starting to close to capture these languages. We just want to make sure there is a vehicle there. We know those dollars are coming. We think that the level of importance we heard in testimony would make it a high level of importance for them in those individual school districts.

Rep. John Wall: I realize the tribes all have almost the same obligations we do as a state. They have to worry about medical needs of the people, and they have to worry about the road system, and they have a thousand places to spend their money. Is there any availability for a match? Did they ever mention a match of any kind in testimony, willingness to match state dollars to do this?

Senator Tim Flakoll: I don't know that they did. Many of the people who testified wouldn't have the authority to say we would match this.

Rep. Jerry Kelsh: The elders are slowly leaving. They may be quickly leaving. If we don't use their expertise, there never will be a dictionary or the language. My only problem is finding a figure that would pass the House.

Chair Karen Karls: I did a little research on the history of this preservation movement. In 1995 we put into code that the elders could teach in the classroom without teacher certification. It has been worked on for a lot of years. What we need to do is to come to some kind of agreement. Would the committee prefer to try to get some numbers worked out and come back with some amendments?

Rep. Jerry Kelsh: Maybe the \$50,000 was what was testified to. I don't know.

Senator Tim Flakoll: I am curious about Germans from Russia and the kind of work they have done with preservation. My fundamental concern is we first have to preserve it.

Chair Karen Karls: I agree.

Rep. John Wall: That was one of the questions posed in the house. I think a lot of the Germans from Russia work was done with Humanities Council grants and other funding. It is too late now. If something happens and we move it forward, there could be other monies available in addition to whatever figure we arrive at if we go down that road.

Rep. Jerry Kelsh: Wasn't there some federal funds that came into Germans from Russia? I don't know.

Senator Gary Lee: I certainly would like to see this move forward. There is a reasonable structure here that would help do that. As we have talked, preservation is our priority. If the House has some ideas to offer an amendment for, I would certainly be willing to see what they look like.

Chair Karen Karls: Would we like to have a little subcommittee to work on some language and some numbers?

Senator Tim Flakoll: I think this is a question of what is the tolerance of the House? The Senate has come out and said we are willing to spend \$50,000. I think the House has to figure out what is doable over there. Is there any resistance to the intent of how the dollars are spent from the House side, or does it just come down to \$50,000?

Chair Karen Karls: On my perspective I have a bit of a problem with creating another council, but I am certainly open to working with the funding a little bit.

Rep. John Wall: Could you explain more your idea on maybe putting in the part of or all of whatever monies if it goes that route coming from oil revenue produced in tribal land?

Senator Tim Flakoll: This idea came about last session when working on a bill that was almost dead. You could do it in a two phase thing. The first is stimulus dollars, and there is still some discussion as far as what you can and cannot do with stimulus dollars. In the event that you aren't able to secure stimulus dollars for that, you could take that portion, and that would be from HB 1394 this session and HB 1395 last session, and use those dollars that are brought into the state and those are state dollars and use that money. I think it has more palpability from people to say this is money that was generated on the reservations. It comes from the state, but it is being used for things that tie back to the tribes and the reservations.

Chair Karen Karls: I will set another meeting. Senator Taylor and Rep. Wall will work together on this.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1399

House Education Committee

Check here for Conference Committee

Hearing Date: April 22, 2009

Recorder Job Number: 12102

Committee Clerk Signature

Carmen Hart

Minutes:

Chair Karen Karls: When we finished our last meeting, we asked Mari Rasumussen from DPI to come up with kind of a budget framework. **(Attachment 1)**. Senator Taylor, do you want to speak on that?

Senator Ryan Taylor: I don't know if I read through it thoroughly enough to speak to it with any authority.

Chair Karen Karls: I think what we will do is look through it. The last page lists the money part of it. The totals would be still at \$50,000 for the two biennium and quite a large amount at the bottom there. I am assuming that some of this is possibly from stimulus funds.

Senator Ryan Taylor: I believe that is so. A couple of things that Mari put in that are of note is how they would structure it in terms of the cost of face to face meetings, some that don't necessarily need to be physical meetings but by internet or telephone and a week-long workshop to help develop the language curriculum as a work on the preservation. If you look at the grand total, all but \$50,000 of that is what the individual school districts would be expected to contribute from their fiscal stabilization, their stimulus funds that would be available for expenses such as is from our reading of it. I think the real success of this project to preserve these languages is going to be the buy in from the individual school districts. On the one line here you will see Mari has what you call the yearly registration fee for the

participation which is a mechanism to start getting some of those individual stimulus dollars from a number of school districts on a single reservation. The committee structure is really the heart of it in terms of providing the leadership to hopefully coordinate and get the buy in from the individual school districts, so we will have to make a conscious decision to dedicate part of their stimulus dollars to the project. That central core is really going to be the key.

Chair Karen Karls: I know it is a draft. I was discussing it with some of our committee on the House side. They were still balking at the \$50,000 from general fund. We were also discussing the issue of are we as education people in the job of preserving a cultural language, and from that point of view, I asked Anita to draw up an amendment and I will share that with you that might change the focus just a little. In the end I hope the result is the same.

(Attachment 2, 90706.0202). It seems like our pressing issue at this point is not just the money but the fact that our elders are dying. We need them to help with this project. My angle is to approach it from the preservation standpoint. At a later date, hopefully soon, we can do the curriculum part of it. In Section 1 we have an American Indian language preservation committee, and it would be made up by the Indian Affairs commissioner, a representative from the tribal colleges appointed by the Governor, the director of the State Historical Society, the chairman of the Humanities Council, and the chairman of UND Dept. of Indian Studies or a designee. You will see that the duties are set out in this amendment. On the back page is the funding mechanism. This body would report to the legislature on their progress. My goal is to get these languages recorded, translated, whatever needs to be done to then eventually form a curriculum. I was researching. In 1995 when we made the permissive language in code to use the elders to teach this language, they refer to an indigenous council. I haven't researched whatever happened to that.

Senator Ryan Taylor: The amendment is good, and I think an active role of the Indian Affairs commissioner as chairman is a really good idea. We are really going to need a strong leader to create the buy in and pull this all together. I would still think that there is a role, even at the overriding goal at this point on this amendment is preservation and recording of these languages, there may be ought to be some representation from the curriculum side whether it is DPI or someone else so that as this process is taking place they still have in the back of their mind or someone on the committee who is talking about there is another step to make sure they are doing the right things in the preservation to make it easily transferred into curriculum in the future.

Senator Gary Lee: Understanding the appropriation, it is gifts, grants, or donations that would be the only source for them. Outside if the districts themselves wanted to contribute to the effort, they could do that. There would be no general fund appropriation or stimulus dollars that we are directing to be used towards this effort?

Chair Karen Karls: I believe there is quite a bit of stimulus money that will be available for projects such as this. I believe this language is permissive that will allow access to those dollars.

Anita Thomas: What had been discussed was that the federal stimulus dollars would in large part be governed by federal law and if under federal law the ___ this law would certainly allow the interaction with the committee. There is nothing in here that says you can use federal stimulus dollars or you can't. That is governed in another sector. What this would allow to have happen is that the committee could contract with school districts with REAs not only to have committee perform certain duties but to have those entities that perform certain duties ___.

Senator Tim Flakoll: Under Section 1, Subsection 2, there is a requirement to meet at least quarterly. In the event they are able to secure any external funding, how will those meetings

be paid for? We are requiring them to meet. On the other hand, we are saying try to find some external funding.

Anita Thomas: What we were looking at was that many of these are already state funded entities and attend the meeting as part of your job.

Senator Tim Flakoll: On the spreadsheet from the Department of Public Instruction, I would seem to view that Subsection 2 would correlate essentially to the travel and lodging for three face to face meetings for six members. Right now I think we would be at more than that if we did the quarterly, but five telephone and interactive video based committee meetings so that may counterbalance that to some extent. Possibly the data question project—would those activities do you believe fall under Subsection 2?

Chair Karen Karls: Generally.

Senator Tim Flakoll: We are required to meet quarterly. How do they preserve under Section 2? It kind of details the things we wish to have preserved. Can you explain a little more what the expectations would be of the amendment as far as is there any particular format? What direction do they have as far as how they should do those things in developing those under Section 2?

Chair Karen Karls: The members that we placed on this committee have the expertise in areas of preservation. I agree with Senator Taylor that it would be helpful to have someone whose expertise is in forming curriculum. I am assuming the chairman of the University of North Dakota's Dept. of Indian Studies would have some of that expertise also.

Rep. Jerry Kelsh: I am just wondering. I, too, see that the \$50,000 would not go through the House, but I am just wondering if there shouldn't be some startup money on it. If you took at least the travel and lodging for the face to face meetings and then another \$1,000 for the interactive video and at least put that in there so that they have something to start on. Then go

after the gifts and donations. You won't even be able to have a committee without some startup money. I think we have to do at least that out of general funds.

Chair Karen Karls: We would have to increase that \$6,000 because it is for four meetings.

Rep. Jerry Kelsh: Would we need both the director of the State Historical Society and the chairman of the Humanities Council? Wouldn't that be somewhat of duplication in expertise in that area? I think a teacher or a school superintendent from one of the schools that would be involved in this would be a better choice than both of those.

Chair Karen Karls: Is it your desire to replace the chairman of the Humanities Council with Senator Taylor's idea?

Rep. Jerry Kelsh: Yes, with a teacher or a superintendent or someone with expertise in that teaching area.

Rep. John Wall: Removing d I have some problems with because the Humanities Council has a great deal of granting authority. I believe this plan is going take an infusion of money, and I think it would qualify for numerous humanity grants. I don't disagree with Rep. Kelsh at all, but I am not sure that is the one we should remove at least without discussion.

Senator Ryan Taylor: In the Senate version of the bill, there were six members of that committee, the superintendent's appointee plus those representatives that were referenced in the House version of the bill. Rather than deduct the Humanities representative, maybe just adding a sixth member, as was referenced in the Senate bill version, was a teacher of American Indian languages. Someone like Delilah YellowBird who has that classroom experience.

Chair Karen Karls: Rather than eliminating d, we would add f?

Senator Ryan Taylor: Yes, that would be my suggestion.

Chair Karen Karls: In the bill from the Senate you also listed a school district superintendent. Do you have a preference?

Senator Ryan Taylor: I would probably lean more towards the teacher who has that classroom experience.

Chair Karen Karls: How does that sound to everybody? Now, about the appropriation—what are your feelings on that?

