OTHER DUTIES OF THE HIGHER EDUCATION COMMITTEE - BACKGROUND MEMORANDUM

In addition to the study responsibilities assigned to the Higher Education Committee for the 2015-16 interim, the committee has been assigned the following responsibilities:

- Receive a biennial report from the University of North Dakota (UND) School of Medicine and Health Sciences Advisory Council pursuant to North Dakota Century Code Section 15-52-04 regarding the strategic plan, programs, and facilities of the school.
- Receive annual reports from the State Board of Higher Education pursuant to Section 15-10-59 regarding North Dakota academic scholarships and career and technical education scholarships.
- Receive reports from any tribally controlled community college receiving a grant under Chapter 15-70 detailing grant expenditures and recipient demographics.
- Receive a report from the State Board of Higher Education pursuant to Section 3 of 2015 House Bill No. 1003 regarding the status of the development of a unified workforce, vocational, and technical education program.
- Receive reports from the State Board of Higher Education pursuant to Section 25 of 2015 House Bill No. 1003 regarding distributions from the systemwide deferred maintenance, campus security, and internal audit funding pools.
- Receive a report from the State Board of Higher Education pursuant to Section 38 of House Bill No. 1003 regarding the use of extraordinary repairs funding and related matching funds.
- Receive a report pursuant to Section 2 of Senate Bill No. 2150 from the State Board of Higher Education prior to July 1, 2016, regarding the status of the implementation of the student and student organization disciplinary proceedings uniform procedure.
- Receive a report pursuant to 2015 House Concurrent Resolution No. 3052 from the State Board of Higher Education prior to July 1, 2016, regarding the policies, procedures, supports, and services available to all public institutions of higher education in the state regarding sexual assault and related incidents.

UNIVERSITY OF NORTH DAKOTA SCHOOL OF MEDICINE AND HEALTH SCIENCES ADVISORY COUNCIL

Section 15-52-04 (Appendix A) provides the Legislative Council receive a biennial report from the UND School of Medicine and Health Sciences Advisory Council. The report is to provide recommendations regarding the strategic plan, programs, and facilities of the school. Recommendations for implementing strategies through the school must address the health care needs of the people of the state and provide information regarding the state's health care workforce needs. Additionally, recommendations of the advisory council may address the areas of medical education and training, recruitment and retention of health care professionals, factors influencing the practice environment of health care professionals, access to health care, patient safety, quality of health care, and financial challenges in the delivery of health care.

The UND School of Medicine and Health Sciences Advisory Council consists of 15 members, including a majority party member and minority party member from both the Senate and House of Representatives. Other members to the advisory council are selected by the Department of Human Services, State Board of Higher Education, State Department of Health, North Dakota Medical Association, North Dakota Hospital Association, the Department of Veterans' Affairs hospital in Fargo, the UND Center for Rural Health, and the Dean of the School of Medicine and Health Sciences.

NORTH DAKOTA CAREER AND TECHNICAL EDUCATION SCHOLARSHIPS AND ACADEMIC SCHOLARSHIPS

The 2009 Legislative Assembly enacted legislation to create the career and technical education and academic scholarship programs. The legislation established eligibility criteria for the scholarship programs in Chapter 15.1-21, and the criteria were subsequently adjusted by the Legislative Assembly in 2011, 2013, and 2015. The current eligibility requirements provide a student must be a resident of the state and meet the following program requirements for one of the programs as follows:

Career and Technical Education Scholarship	Academic Scholarship
Complete four units of English language arts	Complete four units of English language arts
Complete three units of mathematics, including one unit of Algebra II and two units of other mathematics	Complete one unit of Algebra II and one unit of mathematics for which Algebra II is a prerequisite
Complete three units of science	Complete three units of science
	Complete three units of social studies
Complete one unit of physical education or one-half unit of physical education and one-half unit of health	Complete one unit of physical education or one-half unit of physical education and one-half unit of health
Complete two units of a coordinated study plan as recommended by the Department of Career and Technical Education	Complete two units of the same foreign language, the same Native American language, American sign language, or career and technical education from a coordinated study plan approved by the Superintendent of Public Instruction
Complete one unit selected from foreign language, Native American language, American sign language, fine arts, or career and technical education	Complete one unit selected from foreign language, Native American language, American sign language, fine arts, or career and technical education
Complete five additional units, two of which must be in the area of career and technical education	Complete any five additional units
Obtain a cumulative grade point average of at least 3.0 on a 4.0 grading scale for all courses taken or only for courses taken that are required for the scholarship	Obtain a cumulative grade point average of at least 3.0 on a 4.0 grading scale for all courses taken or only for courses taken that are required for the scholarship
Obtain a grade of at least "C" in each unit or one-half unit required for the scholarship	Obtain a grade of at least "C" in each unit or one-half unit required for the scholarship
Receive a composite score of at least 24 on the ACT or a score of at least five on each of three WorkKeys assessments	Receive a composite score of at least 24 on the ACT
	Fulfill one unit required for the scholarship through an advanced placement course or fulfill one-half unit required for the scholarship through a dual-credit course

