

TO: HB 1395 Bill Sponsors
Senator Tim Flakoll
Senator Rich Wardner
Representative Jim Kasper
Representative Tracy Boe
Representative Dawn Marie Charging
Representative Dennis Johnson

FROM: William G. Goetz, Chancellor

DATE: February 13, 2008

RE: HB 1395 Implementation

As the sponsors of HB 1395, I wanted you to know that we have completed plans for the administration of the tribal college assistance grants made possible by the bill. Implementation issues were identified and resolved in a number of interactions with tribal college representatives. To our knowledge, all of the issues have been resolved to the satisfaction of the tribal colleges. For your information a copy of the SBHE policy, NDUS procedure and grant application form are attached. We are proud of the system's role in implementing this important new program.

Discussions with tribal college representatives have identified an issue for future legislative consideration. The bill requires a report on the ethnic status of students. Since the determination of ethnic status is self-reported by the student, ethnic status information may conflict with federal beneficiary status, the federal program that HB 1395 was designed to complement. For example, students may describe their ethnicity as "American Indian" when they are not an officially enrolled member of a federally recognized Indian tribe. The federal beneficiary program is based on tribal membership, not ethnicity, thus non-beneficiary student enrollments will not reconcile with the ethnicity report as probably expected in HB 1395. Since the ethnic status of students will provide conflicting information, at best, consideration should be given to removing it as a legislated requirement. Tribal colleges must certify that they are not seeking reimbursement for any federal beneficiary student under the new state program.

Please let me know if you have any questions about our plans to implement HB 1395.

xc: Governor John Hoeven

Memo to Sponsors of HB 1395
February 13, 2008
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Dr. Cynthia Lindquist, President, CCCC
Russell D. Mason, Jr., President, FBCC
Dr. Laurel Vermillion, President, SBC
Dr. Jim Davis, President, TMCC
Dr. David Gipp, President, UTTC
Sponsors of SB 2404

Senator Richard Marcellais
Senator Joan Heckaman
Senator John Warner
Representative Merle Boucher
SBHE Members

Attachments:

SBHE Policy 1913
NDUS Procedure 1913

NORTH DAKOTA

UNIVERSITY SYSTEM

The Vital Link to a Brighter Future

TO: Dr. Cynthia Lindquist, president, Cankdeska Cikana Community College
Mr. Rusty Mason, president, Fort Berthold Community College
Dr. Laurel Vermillion, president, Sitting Bull College
Dr. Jim Davis, president, Turtle Mountain Community College
Dr. David Gipp, president, United Tribes Technical College

FROM: William Goetz, Chancellor *WJ*

DATE: April 21, 2008

RE: Tribal College Assistance Grant Payment for AY 2007-08 – HB1395

Thank you all for the timely submission of your institution's Application for North Dakota Tribal College Reimbursement forms. My staff has reviewed the required documentation and verified a total of 95.54 FTE students met the definition of "nonbeneficiary students" as reported by your institutions, i.e., FBCC – 15.67, CCCC – 4.75, TMCC – 31.58, SBC – 10.13, and UTTC – 33.42 students. Section 6 – the Appropriation section of HB1395, states that no more than \$350,000 may be expended during the first year of the biennium. Based upon the annual allocation for this program and the number of total FTE nonbeneficiary students reported, the per student allocation equals \$3,663. Thus, enclosed please find the grant payment for your institution.

As a reminder, I am enclosing a copy of the application forms used this awarding cycle and specifically call your attention to Attachment 2 – Expenditure and Audit report, Part 1, 2, and 3, which your institution will be required to report next application cycle as to how the 2007-08 grant payment was used.

Lastly, I understand that all five tribal college presidents meet on a regular basis and I would appreciate the opportunity to be a part of your next agenda to visit about the implementation of this program and to dialogue with you further about suggested legislative changes and audit reporting relative to HB1395. Please contact my assistant, Terry Meyer, for scheduling. Her phone number is (701) 328-2963 and her e-mail address is terry.meyer@ndus.nodak.edu.

xc: HB 1395 Bill Sponsors
Senator Tim Flakoll
Senator Rich Wardner

State Capitol - 600 E. Boulevard Ave., Dept. 215, Bismarck, ND 58505-0230
Phone: 701.328.2960 • Fax: 701.328.2961
E-mail: NDUS.office@ndus.nodak.edu • Web: www.ndus.nodak.edu

The North Dakota University System is governed by the State Board of Higher Education and includes:
Bismarck State College • Dickinson State University • Lake Region State College • Mayville State University •
Minot State University • Minot State University-Bottineau Campus • North Dakota State College of Science •
North Dakota State University • University of North Dakota • Valley City State University • Williston State College.

