2025 HOUSE EDUCATION

HB 1565

2025 HOUSE STANDING COMMITTEE MINUTES

Education Committee
Coteau AB Room, State Capitol

HB 1565
2/4/2025

Relating to establishing a grant program for the education of nonbeneficiary students attending tribally controlled schools.

3:29 p.m. Chairman Heinert called the hearing to order.

Members Present: Chairman Heinert, Vice Chairman Schreiber- Beck, Representatives, Conmy, Hager, Hatlestad, Hauck, Heilman, Jonas, Longmuir, Maki, Marchall, Morton, Novak, Osowski

Discussion Topics:

- Tribally controlled schools
- Possible grants for non-beneficiary students

3:29 p.m. Representative Brown introduced the bill in favor. #34762

3:37 p.m. Duane Poitra, Business Manager for Belcourt School, testified in favor and submitted testimony. #34507

3:51 p.m. Representative Finley-DeVille, testified in favor and submitted testimony. #34559

3:54 p.m. Senator Richard Marcellais, testified in favor and submitted testimony. #33146

Additional written testimony:

Jayme Davis, Representative, North Dakota Legislative Assembly, submitted testimony in support. #34332

Nicole Donaghy, Executive Director, North Dakota Native Vote, submitted testimony in support. #34593

Jackie Thompson, Superintendent, Tate Topa Tribal School, submitted testimony in support. #34659

Lonna Street, Chairwoman, Spirit Lake Tribe, submitted testimony in support. #34766

3:56 p.m. Chairman Heinert closed the hearing.

Addison Randazzo for Leah Kuball, Committee Clerk

Senator Richard Marcellais
Senate District 9
Testimony for HB 1565

Chairman Heinert, members of the House Education committee, my name is Richard Marcellais North State Senator in District 9.

As North Dakota State Senator in District 9 two (2) tribal nations are in my district which are Spirit Lake Nation and Turtle Mountain Band of Chippewa Indians. Therefore, I am asking for passage of HB1565 that would assist with the funding with Tribally controlled schools.

I am here today to testify in favor of HB 1565 and ask for your concurrence.
I will try an answer any questions you may have.

Legislative Assembly

North Dakota
House of Representatives

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360

Representative Jayme Davis
District 9
601 John Street
Rolette, ND, 58366-7209
jdavis@ndlegis.gov

COMMITTEES:
Human Services
Political Subdivisions

February 4, 2025

Good Afternoon Chairman Heinert, Vice Chair Schreiber-Beck and members of the committee, thank you for the opportunity to speak in support of House Bill 1565. This bill is a step toward fairness and sustainability in education, ensuring that tribally controlled schools receive the necessary support to educate all students who walk through their doors, regardless of their enrollment status in a federally recognized tribe.

For years, tribally controlled schools have played a crucial role in educating students in North Dakota, not just Native students, but all who seek a quality education in their communities. However, unlike public schools, which receive state funding based on total enrollment, tribally controlled schools rely on federal funding that only accounts for tribal-enrolled students. This creates a gap, leaving these schools to bear the financial burden of educating nonbeneficiary students without the resources to fully support them. If a child is enrolled in a school, they should receive the same level of investment in their education as their peers, regardless of whether they meet a federal definition.

House Bill 1565 does not seek special treatment for these schools; it seeks a practical and responsible solution. The state has long recognized the importance of funding public education equitably, and this bill extends that principle to tribally controlled schools. These institutions are often the most viable or accessible option for many families, and they should not be financially penalized for providing education to all who need it. This is a common-sense

measure that ensures no student is left behind simply because of a technical funding loophole.

Education should never be a partisan issue. When we invest in students, we invest in our communities and our future workforce. This bill reflects North Dakota's commitment to educational opportunity and fairness, supporting schools that are already doing the hard work of serving diverse populations.

By passing House Bill 1565, we ensure that every student attending a tribally controlled school—whether they are a tribal member or not—has access to the full resources and quality education they deserve. I urge the committee to advance this bill and demonstrate our state's dedication to education that works for everyone.

Thank you Mr. Chairman and I will stand for any questions.

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 **February 4, 2025**

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.