Senator Tim Flakoll: I know there are some challenges that are associated with that. I think the state needs to do something. Otherwise, what do we even need the bill for? They could probably do it on their own without us. We are essentially asking them to go out and raise money, and if you raise the money, you can use some of it. I would like to see at least from my standpoint some dollars to at least get things rolling. Preservation is the number one priority.

Chair Karen Karls: What do you suggest for an appropriation?

Senator Tim Flakoll: \$12,750 for the biennium. The travel and lodging for the face to face meetings they listed at \$12,000. When you tally up some of these, it comes to about \$24,000. I think we could possibly strike the summer workshop. They have three face to face meetings and five telephone meetings. The amendment as I view is either or. Is that correct, Madame Chair?

Chair Karen Karls: I would assume.

Senator Tim Flakoll: That comes to 14 plus the data collection. That would be \$18,000, a suggestion.

Rep. Jerry Kelsh: It is in the state's interest to preserve the language. \$18,000 is a lot better than \$50,000.

Senator Gary Lee: I agree with those who are saying that this is an important thing to do. If we don't make a statement that says it is important by adding a few dollars into this, I think it is right they could do it on their own if they wanted to, but I think we need to provide the momentum to get it started and get it moving forward. We need to provide a little bit of seed money so they can get started. We provide the momentum and then they, through granting or their stimulus dollars, can pursue it as they see necessary in terms of putting dollars in different pockets to get the program enhanced some.

Senator Tim Flakoll: Looking at the spreadsheet on page 3 from the Department of Public Instruction, do you view those lower categories as matches starting with the registration fees, salaries, printing materials, so and so forth?

Chair Karen Karls: I believe that is their share of the funding. I don't know that it is a match.

It could be.

Senator Tim Flakoll: My intent would be that if we, as an example, do \$18,000, I think we could realize that there would be some kind of match. I view these basically as a match to achieve the overall objectives.

Chair Karen Karls: Is it the wishes of the committee to further amend this amendment and bring it back? If we do appropriate \$18,000, to whom do we appropriate it, this committee or to the Department of Indian Affairs?

Senator Ryan Taylor: I suppose you would put it into the Indian Affairs Commission with the stipulation that it would be used for the committee. If a match is something that would help move it along, this yearly registration fees and part of the registrations for the summer workshop, it would be easy to see at least a three to one match coming from the school districts as one way to kind of further it along.

Senator Tim Flakoll: I would vote in support of \$18,000 of state funds and require a three to one match. In other words it would take \$54,000 of matching and that could be of either hard dollars or in kind. Three to one is as high as you ever see.

Rep. Jerry Kelsh: The intent of the amendment then would be to almost eliminate the bottom part of this for the next two years.

Chair Karen Karls: Absolutely.

Rep. Jerry Kelsh: Putting a teacher on there or someone else that is involved in the teaching process, they would at least be aware that these are the things they are going to have to do at some point to make this work.

Chair Karen Karls: It is permissive to allow the bottom part.

Senator Tim Flakoll: We want to see that it has some applicability beyond the biennium so that it can be usable materials that we would have that would be pulled together and not to get to the point where we produced something that they think is good. The elders have passed away, and now we have something that is really what they want.

The meeting was adjourned.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1399

House Education Committee

Check here for Conference Committee

Hearing Date: April 24, 2009

Recorder Job Number: 12201

Committee Clerk Signature

Carmen Hart

Minutes:

Chair Karen Karls handed out amendment 90706.0204 (**Attachment 1**). I changed the language at the bottom that we agreed to for the funding. I learned that there was some money available in the stabilization funds so we put that language in. We put in the one to three match as Senator Flakoll suggested. Going back to Section 1 I tweaked the committee a little bit. We need to keep more of the emphasis on the education piece. I am suggesting that we include the superintendent of Public Instruction or the superintendent's designee as well as the executive director of the Indian Affairs Commission and an individual employed as a faculty member at a tribal college and that person would be appointed by the Governor. Now I left the Historical Society and Humanities Council on the committee just as a suggestion because of the granting abilities that they have to seek grants, possibly to make grants, and the chairman of the University of North Dakota's Department of Indian Studies or their designee. The bill as it came from the Senate said a Native American language teacher. On g I just clarified it a little bit to make it a bit more specific. The duties remain basically the same.

Senator Ryan Taylor: You say the Governor's portion of stimulus, there is an amount of money that he has under his discretion that is coming into education for stimulus, do you know what the total is or what we have all pulled out of that?

Chair Karen Karls: I do not. I believe there is this amount available at least if not more.

Rep. Jerry Kelsh: You are confident that money is in there?

Chair Karen Karls: Yes. I am pretty confident.

Rep. John Wall: I would move the amendment to HB 1399, 90706.0204.

Rep. Jerry Kelsh: I second that.

Senator Tim Flakoll: On page 1g, an individual on curriculum. Do we have any kind of understanding about what pool of eligible folks that might be from?

Chair Karen Karls: I am thinking first of all of Delilah Yellowbird would be a perfect fit, teachers who are actually teaching in those schools and trying their hardest to work on curriculum, get materials.

Senator Tim Flakoll: Do you think it will be ten or more possible? I have no idea.

Chair Karen Karls: We had testimony from three or four of them at the hearing. I don't know the exact number.

Senator Tim Flakoll: Page 2, Subsection 3, seek the active participation of American Indians residing in this state on an individual and a tribal basis. That would not preclude them from getting an expert or an individual or other from South Dakota, Minnesota, or Montana?

Chair Karen Karls: If you look at Number 2 on that subsection, it does mention in this state and in other states and provinces. That definitely is the intent to encourage that.

Senator Ryan Taylor: We are out of general fund right now and we are into Governor's discretionary stimulus funding for education. Is it possible to think of a higher amount than \$18,000 now that we are looking at stimulus dollars and we still do have a three to one match coming from the school districts here to lend some credibility to it? As we look at Mari's budget that was prepared, would we consider the summer workshop funds that we hadn't in the \$18,000 or the consultant fees that would possibly come from expertise coming elsewhere?

Chair Karen Karls: Given the fact that we don't know exactly how much is left in that fund and how many other requests will be made, I am not really sure.

Rep. Lisa Meier: Right now there is just a little over a million, under two million.

Chair Karen Karls: Do you know are there a lot more requests for that coming in?

Rep. Lisa Meier, District 32: I know there are some bills out there that are utilizing some of that stabilization money. As we speak, I don't know what amounts.

Senator Tim Flakoll asked if they could confer. (Start again at 12:58) What is the House reaction to everything here that is before us? What is doable? Are there things on here that we aren't able to do because of where we are at money wise that you want to do?

Rep. John Wall: You pose a very good question. If there is more money available and we put it in the bill and access it, we might be pushed back at getting anything passed. With \$18,000 we certainly limited what can be done. I realize that, but at the same time I would like to see the bill pass so we do something to get it started. Where the top is, I don't know.

Senator Ryan Taylor: I appreciate the changes that were made to the committee makeup. Realize that we did increase that committee by a couple of people. There are going to be some dollars associated with that. Although, there are state employees to some extent. Looking at a couple items in the budget that we didn't include, the consultant fee and travel at \$16,000, a summer workshop at \$6,000—if you were to put that on top and \$40,000—if you are absolutely sure that is a reachable number, granted it is the stimulus dollars that wasn't what we were debating in the initial bill when we brought to conference.

Rep. Jerry Kelsh: I think it would be great to put some more money in there, but I do have to agree with Rep. Wall that we don't know if it would get passed or not. I am assuming that this would maybe pass.

Senator Tim Flakoll: What would be your reaction to \$18,000 with all the provisions associated with that but to have an authorization that the Governor at his discretion could spend up to whatever, \$6,000 additional more of those federal stimulus dollars if needed?

Chair Karen Karls: Are you talking about discretionary dollars or contingency dollars?

Senator Tim Flakoll: It would be discretionary spending that we could authorize the Governor to spend if he feels that additional dollars are warranted for this.

Anita Thomas: If it is the policy of the committee to do that, we will find words to make that happen.

Senator Tim Flakoll: In most cases we need to give him spending authority to be able to do that. Can we do what we want to off of this list with what we have?

Rep. Jerry Kelsh: I asked our caucus. The only question I received from them was can you get some more in it? They didn't say if we can get it passed.

Senator Ryan Taylor: We can sure put that into the bill. It shouldn't jeopardize anything from your guys' perspective. Maybe there is potential for more dollars if he is left with some of those discretionary funds at his discretion beyond what we would suggest to him. What we can do legislatively is make some suggestions I suppose.

Rep. Jerry Kelsh: If we put that discretionary funding from the Governor and they did that would the 3 times match have to go with that? What is the intention on that?

Senator Tim Flakoll: I was silent on that. I think we would all agree if there is concern about making this pass both chambers that would be more appealing to those who may be inclined to not support it. I don't think any one of us want to endanger the bill.

Rep. Jerry Kelsh: If we don't have that in there, we would have to get the Governor a slug of discretionary spending to really make much difference. Most of that match would be out of stabilization dollars from the extension probably what would happen.

Senator Tim Flakoll: I don't mean to be presumptuous, but if we are having questions or concerns and I think we have people that are favorable to this, my thought may cause more problems than it may be worth. I am wondering if we shouldn't just go with the amendment as proposed.

Senator Gary Lee: It seems like the budget that was proposed with the 3 to 1 match and the \$18,000 we should be able to cover those services that we are looking to be provided. A few people have questions about whether you can get it passed or not. We should take it and run.

A roll call vote was taken. 6 Yeas, 0 Nays.

Chair Karen Karls: The wording we need is the Senate recedes from its amendments and the bill be amended as follows.

The meeting was adjourned.

Attendance

**REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)**

Bill Number 1399 (, as (re)engrossed): Date: _____

Your Conference Committee House Education

For the Senate:

For the House:

4-24
4-27
4-28
4-29

4-17
4-18
4-19

4-24
4-27
4-28
4-29

		YES / NO		YES / NO	
<input checked="" type="checkbox"/>	Senator G. Lee			<input checked="" type="checkbox"/>	Chm. Karls
<input checked="" type="checkbox"/>	Senator Hakell			<input checked="" type="checkbox"/>	Rep. Wall
<input checked="" type="checkbox"/>	Senator Taylor			<input checked="" type="checkbox"/>	Rep. J. Kelsch

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) _____ -- _____

_____, and place _____ on the Seventh order.

_____, adopt (further) amendments as follows, and place _____ on the Seventh order:

_____, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: _____

CARRIER: _____

LC NO. _____	of amendment
LC NO. _____	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	

MOTION MADE BY: _____

SECONDED BY: _____

VOTE COUNT ___ YES ___ NO ___ ABSENT

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1399

That the Senate recede from its amendments as printed on pages 1143 and 1144 of the House Journal and pages 833 and 834 of the Senate Journal and that Engrossed House Bill No. 1399 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act relating to the preservation of American Indian languages; to provide a legislative council report; and to provide a continuing appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. American Indian language preservation committee - Membership - Meetings.