Memo to Tribal College Presidents - Tribal College Assistance Grant Payment
April 21, 2008
Page #2

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Senator Joan Heckaman
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Governor John Hoeven
SBHE Members

Enclosures

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NORTH DAKOTA

UNIVERSITY SYSTEM

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SBHE Policies

SUBJECT: MISCELLANEOUS

EFFECTIVE: September 20, 2007

Section: 1913 Tribal College Assistance Grants

The North Dakota legislature in chapter 15-70 of the North Dakota Century Code established a program for supplemental grant assistance to North Dakota tribal colleges for non-beneficiary students. The colleges are to submit grant applications to the Board and the Board is to make grants to tribal colleges. The chancellor is delegated full authority to manage this program and shall adopt an implementing procedure.

REFERENCE: N.D.C.C. chapter 15-70

HISTORY: New Policy. SBHE Minutes, September 20, 2007.

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NORTH DAKOTA

UNIVERSITY SYSTEM

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NDUS Procedures

SUBJECT: MISCELLANEOUS

EFFECTIVE: September 05, 2007

Procedure: 1913 Tribal College Assistance Grants

1. The North Dakota legislature in chapter 15-70 of the North Dakota Century Code established a supplemental grant assistance program to make grant payments to North Dakota tribal colleges for nonbeneficiary students. Subject to available appropriations, the Board is to make grants to eligible tribal colleges following application in the manner approved by the Board.
2. Application for grants shall be made by tribal colleges on the form attached to this Procedure 1913 as Appendix 1. Applications shall be made on an annual basis and are due in the North Dakota University System office not later than March 15 each year. Applications shall be based on an entire year (including summer session, for institutions that have a summer session) and include:
 - a. The name and current and permanent addresses of each student for which grant assistance is claimed;
 - b. Number of credit hours for which each listed student is enrolled at the end of the sixth calendar week for fall and spring semesters and the end of the summer term or terms;
 - c. Ethnic status (based on IPEDS categories) of each listed student; and
 - d. Other information requested on the form.

Applications must include certification of state residency, enrollment and non-beneficiary status of each listed student and a copy of the institution's latest audit report. In addition, a college that previously received a supplemental grant assistance payment must also submit an accurate and detailed account of expenditures of the grant funds received by the institution under this program, as outlined in the application. Incomplete applications shall be returned to the college for completion.

3. Grant payments shall be made directly to tribal colleges, on or about April 15 each year. Payments shall be calculated based on eligible full-time equivalent (FTE) students for the entire year, including summer term or terms. The grant year shall be July 1 to June 30, but all summer term enrollments shall be included in the same grant year as fall enrollments for that year. Payments per student shall be in the amount specified by law or, if available appropriations are insufficient to make payments in the specified amount, a lesser, prorated amount per FTE nonbeneficiary student. Total payments in the first year of a biennium may not exceed one-half of funds appropriated for the biennium. A payment may not be made until the college has submitted a completed application that includes all required reports, documentation and certifications.
4. Definitions.
 - a. "Nonbeneficiary student" means a resident of North Dakota enrolled in a tribally-controlled community college but not an enrolled member of a federally recognized Indian tribe.

- b. "Full-time equivalent" (or "FTE") means 24 credit hours per fiscal year.
- c. "Credit hour" means only degree credits and excludes all non-degree credits.

STATUTORY REFERENCE: N.D.C.C. chapter 15-70

REFERENCE: SBHE Policy 1913

HISTORY: Chancellor's Cabinet Meeting, September 5, 2007. Additional changes were made and Chancellor William Goetz gave final approval Feb. 8, 2008.

