

2011 SENATE EDUCATION

SB 2130

# 2011 SENATE STANDING COMMITTEE MINUTES

**Senate Education Committee**  
Missouri River Room, State Capitol

SB 2130  
January 12, 2011  
12786

☐ Conference Committee.

Committee Clerk Signature

*T. Jorg*

## **Explanation or reason for introduction of bill/resolution:**

To provide an appropriation for funding a director of Indian education.

## **Minutes:**

SEE ATTACHED TESTIMONY

**Chairman Freborg** called the hearing to order on SB 2130. No Fiscal Note attached.

**Senator Heckaman**, from New Rockford and represent District 23. Introduced SB 2130 which will re-establish the position of Indian Education Director within the Dept. of Public Instruction. Notes that there are about 10,000 native American students across ND. Presented system she knows best, Four Winds, which is on Spirit Lake Nation in her district. The school there has very strong system, with commitment of community, board, staff and students to improve and make annual yearly progress.

Four Winds delivers services to Pre-K-12. Pre-K-8 is a BIA or BIE bureau of education school. Grades 9-12 is a public school and under DPI. Two separate school boards, one superintendent, two business managers with two different accounting systems, 3 principals, 2 different record systems and both systems secure teachers under the ESPB or ND state education and practices board. Special Ed. and Pre-K-8 is under the Standing Rock agency, 9-12 is under the DPI. One director oversees both programs. The is one food service system, one transportation department, one facility management and a negotiation process in 9-12 for teachers but not in Pre K-8.

Schools across ND are doing their best to provide quality education to these "blended schools". Proposed position of Director of Indian Education could assist these schools with issues that most of us can't get a handle on. Position was funded in past and now time to return funding to this position. **Senator Heckaman** asking for support of SB 2130.

**Senator Luick** asks if position is more to get congruency between all of these irregularities between these accounting methods and people that are doing these accounting methods in the different areas or what is the entitled position going to be doing?

**Senator Heckaman** states that the following speakers will give some specific direction on what they expect the position to be and the job description that the person will have. Present schools that have BIA, BIE and public that are on reservations have a mix of systems that are very confusing to any of us. Needing someone to coordinate planning for the future or looking at long term solutions. The need is for someone to coordinate that service.

**Senator Luick** agrees that process is confusing and coordination is definitely something that is needed.

**Senator Heckaman** states that further speakers will have information on the position and job description.

**Senator Marcellais, District 9, Belcourt**, testified to support SB 2130 that provides appropriations for DPI, Director of Indian Education position. (Attached testimony # 1) He states Senator Heckaman describes the Turtle Mountain Community School situation and they are identical to Four Winds. He would appreciate all the support that he could get for re-establishment of this position in Director of Education, Dept. of Public Instruction.

(Attached Testimony #2) from Turtle Mountain Community Schools and **Senator Marcellais** asks for support of SB 2103.

**Robert Marthaller, Assistant Superintendent of ND Dept. of Public Instruction**, supports SB 2130. (Attached Testimony #3). Will provide information on job description and budget information and appropriations and how it would be used for students in ND. The graduation rate for Native American students is 55% compared to 88% as the state average.

Job description for position included in Addendum #1. Very complex issues, many interests involved.

**Senator Gary Lee** states that **Mr. Marthaller** uses the word "re-establish" in this position.

**Robert Marthaller** is his understanding that the position "went away" about 8 years ago, prior to me being here. I understand that there were federal funds that were involved and maybe some other funding that was involved that "went away". The person, who was in position at the time, essentially moved and became the Commissioner of Indian Education, when the Indian Affairs Commission was established. The position was never refilled. I believe the department at that time identified an Indian Education liaison person that was handed to someone. It was one of the extra duties that were assigned to me when I signed up at DPI.

**Senator Flakoll** Who does this position report directly to?

**Robert Marthaller** states they would report directly to DPI and under my supervision.

**Senator Flakoll** asks how many directors or equivalent positions are in DPI?

**Robert Marthaller** states DPI has six directors in that department.

**Senator Flakoll** asks if the salary is equivalent to those positions?

**Robert Marthaller** states "yes" we would establish that position at a director level position. At least starting at the director position.

**Senator Flakoll** asks if any federal money will be available for a portion of this for salary and benefits?

**Robert Marthaller** states he cannot answer that. He is not sure.

**Senator Flakoll** asks if in the states of Minnesota and SD would you be able to provide data that shows any tangible measurements of higher performance such as graduation rates, ACT test scores a variety of tangible things and if there if anything in those states that would evidence any academic achievement and improvements after they have added that. If we cannot justify that it will "move the ball" we certainly know that there are issues that need to be resolved but is this the best methodology?

**Robert Marthaller** states "yes" I can provide that information to you.

**Senator Flakoll** asks if it is pretty common that a director have their own staff?

**Robert Marthaller** states that not in all cases but in some "yes" for director level positions.

**Senator Flakoll** asks what authority do they have because one of the things testified was that possibly pulling different groups together, under what authority, do they have to make some of those things happen if people don't want them to happen? We are dealing with the federal government who sometimes does whatever they wish or not do. This is basically a state position now with little to no federal involvement or funding. What authority do they have to move the agenda forward at the school districts and state?