1. The American Indian language preservation committee consists of:
 - a. The Indian affairs commissioner, who shall serve as the chairman;
 - b. A representative of the tribal colleges, appointed by the governor;
 - c. The director of the state historical society;
 - d. The chairman of the North Dakota humanities council; and
 - e. The chairman of the university of North Dakota department of Indian studies, or the chairman's designee.
2. The committee shall meet at least quarterly, at the call of the chairman.

SECTION 2. Duties. The committee shall:

1. Develop a process for the orderly preservation of American Indian languages spoken by the members of tribes located in this state, including:
 - a. The creation or acquisition of audio recordings, picture dictionaries, and pronunciation guides;
 - b. The translation of existing materials; and
 - c. The acquisition, development, and dissemination of instructional materials for elementary and high school students, individuals enrolled in institutions of higher education, and other adults;
2. Pursue working relationships aimed at American Indian language preservation with public and private sector entities, including institutions of higher education, in this state and in other states and provinces; and
3. Seek the active participation of American Indians residing in this state on an individual and a tribal basis.

SECTION 3. Powers - Continuing appropriation.

1. The committee may:

- a. Accept gifts, grants, and donations of money, property, and services to carry out this Act;
 - b. Expend moneys received under this section to carry out this Act; and
 - c. Contract with any person for any purpose related to this Act.
2. Any moneys received by the committee under this section are appropriated to the committee on a continuing basis.

SECTION 4. LEGISLATIVE COUNCIL REPORT. Before September 2010, the chairman of the American Indian language preservation committee shall provide a report to the legislative council regarding the work of the committee, together with any recommendations for ongoing preservation efforts."

Renumber accordingly

April 23, 2009

VR
4/24/09
182

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1399

That the Senate recede from its amendments as printed on pages 1143 and 1144 of the House Journal and pages 833 and 834 of the Senate Journal and that Engrossed House Bill No. 1399 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act relating to the preservation of American Indian languages; to provide a legislative council report; to provide an appropriation; and to provide a continuing appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. American Indian language preservation committee - Membership - Meetings.

1. The American Indian language preservation committee consists of:
 - a. The executive director of the Indian affairs commission, who shall serve as the chairman;
 - b. The superintendent of public instruction or the superintendent's designee;
 - c. An individual employed as a faculty member at a tribal college, appointed by the governor;
 - d. The director of the state historical society;
 - e. The chairman of the North Dakota humanities council;
 - f. The chairman of the university of North Dakota department of Indian studies or the chairman's designee; and
 - g. One individual with experience in the development of curriculum pertaining to and the teaching of American Indian languages at the elementary or high school levels, appointed by the governor.
2. The committee shall meet at least quarterly, at the call of the chairman.

SECTION 2. Duties. The committee shall:

1. Develop a process for the orderly preservation of American Indian languages spoken by the members of tribes located in this state, including:
 - a. The creation or acquisition of audio recordings, picture dictionaries, and pronunciation guides;
 - b. The translation of existing materials; and
 - c. The acquisition, development, and dissemination of instructional materials for elementary and high school students, individuals enrolled in institutions of higher education, and other adults;

- 2 of 2
2. Pursue working relationships aimed at American Indian language preservation with public and private sector entities, including institutions of higher education, in this state and in other states and provinces; and
 3. Seek the active participation of American Indians residing in this state on an individual and a tribal basis.

SECTION 3. Powers - Continuing appropriation.

1. The committee may:
 - a. Accept gifts, grants, and donations of money, property, and services to carry out this Act;
 - b. Expend moneys received under this section to carry out this Act; and
 - c. Contract with any person for any purpose related to this Act.
2. Any moneys received by the committee under this section are appropriated to the committee on a continuing basis.

SECTION 4. APPROPRIATION. There is appropriated out of any moneys from the federal fiscal stabilization - other government services funds made available to the governor under the federal American Recovery and Reinvestment Act of 2009, not otherwise appropriated, the sum of \$18,000, or so much of the sum as may be necessary, to the Indian affairs commission for the purpose of providing matching funds to the American Indian language preservation committee, for the biennium beginning July 1, 2009, and ending June 30, 2011. Each dollar provided to the committee under this section is contingent upon the committee demonstrating that it has matched each \$1 to be provided under this section with \$3, or the equivalent thereof in-kind, from nonstate sources for the purposes set forth in this Act.

SECTION 5. LEGISLATIVE COUNCIL REPORT. Before September 2010, the chairman of the American Indian language preservation committee shall provide a report to the legislative council regarding the work of the committee, together with any recommendations for ongoing preservation efforts."

Renumber accordingly

**REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)**

Bill Number 1399 (, as (re)engrossed)

Date: 4-24-09

Your Conference Committee House Education

For the Senate:

For the House:

	YES	NO		YES	NO
Senator G. Lee	✓		Chm. K. Kauls	✓	
Senator T. Hall	✓		Rep. J. Wall	✓	
Senator R. Taylor	✓		Rep. J. Kelsh	✓	

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) 1143 - 1144

✓ and place 1399 on the Seventh order.

✓, adopt (further) amendments as follows, and place 1399 on the Seventh order:

____, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) 1399 was placed on the Seventh order of business on the calendar.

DATE: _____

CARRIER: _____

LC NO. _____	of amendment
LC NO. _____	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment <u>accept 90706-0204 as Conf.</u>	

MOTION MADE BY: Rep Wall Com. report

SECONDED BY: Rep Kelsh

VOTE COUNT 6 YES 0 NO 0 ABSENT

REPORT OF CONFERENCE COMMITTEE

HB 1399, as engrossed: Your conference committee (Sens. G. Lee, Flakoll, Taylor and Reps. Karls, Wall, J. Kelsh) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1143-1144, adopt amendments as follows, and place HB 1399 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1143 and 1144 of the House Journal and pages 833 and 834 of the Senate Journal and that Engrossed House Bill No. 1399 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act relating to the preservation of American Indian languages; to provide a legislative council report; to provide an appropriation; and to provide a continuing appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. American Indian language preservation committee - Membership - Meetings.

1. The American Indian language preservation committee consists of:
 - a. The executive director of the Indian affairs commission, who shall serve as the chairman;
 - b. The superintendent of public instruction or the superintendent's designee;
 - c. An individual employed as a faculty member at a tribal college, appointed by the governor;
 - d. The director of the state historical society;
 - e. The chairman of the North Dakota humanities council;
 - f. The chairman of the university of North Dakota department of Indian studies or the chairman's designee; and
 - g. One individual with experience in the development of curriculum pertaining to and the teaching of American Indian languages at the elementary or high school levels, appointed by the governor.
2. The committee shall meet at least quarterly, at the call of the chairman.

SECTION 2. Duties. The committee shall:

1. Develop a process for the orderly preservation of American Indian languages spoken by the members of tribes located in this state, including:
 - a. The creation or acquisition of audio recordings, picture dictionaries, and pronunciation guides;
 - b. The translation of existing materials; and
 - c. The acquisition, development, and dissemination of instructional materials for elementary and high school students, individuals enrolled in institutions of higher education, and other adults;

2. Pursue working relationships aimed at American Indian language preservation with public and private sector entities, including institutions of higher education, in this state and in other states and provinces; and
3. Seek the active participation of American Indians residing in this state on an individual and a tribal basis.

SECTION 3. Powers - Continuing appropriation.

1. The committee may:
 - a. Accept gifts, grants, and donations of money, property, and services to carry out this Act;
 - b. Expend moneys received under this section to carry out this Act; and
 - c. Contract with any person for any purpose related to this Act.
2. Any moneys received by the committee under this section are appropriated to the committee on a continuing basis.

SECTION 4. APPROPRIATION. There is appropriated out of any moneys from the federal fiscal stabilization - other government services funds made available to the governor under the federal American Recovery and Reinvestment Act of 2009, not otherwise appropriated, the sum of \$18,000, or so much of the sum as may be necessary, to the Indian affairs commission for the purpose of providing matching funds to the American Indian language preservation committee, for the biennium beginning July 1, 2009, and ending June 30, 2011. Each dollar provided to the committee under this section is contingent upon the committee demonstrating that it has matched each \$1 to be provided under this section with \$3, or the equivalent thereof in-kind, from nonstate sources for the purposes set forth in this Act.

SECTION 5. LEGISLATIVE COUNCIL REPORT. Before September 2010, the chairman of the American Indian language preservation committee shall provide a report to the legislative council regarding the work of the committee, together with any recommendations for ongoing preservation efforts."

Renumber accordingly

Engrossed HB 1399 was placed on the Seventh order of business on the calendar.

2009 TESTIMONY

HB 1399

HB 1399 Testimony

Madam Chair and members of the House Education Committee

Representative Kenton Onstad, District 4, Parshall.

HB 1399 sets up a granting program through the Department of Instruction and schools in North Dakota that have Native American Students attending. This program would help develop work towards a language program to with their own native Language.

- 1) We have Several Native Languages currently spoken in each region and on each reservation
- 2) Current Title Programs restrict dollars for language development
- 3) Our First Residents of North Dakota heritage and culture, history and Language is mostly oral History.
- 4) This leads us to a lack of material, to help teach a particular language in any particular school

Programs are currently being worked on, but a lack of resources slows this process. Instruction is limited to Elders in each community working with students.

We have presenters to discuss their frustration and the challenges they are working through.

Madam Chair and members of the House Education Committee,, Please look favorably to this program.

I stand for any questions.

Thank You

Attachment 2

Testimony on HB 1399
By schituta (Delilah Yellow Bird)
White Shield School
Wednesday, January 21, 2009

Madam Chairman and members of the House Education Committee:

wetaheesha. kutaataxaa'A schituta na sAhnishtaakAhnini Delilah Yellow Bird. achitaanu sahnish na kutatiniinaka NAhAtsuutaaka. atishtIt tiwaawanu tiiNI.

Good morning. My name is Weasel Woman and in English my name is Delilah Yellow Bird. My tribe is Arikara and my home is White Shield. It is good to see you today.

