

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1081

2005 HOUSE EDUCATION

HB 1081

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. **HB 1081**

House Education Committee

Conference Committee

Hearing Date **12 January 05**

Tape Number	Side A	Side B	Meter #
1	X		4000 - end
2	x		0-5300

Committee Clerk Signature



Minutes:

Chairman Kelsch opened the hearing on **HB 1081** relating to agreements between school districts.

Tom Decker, DPI, testified in support of the bill. DPI brought the bill as agency because of experiences of the formation of the Joint Powers Organization between the community school and the public in Fort Yates. We were not aware of the organization until after the fact and we need to be involved because there are significant issues related to foundation aid. What we are asking for here is notification and the opportunity to have input in the front end.

Rep. Sitte: Elaborate on the nature of the agreement and how it did not fit?

Decker: Through the years we thought Ft Yates would be better served by having a single school, but there are significant problems when you mix a public school that operates under ND state law and a tribal community school for purposes of foundation aid, accreditation and other

issues. We're still working through some of those issues. I would emphasize that we've had great assistance from both schools.

Rep. Haas: How do you determine foundation funding?

Decker: We have worked out an agreement on how to do that using the population of the schools before the agreement. It gets really complicated.

Rep. Mueller: Are there similar stipulations in place for the federal government to be notified.

Decker: I don't know that.

Verna Bailey, member of Health, Education & Welfare Committee at the Tribal Council at Standing Rock. In reading the proposed amendment and there are recommendations to do

things together and that I support. In Section 3, I have a recommendation on B. If there written notice to the superintendent, there should be written recommendations for the record.

I support this schools together cooperatively as we all serve students. We look to bringing together the two boards to one single board.

Chairman Kelsch: You are suggesting...

Bailey: Strike the word "suggestions" and insert "written recommendations" so we have a records of what has been submitted.

Rep. Sitte: Are you telling us there are two boards?

Bailey: Yes, I hear that there are difficulties sometimes, funding issues and other kinds of things. You fix your laws and we'll fix ours so we can have one board for the benefit of our children

Rep. Haas: Are both boards on the joint powers board? Have you seen any improvement with the joint powers board?

Bailey: Some of each school board are on the joint powers board, I remain positive but there are some problems that occur.

Gary Thune, ND School Board Assn. They are not taking a position one way or the other but he was involved in bringing about the joint powers agreement. This bill clarifies some issues with agreements, it would require a hearing, you must also have approval from the governor, and the agreement must be filed with the Sec of State, Sec of the Dept. of Interior, and the county. There are more filing requirements.

The Standing Rock Community School is not a federal school, it receives funding from BIA and through impact aid. The public school district resides within the boundaries of the Ft Yates public school district and that school has approx 200 students and foundation aid is their primarily their fund. Both board retain their individual autonomy. When they meet, they meet in the same room and vote separately to approve any change that is made. The primary reason for that is that funding is not adversely affected. This is part of the joint powers agreement. This school district cannot have one board because they cannot compromise each separate board. The tribal board must follow federal regulations for impact aid, the public school board must follow state law. The goal is to one day to merge these two to a single entity. This was an intermediate step and each board has pledged to protect funding.

Rep. Haas: What you are telling us that the Mandaree situation .. it would be possible for them to become one district with one board, or would that require some change in state law.

Thune: State law says they must be elected. Some of the district lies out of the state. Some of the members of the Community School could not run.

Chairman Kelsch: Is the amendment necessary.

Thune: The written recommendation is so there is notice at the front end. The public hearing then allows the entire community to be involved.

Gene Lafromboyce (sp? did not sign in) Supt. of School at Standing Rock Community

School spoke to the issue of allowing them to recoup planning dollars. They did not receive any planning money and feel they are justified in receiving the funds just as others received. I would also like to clarify that the Standing Rock Community School does not impact aid money. The school district receives the money.

Rep. Sitte: Why should you get planning funds when you have already formed the joint powers agreement aren't they received at the front end.

Lafromboyce: I don't think they were apprised that they could obtain planning money.

We feel we should have equal opportunity for those funds.

Rep. Haas: You are supt. of both schools, would the planning funds have been available to the Ft. Yates public schools prior to the time you got involved in the agreement, but maybe not for the tribal school.

Lafromboyce: I can't answer that but they should have at least been available to the public school.