**Robert Marthaller** states that this position wouldn't have any statutory authority, which is not any different than any other director position within the dept. This person would have to try and create those partnerships and collaborations to build that relationship to bring those parties to the table. We have initiated at least one attempt to do that though the Indian Education Advisory Council, where we try to pull together a leadership of people, tribal councils, legislators, school people. We did have a first meeting to establish that relationship and begin to talk about those governments. Would the position have the authority to attend, you must attend but it would be up to that person, the department and the Indian Affairs Commission, working collaboratively to bring all those people together.

**Senator Flakoll** asks question and understanding of, "Is this more so or specifically designed, for those educational situations where those schools, who have multi-jurisdictional "things in play" or will this impact or add value to Dickinson or Bismarck school districts? Or more designed for those who have various layers and intricacies involved in terms of the governance?

**Robert Marthaller** states that this position would hopefully and positively affect all schools districts that are serving populations of Indian students. We would be looking and impact all those multi-levels of governess we are talking about. This person would be working in a broader sense, in a statewide sense, and looking at issues and concerns and establishing partnerships that would improve education for all Indians education. Wherever there is a student Indian population as well as all kids.

**Senator Gary Lee** states in previous testimony K-8 programs were under BIA or BIE control. Would this position just be for the 9-12 groups that are under public control or how would they be able to influence the K-8 students? Or do they have someone in those roles that are comparable to what you are looking to put in place here?

**Robert Marthaller** states that this position would have an impact on all schools that have Indian population, including schools that under direct control of BIE, including those that under the control of public schools, tribal schools. We are not targeting those that we have control over. We want to influence all kids' particularly Indian students. This person would have to work very hard to bring those folks "to the table" to collaborating and partnering and keep in mind the main goal is to improve proficiency for students. Indian students and all students. We would be working in all schools and districts, public, non private and the best way we can to improve performance of Indian students.

**Senator Gary Lee** asks if the K-8 community in these schools have a corollary position, to what you are trying to establish here, so that this person would work with an individual or person that represents that responsibility?

**Robert Marthaller** states that person would work with the Director of Bureau of Indian Education. We have established a very good relationship with those people and we need to take that to the next level. Yes, there are those people from the federal side that we would be interested in working with.

**Senator Flakoll** states that some of the districts we are focusing on are costing more than \$40,000 per student. Would part of the positions duty be to make sure we are as efficient as possible in moving achievement forward but at a very efficient/economical matter to get the most achievement out of the \$40,000 per student? Is that part of their job description?

**Robert Marthaller** states that it is correct that some of the school districts that we would be specifically looking at, spending per student is many times higher than the state average. Funding and dollars are not necessarily the issue. This person would be working to examine the funding that is available and it may not be more dollars but it may be in terms on "how are we using those dollars?". Can we make better decisions, can we switch resources allocations from one area to another area to really make a difference again in impacting student achievement? In general, I would say "yes" this person would work with that to be sure we are getting a dollar for dollar and we making a difference in funds we are using. I think looking at funding that is already available and seeing where we can emphasize how we are using those resources.

**Karen Paetz Sitting Crow, Enrolled Member of the Three Affiliated Tribes, Chief Education Administrator for Education Dept.** speaking on behalf of **Chairman Tex Hall** and I present his letter of testimony. (Attached Testimony #4)

Testimony to support SB2130 for a Director of Indian Education at DPI.

**Karen Paetz Sitting Crow, as a public member of ND, educator and part of ND Indian Education Advisory Council.** As a parent, grandparent and former educator, I value the position of the Dept. of Indian Education desk within the Department of Public Instruction.

I believe it has the potential to build trust and confidence within the Indian communities to know, that someone at that level, is going to be at the table when Indian education issues arise and are being discussed. As the chief administrator for the Education Dept., it would be a person I would go to as a resource not only to provide that person information but also to get information from them as well. I see this position as a clearinghouse of resources. I was able to work with curriculum guides that were produced some years ago, in the late 90's. I believe in 2000 was the last edition of the MHA tribal education resource guide. The guides are very useful as a classroom teacher. Guides need to be updated. Other tribes' editions were printed in 1997-1998. Valuable information and it enhances the curriculum we are using in the school systems. The guides should be revisited and updated.

This position has the potential to build confidence and trust within our Indian communities in ND and that Indian education issues will be at the table when they come up. Indian people will have a voice on behalf of our children, students and families that live on reservations. Encourage committee to look upon this request favorably because there is a need and a lot of disparities, as far as Indian education and mainstream education and may be a two day workshop if you will. There are a lot of differences and challenges out there so feel there is a need. It is critical need and would really help out Indian education.

**Mark Bluestone, Superintendent, New Town Public Schools and ND Tribal Education and Advisory Committee.** (Attached Testimony #5). Supporting SB 2130 and appropriations for funding of Director of Indian Education.

**Dr. Cheryl Ann Kary, Executive Director, Standing Rock Sioux Tribe.** (Attached Testimony #6). Supporting SB 2130. **Testifying on behalf of Chairman Charles W. Murphy, Chairman, Standing Rock Sioux Tribe.**

**Senator Luick** is asking if you were to identify the top three problems that are the cause of low test scores, low graduation rates etc. within state of ND for the Indian students, what would your top priorities be?

