

2009 HOUSE EDUCATION

HCR 3061

## 2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HCR 3061

House Education Committee

Check here for Conference Committee

Hearing Date: March 3, 2009

Recorder Job Number: 10064

Committee Clerk Signature

*Carmen Hart*

Minutes:

**Chairman Kelsch:** Prime sponsors had meetings today at the Ramkota. They had told Rep. Boucher but he forgot about it and when he brought it to me this morning, I told him I would basically have to go ahead and open the hearing on 3061 and see if anyone is interested in testifying today. Otherwise, we are going to hold it open until tomorrow about 11:15-11:30.

## 2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HCR 3061

House Education Committee

Check here for Conference Committee

Hearing Date: March 4, 2009

Recorder Job Number: 10173

Committee Clerk Signature

*Carmen Hart*

Minutes:

**Chairman Kelsch:** We did pass out of here a study resolution regarding Native Americans and Native American studies. This one looks like it is a little bit more comprehensive and a little bit better written than the first one. Take that into consideration when we hear the testimony.

**Rep. Mike Schatz:** Which one is the first one?

**Chairman Kelsch:** We had a bilingual studies one and we had the other Native American studies one. 3004

**Rep. David Rust:** Didn't we have a bill dealing with contractual options? Someone answered yes. Does this kind of incorporates maybe 1552 as well?

**Chairman Kelsch:** It looks that way. We will find out as soon as he gets down here.

**Cheryl Kulas, Director of ND Indian Affairs Commission,** appeared. As we looked at 3061 and 3004, 3004 really focuses in on just the issue of Indian education. Both of these bills need to be separated. Education itself is a topic large enough that it has its issues. This is much broader. We support this bill as well. It is critical to the work that we are doing.

**Rep. Merle Boucher, District 9,** appeared. Senate Education Committee recommended a Do Pass on HCR 3004 which House Education Committee had approved earlier. HCR 3004 passed today talks about a lot of issues of Indian education including the delivery system and

also what goes on in terms of programming and measurement of what is happening in Indian country in regards to education. We all need to spend a little more time understanding the educational structure. That is what HCR 3061 is attempting to do. Have us take the time to look at the educational delivery systems that exist out there in Indian country, how they are structured, and how they are acknowledged in ND Century Code because ND Century Code plays a very significant role in the issue that I brought before you. Before we can really do a fair and appropriate assessment of how we want to get involved, we have to step back and take a look at how these schools are structured. In the general world of education we have public schools which are district schools. We have parochial schools or Catholic schools and other religious denominations that are religious schools. We have other types of private schools that exist out there. We know that delivery system because we are very familiar with it. I am asking you to give 3061 a favorable recommendation so that we can put this in the mix of educational studies that we are going to hopefully undertake during the interim so that when we come back the next legislative session, more and more legislators will understand the definition of a district school, federal school, and contract school and how that works. I would also like us to take a fairer approach and remind you so we understand that all Indian kids who live in Indian communities around the state of North Dakota are counted in our student census and the role that they play as we make determinations like per pupil payments and so forth. Then, in turn, how those per pupil payments are distributed and paid out and why, in some cases, they are not paid out.

**Rep. David Rust:** The difference between 3061 and 3004, what it is?

**Rep. Boucher:** The primary difference and I really think they can be put together on the same table and be a part of the same study. It could go to the tribal state or it could go to education or we could both look at it jointly. The big significant difference is in 3061 we are looking at the

structure and delivery systems of those schools that are out there. When we get done with 3061, I hope people do understand district schools and how they are organized, federal schools, what they are and how they work, and tribal contract schools and how they exist and work.

There was no opposition.

The hearing was closed.

**Rep. Jerry Kelsh** moved a **Do Pass**. **Rep. Corey Mock** seconded the motion.

**DO PASS AND PLACED ON CONSENT CALENDAR. 13 YEAS, 1 NAY.** **Rep. Jerry Kelsh** is the carrier of the bill.

Date: 3-4-09  
Roll Call Vote #: \_\_\_\_\_

**2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES**  
BILL/RESOLUTION NO. 3061

House Education Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken  Do Pass  Do Not Pass  Amended

Motion Made By Rep. Kelsh Seconded By Rep. Mock

Representatives	Yes	No	Representatives	Yes	No
Chairman RaeAnn Kelsch	✓		Rep. Lyle Hanson	✓	
Vice Chairman Lisa Meier	✓		Rep. Bob Hunsakor	✓	
Rep. Brenda Heller	✓		Rep. Jerry Kelsh	✓	
Rep. Dennis Johnson	✓		Rep. Corey Mock	✓	
Rep. Karen Karls	✓		Rep. Phillip Mueller	✓	
Rep. Mike Schatz	✓		Rep. Lee Myxter	✓	
Rep. John D. Wall	✓				
Rep. David Rust		✓			

Total (Yes) 13 No 1

Absent \_\_\_\_\_

Floor Assignment Rep Kelsh

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

On Consent calendar

**REPORT OF STANDING COMMITTEE**

**HCR 3061: Education Committee (Rep. R. Kelsch, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HCR 3061 was placed on the Tenth order on the calendar.**

2009 SENATE EDUCATION

HCR 3061



## 2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 3061

Senate Education Committee

Check here for Conference Committee

Hearing Date: March 23, 2009

Recorder Job Number: 11361 (audio recording is very difficult to hear)

Committee Clerk Signature

Minutes:

Chairman Freborg opened the hearing on HCR 3061. All members were present.

Representative Boucher was unable to attend the hearing since he was at home dealing with the flood.

Cheryl Kulas, North Dakota Indian Affairs Commission, testified in favor of the resolution. Over the past legislative session there have been a number of education related bills. At the Indian Affairs Commission, they have worked for 9 years looking for a more comprehensive approach. Last year they met with the governor and a number of agencies to look the system from preschool to college. They need to track the schools closely and identify those in most need of improvement. This would be a very timely study.

Senator Flakoll asked what "utilizing contracted options" means.

Cheryl Kulas said the bill addresses the concerns with schools that are "cooperative schools" that receive state foundation aid or the JPA authorized schools. Governance is an issue. The contracts proposal would be as defined last biennium. On the Turtle Mountain Reservation, all the schools in the area are heavily impacted including Rolette and Rolla. She wants to determine how we can better support those kids.

Fern Pokorny, North Dakota Education Association testified in favor of the bill. This is similar language to HCR 3004. She urges the committee to pass this resolution as well so the Legislative Council understands how critical it is to study Indian education on and off the reservation. It is important to study governance and funding issues and make it a primary issue next interim. It will take a lot of study.

Chairman Freborg closed the hearing on HCR 3061.

Senator Flakoll moved a Do Pass on HCR 3061, seconded by Senator Taylor.

The motion passed 5 – 0. Senator Taylor will carry the resolution.

Date: 3/23/09 :  
 Roll Call Vote #: 1 :

**2009 SENATE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. 3061**

Senate Education Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass

Motion Made By Sen. Flakoll Seconded By Sen. Taylor

Senators	Yes	No	Senators	Yes	No
Senator Freborg	✓		Senator Taylor	✓	
Senator Gary Lee	✓		Senator Bakke	✓	
Senator Flakoll	✓				

Total (Yes) 5 No 0

Absent 0

Floor Assignment Sen. Taylor

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

**REPORT OF STANDING COMMITTEE (410)**  
March 23, 2009 10:53 a.m.

**Module No: SR-52-5537**  
**Carrier: Taylor**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HCR 3061: Education Committee (Sen. Freborg, Chairman) recommends DO PASS**  
(5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3061 was placed on the  
Fourteenth order on the calendar.