Randall White, graduate of Ft Yates Public School and now serves on the board. Feels that they are entitled to any planning funds available and would appreciate receiving them.

Rep. Herbel: What's preventing you from becoming one school?

White: Little petty things.

Dennis Ar **?, president of the school board.** Spoke of the funds expended going into the agreement and would like to receive remuneration for that process. They need the funds

to educate their kids. Would like to see one school and one school board but understands the difficulty.

Rep. Sitte: Does your school have to follow the NCLB and other state regulations.

Dennis: Yes, there's nothing different that it's a Tribal School

Rep. Norland: How much money do you feel you are entitled to.

Dennis: \$250,000 is what is available to other school districts and I'm sure they got it.

Chairman Kelsch: The \$250 is the total available for all schools.

Wayne White Eagle, described himself as high school drop out, former drunk, graduate of NDSU, and Director of Special Education for Tex Hall, spoke to the value of education. We need to look at our children and our future children to educate them 100%. He spoke in his native language about the funding, planning money. We are all managed by federal law. Schools are not funding properly and we need to combine our resources to have a clear, comprehensive education strategy and plan. We need to think in the long term. We come from a poverty stricken area and I'm grateful for the victories we have.

Jessie Taken Alive, member of Tribal Government, a resident of SD and serves on the SD advisory board, spoke to the hope of joining the boards for the benefits of the children. NCLB is not funding adequately. Mandates are given, but funding does not follow. We are used to it, but do not appreciate it. We feel there is a scientific approach to education but there is also a lack of understanding of our culture. When we express ourselves in a meaningful way, it is easier to do so in our language. We have no tax base in our area, we don't have the wealth others have. We looked at tribal laws to make sure we enhance our children. We support any measure to enhance education. We are living in the fastest growing areas of population-- Indian

Reservations, that also needs to be factored into any agreement. There is further work to be done.

Rep. Sitte: Is SD able to apportion foundation aid to the children that reside in SD. Is SD chipping in?

Taken Alive: No, they can't because they are in a different district and that's one of the difficulties we have. We do get the awards that we are eligible for through the federal gov process, but state the lines are clear.

Tom Decker, DPI, explained that in accordance with state law and regulation the district was not eligible for planning money.

Rep. Herbel: There was a suggestion by Verna Bailey that we make an amendment.

Chairman Kelsch: I think we can do that. I think you can say that the supt. must make written recommendation.

Rep. Haas: I make that a formal motion: Amend HB 1081, page 1, line 11, after considered, delete the word suggestion, and put the words written recommendation so it would say: Consider written recommendations that the superintendent makes regarding the agreement.

Rep. Herbel: Second.

Voice vote: Aye: 14 Nay: 0 Absent: 0

Amendment passed.

Chairman Kelsch: We now have the amended HB 1081 before us, what is the wish of the committee?

Rep. Mueller: I move Do Pass.

Rep. Sitte: Second

Rep. Sitte: Is this an unfair situation that SD is not putting in foundation aid. Should we talk to them.

Rep. Haas: I thought I heard Jesse say that the students do not cross the border. There is a school on Standing Rock that the SD students go to.

Chairman Kelsch: That's right, the students don't cross the border.

There being no further discussion the chairman asked for a roll call vote on amended HB 1081

Yes: 14 No: 0 Absent: 0

The motion passed.

Rep Sitte will carry the bill.

The hearing closed on HB 1081

58076.0101
Title.0200

Adopted by the Education Committee
January 12, 2005

VR
1/13/05

HOUSE AMENDMENTS TO HOUSE BILL NO. 1081 EDU 1/13/05

Page 1, line 22, replace "suggestions" with "written recommendations that"

Renumber accordingly

Date: *12 Jan 05*
Roll Call Vote #: *1*

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. *1081*

House Education Committee

Check here for Conference Committee

Legislative Council Amendment Number

Action Taken *Amend line 22 to add "supt make specific recommendations"*

Motion Made By *Rep Haas*

Seconded By *Rep. Herbel*

Representatives	Yes	No	Representatives	Yes	No
Chairman Kelsch	X		Rep. Hanson	X	
Vice Chairman Johnson	X		Rep. Hunsakor	X	
Rep. Haas	X		Rep. Mueller	X	
Rep. Hawken	X		Rep. Solberg	X	
Rep. Herbel	X				
Rep. Horter	X				
Rep. Meier	X				
Rep. Norland	X				
Rep. Sitte	X				
Rep. Wall	X				

Total (Yes) *14* No *0*

Absent *0*

Floor Assignment *Rep. Haas*

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

Date:
Roll Call Vote #:

12 Jan 05
2

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.