I am here to provide testimony in support of the House Bill 1399.

I teach the Arikara language at the White Shield school. I teach all grades. I graduated from the University of North Dakota with a bachelor degree in elementary education. The late Russell 'Bud' Mason, former Three Affiliated tribal chairman and elder, Melvina Everett signed recommendations that I was able to teach the language.

Since 1975 I accompanied many Arikara speaking elders into the elementary classrooms. Funding was from Title VII. The amount of teaching time was 15 minutes per day. Today, it is one hour per week for elementary, two for seventh and eighth, two and half for high school.

Prior to this time, in 1972, Mary College had an Indian Languages Program. Three linguists were studying the Indian languages of Fort Berthold. Dr. Douglas Parks was studying Arikara. He began recording some of the Ree elders. These elders gave him permission to record and write the language, collect their stories and songs, video tape them as a way to make sure the language continued to be spoken after they passed away. From this collection

are the materials that I use in the classroom today. The early recordings have been digitized and put on computer CD's with textbooks to accompany each CD.

In 1976, the school wasn't awarded any funding. In 1978, they received funding again. This continued for a few years. Each project that was written had different goals and objectives. We all know that consistency makes a difference in an outcome. The one common theme in the projects was to teach the Arikara language to improve their English language skills. Many students who attended White Shield school were not fluent speakers of Arikara. Students who know more about their background and see it being taught and reinforced are more grounded as an individual and do well academically or all around. Teachers were given opportunities to attend many workshops and classes to teach Indian students. Those who take the opportunities have different academic outcomes in their classrooms. There are more studies about this topic coming out.

Around 1994-95 was the last time the school received funding. The school board then provided funding to create materials. Through workshops and conferences the school has received recognition from other tribes for their materials. There is still more work to be done. As I have worked with the materials and listened to the students and others users of the program there is still a need to develop/recreate/refine various components of the program, such as standards and benchmarks, creating teachers, more materials and curriculum, including more minutes in the classroom, etc.

To me the native language program is still young in it's development. The White Shield school opened its doors in 1954 after the being flooded out of Nishu. Neither the Arikara language or bilingual methods were used with the

students. The school has been the 'hub' of the community since that time and has taken some of the responsibility in teaching the native language. We need time to study, research and implement ways to create the next generation of speakers in the best way possible..

I would like to extend an invitation to each of you to visit our classrooms. I would also like to remember that White Shield is the only place on this planet where you will hear Arikara's, Hidatsa, Mandaree and Mandan, Twin Buttes. Three distinct tribes at Fort Berthold with difference needs.

Should this bill pass your efforts will contribute to the next generation of speakers and successful students. wetAxkooshshteeRIt.

Testimony for HB 1399

Submitted by

Kathryn Froelich

Sitting Bull College Division of Education Chair

Dear Education Committee Members

I thank you the time and opportunity to provide testimony for HB 1399. I will try to keep this brief.

For a moment imagine a seven year old girl standing at a train depot with her parents who are sending her off to school knowing how difficult it will be to see her since they only have a team and wagon. They are doing what they feel is in the best interest of their daughter. She will be traveling with a large group of other children to a place far from the community of relatives and family. She arrives at a place where she is given a government issued uniform, she does not understand the language but older girls are assigned with the duties of mentoring these new and younger children. They work half of the day and attend school the other half, the use of Native Language is not allowed. This is the eight year experience for my mother who today is 90 years old, as some say it was a bitter/sweet experience with positive and negative effects.

According to Jim Cummings, ***native language literacy and cognitive development in the native language will help a student to learn a new language by a transferring of concepts from one language and applying them to the new one. In addition to being affected by factor language factors, second language acquisition is also affected by the amount of exposure and availability of language mode.*** The affective or emotional factors also have to be considered in relation to motivation, self-concept, and confidence when acquiring a new language. What training needs to be provided to ensure successful language maintenance?

Sitting Bull College works closely with public, Tribal Grant, and Bureau of Indian Affairs schools on the Standing Rock Indian Reservation as well as with the Tribal Education Department in promoting Native Language. In addition graduates of our education programs are required to complete the following course work: Lakota/Dakota Language I, Native American Indian Studies, Multicultural Education, and Lakota/Dakota Culture.

Because research has shown a direct relationship between the enhancement of native language and the acquisition of a new language it is important in improving positive academic outcomes for Native Learners in the state

TESTIMONY ON HB 1399
HOUSE EDUCATION COMMITTEE

Wednesday, January 21, 2009

By Sacheen Whitetail Cross, Standing Rock Sioux Tribe-Tribal Education Manager
(701) 854-8583 or *s.whitetail@gmail.com*

Madam Chairman Kelsch and members of the committee:

My name is Sacheen White Tail Cross and I am here on behalf of the Standing Rock Sioux Tribe to speak in favor of House Bill 1399. The Standing Rock Sioux Tribe supports House Bill 1399. We do ask for an amendment to House Bill 1399 - Section 1 subsection 1 to include the language "tribal education agencies" in addition to school districts, so that tribal education agencies are eligible for the funding.

The Tribe requests an amendment because as written, the bill does not take into consideration the role the Tribe plays in supporting and coordinating language revitalization among schools on the reservation. For example, the Standing Rock Sioux Tribe has been very actively involved with the preservation of the Lakota/Dakota Language on the Standing Rock reservation. In 1995, the Tribe passed a Language and Culture Code that mandated Head Start programs and K-12 schools within the reservation boundaries provide a "minimum of one hour or one class period per day of basic conversational use of Lakota/Dakota language."

Since this Code was enacted, the Tribe has played a lead role in the preservation of the Language. In 2007, the Tribe used JTAC funds to purchase over \$100,000 worth of language teaching materials for schools on the reservation. Over 1600 students at six schools received textbooks and other materials and thousands of students are currently tested with bi-annual language assessments. In addition, the Lakota and Dakota language teachers have been trained at numerous events specially organized by the Standing Rock Sioux Tribe and the tribal college. For example, the Lakota Summer Institute will be in its third summer this year. This Institute is a three week summer teacher training that offers three to seven credits through the Sitting Bull College.

Allowing the Tribe access to funds proposed in House Bill 1399 will help supplement important current and ongoing efforts. The Tribe has and will continue to invest in language revitalization. The State should recognize that it is key player in coordinating schools, teachers, and communities. The Tribe plays an essential role in rebuilding a healthy living language. Allowing schools to develop less-coordinated efforts without the tribe's involvement might be counter-productive to overall language restoration efforts. Nevertheless, the Tribe applauds the State of North Dakota's effort to participate in the rebuilding of Native American languages, the Tribe asks that the State merely take into consideration the larger need to coordinate the efforts from a tribal level.

WRITTEN TESTIMONY
BEFORE THE HOUSE EDUCATION COMMITTEE
JANUARY 21, 2008

INTRODUCTION

Mr. Chairman and Members of the Committee: My name is Fred Fox Sr., Maheshu-Eh-Dah-Gosh (First Feather). I am the President of the White Shield School Board on the Fort Berthold Indian Reservation. I am enrolled member of the Mandan, Hidatsa, & Arikara Tribe. On behalf of the White Shield School Board I would like thank Representative Onstad, Representative Froelich, and Representative Vig. I would also like to thank Senators Heckaman, Marcellais, and Warner for introducing House Bill No. 1399, a Bill for an Act to provide American Indian bilingual education grants; and to provide an appropriation.

Our language is an important part of are culture of who we are and why we exist as Native Americans. For many years, tribes were discouraged from speaking their Native languages and now many languages have disappeared and some are on the brink of extinction. The United States played a major role in the loss of Native languages. Students at government boarding schools were prohibited from using their languages. The Bureau of Indian Affairs at one point outlawed ceremonies, a critical method of preserving languages and history.

Our Tribal Communities want the best for our children. We want are children to do well academically and also want them to grow as confident learners both in the Non-Indian society as well as in our own tribal communities. We need to start preparing today for our children to become future leaders of their Tribes and to lead their people and to appreciate and understand the value and application of their ancestral languages to their daily lives as well as in the life of the communities from which they come from.

The White Shield School District has been teaching the Arikara Language for many years. In 1996, the Arikara (Sáhniš) Language Program was established to create language instruction materials to insure the continued survival of the Arikara language the need for re-strengthening and revitalizing Native languages as spoken living languages. The program is a cooperative one between the White Shield School District and the American Indian Studies Research Institute of Indiana University. It seeks to achieve its goals through the use of current computer and recording technologies. With current push for revitalizing the our Native language and with number of tribal communities who have established native language initiatives in schools, such as schools providing language immersion classed for their students. The opportunity for children to learn their own language is monumental.

The White Shield Community and the White Shield School Board would like to thank the House Education Committee for their time and to the Representatives and Senators for Introducing House Bill No. 1399. We believe this Bill will stimulate and assist in revitalizing our language through our school systems. Thank you.

TESTIMONY ON HB 1399
By Mari B. Rasmussen, Ph. D.
Department of Public Instruction
Wednesday, January 21, 2009

Attachment 6

Madam Chairman and members of the House Education Committee:

I am Mari Rasmussen, Assistant Director of Bilingual and Language Acquisition Programs, within the Department of Public Instruction and I am here to provide testimony in support of House Bill 1399.

As others have testified, research has proven that bilingual education approaches have been successful in supporting American Indian students in achieving English language proficiency and academic achievement. I have enclosed two documents in my testimony. The first one is a news release which summarizes a research study documenting the effectiveness of educational programs that incorporate the Native language and culture for American Indian students. The second one is a copy of THE Annual Adequate Yearly Progress (AYP) Report for the State of North Dakota for 2007 – 2008.

The AYP report for North Dakota shows that American Indian students did not make the state goals for academic achievement in 2007 - 2008. The goal for reading was a rate of 78.07% proficient. American Indian students achieved 52.69% proficient. The state goal in math was 67.02% proficient for all students. American Indian students achieved 52.42%. Because of this gap in achievement, it is the responsibility of the state to look at educational approaches that can increase American Indian student success, which is what the proposed legislation can do.

The Department does recommend the following change to Section 4 of the bill:

SECTION 4. APPROPRIATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$100,000, or so much of the sum as may be necessary, to the superintendent of public instruction for the purpose of providing grants to local education agencies partnering with tribal colleges engaged in research and development of American Indian bilingual education programs, for the biennium beginning July 1, 2009, and ending June 30, 2011.

This change is consistent with the role of the State Superintendent to improve the instruction of elementary and secondary education and will ensure that there is collaboration between the school districts and the tribal colleges.