Testimony of Representative Finley-DeVille

In support of House Bill 1565

Chairman Heinert and members of the House Education Committee, my name is Representative Lisa Finley-DeVille. I represent District 4A, which includes MHA Nation. Thank you for the opportunity to speak in support of HB 1565, which aims to establish a grant program to help tribally controlled schools in North Dakota cover the costs of educating nonbeneficiary students. Non-beneficiary students are defined as "those who are neither enrolled members of a federally recognized tribe nor biological children of tribal descendants."

At the North Dakota Tribal and State Relations committee meeting that I served on in 2024 and 2025, Chairwoman Lonna Street did request for help to fund the 54 nonbeneficiary students attending the Four Winds School. These numbers reflect a growing need for financial support to help these schools manage the additional cost of educating Nonbeneficiary students.

Tribally controlled schools play an important role in serving Native American students, but they also educate many non-Native children. Some Native American children may not meet the specific blood quantum requirements necessary for enrollment in their tribes, but they still live in Native communities and attend these schools. Additionally, non-Native children also attend tribally controlled schools. These schools offer a unique, culturally enriched environment where students learn about Native traditions, history, and language, while receiving a quality education.

HB 1565 ensures that all students attending tribal schools, whether Native American or non-Native, have access to the resources and support they need to succeed. The grant program will help cover the costs of educating nonbeneficiary students, making sure they receive the same high-quality education as their peers. Nonbeneficiary students often do not qualify for the same funding as Native American students, and this bill addresses that gap by providing necessary resources.

Tribal schools face unique funding challenges, as they are primarily funded to educate Native American students. The additional costs of educating nonbeneficiary students can strain their budgets, which is why this grant program is needed. By providing targeted funding for these schools, we help ensure that they can continue offering a rich educational experience for all students, without sacrificing the quality of education for Native American children.

Another important benefit of these schools is the opportunity for non-Native students to learn about Native American culture and heritage. Tribally controlled schools offer a curriculum that incorporates Native American traditions, languages, and history—something that is not found in other schools in the state. Non-Native students attending these schools have a unique opportunity to gain a deeper understanding of Native American culture, which promotes greater respect and cooperation between different communities.

Thank you for your time and consideration, I ask that you give HB 1565 a Do Pass recommendation.

Tribal and ND State Relations Committee

North Dakota Native Vote
919 S 7th Street
Suite 603
Bismarck, ND 58504

Testimony of Nicole Donaghy, Executive Director
North Dakota Native Vote
In Support of House Bill 1565

Chairman Heinert and Members of the House Education Committee

Thank you for the opportunity to provide testimony in support of House Bill 1565. This bill seeks to establish a grant program to support the education of nonbeneficiary students attending tribally controlled schools and amends provisions related to agreements between public agencies and tribal governments. House Bill 1565 is a critical step toward lessening the achievement gap, strengthening tribal-state collaboration, and ensuring access to quality education for all students in North Dakota.

Tribal schools provide a culturally responsive education to Native students while also serving nonbeneficiary students who may lack access to other educational resources. However, the financial burden of educating nonbeneficiary students places strain on these schools' resources. Establishing a state grant program will address this challenge by providing necessary funding, ensuring these schools can continue to meet the needs of their communities without compromising educational quality or sustainability. This solution promotes fairness by affirming that all students, regardless of background, have access to quality educational opportunities.

The amendments to Section 54-40.2-02 of the North Dakota Century Code further facilitate effective partnerships between public agencies and tribal governments. By clarifying the authority to enter into agreements while preserving local decision-making, the bill advances cooperative governance. Such partnerships are essential for addressing shared challenges and advancing the well-being of all learners through collaborative solutions.

In addition to their educational mission, tribal schools serve as vital centers for cultural preservation and community development. This bill acknowledges their unique role in supporting Native American heritage and recognizes the importance of maintaining these institutions as safe learning environments for all students. Ensuring that these schools have the resources to fulfill their mission benefits not only the students they serve but also the broader community.