House Education Committee

Check here for Conference Committee

Legislative Council Amendment Number 58676-0181

Action Taken Pass HB 1081 as amended.

Motion Made By Mueller Seconded By Sitte

Representatives	Yes	No	Representatives	Yes	No
Chairman Kelsch	X		Rep. Hanson	X	
Vice Chairman Johnson	X		Rep. Hunsakor	X	
Rep. Haas	X		Rep. Mueller	X	
Rep. Hawken	X		Rep. Solberg	X	
Rep. Herbel	X				
Rep. Horter	X				
Rep. Meier	X				
Rep. Norland	X				
Rep. Sitte	X				
Rep. Wall	X				

Total (Yes) 14 No 0

Absent 0

Floor Assignment Sitte

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

REPORT OF STANDING COMMITTEE (410)
January 13, 2005 2:04 p.m.

Module No: HR-08-0443
Carrier: Sitte
Insert LC: 58076.0101 Title: .0200

REPORT OF STANDING COMMITTEE

HB 1081: Education Committee (Rep. R. Kelsch, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1081 was placed on the Sixth order on the calendar.

Page 1, line 22, replace "suggestions" with "written recommendations that"

Renumber accordingly

2005 SENATE EDUCATION

HB 1081

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1081

Senate Education Committee

Conference Committee

Hearing Date February 15, 2005

Tape Number	Side A	Side B	Meter #
1	X		1800-2621

Committee Clerk Signature

Patty Wilkins

Minutes: **Chairman Freborg opened the hearing on HB 1081, which relates to notification to the superintendent of public instruction regarding agreements contemplated between school districts and Indian tribes. All members were present.**

Tom Decker, with the Department of Public Instruction, appeared before the committee in support of the bill. If a public school district enters into a joint powers agreement with a tribal entity, our department should be involved with those discussions. There are situations where hundreds of thousands of dollars are involved in foundation aid.

Senator Seymour- What issues could you have worked out ahead of time?

Tom- The school in Fort Yates is the larger of the two schools in this case. When they combined their enrollments and staff and began operating as a single unit, some of the concerns were how staffing and accreditation would be managed.

Senator Taylor- After reviewing the amendments, there is nothing stating that your department has a specific role, other than given a notice?

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Senate Education Committee

Bill/Resolution Number HB 1081

Hearing Date February 15, 2005

Tom- Yes, that is correct. We just officially receive a notice, and nothing else.

Wayne White Eagle, appeared on behalf of the 3 Affiliated Tribes in support of the bill.

This bill is a step in the right direction for accountability with our school systems. It is very important for the Department of Public Instruction to be involved in the process.

Cheryl Bergian, Executive Director of the North Dakota Human Rights Commission

appeared before the committee in support of the bill. It recognizes tribal sovereignty and the relationship with the Department of Public Instruction.

Austin Gillette, appeared on behalf of the 3 Affiliated Tribes in support of the bill.

There was no opposition to the bill.

Chairman Freborg closed the hearing on HB 1081.

Action taken:

Senator Flakoll moved for a Do Pass recommendation for HB 1081. Seconded by Senator Taylor. The bill passed unanimously, 6-0-0. Senator Taylor will be the carrier of the bill.

The meeting was declared closed by Chairman Freborg.

Date: 2/15/05
Roll Call Vote #: 1

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB1081

Senate SENATE EDUCATION

Committee

Check here for Conference Committee

Legislative Council Amendment Number

Action Taken Do Pass HB 1081

Motion Made By Flakoll Seconded By Taylor

Senators	Yes	No	Senators	Yes	No
CH- SENATOR FREBORG	✓		SENATOR SEYMOUR	✓	
V-CH- SENATOR G. LEE	✓		SENATOR TAYLOR	✓	
SENATOR ERBELE	✓				
SENATOR FLAKOLL	✓				

Total (Yes) 6 No 0

Absent

Floor Assignment Sen. Taylor

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

REPORT OF STANDING COMMITTEE (410)
February 15, 2005 1:02 p.m.

Module No: SR-30-2967
Carrier: Taylor
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1081, as engrossed: Education Committee (Sen. Freborg, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1081 was placed on the Fourteenth order on the calendar.