The Department also cautions that this bill cannot be successful without sufficient resources for administration. It is essential that the \$50,000 retained for administrative costs be maintained, if not increased, when this bill passes out of committee.

In summary, House Bill 1399 proposes an encouraging approach to meeting the educational needs of American Indian students in the state of North Dakota. Its focus is on the use of a student's home language and culture, while also increasing English skills and academic achievement. Also, it is based on a positive model of education as opposed to a deficit approach. The intention to collaborate and form partnerships among different agencies is also a positive step towards working together for the success of our state's future – the children.

Same given to Senate.

EPSSL | EDUCATION POLICY STUDIES LABORATORY
Language Policy Research Unit

****NEWS RELEASE****

FOR IMMEDIATE RELEASE

ACQUIRING HERITAGE LANGUAGE HELPS NATIVE STUDENTS ACHIEVE ACADEMICALLY, STUDY SAYS

CONTACT: Mary Eunice Romero Little (480) 965-3133 (email) m.eunice@asu.edu or Alex Molnar (480) 965-1886 (email) eps1@asu.edu

TEMPE, Ariz. (Thursday, February 9, 2006) — Native American and Hawaiian children who learn their heritage language typically learn English no slower than their peers enrolled in English-only programs and generally outperform those same peers on standardized tests, according to a new study released by the Language Policy Research Unit at the Education Policy Studies Laboratory at Arizona State University.

Heritage languages are endangered. Of 210 Native languages still spoken in the U.S. and Canada, only 34 (16 percent) are still being acquired as a first language by children. Proficiency in these languages is a crucial element of child-adult interaction in Native communities. This study, "Language Planning Challenges and Prospects in Native American Communities and Schools," examines planning and policy efforts that successfully revitalized endangered heritage languages of four Indigenous groups within the U.S. (Pueblo, Blackfeet, Navajo, and Native Hawaiian).

The study's authors, Mary Eunice Romero Little and Teresa L. McCarty of Arizona State University, conclude that despite the positive outcomes within these tribes, the revitalization initiatives are being tested by the federal No Child Left Behind Act and state policies. These policies restrict curriculum options and pressure schools, whether labeled as "underperforming" or "performing," to abandon proven Native language approaches in the quest to raise test scores.

The key findings from this study are:

- Heritage-language immersion is a viable alternative to English-only instruction for Native students who are English-dominant but identified as limited English proficient.

- Time spent learning a heritage/community language is *not* time lost in developing English, while the absence of sustained heritage-language instruction contributes significantly to heritage-language loss.
- It takes approximately five to seven years to acquire age-appropriate proficiency in a heritage (second) language when consistent and comprehensive opportunities in the heritage (second) language are provided.
- Heritage-language immersion contributes to positive child-adult interaction and helps restore and strengthen Native languages, familial relationships, and cultural traditions within the community.
- Literacy skills first developed in a heritage language can be effectively transferred to English, even for students with limited proficiency in the heritage language upon entering school.
- Additive or enrichment programs using heritage-language immersion represent the most promising approach to heritage- and second-language instruction.
- The language planning and policy efforts of the four tribes researched in this study are fundamental to tribal sovereignty and local education choice.

Find this document on the web at:

<http://www.asu.edu/educ/epsl/EPRU/documents/EPsl-0602-105-LPRU.pdf>

CONTACT:

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Education Policy Studies Laboratory
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Annual Adequate Yearly Progress Report

North Dakota Department of Public Instruction

School Year 2007 - 2008

State of North Dakota

Modified 06/09/2008

Page 1 of 1

Instructions on the interpretation of the North Dakota Adequate Yearly Progress Report can be accessed at:
<http://www.dpi.state.nd.us/testing/account/AYP0708.pdf>

Reading				Math					
2008 State Intermediate Goals		4th Grade -- 82.6%	8th Grade -- 80.7%	11th Grade -- 71.5%	2008 State Intermediate Goals		4th Grade -- 72.9%	8th Grade -- 66.7%	11th Grade -- 62.1%
Listed below are state's scores				Listed below are state's scores					
Reading	Achievement Goal	Achievement Result	Participation 95% Rule	Math	Achievement Goal	Achievement Result	Participation 95% Rule		
Composite Score	78.07%	75.13%*	98.62%	Composite Score	67.02%	75.27%	98.78%		
Subgroups:				Subgroups:					
Economically disadvantaged	78.07%	64.45%*	97.84%	Economically disadvantaged	67.01%	65.33%*	98.27%		
Ethnicity:				Ethnicity:					
White	78.07%	78.02%	99.09%	White	67.02%	78.23%	99.17%		
Native American	78.07%	52.69%*	96.56%	Native American	67.02%	52.42%*	97.24%		
Black	78.07%	59.83%*	95.24%	Black	67.02%	55.24%*	97.12%		
Asian	78.07%	77.21%*	96.39%	Asian	67.02%	79.82%	98.30%		
Hispanic	78.07%	59.36%*	93.90%	Hispanic	67.01%	61.34%*	93.36%		
Other	78.05%	64.02%	89.51%*	Other	67.02%	72.61%	86.14%*		
Students with disabilities	78.07%	57.46%*	96.60%	Students with disabilities	67.01%	57.82%*	97.86%		
Students with limited English proficiency	78.07%	42.93%*	95.54%	Students with limited English proficiency	67.01%	47.59%*	97.48%		
State Secondary Indicator(s):				Graduation	Goal: 73.09%	Result: 87.72%			
				Attendance	Goal: 93.00%	Result: >=95.0%			
Adequate Yearly Progress Category:				Did not meet Adequate Yearly Progress					

Note: An asterisk (*) marks the indicator(s) where the state did not meet adequate yearly progress. If an indicator's value is below the achievement goal but no (*) is marked, then the indicator's value is within statistical reliability. Statistics are not shown for fewer than ten students. An (i) indicates insufficient data to determine adequate yearly progress; the value results from the combining of up to three years' data. Achievement goals are raised every three years and may vary among categories when insufficient student numbers exist and multiple-year averaging is required. All students are held to the state's challenging achievement standards.

HOUSE BILL NO. 1399

Introduced by

Representatives Onstad, Froelich, Vig

Senators Heckaman, Marcellais, Warner

1 A BILL for an Act to provide American Indian bilingual education grants; and to provide an
2 appropriation.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 *Keep.* **SECTION 1. American Indian bilingual education - Grants.**

5 1. A school district may apply to the superintendent of public instruction for a grant to
6 pursue American Indian bilingual education. The grant may be used for the
7 development of curriculum and instructional materials, the delivery of instruction,
8 and the support of Indian students in the maintenance of their heritage language
9 while learning English through a bilingual approach.

10 2. The superintendent of public instruction shall appoint a panel to review each
11 application under this section. The panel must include an individual representing
12 the Indian affairs commission.

13 3. The panel may recommend to the superintendent the amount of any grant to be
14 awarded. The superintendent's decision regarding the amount is final.

15 *Keep.* **SECTION 2. American Indian bilingual education - Development of standards.**

16 Representatives of the Indian affairs commission and the tribal colleges shall:

17 1. Work with the superintendent of public instruction to develop standards for
18 American Indian bilingual education programs;

19 2. Regularly review American Indian bilingual education programs and provide
20 guidance to the superintendent with respect to program administration; and

21 3. Encourage the collection and dissemination of data regarding American Indian
22 bilingual education programs.

23 **SECTION 3. APPROPRIATION.** There is appropriated out of any moneys in the
24 general fund in the state treasury, not otherwise appropriated, the sum of \$450,000, or so much

Sixty-first
Legislative Assembly

500,000 all stimulus *upto ungranted*
\$40,000 for Bilingual grant to SD - \$25,000 - DP/
100,000 to tribal colleges -- 25,000 DP/
~~*25,000 DP/*~~

1 of the sum as may be necessary, to the superintendent of public instruction for the purpose of
2 providing American Indian bilingual education grants to school districts, for the biennium
3 beginning July 1, 2009, and ending June 30, 2011. The superintendent of public instruction
4 may retain \$50,000 of the amount appropriated to assist with administrative costs.

5 ~~**SECTION 4. APPROPRIATION.** There is appropriated out of any moneys in the~~
6 ~~general fund in the state treasury, not otherwise appropriated, the sum of \$100,000, or so much~~
7 ~~of the sum as may be necessary, to the superintendent of public instruction for the purpose of~~
8 ~~providing grants to tribal colleges engaged in research and development of American Indian~~
9 ~~bilingual education programs, for the biennium beginning July 1, 2009, and ending June 30,~~
10 ~~2011.~~

HB 1399 Testimony

Mr. Chairman and members of the Senate Education Committee

Representative Kenton Onstad, District 4, Parshall.

You have before you my testimony and also the original bill. The House Education Committee turned it into a study and I stand before you today to ask this committee to adopt the original bill.

I give two reasons.

- 1) What is there left to study. DPI has studied this issue and has the necessary arrangements in place to proceed with a granting program.
- 2) HB 1400 recognizes the importance and has added language in Section 9, line 30 on curriculum requirements the addition of " Native American Language."

HB 1399 sets up a granting program through the Department of Instruction and schools in North Dakota that have Native American Students attending. This program would help develop work towards a language program to with their own native Language.

- 1) We have Several Native American Languages currently spoken in each region and on each reservation. This makes it difficult to find material.
- 2) Current Title I Programs restrict dollars for language development.
- 3) Our First Residents of North Dakota, their heritage and culture, history and Language is mostly oral History. This is problematic and is unlike other language development .
- 4) This leads us to a lack of material, to help teach a particular language in any particular school



Programs are currently being worked on, but a lack of resources slows this process. Instruction is limited to Elders in each community working with students.

We have presenters to discuss their frustration and the challenges they have to develop necessary programs in each of their respective schools.

Mr. Chairman and Members of the Senate Education Committee. Listen to the following testimony and look favorable to adopting the Original HB 1399

I stand for any questions.

Thank You



HB 1399

March 3, 2009

Submitted by Kathryn Froelich

Mr. Chairman and Members of the committee I am here in support of HB 1399, I thank you for this opportunity and ask you create a visual image in your mind as I tell the following story:

You are a seven year old child, waiting with your parents at the train station in a small town on the Fort Berthold Indian Reservation. Your loving and caring parents are holding back feelings that they hold in their heart but will put aside for your sake. Along with many other children your put on a train headed for a girls boarding school in Bismarck North Dakota . When you arrived along with the other children of varying ages you are all given government issued uniforms. It is hard for the children to understand those adults around them since most speak only their Native Language. The school schedule is set up for the children to go to school half of the day and work the other half. This experience continues for the next several years for my mother and the other children.

