

**Testimony in Support of House Bill 1565
Enact a New Section to Chapter 15.1-01 and Amend Section 54-40.2-02**

By Duane Poitra, Belcourt School District #7 Business Manager

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**Chairman Heinert,
Vice Chair Schreiber-Beck
Members of the North Dakota House Education Committee,**

My name is Duane Poitra. I am the Belcourt School District #7 Business Manager. Thank you for the opportunity to provide testimony regarding the new section to chapter 15.1-01 of the North Dakota Century Code and proposed amendment to Section 54-40.2-02 of the North Dakota Century Code. This legislation holds the potential to foster stronger, more effective partnerships between tribal schools and public school districts, which is vital for ensuring that Native American students receive a high-quality education that respects both their cultural heritage and their academic needs.

1. Clarity and Respect for Sovereignty

First, it is essential to recognize and uphold the sovereignty of tribes in any agreement between public agencies such as school districts and tribal schools. The proposed new section to chapter 15.1-01 of the North Dakota Century Code relating to Nonbeneficiary students, as defined in the bill, are those enrolled in a tribally controlled school who are neither enrolled members of a federally recognized tribe nor biological children of a descendant member. Under the proposed new section to chapter 15.1-01, the Nonbeneficiary students would be provided with grant funds directed to a tribally controlled school to defray the cost of educating nonbeneficiary students.

The amendment to Section 54-40.2-02 seeks to clarify the roles of both school districts and tribes in collaborative agreements, particularly when it comes to enrollment of students in school districts from tribal schools receiving Bureau of Indian Education funding under the Tribally Controlled Schools Act of 1988. A tribally controlled school is a school run by individual federally recognized tribes with grants or contracts from the BIE under the Tribally Controlled Schools Act of 1988

As we strive for collaborative agreements between public school districts and tribally controlled schools, we must ensure that the unique rights and responsibilities of public schools and tribal governments (schools) are respected. The amendment's language should make clear that such agreements do not compromise the tribal schools' autonomy or decision-making authority. Tribes should retain full control over the educational policies and curriculum that serve their communities while maintaining the flexibility to work alongside school districts in a manner that benefits students.

2. Retaining School District Identity and Decision-Making

The bill's provision in its amendment requires the school district to "retain its identity and decision-making authority" is a prudent measure to maintain the integrity of the public school system's obligations under state law. Public school districts should honor and collaborate with tribal schools in ways that allow both entities to fulfill their respective duties under the law while addressing the needs of Native American students in the state of North Dakota.

The language in the bill ensures that any agreement explicitly delineates the authority of both the school district and the tribal school is retained for decision-making processes that respect both the tribal governance structures and the statutory obligations of the school district. Tribes must be equal partners in the agreements, and any collaboration must be built on mutual respect for both parties' educational objectives.

3. Ensuring Educational Equity, Clarification and Access

The proposed new section to chapter 15.1-01 and amendment to Section 54-40.2-02 could both play crucial roles in improving educational access and outcomes for Native American students by formalizing enrollment processes and expanding educational opportunities. As tribal schools and public school districts enter into agreements, it is vital that they do so with a shared commitment to providing high-quality, culturally relevant education. The Tribally Controlled Schools Act ensures that tribal schools have a distinct mission to incorporate Native culture and languages into the curriculum, and there are no lawful objection to this mission North Dakota public school districts.

The focus of any agreement of this nature should center on improving educational equity for Native students, which includes recognizing the value of tribal schools public schools coming together in meeting the unique educational needs of their students. These types of collaborations have been occurring for more than fifty years, this legislation simply clears the ambiguity in determining what is allowable. Amendments of Section 54-40.2-02 provide clarification as to what can actually transpire between public schools and North Dakota Tribes. Collaboration between public school districts and tribal schools ensures that Native American students have access to a well-rounded education, with opportunities for success both in traditional academic areas and in preserving their heritage... the best of both worlds.

4. Protecting Funding and Resources

In light of the potential enrollment of students into public school districts, the state and public school districts must commit to ensuring that the resources designated for Native American students remain targeted to support their educational needs, including for students enrolled under the Tribally Controlled Schools Act. This should be recognized by public school districts to ensuring that state and federal funding flows appropriately to support the quality of education in both public and tribal school settings, as these students should qualify for North Dakota educational funding as citizens of North Dakota.

It is essential to ensure Native American students have access to available educational funding, particularly regarding the allocation of federal and state resources that support Native American students' educational needs.

Closing,

The proposed legislation provides a means for the superintendent of public instruction to allocate grants to defray these costs. This funding will help ensure that tribally controlled schools are able to continue offering a high-quality education to all students, while mitigating financial challenges that may arise when educating students who do not belong to the tribe.

The proposed amendment to Section 54-40.2-02 offers an important opportunity to clarify and strengthen the educational partnerships between public school districts and tribally controlled schools. By ensuring clear, mutually respectful agreements, we can ensure that Native American students are provided with the educational opportunities they deserve, rooted in both academic excellence and cultural integrity.

I urge a **“do pass”** in moving forward with this legislation, ensuring that both the sovereignty of tribal nations and the responsibilities of public school districts are maintained while fostering a spirit of collaboration that benefits Native students across North Dakota.

Thank you for your time and consideration. I will stand for any questions.