To continue receiving a scholarship under the program, a student must be enrolled in at least 12 credits during the student's first two semesters and must be enrolled in at least 15 credits during each semester thereafter. However, the 2013 Legislative Assembly approved eligibility criteria changes to provide a student may continue to receive the scholarship if the student requires fewer than 15 credits to graduate and is enrolled in at least 12 credits. The 2013 Legislative Assembly also adjusted the criteria to allow students who complete a home education program to receive a scholarship. In 2015 the Legislative Assembly adjusted the eligibility criteria to allow a student to continue to receive a scholarship if the student is enrolled in an external experience consisting of at least six credits or if a student is enrolled in a graduate program and has not received the lifetime maximum amount of scholarship awards.

Any student who meets the requirements for a career and technical education scholarship or an academic scholarship is eligible to receive a scholarship of $750 per semester, or $500 per quarter, for each period the student is enrolled full-time at a North Dakota higher education institution and maintains eligibility up to a maximum amount of $6,000. Scholarships may be provided to students for up to six years following the student's graduation from high school.

The 2015-17 biennium legislative appropriation provides $14,054,677 from the general fund for the program, an increase of $4,054,677 from the 2013-15 biennium legislative appropriation. Section 15-10-59 (Appendix B) requires the State Board of Higher Education to provide an annual report to the Legislative Management regarding the number of North Dakota academic and career and technical education scholarships awarded and demographic information pertaining to the recipients.

GRANTS TO TRIBALLY CONTROLLED COMMUNITY COLLEGES

Chapter 15-70 (Appendix C) creates an assistance program for tribally controlled community colleges located in the state. Funding is to be distributed to the tribally controlled community colleges to defray the costs of education associated with the enrollment of nonbeneficiary students.

In order to qualify for a grant, a qualified institution must submit an application to the State Board of Higher Education that documents the enrollment status of each student for whom financial assistance is sought. If an application is approved, the State Board of Higher Education is to distribute an annual payment to the institution for each nonbeneficiary student enrolled at the institution. The amount of payment is to be equal to the per

student payment provided to institutions under the federal Tribally Controlled Colleges and Universities Assistance Act of 1978 or a prorated amount if funding is limited.

Each tribal college receiving a grant under Chapter 15-70 is to submit a report to the Legislative Council detailing the expenditures of the grant funds received by the institution. Additionally, each college is to submit a copy of the institution's latest audit report and documentation of the enrollment status of each student for whom financial assistance is requested. Any institution that fails to meet the reporting requirements is ineligible to receive future grants until the required information is submitted.

The table below details legislative appropriations for grants to tribally controlled community colleges.

	General Fund	Permanent Oil Tax Trust Fund	Student Loan Trust Fund
2007-09 biennium		$700,000	
2009-11 biennium		$700,000	
2011-13 biennium	$1,000,000		
2013-15 biennium	$1,000,000		
2015-17 biennium	$500,000		$500,000

UNIFIED WORKFORCE, VOCATIONAL, AND TECHNICAL EDUCATION PROGRAM SYSTEM

Section 15-10-57, as enacted by 2015 House Bill No. 1003, requires the State Board of Higher Education to establish and maintain a unified system to offer workforce training, vocational education, and technical education programs at institutions under its control. The section requires the board to periodically review programs offered at institutions under its control and revise program offerings based on the workforce needs of the state. The section also requires the board to develop administrative arrangements among institutions under its control to make possible the efficient use of facilities and staff.

Section 15-10-58 requires the board to establish a workforce education advisory council to advise the board regarding skills and qualifications needed for workforce training, vocational, and technical education programs offered by institutions under the control of the board. The advisory council is also to provide information to the board regarding the workforce needs of the state. The advisory council consists of a representative of the Department of Career and Technical Education, a representative of Job Service North Dakota, a representative of the Department of Commerce, and eight members representing business and industry in the state. The eight members representing business and industry are to be appointed by the Chairman of the Legislative Management.

Section 3 of 2015 House Bill No. 1003 (Appendix D) provides a contingent general fund appropriation of $50,000 to the State Board of Higher Education for the unified workforce, vocational, and technical education program system. The appropriation is contingent upon the board certifying to the Office of Management and Budget that a unified workforce, vocational, and technical program system has been established. The section requires the board to provide a report to the Legislative Management regarding the status of the development of the unified system.