Committee members I am blessed to have my mother here with me today. She is 90 years old and as a result of the boarding school experience understands Arikara but is no longer fluent. It was a bitter/sweet experience for her and others.

Jim Cummings an internationally known linguist, states that "knowing more than one language is viewed as positive and holds status for the affluent" however this is not the case for our Native Languages? In the history of the first people their Native Language has been ignored, however research by Jim Cummings and other s have shown that knowing ones first language fluently leads to successful acquisition of other languages. Knowing who you are and self-identity leads to a positive self concept that leads positive academic outcomes.

Today we have the opportunity to restore hope and faith in a government that made unwise decisions which had negative results for our Nations people. James Banks states the importance of "knowing where you've been (history and language)... In order to know who you are (self-identity).... so that you know where you are going?

Testimony HB 1399

By: schituta' (Delilah Yellow Bird)

March 4, 2009

nawah. Mr. Freborg and members of the education committee. kutAxaa'A schituta'. achitaanu' sahnish na kutat'niinaka NAhtAsuutaaka. I am the sahnish (Arikara) teacher at the White Shield school. I began in 1975 with the Title VII bilingual education program. During that time there were about ten to twelve people seventy years and older who would go into the classroom to teach the language. In 1984, I left for college. During my absence Melvina Everett, one of the elders came in as a consultant. By this time the other elder's health issues began to take a toll on them. In 1990 I graduated from UND with Bachelor degree in elementary education. In 1994, the school was funded again and needed someone to coordinate the language program. Melvina and I worked together until her death in 2002 she was the last elder that was physically able come into the classrooms. She was probably the last fluent speaker of the Arikara language. There are others in the community who can say some words and phrases but do not feel comfortable in the classroom setting.

One of the definitions of an 'endangered language' is that there are less than ten speakers. The elders back in 1970 recognized this and wanted the language preserved. The University of Mary had three linguists who worked on the Arikara, Mandan and Hidatsa languages. They recorded many speakers and developed a couple of story books.

Today at the White Shield School we use materials that were developed by the staff at Indiana University. I have taken the materials on the road

to various workshops and many, many other tribes wished they had what we had. These materials are now over ten years old. The funding for curriculum and materials development is no longer accessible as they were in the past. The materials that were developed by IU were funded by the school and this is no longer an option.

I have included two news articles one is about the state of Wisconsin funding that states American Indian languages programs and the other article is about the Wichita tribe have one fluent speaker left. I include the article about the Wichita because the Arikara tribe is linguistically related to them.

I hope that in the legislative council study will be done in dialogue with the language teachers and elders and in a timely manner.

Thank you for your time and consideration.

Posted on Mon, Mar. 02, 2009

Her task: To save the Wichita Indian language

BY FRED MANN
The Wichita Eagle

She remembers when everyone around her spoke the language of the Wichita. Now they are all gone.

So Doris Jean Lamar McLemore, 82, the last Wichita Indian fluent in the language of her people, carries a small tape recorder to save as much of it as she can.

She doesn't know how to play back her words, but she knows how to turn it on and speak into it when a word or phrase that must be preserved comes to mind.

The loss of conversation was so gradual as to be imperceptible to her. The generations of elders passed away over decades, and she never saw this day coming.

"I never expected to be the last speaker," she said. "I never ever imagined it."

The Wichita language is one of 199 that is critically endangered, meaning there are fewer than 10 elderly speakers, according to the United Nations Educational, Scientific and Cultural Organization.

All told, some 2,500 languages are in danger of becoming extinct or have recently disappeared, taking with them poems, legends and proverbs, according to the organization, which released its Atlas of the World's Languages in Danger in mid-February.

Several hundred people spoke Wichita four decades ago, when University of Colorado linguistics professor David Rood started studying it.

Today, only two or three know many of the words, and only McLemore is fluent, he said.

When she's gone, a unique form of expression will disappear.

"Language reveals a lot about our cognitive system, about how you recognize the

world you see around you," Rood said.

"Every time you lose a language, you've lost part of the picture of what the human intellect is capable of."

Fluent since childhood

McLemore was fluent in Wichita as well as English for as long as she can remember. Born in 1927 to a white father and Wichita mother, she was raised by full-blooded grandparents who spoke only Wichita in the home.

Her mother never used the language because children of that generation were forbidden to speak it in their schools.

McLemore's grandfather could speak English, she said, but her grandmother spoke only Wichita. Her grandmother usually hid McLemore's blond hair beneath a hat to make her non-Indian appearance less obvious.

McLemore attended a nearby Indian boarding school, became its head cook when she was 15, and graduated in 1947.

"I loved that place, even though you weren't accepted by some of the Indian students," she said.

She spent the next 30 years as house mother at the school.

Two marriages to white husbands produced two daughters and a son, but she didn't pass the language on to them, she said. Whenever she talked Wichita with her grandmother, one of her daughters would cry and beg her to stop.

"I was a different person when I was speaking with Grandmother," she said.

Years later, the daughter regretted that behavior and wishes now that McLemore had forced her to listen to the language, McLemore said.

One of her husbands couldn't get over her use of the language, either.

"He never thought of me being Indian until he heard me talking to my grandmother," she said.

Carefully transcribing

For years, McLemore spoke Wichita into a microphone attached to a laptop computer to be transcribed by Rood. He still travels to Anadarko periodically to visit McLemore and document whatever he can.

Now, McLemore, her round, expressive face topped by silver hair, is running out of things to say.

But every morning, while she cooks biscuits and gravy for workers in a small mustard-colored building at the Wichita and Affiliated Tribes complex, former tribal

president Gary McAdams sits on a metal folding chair at one of the long dining tables, transcribing things she's already recorded using a writing system developed by Rood.

It is handy for McAdams to have McLemore around. When in doubt, he can ask her to repeat a word so he can accurately transcribe its sound.

Wichita is a difficult language, a halting flow of consonant and vowel sounds broken by glottal stops, sounds made by a quick cutoff of air in the back of the throat.

"I don't know that anyone will ever speak it again," says McAdams, who was tribal president from 1990 until last year. "Doris is amazing for being able to retain as much as she does without having anyone to speak it to on a daily basis."

Wichita's meaning

One day last week, McLemore and McAdams discussed ways to spell Wichita, the city that was named for the tribe. They also grappled with its meaning.

McAdams spells "Wichita, Kansas" as "Ki:akharikwita."

McLemore says the meaning of "wichita" isn't clear even to her.

"I was reading in a book (it means) 'raccoon eyes', but I don't even know how to say 'raccoon.'" she said.

One pronunciation of "wichita" includes a sound that is similar to the phrase meaning "something on top, like a lid," she said.

That could refer to the roofs of the grass, dome-shaped houses the Wichita built when they lived in Kansas during the Civil War.

Those roofs were lower and flatter than the houses they built in Oklahoma, making them more aerodynamic to suit the high Kansas winds, she said.

In 1864, 1,500 members of the Wichita and affiliated tribes had been forced by Confederate troops to leave their reservations in Oklahoma. They settled at the confluence of the Arkansas and Little Arkansas rivers in an area between what is now Murdock and 13th Street.

According to a history provided by the tribe, they had no land to farm and few friends. Many starved, and others suffered from smallpox and cholera epidemics. They had only 822 people when they returned to Oklahoma after the war.

J.R. Mead, an early Wichita developer, suggested naming the city after the tribe, and the name first appeared in print in 1868 on an advertising circular distributed to cattlemen moving their herds north along the Chisholm Trail.

Mead said "Wichita" meant "scattered lodges" but scholars and others have

argued that it means "tattooed faces," "paint face" or "bear eyes."

McLemore is certain it doesn't mean "scattered lodges."

"No way!" she said.

A complex language

The language is complex. Rood said it takes 60 to 90 minutes to transcribe even a small portion of it.

There are no words for "hello" or "good-bye," for example. The closest to a "hello" you can give someone is a phrase for "How are you?" —"e : si : raci : ci."

Today, the roughly 2,400 remaining Wichitas don't feel much of a connection to the city named for them, McAdams said.

"For the most part, most of our people don't know much about our history," he said.

He wishes more knew it, and is trying to preserve as much of the tribe's culture as he can, not only the language but songs, dances and oral histories from elders like McLemore.

McLemore is diabetic and years ago struggled with heart problems. She had a pacemaker implanted in 2006 and has felt fine since then.

She works 20 hours a week at the complex, still lives in her own home and does her own housekeeping.

"I can't do things I used to do," she said, "but I sure give it a whirl."

Whatever comes of the language, it will be her voice that speaks it to future generations on tape recordings.

That is a comfort to her, and something of a marvel.

"They'll be able to hear my voice way down the line even though I won't be here," she said.

Reach Fred Mann at 316-268-6310 or fmann@wichitaeagle.com.

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Doyle budget includes money to preserve dwindling tribal languages

Jason Stein
608-252-6129
February 25, 2009

In a time of intense financial pressure, Gov. Jim Doyle has set aside \$250,000 a year in his state budget proposal to restart a longstanding state program to help American Indian tribes save their endangered languages.

Only about one-half of 1 percent of state tribal members are native speakers of the state's five native languages, with some counting just a handful of elderly speakers, the Wisconsin State Journal reported in a series in June.

The Democratic governor said that, in spite of the \$5.9 billion budget shortfall he faced in writing his budget, the state needed to act now or risk losing the opportunity to save a part of its shared heritage.



"It's an example of one of the things where if you don't put something in and you let it die you never get another chance," said Doyle, who as a young lawyer once worked with Navajo-speaking clients on their tribe's Arizona reservation. "This is, in dollar terms, a very small item in the overall budget. But it's enough that we can keep this alive and keep it moving in the right direction."

Rep. Robin Vos, R-Caledonia, the ranking Assembly Republican on the Legislature's budget committee, said the proposal was likely worthwhile.

But Vos said it was less important than holding down taxes and paying for other priorities that he said Doyle did not adequately fund in his budget, such as providing active electronic monitoring of all sex offenders within a certain class.

"I believe in the idea, but it's just not more important than other things that were cut," Vos said.

The proposal won praise from tribal leaders gathered at the Capitol Tuesday for the annual State of the Tribes Address.

"I appreciate that the governor, with what he's facing, could find \$250,000 for tribal languages," said Lisa Waukau, chairwoman of the Menominee tribe, whose language has only some 15 speakers and is spoken nowhere else in the world.

