

HB 1531, in opposition

Chairman Heinert and members of the House Education Committee,

My name is Dr. Robert Newman. The views I share here are my own; I speak only for myself in this note, because I did not have time to prepare and vote on a response from the UND University Senate. I am a Professor at the University of North Dakota and the current Chair of the University Senate. I have been engaged in higher education since I began college in 1977 and I have enjoyed living and working in North Dakota for almost 30 years. I apologize for the late input, but the bill changed suddenly when I was attending a conference and I did not have a chance to respond promptly.

I oppose HB 1531 because it is not a remedy for any real problem, and because the bill creates serious problems by interfering with recruiting and student success, particularly of student who have less a lower probability of attending college. The ripple effects of this bill, should it become law, will be immediate and harmful.

Universities offer a wide range of scholarships targeting different needs. Academic record, financial need, military service, and athletics are familiar examples. In all cases, scholarships serve a number of purposes, including recruiting top students, and expanding access to higher education. Some students would simply not be able to attend university without a scholarship, which represents a significant, possibly life-long lost opportunity for a better life, a loss to the university in enrollment, and a loss to the state in workforce development. Losing the ability to offer a full range of scholarships will also make North Dakota universities less competitive in comparison with other schools. Other testimony will speak to the numbers. I encourage the committee to take a close look at the testimony provided by Faith Wahl, the UND Student Body President, and any others that dive into the financial hazards.

I offer a more philosophical perspective. The bill's sponsor, in oral testimony (2/8), offered as justification that this is a "civil rights" bill and that Dr. Martin Luther King would have co-sponsored the bill. I can't speak to the opinion of Dr. King, and neither can the sponsor. But the implication is that our society in 2023 is post-racial. As a country we have certainly made a lot of progress since the 1960's, when I watched the news coverage of the civil rights movement on tv with my Dad. But we are nowhere near post-racial. Centuries of discrimination and injustice leave durable impacts on the people who suffered. There is abundant evidence of this in housing, wealth accumulation, income, public health, and educational attainment. On the last point, "64% of White students graduate from four-year institutions within six years, compared with 40 % of Black, 54% of Hispanic, and 39% of Indigenous students (McKinsey & Co, 2022, <https://www.mckinsey.com/industries/education/our-insights/racial-and-ethnic-equity-in-us-higher-education#/>). It takes very little time on Google to find evidence for the other inequities.

The sponsor, in his oral testimony, also declared that physical appearance is not a meaningful difference. He is absolutely correct that skin pigmentation, ethnicity, cultural background, sex, and gender identity do not predict anything about ability and potential. We are all human. But the repercussions of our history of discrimination and inequity reverberates to the present day. Sadly, skin color does make a difference in how people are treated, in their lived experience, in the opportunities they encounter throughout life, and in the ability of individuals to attain strong academic records and appear “meritorious”. Until we achieve as a society equal opportunity for all, we have a responsibility to work towards that goal.

What does this have to do with scholarships? As I noted, scholarships target a range of strategic goals. We reward prior academic performance, we offer financial assistance to our military veterans, with gratitude for their service. We provide scholarships to some athletes, but not all, for the potential value they offer to our sports teams. Not everyone is a high achiever in GPA or standardized tests, or a veteran, or a top athlete, but I don’t hear anybody claiming that these targeted scholarships are unfair. Indeed, you may see them as prime examples of merit, and they are. What about first generation college students? Why should a first gen get something by luck of birth (their parents did not attend college)? Because a college degree is a path towards economic advancement and a scholarship increases the chance that these students will even go to college. It is about access to higher education, for students who are less likely to pursue it purely because of their circumstances.

The same can be said of scholarships targeted at underserved, underrepresented populations. Scholarships improve accessibility, mitigate the persistent impacts of historical inequities, and enhance a student’s chance of success. If you insist on a “merit” argument, I’ll make one based on what the bill’s sponsor spoke to – overcoming historical inequity to even dream of college, which would be hard to assess purely from test scores. Skin color, aka racial identity, is a meaningful measure of that form of merit. It is not meaningless, with respect to opportunity. And that is what scholarships can help with. Targeted scholarships are partial solutions to real problems.

Thank you for the opportunity to share my thoughts and I request that you vote “**Do Not Pass**”.