DISTRIBUTIONS FROM SYSTEMWIDE FUNDING POOLS AND USES OF DEFERRED MAINTENANCE FUNDING

The 2015 Legislative Assembly, in House Bill No. 1003, appropriated funding from the general fund for the following systemwide funding pools:

Deferred maintenance (one-time funding)	$8,700,000
Campus security (one-time funding)	$3,000,000
Internal audit	$300,000

Section 25 of 2015 House Bill No. 1003 (Appendix E) provides guidelines regarding the distribution of funds from the funding pools and requires the State Board of Higher Education to provide reports to the Legislative Management regarding the distribution of funds from the pools.

Deferred Maintenance

The 2015 Legislative Assembly, in House Bill No. 1003, approved a deferred maintenance initiative to address maintenance needs at North Dakota University System institutions. In addition to regular extraordinary repairs funding, the initiative provided funding for major deferred maintenance projects at institutions and for a deferred

maintenance funding pool to be distributed to certain institutions. The initiative also reallocated $4 million of unused funding from a $5 million 2013-15 biennium performance funding pool for extraordinary deferred maintenance and campus needs at institutions affected by energy development. The following is a summary of the funding for the deferred maintenance initiative:

	Regular Extraordinary Repairs Funding	Major Deferred Maintenance Projects	Deferred Maintenance Pool Grants	Deferred Maintenance and Extraordinary Needs	Total
Bismarck State College	$417,673	$1,575,000	$700,000		$2,692,673
Lake Region State College	155,367	1,648,423	500,000		2,303,790
Williston State College	197,801			$1,500,000	1,697,801
University of North Dakota	4,411,566	6,000,000	3,500,000		13,911,566
North Dakota State University	2,732,244		3,500,000		6,232,244
North Dakota State College of Science	1,012,379	13,298,000			14,310,379
Dickinson State University	409,078			1,500,000	1,909,078
Mayville State University	358,992		500,000		858,992
Minot State University	899,620			500,000	1,399,620
Valley City State University	408,319	14,289,000			14,697,319
Dakota College at Bottineau	114,007	1,098,789		500,000	1,712,796
Total	$11,117,046	$37,909,212	$8,700,000	$4,000,000	$61,726,258

Section 38 of 2015 House Bill No. 1003 (Appendix F) requires institutions to provide $2 of matching funds from operations or other sources for each dollar of regular extraordinary repairs funding used for a project. However, an institution may not use a transfer of funds from the deferred maintenance funding pool for the matching funds requirement. The section requires the State Board of Higher Education to provide a report to the Legislative Management regarding the use of extraordinary repairs funding and related matching funds.

Campus Security

The 2015 Legislative Assembly appropriated $3 million from the general fund for a campus security funding pool to be transferred by the State Board of Higher Education to institutions under the control of the board. Transfers from the pool must be used for security needs at institutions as identified in campus risk and security assessments.

Internal Audit

The 2015 Legislative Assembly provided adjustments to the auditing process for the State Board of Higher Education and institutions and entities under the control of the board. The Legislative Assembly removed three existing internal audit full-time equivalent (FTE) positions and related funding from the University System office. The Legislative Assembly then added six FTE audit positions and related funding to the State Auditor's office to provide audit services to the board and institutions and entities under the control of the board. Section 54-10-30, as enacted by the 2015 Legislative Assembly, provides for the State Auditor to establish a higher education audit division to perform audit-related functions of the board. Subsection 4 of the section provides that the section does not prohibit the board from employing internal audit staff or contracting for internal audit services. The Legislative Assembly appropriated $300,000 from the general fund for a 2015-17 biennium internal audit funding pool to be used for systemwide and campus internal audit purposes as determined by the board.

STUDENT DISCIPLINARY PROCEEDINGS UNIFORM PROCEDURE

Section 15-10-56, as enacted in 2015 Senate Bill No. 2150, provides that any student enrolled at an institution under the control of the State Board of Higher Education has the right to be represented, at the student's expense, by an attorney or a nonattorney advocate, during any disciplinary proceeding or during any other procedure addressing an alleged violation of the institution's rules or policies. The section does not apply to matters involving academic misconduct.

Section 2 of 2015 Senate Bill No. 2150 (Appendix G) requires the State Board of Higher Education to develop and implement a uniform procedure for student and student organization disciplinary proceedings which is applied uniformly to all institutions under the control of the board. The section also requires the board to provide a report to the Legislative Management before July 1, 2016, regarding the status of the implementation of the uniform procedure.

CAMPUS SEXUAL ASSAULT POLICIES, PROCEDURES, AND SUPPORT SERVICES

House Concurrent Resolution No. 3052 (Appendix H), as approved by the 2015 Legislative Assembly, urges the State Board of Higher Education to study sexual assault policies, procedures, and support services available

at institutions under its control. The resolution suggests the board develop uniform policies to be implemented at each institution and that the policies be developed with input from health professionals, law enforcement representatives, and members of the Legislative Assembly. The resolution requires the State Board of Higher Education to provide a report to the Legislative Management before July 1, 2016, regarding sexual assault policies, procedures, and support services at institutions under the control of the board.

ATTACH:8