**Dr. Kary** states that one would be attendance. The primary one that would address all of those issues, my personal opinion from what I have seen on Standing Rock, is a cultural mismatch of the system with our communities. I think poverty plays a big role on how our people view education and the value of education. I think some of the ways our system operates aren't exactly congruent with our cultural ways of communicating, of learning, of being. On Standing Rock, one of the very successful initiatives that we been operating and using is a Montessori approach. The statistics and data we have of the success of those students vs. the students that are going through our traditional classrooms is very striking. It is very preliminary but it is very promising and so these are the types of things we are looking at on Standing Rock as being able to address some of the long standing issues. We have saying, "If you keep doing things the way you have always done, you will continue to get the things you have always gotten". That is how it always been with our education system so we are looking at new ways to do education on Standing Rock. (Meter: 51:19)

**Senator Luick** asks if position we are looking at here what would be direct affect would that person have on those problems you are addressing.

**Dr. Kary** states that on Standing Rock we operate the consortium and thinks if that consortium put out the call and they would "come to the table". They were not forced, did not have to be mandated. They were very willing to come to the table because all the tribal schools on our reservation and other reservations as well as students off the reservations with high Indian student populations have the same issues. We all share same concerns. By bringing everyone to table to have a coordinated response rather than everyone trying to "reinvent the wheel" would be the key aspect of this position. This position brings everyone to the table and talk about common concerns and share with each other and when we have a creative solution we can share that more quickly than had we all have been working independently. One of things that I have learned in my time working with the tribe is that we tend to operate in isolation and so when we get the opportunities to talk with other tribes and state stakeholders it is very beneficial. We have that opportunity to see the bigger picture rather than putting our heads down and go as we normally do. I really do think that the position would have a strong impact on being able to adjust those problems.

**Tom Disselhorst, offering testimony on behalf of President, David Gipp, United Tribes Technical College.** (Attached testimony #7).

**Mr. Disselhorst** wants to address questions from Senator Flakoll and others earlier.

**Senator Gary Lee** asked if it is only if the position is only going to help grades 9-12?

The situation **Senator Heckaman** describes was a bit unique at Four Winds School is not necessarily replicated everywhere on the reservations in ND. There are tribal schools that handle other grades, K-8 grades. So the person in charge of Indian education in the state would assist all those kinds of situations as well. **Senator Flakoll** asked related question. How does this help other students? Does it help all of ND and not just Native American students? How would it benefit all students in ND? It would assist everyone in ND. The experience in Montana is that they are developing curriculum for everyone and part of curriculum emphasis is to show the value of Native American culture to everyone in the state not just Native Americans. It is of great assistance to have that kind of education and those kinds of values to everyone. It helps make it clear that Native Americans are valued in this state and to have that kind of value. **Dr. Kary** worked in another capacity in Bismarck, assisting the Bismarck school district establish some resources for Native American students in our city of Bismarck. Although that effort has not been continued it is one that tried again to work towards getting some of the same issues that **Dr. Kary** was referencing to at Standing Rock that occur in cities in ND. About half of the tribal population, tribal citizens of ND, live off the reservation. It would literally impact every school district that have Native American students in their schools. Another issue, that I think would benefit everyone, is "curriculum alignment". Someone questioned how it would assist K-8 if it was just orientated for 9-12? "Curriculum alignment" is something I think the Director of Indian Education could very definitely assist with. No, they don't have any specific powers to require people to come to meetings and that was a question **Senator Flakoll** asked. The persuasive power of this position is pretty strong. The Indian educators that I have become familiar with over a number of years working in this area all are looking for same solutions. They want to work towards improving the scores and proficiencies of Native American students so I think that kind of curriculum alignment would be very helpful. **Senator Flakoll** asked about the cost, the amount of money per student that is provided? As you might imagine, when there is such a large amount per student that is provided, most of that money does not come from the state of ND. It comes from federal sources that are beyond the states control. While the Director of Indian

Education could look at that, they would not have much say over how federal funds are distributed. It becomes about partly because school districts are able to gather funds from a number of different sources for which they are eligible under federal regulations. That's how it happens. One other question asked was about the previous situation with the Director of Indian Education in DPI? To clarify the person who was previously or last in that position was Cheryl Kulost, who became Executive Director of Indian Affairs Commission about 8-9 years ago. Position after that was no longer funded and it may have been through the loss of federal funds, in part, that allowed the discontinuance of that position.

**Senator Freborg** asks if any comparison has been made in the Indian students attending all of the other schools in the state as compared with Indian students on reservation schools? For instance, graduation rate?

**Tom Disselhorst** states he is not sure of that. Maybe **Mr. Marthaller** has more information about that or can provide that kind of information through DPI statistics that they keep? Given the overall graduation rate that was mentioned of 55%, I suspect it is similar and that the graduation rates are similar and he (**Mr. Marthaller**) is nodding his head in affirmation that it may well be that way. That is certainly the experience of the information we have obtained from Bismarck School District in our efforts before. So that is probably correct. Some of the same issues that **Dr. Kary** mentioned that are prevalent and **Mr. Bluestone** mentioned are present as well for urban Native Americans population.