Unlike the European languages that are part of Wisconsin's shared heritage, such as German and Norwegian, tribal languages can't be learned by traveling to some place outside the state where they're still being widely used, Waukau said.

"Once native languages are dead here, there's nowhere we can go," she said.



Doyle would use money paid to the state from tribal casinos to provide \$250,000 a year for competitive grants to tribes and school districts, which would work together to teach students.

In recent years, language programs have been paid for by the tribes themselves, with some help from federal and private grants. Phil Shopodock, chairman of the Forest County Potawatomi, said his tribe had been able to fund its language programs through its successful Milwaukee casino but that, particularly in the current economic downturn, less fortunate tribes were forced to choose between funding basic needs and ensuring that their language and culture survive.

"It's the rock. It's the foundation," Shopodock said of the importance of tribes' languages to their cultures.

During the last state budget crisis in 2003, the then Republican-controlled Legislature cut \$220,000 a year that had been going to pay for tribal language and culture programs. That cut eliminated a program dating to 1980 and came at a time when tribes were just starting innovative teaching methods that are helping young children become fluent speakers for the first time in more than a generation.

Sen. Bob Jauch, D-Poplar, who has four Ojibwe reservations in his northern Wisconsin district, said he supported bringing the program back to help protect a cultural legacy for both the tribes and the state as a whole.

Brian Bisonette, secretary-treasurer of the Lac Courte Oreilles Band of Lake Superior Ojibwe, said his tribe would like to expand an innovative charter school on its reservation that teaches children from preschool through the fourth grade largely in Ojibwe. So far, that school has been able to carry on with its work without direct state dollars but has struggled with its plans to expand to higher grades, he said.

"Every year it's a challenge to keep the funding levels that we have," he said.

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Republican calls Native languages 'dead'

MONDAY, MARCH 2, 2009

Filed Under: [Education](#) | [Politics](#)

A Republican lawmaker says Wisconsin shouldn't spend \$250,000 to preserve "dead languages."

Rep. Scott Suder said tribes should use gaming revenues to preserve their languages. He said it's more important for the state to focus on the economy and employment.

"The governor should concentrate more on using our tax money to preserve jobs rather than preserving dead languages," Suder told The University of Wisconsin Badger Herald of the budget proposal by Gov. Jim Doyle (D)

Other Republican lawmakers have criticized the \$250,000 request.



Get the Story:

[Doyle plan would give \\$250K to preserve Indian languages](#) (The University of Wisconsin Badger Herald 3/2)

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Yellow Bird

**TESTIMONY ON HB 1399
SENATE EDUCATION COMMITTEE**

**By Debbe Poitra
Belcourt School District #7
701-477-6471
Wednesday, March 4, 2009**

Chairman Freborg and members of the Senate Education Committee:

Bon Ma Tan. Tawnshi kiya? Good Morning. How are you?

My name is Debbe Poitra and I am the Federal Programs Officer for the Belcourt School District #7 and I am also a Board Member of the North Dakota Indian Education Association. I am here to provide testimony in support of House Bill 1399.

The Belcourt School District serves 1,728 students; 98% of our students are Native American. In 2007-2008, 1,216 students were tested for Limited English Proficiency using the ACCESS (Assessing Comprehension and Communication in English State to State) assessment designed by WIDA (World-class Instructional Design and Assessment). Many of these students tested below the proficiency cut score; 1,074 students in writing, 879 students in literacy, and 483 students in reading.

Using AYP data published by the Department of Public Instruction that was based upon the North Dakota State Assessments administered in 2007-2008, the reading goal for the District level was 77.75% and the achievement result of our students was 51.32%. (Appendix A)

House Bill 1399 will allow our schools to review the current curriculum, identify ELL students, and determine a path of instruction that has the potential to impact student proficiency. House Bill 1399 will allow school staff to complete intensive data review of students and identify specific student deficiencies which in the case of our students are writing, literacy, and reading skills.

Your support of House Bill 1399 will benefit not only the Native American students but our state of North Dakota as well. The success of our Native children impacts our state in meeting state standards for proficiency on the North Dakota State Assessment. Your support of House Bill 1399 will allow Native American students the opportunity to receive the additional services needed to overcome their struggles with the English language and ensure their success in school, in college, and in the workforce. Your support of House Bill 1399 will change their lives.

Marsee. Thank you.

TESTIMONY ON HB 1399
SENATE EDUCATION COMMITTEE

Wednesday, March 4, 2009

By Sacheen Whitetail Cross, Standing Rock Sioux Tribe-Tribal Education Manager
(701) 854-8583 or *s.whitetail@gmail.com*

Chairman Freborgo and members of the committee:

My name is Sacheen White Tail Cross and I am here on behalf of the Standing Rock Sioux Tribe to speak in favor of House Bill 1399. The Standing Rock Sioux Tribe supports House Bill 1399 .

The Standing Rock Sioux Tribe has been actively involved with the preservation of the Lakota/Dakota Language on the Standing Rock reservation. In 1995, the Tribe passed a Language and Culture Code that mandated Head Start programs and K-12 schools within the reservation boundaries to provide a "minimum of one hour or one class period per day of basic conversational use of Lakota/Dakota language." Many schools on Standing Rock took the code and implemented it as they could. It is, however, very difficult to find the funds for teacher salaries, teacher professional development, adequate professional development, classroom space, and curriculum.

In 2007, the Tribe tried to alleviate some of these problems and used JTAC funds to purchase over \$100,000 worth of language teaching materials for schools on the reservation as well as funding a training institute through Sitting Bull College. The training institute is known as the Lakota Summer Institute and will be in its third summer this summer. This institute helps teachers learn the linguistics of the Lakota/Dakota language, classroom management, and language teaching methodologies.

Another big obstacle is the lack of adequate teaching materials that are age appropriate. It is impossible to engage a 2 year old with the same materials that are used with a freshman in high school. There are many other obstacles but these are the two massive issues that many tribes, schools and language teachers deal with today and can't find the resources to fund these projects. Money from this legislation can go towards projects such as these.

I was recently looking at the state's Tourism guide to North Dakota. On the front cover is a picture of a Native American man dressed in his regalia. I put myself in the mindset of a tourist looking at that picture. I would have thought wow they really pride themselves on their Native American heritage in the state. Then I bounced back to reality and thought about my struggles as a person trying to revive the Lakota/Dakota language. What if one day we still have that picture on that guide but we as Native Americans have lost our language. If we lose our language we lose our culture. Then who will we be on that cover? Will it be just a person in a costume?

Allowing the Tribe access to funds proposed in House Bill 1399 will help supplement important current and ongoing efforts. The Tribe has and will continue to invest in language revitalization. The State should recognize that it is a key player in coordinating schools, teachers, and communities. The Tribe plays an essential role in rebuilding a healthy living language. Nevertheless, the Tribe applauds the State of North Dakota's effort to participate in the rebuilding of Native American languages; the Tribe asks that the State merely take into consideration the larger need to coordinate the efforts from a tribal level.

TESTIMONY ON HB 1399
SENATE EDUCATION COMMITTEE
By Mari B. Rasmussen, Ph. D.
Department of Public Instruction
701-328-2958
Wednesday, March 4, 2009

Chairman Freborg and members of the Senate Education Committee:

My name is Mari Rasmussen and I am the Assistant Director of the Bilingual and Language Acquisition Programs within the Department of Public Instruction. I am here to provide information on House Bill 1399 and ask that the original language of the bill be restored.

As others have testified, House Bill 1399 addresses a successful approach to support American Indian students in achieving English language proficiency and academic achievement. I have enclosed two documents in my testimony. The first one is a news release which summarizes a research study documenting the effectiveness of educational programs that incorporate the Native language and culture for American Indian students. The second one is a copy of The Annual Adequate Yearly Progress (AYP) Report for the State of North Dakota for 2007 – 2008.

The AYP report for North Dakota shows that American Indian students did not make the state goals for academic achievement in 2007 - 2008. The State goal for reading was a rate of 78.07% proficient for all students. American Indian students achieved 52.69% proficient. The State goal in math was 67.02% proficient for all students. American Indian students achieved 52.42%. Because of this gap in achievement, it is the responsibility of the State to look at educational approaches that can increase American Indian student success, which is what the proposed legislation can do.

I am providing this information to you to make the statement that we currently have sufficient research to justify the funding of the educational approach that HB 1399 proposes. We have more than enough information to show need. Let us not study this issue for two years while students in our state continue to fail and drop out.

Again, it is essential to restore HB to its original version of which I have enclosed in Appendix C. The Department does recommend the following change to the original bill which would mean the grants for tribal colleges would go through local education agencies. We believe that this would ensure collaboration between the colleges and the schools.

SECTION 4. APPROPRIATION. *There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$100,000, or so much of the sum as may be necessary, to the superintendent of public instruction for the purpose of providing grants to local education agencies partnering with tribal colleges engaged in research and development of American Indian bilingual education programs, for the biennium beginning July 1, 2009, and ending June 30, 2011.*

House Bill 1399 has the potential of meeting the needs of American Indian students in the State of North Dakota. It is based on a positive model of education as opposed to a deficit approach. The intention to collaborate and form partnerships among different agencies is also a positive step towards working together for the success of our state's future – the children. It is important that this bill is appropriately funded and implemented so that our American Indian students can succeed.