House Bill 1565 represents a forward-thinking response to the challenges faced by tribal schools and reflects North Dakota's commitment to educational equity, cultural preservation, and effective governance. I respectfully ask that the House Education Committee give HB 1565 a Do Pass recommendation and advance it for the benefit of all students and communities in our state.

Thank you for your time and consideration.

Tate Topa Tribal School

Box 199 • 7268 Hwy 57 • Fort Totten, ND 58335 • 701-766-1403

Dear Honorable Legislative Assembly,

Superintendent, Jackie Thompson and myself, Perry Kopp, Business Manager are writing this testimony for the support of House Bill 1565. Our District Representative, Collette Brown has been working with Tate Topa Tribal School since bringing forth this legislation and collecting our input and information for this proposal. Standing Rock Tribal School has also provided information on none countable students and Mr. Duane Poitra, Business Manager for Turtle Mountain schools has provided us with a wealth of knowledge on this Bill.

Tate Topa School Tribal School Board and administration fully support this legislation and do hope this bill will pass and provide funding for the students who don't qualify for federal funding and attend Tate Topa or other tribal schools. This legislation has been due to the tribal schools for some time as a student who generates no funding has the expenses for them picked up from other ISEP students who receive funding thus making a shortfall.

Due to wording in the ND century code our school is categorized as a private school of which there are no similarities funding or otherwise. Whether the funding is granted to the school directly or comes through the District #30 public school the funding would supply needed funded for the students presently generating nothing.

The non funded student also resides in the State of North Dakota and certainly should be awarded the funding any public school receives per student. Tate Topa has 46 non countable students and the information received from Standing Rock Schools is 33 and each student should generate about $11,500.00 per year. Tate Topa stands to lose $529,000.00 an amount that is very hard to absorb from other students funding!

These funds would also help our school and any other tribal school to be able to offer a competive salary and benefits to recruit the few teachers available. With the information provided we would think you can understand our situation and your roll in funding students who live within the state. If any questions please feel free to contact Mrs. Thompson or myself at 701 766 1483 or Jackie.Thompson@k12.nd.us or Perry Kopp at 701 766 1470. Thank you so much for your time and we are honored that we are able to provide this information to our North Dakota Legislative Assembly.

Sincerely,

Jackie Thompson, Superintendent

P. Kopp

Perry Kopp, Business Manager

Legislative Assembly

North Dakota House of Representatives

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360

Representative Collette Brown
District 9 (SLT/TMBCI)
3395 89th Avenue NE
Warwick, ND, 58381-9409
cbrown@ndlegis.gov

COMMITTEES:
Industry, Business and Labor
Government and Veterans Affairs

February 4, 2025

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.

25.0927.02001
Title.

Prepared by the Legislative Council
staff for Representative Brown
January 29, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1565

Introduced by

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

Senators Marcellais, Mathern

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

Tribally controlled schools - Grants for nonbeneficiary students.

1. As used in this section:
   a. "Nonbeneficiary student" means a student enrolled at a tribally controlled school who is not:
      (1) An enrolled member of a federally recognized Indian tribe; or
      (2) A biological child of a descendant member of an Indian tribe.
   b. "Tribally controlled school" means an elementary or secondary school in the state receiving financial assistance from the bureau of Indian affairs under 25 U.S.C. chapter 27.
2. The superintendent of public instruction shall provide a grant to a tribally controlled school to defray the cost of educating nonbeneficiary students.

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

54-40.2-02. Authorization to enter agreements - General contents.

1. Any one or more public agencies may enter ~~into~~ an agreement with any one or more tribal governments to perform any administrative service, activity, or undertaking that any of the public agencies or tribal governments are authorized to perform by law and to resolve any disputes, in accordance with this chapter or any other law that authorizes a public agency to enter an agreement. The agreement must set forth fully the powers, rights, obligations, and responsibilities of the parties to the agreement.
2. The Indian affairs commission may propose agreements entered ~~into pursuant to~~under this chapter and may assist, at the request of any tribe affected by such an agreement, in the negotiation and development of such agreements.
3. If the public agency contemplating entering ~~into~~ an agreement under this chapter is a school district, 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:
   a. Ensure the agreement clearly specifies the board of the school district will retain its identity and decisionmaking authority while fulfilling its statutory duties in accordance with state law;
   b. Provide written notice to the superintendent of public instruction that it is contemplating entering ~~into~~ an agreement under this chapter; and
   ~~b.~~c. Consider written recommendations that the superintendent makes regarding the agreement.
4. This chapter does not apply to agreements entered ~~into~~ under section 24-02-02.3 and chapter 54-38 or agreements entered with one or more tribal governments ~~pursuant to~~under a state or federally funded program or other activity, including any publicly announced offer of a grant, loan, request for proposal, bid, or other contract originating with a public agency, for which the tribal government is otherwise eligible under federal, state, or local law.