**Senator Gary Lee** asks would it be appropriate for this position to be considered by the reservation schools or the Indian community as a placement in that group vs. DPI in terms of collaborating, cooperating among those groups and bringing things to a liaison in DPI rather than putting the position in DPI itself? I am wondering what your thoughts are looking at it in that direction vs. what it is being proposed at?

**Tom Disselhorst** states that he thinks it is very much appropriate for DPI for the reasons I mentioned already. There are a lot of Native Americans in public school districts around the state. It is not just a position that is going to benefit the tribal education departments and tribal educational needs. It is really is needed for everyone. Given the dismal kind of graduation rate that Native Americans students have in school districts around the state and it also assists showing that the state "values" it Native American citizens. Not just those on the reservation but everyone. That is an important function for the state to perform. They are citizens of the state, all Native Americans whether they are on the reservation or off the reservation. They deserve the level of attention that any state would give to a non-performing sector of its population, in terms of educational achievement.

**Senator Freborg** asks if there is any opposition to SB 2130. No opposition.

**Bob Marthaller** is asked to come back to podium by **Senator Freborg**.

**Senator Freborg** asks for elaboration on question he asked.

**Bob Marthaller** responds to question of comparison and studies. He can provide for the committee a publication that essentially show a state profile and studies that compare Native American graduation rates with white students and all other races is available. We have



proficiency rates that are available. It can give you a breakdown on race and any detailed information that is available.

**Senator Freborg** asks if the former director, 8-10 years ago, is there any measured success from that director? I don't know when this person came on or always was there. Not recalling. Is there anything showing a success in this position such as increasing achievement?

**Bob Marthaller** states he is not sure he can answer that. I don't believe there are any statistics or hard data that would be available to show you. I think the answer is "no" but I will do some research for you and see what I can find.

**Senator Freborg** states that if this bill should pass and we have a director that in a few years, we will be able to look at some statistics, that the dept. is keeping so we can measure the success of the director.

**Bob Marthaller** states "absolutely" and that would be our goal to be able to come back to you, possibly not next session but at least a four year history to say "yes" we have made a difference. We can show you an improvement in graduation rates, proficiencies. Hopefully, that would happen.

**Senator Flakoll** asks if it could be looked at to see if there is any drop off after that position was terminated. If you could overstrike the term "Indian education" and insert "New Americans", you would have almost exactly the same systemic challenges in terms of graduation rates, dropout rates etc. Has the DPI ever talked about any kind of alignment at looking at those needs on both ends of the spectrum? We have these similar challenges, without exception, with both groups. Is there something collectively to do to solve that?

Discussion on "understanding" of question.

**Senator Flakoll** states that we have programs for English Language Learners, dropout rate for "New Americans", we have Croatians, the Sudan and variety of others. They come with a variety of 'familial issues', they have high dropout rate, lack resources such as financial family resources and we are talking about all the same issues that we talk about with the "New American" population. Has there been any discussion at DPI about the alignment of those into this position? Was this in the proposed budget from DPI?

**Bob Marthaller** responds that there has been no discussion about the other groups that you are referring to. That certainly is not outside the realm of possibility because they are similar issues. This was not part of the DPI request. **Mr. Marthaller** states he will get a state profile to **Senator Freborg**.

**Senator Freborg** closes hearing on SB 2130.

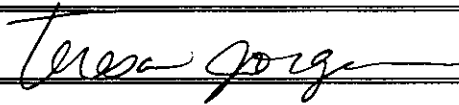
# 2011 SENATE STANDING COMMITTEE MINUTES

Senate Education Committee  
Missouri River Room, State Capitol

Committee Work on SB 2130  
January 12, 2011  
12821

☐ Conference Committee

Committee Clerk Signature



## Minutes:

AMENDMENTS ATTACHED

**Senator Flakoll** proposed amendments to SB 2130. Concern regarding the extreme breadth of duties that were discussed with this position. Difficult for the position to do everything that was on the "wish list". Most importantly, the person in that position focus on academic strategies that improve student learning outcomes, performance as evidenced by improved scores, reduced dropout rates, great college or work preparedness, and the like. Not have to worry about some of the other areas that were discussed. (see attachment #1). Motion by **Senator Flakoll** to add the amendment as written; second by **Senator G. Lee**.

Discussion on "Flakoll amendment" motion:

**Senator Heckaman:** Think the amendments are appropriate; agree that there was a wide range of job description. Pretty overwhelming for a new person to tackle right away. Maybe broaden the scope later. Problem with Section 2—person won't be hired until the earliest, fall of 2011, and if we ask for a report of progress for 2011-2012 we may not see any improvement because it isn't enough time to get into the job. Thinks a report is appropriate, but not a measure of progress. Have to be more conservative in expectations in that short of time, but like the idea of a report.