APPENDIX B

Annual Adequate Yearly Progress Report

North Dakota Department of Public Instruction

School Year 2007 - 2008

40-007 Belcourt 7 (0K-12)

Modified 08/05/2008

Page 1 of 1

Instructions on the interpretation of the North Dakota Adequate Yearly Progress Report can be accessed at:

www.dpi.state.nd.us/testing/account/AYP0708.pdf

Reading				Math			
2008 State Intermediate Goals	4th Grade -- 82.6%	8th Grade -- 80.7%	11th Grade -- 71.5%	2008 State Intermediate Goals	4th Grade -- 72.9%	8th Grade -- 66.7%	11th Grade -- 62.1%
Listed below are your district's scores				Listed below are your district's scores			
Reading	Achievement Goal	Achievement Result	Participation 95% Rule	Math	Achievement Goal	Achievement Result	Participation 95% Rule
Composite Score	77.75%	51.32%*	98.51%	Composite Score	66.30%	57.50%*	98.78%
Subgroups:				Subgroups:			
Economically disadvantaged	77.75%	51.32%*	98.51%	Economically disadvantaged	66.30%	57.50%*	98.78%
Ethnicity:				Ethnicity:			
White	77.38%	63.64%	100.00%	White	66.30%	81.82%	100.00%
Native American	77.75%	50.51%*	98.60%	Native American	66.30%	56.86%*	98.88%
Black				Black			
Asian				Asian			
Hispanic				Hispanic			
Other	70.64%	50.00%	90.91% ⁱ	Other	55.81%	66.67%	90.91% ⁱ
Students with disabilities	77.38%	28.29%*	95.00%	Students with disabilities	66.30%	35.06%*	96.25%
Students with limited English proficiency	77.93%	41.02%*	99.18%	Students with limited English proficiency	66.30%	44.69%*	99.73%
District Secondary Indicator(s):				Graduation	Goal: 73.09%	Result: 71.70%	
				Attendance	Goal: 93.00%	Result: >=95.0%	
Adequate Yearly Progress Category:				Did not meet Adequate Yearly Progress			

Note: An asterisk (*) marks the indicator(s) where the district did not meet adequate yearly progress. If an indicator's value is below the achievement goal but no (*) is marked, then the indicator's value is within statistical reliability. Statistics are not shown for fewer than ten students. (i) indicates insufficient data to determine adequate yearly progress; the value results from the combining of up to three years' data.

Achievement goals are raised every three years and may vary among categories when insufficient student numbers exist and multiple-year averaging is required. All students are held to the state's challenging achievement standards.

APPENDIX C

(original version of 1399
which is attached to vote
sheet 3/4/09 for Taylor
amendment.)

ND Native American Indian K - 12 Language Teaching and Preservation Project

The following draft budget provides one idea of how general funding could be used in the 2009 – 2011 biennium in collaboration with local supported obtained through federal stimulus funds for a North Dakota American Indian Language Teaching and Preservation project. The \$50,000 of general supports basic costs for the project, providing a framework and foundation for project in which the majority of funding comes from local education agencies (LEAs). Local education agencies have the option of using federal stimulus dollars to participate in the project or other funding available to them.

The state funds support the state advisory committee, consultant fees curriculum development and other related costs. LEA support is provided through an initial membership/registration fee that is used to support the overall costs of the project and provides the participating school district or tribal consortia with the materials developed, voice in standards and training activities. School districts also participate by supporting the costs of personnel salaries, travel and lodging for project activities.

The overall outcome of the project is to develop some common goals and objectives statewide that support the preservation of the Native languages indigenous to the state. The final products will include program guidelines for instruction and preservation, and training. Following is a draft timeline for the project:

1. Appoint a five member committee - Fall 2009
 - a. Role of Committee members
 - i. Committee may serve either as advisory or as a working group.
The committee will work with the consultant to develop materials and provide training
2. Hire consultant – Fall 2009
 - a. Consultant role
 - i. Advise committee



- ii. Assist with curriculum and standards development

- iii. Assist with research and data collection

3. School District/Tribal Participation – Fall 2009

- a. Invite participation in Language Curriculum Development Project on a cost share basis

4. Activities – Winter 2009 – Spring 2011

- a. Two face to face committee meetings per year

- b. Three to four web based or telephone meetings

- c. One summer weeklong workshop to develop curriculum and training

- d. Collect data on initial school district need, use of language and use of materials

- e. Develop necessary program guidance and materials

- f. Disseminate to participating schools

5. Final project outcome – Winter/Spring 2011

- a. Program and curriculum guidelines for school districts (web-based materials)

- b. Training materials for school districts (web-based)

- c. Guide for data collection and program evaluation

- d. Report to legislature



ND Native American K - 12 Language Teaching and Preservation Project

Activities	2009 - 2011 Biennium						
	2009 - 2010			2010 - 2011			Biennium Total
	State funds	School District/Tribal Cost Share	Total	State funds	School District/Tribal Cost Share	Total	
State Supported Costs							
Travel & lodging for three face to face meetings for six members	\$ 6,000.00		\$ 6,000.00	\$ 6,000.00		\$ 6,000.00	\$ 12,000.00
Five telephone and interactive video based committee meetings	\$ 1,000.00		\$ 1,000.00	\$ 1,000.00		\$ 1,000.00	\$ 2,000.00
Consultant professional fee and travel	\$ 8,000.00		\$ 8,000.00	\$ 8,000.00		\$ 8,000.00	\$ 16,000.00
Materials and curriculum development	\$ 3,000.00		\$ 3,000.00	\$ 3,000.00		\$ 3,000.00	\$ 6,000.00
Printing and dissemination	\$ 2,000.00		\$ 2,000.00	\$ 2,000.00		\$ 2,000.00	\$ 4,000.00
Summer Workshop	\$ 3,000.00		\$ 3,000.00	\$ 3,000.00		\$ 3,000.00	\$ 6,000.00
Data Collection Project	\$ 2,000.00		\$ 2,000.00	\$ 2,000.00		\$ 2,000.00	\$ 4,000.00
State Support Costs Total			\$ 25,000.00			\$ 25,000.00	\$ 50,000.00
School District/Tribal supported Costs							
Yearly registration fee for participation (\$5000 per reservation or \$3000 per school district)		\$ 20,000.00	\$ 20,000.00		\$ 20,000.00	\$ 20,000.00	\$ 40,000.00
Native Language teacher and paraprofessional salaries		\$ 500,000.00	\$ 500,000.00		\$ 500,000.00	\$ 500,000.00	\$ 1,000,000.00
Printing of materials		\$ 5,000.00	\$ 5,000.00		\$ 5,000.00	\$ 5,000.00	\$ 10,000.00
Travel, lodging, salaries and registration for summer workshop		\$ 25,000.00	\$ 25,000.00		\$ 25,000.00	\$ 25,000.00	\$ 50,000.00
School District/Tribal Funds			\$ 582,000.00			\$ 582,000.00	\$ 1,164,000.00
Grant Total			\$ 607,000.00			\$ 607,000.00	\$ 1,214,000.00

Testimony

House Bill No. 1399 – Relating to the teaching and preservation of American Indian languages and appropriation

Appropriation Committee

Senator Holmberg, Chairman

March 23, 2009

Chairman Holmberg, members of the Appropriation Committee, for the record I am Senator Richard Marcellais, from District 9, and Tribal Chairman for the Turtle Mountain Band of Chippewa, I am here today to provide you with testimony on House Bill 1399, relating to the teaching and preservation of American Indian Languages and appropriation.

In the state of Wisconsin in order to preserve dwindling tribal languages. In a time of intense financial pressure the governor set aside \$250,000 a year in his budget proposal to restart a longstanding state program to help American Indian tribes save their endangered languages.

Only about one-half of 1 percent of state tribal members are native speakers of the states five native languages, which some counting just a handful of elderly speakers. It's an example of one of the things where if you don't put something in and you let it die you never get another chance. This is, in dollar terms, a very small item in the overall budget. But it's enough that we can keep this alive and keep it moving in the right direction.

Once native languages are dead here, there's nowhere we can go.

Requesting that the Appropriation Committee amend House Bill 1399 back to its original intention and a Do Pass.

Thank you very much for the opportunity to appear in support of this bill today.

Testimony on HB 1399
Senate Appropriations Committee
By Delilah Yellow Bird
Arikara Language Instructor, White Shield School
701-743-4359
Monday March 23, 2009

Chairman Holmberg and members of the Senate Appropriations Committee:

My name is Delilah Yellow Bird, Arikara Language Instructor at the White Shield School. I am here to say that I support the intentions of HB 1399 but I would also like to see the grants for schools put back in.

I understand the legislators are expecting that the schools can use the stimulus funds for language preservation. From my perspective there is no assurance this will happen and if it does this another one shot deal. From my experience, soft money does not provide continuity. Language preservation needs consistency

Last December I talked with Representative Onstad about the need for the language program at the White Shield School. Prior to this I had heard that the state had a surplus and was told "get in your wish list". So my wish was to get money for language preservation efforts at the school on a continuous basis so we would not have to constantly compete for grants.

Students at the White Shield School value their heritage. At the beginning of each year I have the students write an essay on the importance or unimportance of learning the Arikara language. To date no student has ever written an essay saying the language was unimportant to them. Many of the essays claimed they valued the language and how it is important to their identity and take pride in being a tribal member. Students who know their identity do better in school as well as and learn English better and achieve better when they know their heritage language.

I thank this committee for giving attention to the American Indian languages and the English Language Learners of this state.

**TESTIMONY ON HB 1399
SENATE APPROPRIATIONS COMMITTEE**

**By Mari B. Rasmussen, Ph. D.
Department of Public Instruction**

701-328-2958

Monday, March 23, 2009

Chairman Holmberg and members of the Senate Appropriations Committee:

My name is Mari Rasmussen and I am the Assistant Director of the Bilingual and Language Acquisition Programs within the Department of Public Instruction. I am here to provide information and support for House Bill 1399.

House Bill 1399 addresses American Indian language teaching and preservation. The original bill provided for grants to local schools districts for the teaching of language and culture. The Senate Education Committee felt that funding out of the State Fiscal Stabilization Fund Program under the American Recovery and Reinvestment Act of 2009 could be used for the school district grants and retained only the state level activities. As others have testified, House Bill 1399 addresses an important issue facing all of us today – saving the heritage languages of the first citizens of our state. Another equally important aspect of this bill is that it supports an educational program that has a positive impact on the English language proficiency and academic achievement of American Indian students.

*Same
as Attachments
Sent to
House
and
Senate*

I have enclosed two documents in my testimony. The first one is a news release which summarizes a research study documenting the effectiveness of educational programs that incorporate the Native language and culture for American Indian students. The second one is a copy of The Annual Adequate Yearly Progress (AYP) Report for the State of North Dakota for 2007 – 2008.

The AYP report for North Dakota shows that American Indian students did not make the state goals for academic achievement in 2007 - 2008. The State goal for

reading was a rate of 78.07% proficient for all students. American Indian students achieved 52.69% proficient. The State goal in math was 67.02% proficient for all students. American Indian students achieved 52.42%. Because of this gap in achievement, it is the responsibility of the State to look at educational approaches that can increase American Indian student success, which is what the proposed legislation can do.

House Bill 1399 has the potential of meeting the needs of American Indian students in the State of North Dakota. It is based on a positive model of education as opposed to a deficit approach. The intention to collaborate and form partnerships among different agencies is also a positive step towards working together for the success of our state's future – the children. It is important that this bill is appropriately funded and implemented so that our American Indian students can succeed.