Application form 12 Kb

To view the file referenced above, Adobe Acrobat Reader software is needed on your computer. [Follow this link to download Adobe Acrobat Reader.](#)

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APPENDIX 1
Application for ND Tribal College Reimbursement
For Summer 2007, Fall 2007 and Spring 2008

Name of Institution: _____

| | Census Date (End of the Sixth Calendar Week) | Total Resident Non-Beneficiary Student ¹ Credit Hours (degree credits only) | FTE Students (based on 12 credit hours per semester or 24 credit hours per year) |
|--|---|---|--|
| Summer 2007 (end of term) | | | |
| Fall 2007 (end of sixth calendar week) | | | |
| Spring 2008 (end of sixth calendar week) | | | |
| Total | ----- | 0 | 0.00 |

¹ See required attachment for itemizing non-beneficiary student enrollments.

I certify that residency documentation is on file for every North Dakota resident non-beneficiary student and each reported student was actively enrolled at the end of the sixth calendar week.

I certify this application for reimbursement does not include any students who are federal beneficiary students, based on the definitions referenced on Attachments 1 and 2.

Chief Student Records Officer
Name & Title

President or Designee
Name & Title

Signature Date

Signature Date

Submit application, along with Attachments 1 and 2, by **March 15, 2008** to:

NDUS Office
600 East Boulevard Ave., Dept. 215
Bismarck, ND 58505-0230

Questions: Call Peggy Wipf at 328-4114 or by email at peggy.wipf@ndus.nodak.edu

ATTACHMENT 1 - Itemized Listing of Non-Beneficiary Resident Students
Application for Summer 2007, Fall 2007 and Spring 2008 Terms

Include Non-beneficiary resident students only 1/

| (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) | (9) |
|--------------|--------------|----------------------|------------------------|------------------|--|------------------------|--------------------------|--|
| | | | | | Report only degree credit hours (exclude non-degree credits) | | | |
| Sequence No. | Student Name | Full Current Address | Full Permanent Address | Ethnic status 2/ | Summer 2007 credit hours | Fall 2007 credit hours | Spring 2008 credit hours | Total credit hours - summer, fall and spring |
| 1 | | | | | | | | 0 |
| 2 | | | | | | | | 0 |
| 3 | | | | | | | | 0 |
| 4 | | | | | | | | 0 |
| 5 | | | | | | | | 0 |
| 6 | | | | | | | | 0 |
| 7 | | | | | | | | 0 |
| 8 | | | | | | | | 0 |
| 9 | | | | | | | | 0 |
| 10 | | | | | | | | 0 |
| 11 | | | | | | | | 0 |
| 12 | | | | | | | | 0 |
| 13 | | | | | | | | 0 |
| 14 | | | | | | | | 0 |
| 15 | | | | | | | | 0 |
| 16 | | | | | | | | 0 |
| 17 | | | | | | | | 0 |
| 18 | | | | | | | | 0 |
| 19 | | | | | | | | 0 |
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| 21 | | | | | | | | 0 |
| 22 | | | | | | | | 0 |
| 23 | | | | | | | | 0 |
| 24 | | | | | | | | 0 |
| 25 | | | | | | | | 0 |
| 26 | | | | | | | | 0 |
| 27 | | | | | | | | 0 |
| 28 | | | | | | | | 0 |
| 29 | | | | | | | | 0 |
| 30 | | | | | | | | 0 |
| TOTAL | | | | | 0 | 0 | 0 | 0 |

1/ **Residency Status:** A federal financial aid or application for admission must be on file at the institution declaring North Dakota residency consistent with NDCC 54-01-26. Legal residence must be based on actual physical residence in North Dakota plus an intent to consider this state as a home and legal residence for a substantial period of time.

Non-Beneficiary Student: Enrolled in a tribally controlled community college but is not an enrolled member of a federally recognized Indian tribe.

2/ **Ethnic Status:** Use ethnic status categories from IPEDS Fall enrollment report.

ATTACHMENT 2 - Expenditure and Audit Report
Application for Summer 2007, Fall 2007 and Spring 2008

PART (1)

Attach a copy of your institution's financial statement audit report for the period ending June 30, 2007.

PART (2)

Provide the following financial expenditure information for the previous fiscal year reimbursement received under the tribal college assistance grant program.