**Senator Flakoll:** My intent with that would be that the person hired will do diagnostics on areas of concern and feel that these are the important areas to look at and measure, and here is where I would put emphasis at this time. Not really looking for measureable signs in the beginning, but more the person's vision of how they're going to tackle issues of high concern. They can get feedback from legislation and need reinforcement and buy in from others to implement strategies.

**Senator Heckaman:** that is appropriate; we always look at what is legislative intent and this gives something to go back and refer to.

**Senator Flakoll:** along the lines of legislative intent, we are really trying to focus this position academic achievement, and purposely not dealing with social, cultural or other issues talked about this morning. Can't solve too many issues at once. Person would get pulled so many different ways by so many different people that they will lose their

effectiveness; in four years may have a lot of things started and talked about but no focused approach.

**Senator Heckaman:** When you look at Indian education and improving those things, you will find all of those things meshed together. The family dynamics, cultural issues, and all of those affect the attendance and learning. May be some things in the report that addresses these issues also.

No further discussion; motion on Flakoll amendment carried 7-0.

**Senator Gary Lee** presented an amendment on the position salary (see attachment #2); line 4 sum to be \$265,413; strike to become \$194,327 which takes out support staff cost of \$71,886. Other directors share support staff and so could this position.

Motion by **Senator G. Lee**; second by **Senator Flakoll**. Will refer to this as Lee Amendment.

**Senator Heckaman:** Asking for the director's position and operations to be funded?

**Senator G. Lee:** It includes the \$265,413 minus \$71,886 which was penciled in by Mr. Marthaller, from DPI as the support staff total salary and benefit cost. Assume the operation is still included in the balance.

No further discussion on the Lee amendment; motion carried 7-0.

**Senator Flakoll** moved for a Do Pass and Rerefer to Appropriations for SB 2130 as amended. Second by **Senator Heckaman**; to be carried by **Senator Heckaman**. Motion carried 7-0.

PROPOSED ADMENDMENTS SENATE BILL NO. 2130

Page 1, line 6, after "Indian education," insert "for the purpose of developing and implementing strategies to improve academic achievement including but not limited too achievement test scores, dropout rates, graduation rates, college preparedness, college and workforce readiness."

Page 1, after line 7, insert:

SECTION 2.

The director of Indian education shall provide a progress report to Legislative Management during the 2011-2012 interim. The report must provide the following information; student achievement as measured by statewide approved test, the dropout rate, attendance, parent and community involvement, educational programs targeting Native American students, the current status of federal Indian education policies and procedures, school district initiatives to decrease the number of student dropouts and increase graduation rates.

Renumber accordingly.

# | Attachment SB2130

Date: 1-12-11  
Roll Call Vote # 1-A

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2130

Senate Education Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number Flakoll amendment - job desc.

Action Taken: ☐ Do Pass ☐ Do Not Pass ☐ Amended ☐ Adopt Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Sen. Flakoll Seconded By Sen. G. Lee

Senators	Yes	No	Senators	Yes	No
Chairman Layton Freborg	X		Senator Joan Heckaman	X	
Vice Chair Donald Schaible	X		Senator Richard Marcellais	X	
Senator Tim Flakoll	X				
Senator Gary A. Lee	X				
Senator Larry Luick	X				

Total (Yes) 7 No 0

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

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

PROPOSED ADMENMENDT TO SENATE BILL 2130

Page 1, line 4 overstrike "\$265,413" and insert "\$194,327"

Renumber accordingly

#2 SB 2130  
Attachment

Date: 1-12-11  
Roll Call Vote # 1-B

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2130

Senate Education Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number G. Lee amendment - salary

Action Taken: ☐ Do Pass ☐ Do Not Pass ☐ Amended ☐ Adopt Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By G. Lee Seconded By Flakoll

Senators	Yes	No	Senators	Yes	No
Chairman Layton Freborg	X		Senator Joan Heckaman	X	
Vice Chair Donald Schaible	X		Senator Richard Marcellais	X	
Senator Tim Flakoll	X				
Senator Gary A. Lee	X				
Senator Larry Luick	X				

Total (Yes) 7 No 0

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

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

January 12, 2011

*EB*  
1-13-11

PROPOSED AMENDMENTS TO SENATE BILL NO. 2130

Page 1, line 1, after "education" insert "; and to provide for a report to the legislative management"

Page 1, line 4, replace "\$265,413" with "\$194,327"

Page 1, line 7, after the period insert "The director of Indian education shall develop and implement strategies to improve academic achievement, including achievement test scores, dropout rates, graduation rates, college preparedness, and college and workforce readiness."

Page 1, after line 7, insert:

**"SECTION 2. DIRECTOR OF INDIAN EDUCATION - REPORT TO THE LEGISLATIVE MANAGEMENT.** The director of Indian education shall provide a progress report to the legislative management during the 2011-12 interim which addresses student achievement as measured by a statewide approved test, dropout rates, attendance, parent and community involvement, educational programs targeting Native American students, the current status of federal Indian education policies and procedures, and school district initiatives to decrease the number of student dropouts and increase graduation rates."