SPIRIT LAKE TRIBE

P.O. BOX 359 • FORT TOTTEN, ND 58335 • PHONE 701-766-4221 • FAX 701-766-4126

February 4, 2025

Testimony in Support of HB 1565
Chairwoman Lonna Street, Spirit Lake Tribe

I write to you today on behalf of the Spirit Lake Tribe in strong support of House Bill 1565, a critical piece of legislation that seeks to establish funding for non-beneficiary students attending tribally controlled schools in North Dakota. This bill addresses a long-standing funding gap that has placed an undue burden on tribal schools, which are already significantly underfunded compared to state public schools.

At Tate Topa Tribal School on the Spirit Lake Reservation, we educate many students who reside within our community but are not eligible for tribal enrollment due to blood quantum requirements. Because they do not meet the criteria for federal funding designated for tribal students, our schools receive no financial support for their education. Despite this, we do not turn these students away—we educate them alongside enrolled tribal members because they are part of our community. However, the financial strain of absorbing these costs without adequate state or federal funding has stretched our limited resources and disproportionately affects the level of support and care we can provide to our students.

It is important to recognize these children simply as children in need of an education, not just as Native or non-Native students. Public school students on Spirit Lake receive $11,072 per student under the state-funded school system. Meanwhile, the tribally controlled school, operating within the same building, receives $11,072 per enrolled student but $0 for non-enrolled students. This inequity leaves a significant gap in resources, forcing the school to absorb the costs without additional funding. These students do not fall under the purview of federal Indian Education funding due to not being tribally enrolled, yet they are still part of our community and deserve equitable access to educational resources.

State-funded public schools do not face this same burden, as they receive per-pupil funding for every student they enroll. Meanwhile, tribal schools are expected to educate non-beneficiary students without any corresponding funding, creating an inequitable system that disadvantages Native-serving institutions. Additionally, many tribal schools, including Tate Topa, lack the financial means to provide necessary secondary-level student support services, further limiting opportunities for academic success.

The passage of HB 1565 would correct this inequity by ensuring that tribally controlled schools receive grant funding to help cover the costs of educating non-beneficiary students. This investment would directly benefit students, allowing tribal schools to hire additional teachers, expand educational programming, and provide essential student support services that many of our schools currently cannot afford.

I urge this committee to advance HB 1565 and recognize the importance of equitable funding for all students within North Dakota's educational system. Our tribal schools are doing their part to serve every child in our communities—we ask that the state do its part in ensuring they have the resources to do so.

Thank you for your time and consideration.

Sincerely,

Lonna J. Street – Chairwoman Spirit Lake Tribe

2025 HOUSE STANDING COMMITTEE MINUTES

Education Committee
Coteau AB Room, State Capitol

HB 1565
2/5/2025

Relating to establishing a grant program for the education of nonbeneficiary students attending tribally controlled schools.

5:01 p.m. Chairman Heinert called the hearing to order.

Members Present: Chairman Heinert, Vice Chairman Schreiber- Beck, Representatives, Conmy, Hager, Hatlestad, Hauck, Heilman, Jonas, Longmuir, Maki, Marchall, Morton, Novak, Osowski

Discussion Topics:

- Committee action

5:06 p.m. Representative Conmy moved Amendment LC#25.0927.02001.

5:06 p.m. Representative Novak seconded the motion.