Expenditures for the period July 1, XXXX through June 30, XXXX

| | |
|---------------------------|------------------------|
| Salaries and Wages | <u>n/a for 2007-08</u> |
| FTE positions | <u>n/a for 2007-08</u> |
| Operating Expenses | <u>n/a for 2007-08</u> |
| Equipment | <u>n/a for 2007-08</u> |
| Capital Expenditures | <u>n/a for 2007-08</u> |
| Other 1/ | <u>n/a for 2007-08</u> |
| Carryover-unspent balance | <u>n/a for 2007-08</u> |
| TOTAL | #VALUE! |

1/ Describe "other" expenditures. _____

PART (3)

Please provide a brief explanation of the use of the funds received under this program in the previous fiscal year (July 1, XXXX-June 30, XXXX), including new or enhanced programs or services provided. **n/a for 2007-08 application**

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|--|---|---|--|
| Summer 2007 (end of term) | | | |
| Fall 2007 (end of sixth calendar week) | | | |
| Spring 2008 (end of sixth calendar week) | | | |
| Total | ----- | 0 | 0.00 |

¹ See required attachment for itemizing non-beneficiary student enrollments.

I certify that residency documentation is on file for every North Dakota resident non-beneficiary student and each reported student was actively enrolled at the end of the sixth calendar week.

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Questions: Call Peggy Wipf at 328-4114 or by email at peggy.wipf@ndus.nodak.edu

CHAPTER 160**HOUSE BILL NO. 1395**

(Representatives Kasper, Boe, Charging, D. Johnson)
(Senators Flakoll, Wardner)

TRIBAL COLLEGE ASSISTANCE

AN ACT to provide financial assistance to tribally controlled community colleges; to create and enact a new section to chapter 57-51.1 of the North Dakota Century Code, relating to the allocation of collections from reservation oil development; and to provide an appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**SECTION 1. Definitions.** In this Act, unless the context otherwise requires:

1. "Nonbeneficiary student" means a resident of North Dakota who is enrolled in a tribally controlled community college but is not an enrolled member of a federally recognized Indian tribe.
2. "Tribally controlled community college" means an institution of higher education in this state which is formally controlled or has been formally sanctioned or chartered by the governing body of an Indian tribe, or any combination of federally recognized Indian tribes.

SECTION 2. Institutions eligible for grant assistance. Any tribally controlled community college located in this state is eligible to receive supplemental grant assistance for nonbeneficiary students.

SECTION 3. Grant authorization. The state board of higher education shall make grants to tribally controlled community colleges to defray the costs of education associated with enrollment of nonbeneficiary students. Grants made pursuant to this section must go directly to the recipient institutions.

SECTION 4. Submission of grant application - Distribution of grants. In order to qualify for a grant under this Act, an institution shall submit an application in the manner required by the state board of higher education. If an application is approved, the board shall distribute to each tribally controlled community college, during each year of the biennium, four thousand five hundred eighty-one dollars for each nonbeneficiary student on a full-time equivalent basis. If the amount appropriated is insufficient, the board shall distribute a prorated amount per nonbeneficiary student on a full-time equivalent basis.

SECTION 5. Reporting by recipient institutions. Each institution receiving a grant under this Act shall annually provide to the state board of higher education an accurate and detailed account of the expenditures of the grant funds received by the institution under sections 1 through 5 of this Act and a copy of the institution's latest audit report and documentation of the enrollment status and ethnic status of each student on whose account financial assistance under this Act is sought.

SECTION 6. APPROPRIATION. There is appropriated out of any moneys in the permanent oil tax trust fund in the state treasury, not otherwise appropriated, the sum of \$700,000, or so much of the sum as may be necessary, to the state board of

higher education for the purpose of providing grant assistance payments to tribally controlled community colleges, for the biennium beginning July 1, 2007, and ending June 30, 2009. No more than \$350,000 may be expended for this purpose during the first year of the biennium.

SECTION 7. A new section to chapter 57-51.1 of the North Dakota Century Code is created and enacted as follows:

Separate allocation of state share of collections from reservation development. Notwithstanding any other provision of law, the state treasurer shall transfer to the permanent oil tax trust fund the first seven hundred thousand dollars of the state's share of tax revenues under this chapter from oil produced from wells within the exterior boundaries of the Fort Berthold Reservation drilled and completed after June 30, 2007.

Approved May 10, 2007
Filed May 11, 2007