Renumber accordingly



Date: 1-12-11  
Roll Call Vote # 1-C

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2130

Senate Education Committee

☐ Check here for Conference Committee

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

Action Taken: ☒ Do Pass ☐ Do Not Pass ☐ Amended ☐ Adopt Amendment

☒ Rerefer to Appropriations ☐ Reconsider

Motion Made By Sen. Flakoll Seconded By Sen. Heckaman

Senators	Yes	No	Senators	Yes	No
Chairman Layton Freborg	X		Senator Joan Heckaman	X	
Vice Chair Donald Schaible	X		Senator Richard Marcellais	X	
Senator Tim Flakoll	X				
Senator Gary A. Lee	X				
Senator Larry Luick	X				

Total (Yes) 7 No 0

Absent \_\_\_\_\_

Floor Assignment Heckaman

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

**REPORT OF STANDING COMMITTEE**

**SB 2130: Education Committee (Sen. Freborg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Appropriations Committee (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2130 was placed on the Sixth order on the calendar.**

Page 1, line 1, after "education" insert "; and to provide for a report to the legislative management"

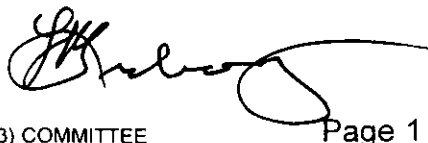
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Renumber accordingly



2011 SENATE APPROPRIATIONS

SB 2130

# 2011 SENATE STANDING COMMITTEE MINUTES

## Senate Appropriations Committee Harvest Room, State Capitol

SB 2130  
January 24, 2011  
Job # 13249

☐ Conference Committee

Committee Clerk Signature

*Rose Lanning*

### Explanation or reason for introduction of bill/resolution:

A bill to provide funding for a director of an Indian education.

### Minutes:

See attached testimony #1 - 6

**Co-Chairman Bowman** called the committee hearing to order on SB 2130.

Sheila M. Sandness - Legislative Council; Joe Morrisette - OMB.

### **Senator Joan Heckaman, District 23**

Bill Sponsor

She introduced SB2130. This bill came out of the Education committee with a Do Pass recommendation and with a few amendments. Several agencies feel this bill will provide a substantial benefit to schools that have Native American students enrolled in them. There are about 10,000 Native American students enrolled in the state and the variety of delivery system addressing these needs varies from place to place.

She used Four Winds School on Spirit Lake Nation. She presently works at Four Winds and they have pre-K through 12. The pre-K through 8 is BIA or BIE (Bureau of Indian Affairs or Bureau of Indian Education). Grades 9-12 are public. They are housed in the same building. Grad 9-12 is under DPI. There are two separate school boards – one for BIE school and one for the public school. There is one supt. over both schools. There are two different business managers with two different accounting systems; one for public and one for BIE. There are four principals. There are two different recording systems; the high school using PowerSchool, and BIE using NASIS. Both are licensed to secure their teachers under ND ESPB. The special education unit pre-K through 8 is BIE and under the Standing Rock agency as their lead agency, 9-12 is under DPI. One director oversees both of these problems. To add to the mix, there is one transportation department, one facilities management and a negotiation process in 9-12 but not in pre-K through 8. She hasn't addressed the funding issues.

The director of Indian Education could assist schools with many of their issues. The position was funded on the floor about 8 years ago and the funding was removed when federal funds were no longer available and the state was not in a position to provide funds for that. The original bill came out asking for \$265,000 and was reduced in committee

down to \$194,327. The reason for the reduction is that the committee feels very strongly that this is something that is needed across the state and they wanted to strengthen the bill and ensure its passage by removing as much of the funding as we could and still keep the position there for the director. The reduction eliminates an administrative assistant. It would keep the director's position over the biennium and keep \$15,000 in an operating budget.

Amendment lines 8 -11 narrow the job description and duties of the director as the job covers a wide variety, such as, academic achievement, test scores, dropout rates, graduation rates, college preparedness, etc. It gives a starting point and they also added that there would be a report back to legislative management over the interim to see how things are going.

She asked the committees support of returning the Director of Indian Education to the Department of Public Instruction.

**Senator Wardner** asked if there was a director of Indian studies previously, why it was discontinued. Senator Heckaman said it was federally funded, but the state didn't have funds at that time.

**Senator Bowman** asked where is the school board, superintendant and principals since their goals should be the same. At the meetings, the issues of the school should be addressed and aren't they doing their job.

**Senator Heckaman** In the Depart. of Public Instruction, they hire other individuals as directors to do the job for public schools too and there is a lot of coordinating that needs to take place. When the schools have a question with BIA/BIE, there isn't anyone in the dept. to go to find the answer. Our public schools have go-to people in the department so this would be a similar position.

**Bob Marthaller, Assist. Supterintendant for the Department of Public Instruction**

Testified in favor of SB 2130 as amended.

Testimony attached - # 1.

Reading from his testimony – He provided a job description and budget details for this director position which are on pages 5-6 of testimony #1.

He outlined the work the director would do and how it would help communication between public school boards, tribal school boards, tribal councils the department and stakeholders that are involved in making decisions for Native American students in the state. Virtually all of the tasks and responsibilities for this position clarify or will help to clarify the education delivery system and create a better understanding and more positive relationships among Indian Education stakeholders. They would work closely with the ND Indian Education Advisory Council in matters affecting education opportunities for Indian students.