Representatives	Vote
Representative Pat D. Heinert	Y
Representative Cynthia Schreiber-Beck	Y
Representative Liz Conmy	Y
Representative LaurieBeth Hager	Y
Representative Patrick R. Hatlestad	Y
Representative Dori Hauck	Y
Representative Matthew Heilman	Y
Representative Jim Jonas	Y
Representative Donald W. Longmuir	Y
Representative Roger A. Maki	Y
Representative Andrew Marschall	Y
Representative Desiree Morton	Y
Representative Anna S. Novak	Y
Representative Doug Osowski	Y

Motion Caried: 14-0-0

5:07 p.m. Representative Conmy moved Do Pass as amended and rereferred to appropriations.

5:08 p.m. Representative Jonas seconded the motion.

5:11 p.m. Representative Conmy rescinded her motion.

5:12 p.m. Representative Morton moved Do Not Pass as Amended.

5:12 p.m. Representative Heilman seconded the motion.

Representatives	Vote
Representative Pat D. Heinert	Y
Representative Cynthia Schreiber-Beck	Y
Representative Liz Conmy	N
Representative LaurieBeth Hager	N
Representative Patrick R. Hatlestad	Y
Representative Dori Hauck	Y
Representative Matthew Heilman	Y
Representative Jim Jonas	Y
Representative Donald W. Longmuir	Y
Representative Roger A. Maki	Y
Representative Andrew Marschall	Y
Representative Desiree Morton	Y
Representative Anna S. Novak	Y
Representative Doug Osowski	N

Motion Caried: 11-3-0

Bill Carrier: Representative Heilman

5:15 p.m. Chairman Heinert closed the hearing.

Addison Randazzo for Leah Kuball, Committee Clerk

25.0927.02001
Title.03000

Prepared by the Legislative Council staff for Representative Brown
January 29, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

2-6-25
1 of 2

HOUSE BILL NO. 1565

Introduced by

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

Senators Marcellais, Mathern

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

Tribally controlled schools - Grants for nonbeneficiary students.

1. As used in this section:
   a. "Nonbeneficiary student" means a student enrolled at a tribally controlled school who is not:
      (1) An enrolled member of a federally recognized Indian tribe; or
      (2) A biological child of a descendant member of an Indian tribe.
   b. "Tribally controlled school" means an elementary or secondary school in the state receiving financial assistance from the bureau of Indian affairs under 25 U.S.C. chapter 27.
2. The superintendent of public instruction shall provide a grant to a tribally controlled school to defray the cost of educating nonbeneficiary students.

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

54-40.2-02. Authorization to enter agreements - General contents.

1. Any one or more public agencies may enter ~~into~~ an agreement with any one or more tribal governments to perform any administrative service, activity, or undertaking that any of the public agencies or tribal governments are authorized to perform by law and to resolve any disputes, in accordance with this chapter or any other law that authorizes a public agency to enter an agreement. The agreement must set forth fully the powers, rights, obligations, and responsibilities of the parties to the agreement.
2. The Indian affairs commission may propose agreements entered ~~into pursuant to~~under this chapter and may assist, at the request of any tribe affected by such an agreement, in the negotiation and development of such agreements.
3. If the public agency contemplating entering ~~into~~ an agreement under this chapter is a school district, 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:
   a. Ensure the agreement clearly specifies the board of the school district will retain its identity and decisionmaking authority while fulfilling its statutory duties in accordance with state law;
   b. Provide written notice to the superintendent of public instruction that it is contemplating entering ~~into~~ an agreement under this chapter; and
   ~~b.~~c. Consider written recommendations that the superintendent makes regarding the agreement.
4. This chapter does not apply to agreements entered ~~into~~ under section 24-02-02.3 and chapter 54-38 or agreements entered with one or more tribal governments ~~pursuant to~~under a state or federally funded program or other activity, including any publicly announced offer of a grant, loan, request for proposal, bid, or other contract originating with a public agency, for which the tribal government is otherwise eligible under federal, state, or local law.

REPORT OF STANDING COMMITTEE
HB 1565

Education Committee (Rep. Heinert, Chairman) recommends **AMENDMENTS (25.0927.02001)** and when so amended, recommends **DO NOT PASS** (11 YEAS, 3 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). HB 1565 was placed on the Sixth order on the calendar.