



North Dakota House of Representatives

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Representative Collette Brown

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COMMITTEES:

Industry, Business and Labor
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Chairman Heirnert and esteemed Committee members, for the record, my name is Collette Brown, District 9 Representative, representing the TMBCI and the Spirit Lake Tribe.

Today, I stand before you with the honor of introducing my third bill to the Education Committee, on behalf of my Tribal Chairwoman, Lonna J. Street. Chairwoman Street has made a heartfelt appeal to the Tribal-State Relations Committee during the past interim, seeking assistance to address the perpetual deficit faced by Tate Topa school due to the costs incurred for non-beneficiary students.

HB1565 initial propose was an introduction of a grant program to support nonbeneficiary students enrolled in tribally controlled schools. This is crucial for addressing the unique educational needs of these students who do not qualify for tribal enrollment or funding.

However, after some discussions with a constituent from the Turtle Mountain Band of Chippewa Indians who suggested a different part of the ND century code that applies to the current situation with the Tate Topa School and to note he is here to provide testimony and support of the amendment.

Therefore, I would like to introduce an amendment to HB1565 which will amend and reenact section 54-40.2-02 of the North Dakota Century Code, relating to authorization for public agencies and tribes to enter into an agreement. On page 2 are the following amendments:

Line 4: removing the word "into"

Line 10: striking the words "into pursuant to" and adding **under**.

Line 13: striking the word into.

Line 14-17 adding: **or if the agreement permits the enrollment of students into a school district from a tribal school that is operating and receiving funding under the Tribally Controlled Schools Act of 1988, as amended [Pub. L. 100-297; 25 U.S.C. 2501 et seq.]**, the school district shall:

Line 18-20 adding: **Ensure the agreement clearly specifies the board of the school district will retain its identity and decision-making authority while fulfilling its statutory duties in accordance with state law.**

Line 22 removes the word "into"

Line 25: removes the word "into"

Line 26-27 removes the words "pursuant to" and adds the words **under**

Under these amendments it will allow ND Tribally Controlled schools to enter into agreements to assist with the costs of educating all students. These partnerships underscore the potential for success when we work together.

If the amended portion of HB1565 is accepted and enacted, it will mark a significant step towards increased state involvement in funding these essential educational institutions. This legislation, along with existing collaborative agreements, recognizes the vital importance of supporting these educational institutions ensuring that all students, regardless of their tribal status, have access to the education they deserve.

Thank you for your time and I have a letter from my Chairwoman of the Spirit Lake Tribe I would like to read.

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1565

Introduced by

Representatives Brown, Davis, Finley-DeVille, Holle, Ista, Murphy, Nelson

Senators Marcellais, Mathern

1 A BILL for an Act to create and enact a new section to chapter 15.1-01 of the North Dakota
2 Century Code, relating to establishing a grant program for the education of nonbeneficiary
3 students attending tribally controlled schools; and to amend and reenact section 54-40.2-02 of
4 the North Dakota Century Code, relating to authorization for public agencies and tribes to enter
5 an agreement.

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

7 **SECTION 1.** A new section to chapter 15.1-01 of the North Dakota Century Code is created
8 and enacted as follows:

9 **Tribally controlled schools - Grants for nonbeneficiary students.**

10 1. As used in this section:

11 a. "Nonbeneficiary student" means a student enrolled at a tribally controlled school
12 who is not:

13 (1) An enrolled member of a federally recognized Indian tribe; or

14 (2) A biological child of a descendant member of an Indian tribe.

15 b. "Tribally controlled school" means an elementary or secondary school in the state
16 receiving financial assistance from the bureau of Indian affairs under 25 U.S.C.
17 chapter 27.

18 2. The superintendent of public instruction shall provide a grant to a tribally controlled
19 school to defray the cost of educating nonbeneficiary students.

1 | **SECTION 2. AMENDMENT.** Section 54-40.2-02 of the North Dakota Century Code is
2 | amended and reenacted as follows:

3 | **54-40.2-02. Authorization to enter agreements - General contents.**

- 4 | 1. Any one or more public agencies may enter ~~into~~-an agreement with any one or more
5 | tribal governments to perform any administrative service, activity, or undertaking that
6 | any of the public agencies or tribal governments are authorized to perform by law and
7 | to resolve any disputes, in accordance with this chapter or any other law that
8 | authorizes a public agency to enter an agreement. The agreement must set forth fully
9 | the powers, rights, obligations, and responsibilities of the parties to the agreement.
- 10 | 2. The Indian affairs commission may propose agreements entered ~~into pursuant to~~under
11 | this chapter and may assist, at the request of any tribe affected by such an agreement,
12 | in the negotiation and development of such agreements.
- 13 | 3. If the public agency contemplating entering ~~into~~-an agreement under this chapter is a
14 | school district, or if the agreement permits the enrollment of students into a school
15 | district from a tribal school that is operating and receiving funding under the Tribally
16 | Controlled Schools Act of 1988, as amended [Pub. L. 100-297; 25 U.S.C. 2501 et
17 | seq.], the school district shall:
- 18 | a. Ensure the agreement clearly specifies the board of the school district will retain
19 | its identity and decisionmaking authority while fulfilling its statutory duties in
20 | accordance with state law;
- 21 | b. Provide written notice to the superintendent of public instruction that it is
22 | contemplating entering ~~into~~-an agreement under this chapter; and
- 23 | ~~b.c.~~ Consider written recommendations that the superintendent makes regarding the
24 | agreement.
- 25 | 4. This chapter does not apply to agreements entered ~~into~~-under section 24-02-02.3 and
26 | chapter 54-38 or agreements entered with one or more tribal governments ~~pursuant-~~
27 | ~~to~~under a state or federally funded program or other activity, including any publicly
28 | announced offer of a grant, loan, request for proposal, bid, or other contract originating
29 | with a public agency, for which the tribal government is otherwise eligible under
30 | federal, state, or local law.