**Senator Kilzer:** You mentioned there has been previous federal funding and other states have this, what is the objective evidence that this improves Indian student learning?

**Bob Marthaller** didn't have specific data, but have placed calls with Montana and got info from South Dakota. With their position of should it be funded, will it work, it will take time to show we are making progress.

**Senator Bowman** This bill does not include authorization for an additional FTE. Do you plan to use a current FTE?

**Bob Marthaller:** No. We would be looking for an additional FTE.

**David Gipp, President, United Tribes Technical College.**

Testified in favor of SB 2130.

Testimony attached - # 2

Reading from testimony – While they are post-secondary and would be concerned about this position for a variety of reasons, they also serve as an inter-tribal organization for the State of ND. All five of the North Dakota tribes are members of their board.

This position is very important in bringing attention to the needs of Indian children at the K-12 level. It also portends the success or lack of success that many of these students will have at the post-secondary level whether they go through career tech programs or higher education programs.

The second reason this position is important is that they have a growing population. Better than half of NDs Indian population is under the age of 25 and on the reservations, 51% or more are under the age of 18. He said they have to be concerned about their education but also how well they are prepared for the workforce. That becomes his job at the post secondary level with the five different tribal colleges located in ND. They serve anywhere from 20 to 70 different tribes in our student population that attend from a range of 13-15 different states. It's important to have this position to bring attention to the needs of the children so they can be successful as they proceed from their elementary on up to their high school years.

The 3<sup>rd</sup> reason is that ND used to have this position in the Department of Public Instruction. Dr. Joe Crawford helped create this position and Dr. Jim Davis was the 1<sup>st</sup> director of that position for director or coordinator of Indian Education under DPI back in those days. It was not funded at that time, mainly because the DPI in later years did not ask for this position and for a variety of reasons, did not see it as a priority. With about 6.7% of our population, which is now Native American by the way, and that's a growth from 10 years ago from four to five percent, we again see the need for this kind of position – to bring attention and services that are so important to reduce the high dropout rate of 50% or more. If we can help the Indian tribes help to address this problem because they often times lack the resources to directly address the issues of standards, issues of codes and ways that tribal government and state government can work together to create a better relationship for the goodness and benefit of all children concerned.

**Senator Wardner** said that he hopes the DPI is still serving the schools on the reservations with the services they have. I think there should be an emphasis, but I hope

you don't make it sound like there's nothing going on up in DPI to help the reservation schools. I'd like to think they are meeting some of the needs.

**Dr. Gipp** said he appreciates the work that is going on. We just think there needs to be greater focus and bring some of those resources to a more targeted fashion.

**Senator Grindberg** asked if there was legislative history that Legislative Council could dig up for the committee to review for this position.

**Senator Wardner** wanted to comment that he thought it may be the 2003 session that this was eliminated because we didn't have any money. If the federal government wasn't going to give it to us, we just couldn't fund it. I'm not sure, but he thought it somewhere around that time.

**Karen Paetz Sitting Crow, Chief Education Administrator, Mandan, Hidatsa and Arikara Nation**

Testified in favor of SB 2130. No written testimony

She presented and read **Tex Hall's testimony, Chairman of the Mandan, Hidatsa and Arikara Nation** -Testimony attached - # 3

She commented that this position would benefit both native and non-native students throughout the reservation schools as well as the schools in ND. A number of the children are in urban areas within the state. This director's position would provide a voice for Native American children, the students and their families. It would instill trust and confidence that when the state has educational issues and concerns that the Native American and Indian education issues are at the table as well. The reservation schools are working diligently on the reservation to provide consistent, comprehensive and cohesive educational services although funding is limited. They have three BIE schools located in rural remote areas of their reservation: White Shields, Twin Buttes, and Mandaree. The school is the hub of the community. It's basically the school and the housing development in those Having this person at state level ensures these families that their concerns are being heard.

As far as previous history and the historical impact of this office, she was an educator in the school system and teaching 5<sup>th</sup> grade. She used the tribal curriculum resource guides that were produced back in the late 1990s and 2000. It provided a document that would assist and enhance the existing curriculum. It helped them to meet the culturally sensitive objectives that needed to be incorporated into the curriculum. A number of schools on the reservation could use the resource guides. To her, it seems like a win-win situation for all, native and non-native, that this position be put in place.

**Marc Bluestone, Superintendent, New Town Public School, District #1**

Testified in favor of SB 2130. Testimony attached - # 4.

Reading from testimony –

**Senator Bowman:** When you recognize the need to do something different with all the dropouts, do they ever do a survey with the kids themselves to find out why they have lost

interest in education. If you have problem and don't know what is creating the problem other than assuming, I don't know how many people you could hire. It's not going to change. Do they do a thorough survey with the students and try to find out exactly what made them lose interest in education.

**Marc Bluestone** – Each school district looks at that differently. DPI and NDEA has started to implement a drop out conference every year and there have been two so far. We've developed goals and procedures on what to do. In New Town, we follow up with our kids to get them back into the school setting. Current law says compulsory attendance until age 16, but tribal law says 18. If you have no teeth to help support that law, such as referrals to social services or referrals to juvenile court, you can't get anywhere if you can't get outside services. We are one of the first districts to establish an alternative program, so that kids can do things in block scheduling. We spend time reviewing kids and they must be at least 16 years old and have a number of risk factors. We get whatever support services we can – maybe just giving them a ride. They've also had to look at themselves as using new teaching techniques.

The GED program – kids can take it when they are 16. It makes a bad precedence because you can get done and then work at the oil fields or drive truck and make \$30/hour. We have been working successfully with local businesses such as the Four Bears Casino and other areas. If they have students that are 16 or 17, they check with them on a monthly basis. They have actually terminated some of those kids if they haven't come to school or they're not doing well in school because it is impacting their education.

**Senator Robinson** commended the superintendant for his job. The challenges there are underscored and extremely unique with the social economic situation. They need that identification and pride in who they are and it's so important to bring all of the heritage back. Many college graduates that go out to teach are not Native American so they need all the help they can get. He also commended him for bringing the graduation ratio to above 80%.

**Dr. James Davis, Turtle Mountain Community College**

Testified in favor of SB 2130.

No written testimony.

He served the state as Indian Education Director back in mid 80s. I chose to go back to Belcourt and serve as BIA (BIE now – Bureau of Indian Education) Superintendant for Education. He works within the tribe and district and saw how difficult, almost impossible to do things to help educate their young people. There is such complexity in most of the Indian schools in terms of the state, tribe and federal government being involved. As compared to a school district here in Bismarck/ Mandan, or Bowman, ND, you have one board that is in charge and you know who's in charge. Unlike our schools, we have a series of board members and a number of boards. The K-12 system in Belcourt has the governance from the state, the district, the BIE operation and the tribe.

You have an advisory board for K-5, another advisory board for grades 6-8, then a public school which is K-12 in the same system and another board, a grand school board, which is an offshoot of the tribe for the high school. When you have three or four boards trying to



govern one school, how can you make progress? It's with the governance and with the board members. You have to have someone on the reservation who understands the systems in terms of K-12 education. Without an education, these students will become a burden to society. Many of these students who come to the campuses are underprepared. You need the support from the tribes and you need the support from the BIE.

**Senator Wardner:** When you were in the position, briefly describe a couple challenges you were having in DPI when working with Indian affairs.

**Dr. Davis:** The travel. To do those jobs you had to be at those schools. More specifically, it had to do with accreditation, making sure these schools were fulfilling their responsibilities as far as accreditation. Probably along that same line was the implementation of that accreditation plan. The other thing was the turnover in staff. Now days we're training teacher, local people, so we're helping in that way.

**Senator Robinson** We're asking someone to do a fulltime very challenging position on a part time basis. The word that has been used two or three times is 'focus'. We can make progress here and what we see in New Town is an example that we can make progress. We just need to focus.

**Laurel Vermillion , President, Sitting Bull College, Fort Yates, ND**

Testified in favor of SB 2130.

No written testimony.

On Standing Rock, we have a Standing Rock Education Consortium and it started about 5 years ago. We are able to bring all the superintendants of the 9 schools onto Standing Rock to the table. We do this monthly, we have strategic planning, we have committee work. When we first started, it was very difficult. We had superintendants who were not participating. As they were able to see how well we were doing and how well we complete tasks, we started to get everyone to come to the table. Many of the schools, when out there by themselves, they have huge challenges and it's hard to get solutions for these challenges, but we found that when they come together as a consortium, they are able to share ideas and share Best Practices and that's something the K-12 schools really need to do. I see this as a position that could pool these schools together to better collaborate these Best Practices.

**Melvin John Laducer, Turtle Mountain Community High School**

Testified in favor of SB 2130.

No written testimony.

He is the principal at Turtle Mountain Community High School on the Turtle Mountain Indian Reservation.

Letter of support from **Merle St. Claire, Tribal Chairman** - written testimony attached - # 5.

**Duane Poitra, Business Manager, Turtle Mt. Community Schools** speaking for:  
**Roman Marcellais, Superintendant of Turtle Mountain Community Schools**  
Testified in favor of SB 2130. No written testimony.

Much of the testimony that Mr. Marcellais was going to provide was already state here today, but he would like to re-iterate one of the key words that was mentioned several times again was focus - focus on Indian education. We pointed out graduation rates and dropout rates, but to put that into perspective, I'm a non-educator. I'm a business manager, but yet I see the issue that plagues the Native American schools in the state. They do not consistently make AYP (Adequate Yearly Progress) and they have high dropout rates. For example, our freshman class started out with 220-230 students. We graduate on an average, 110.

We recognize that there needs to be a sub-type of focus from the state that will recognize what is happening at each of the schools. It may bring the schools together which is a great step but we strongly feel that this position would bring forth some type of coordinated effort – find out what works in one school and maybe bring it to the other schools. I believe we could achieve academic success. Again, we appreciate your support.

Additional testimony submitted:

**Leander R. McDonald, Vice President of Academic Affairs**  
**Cankdeska Cikana Community College, Fort Totten, ND** –Testimony attached - # 6

**Senator Bowman** closed the hearing on SB 2130.

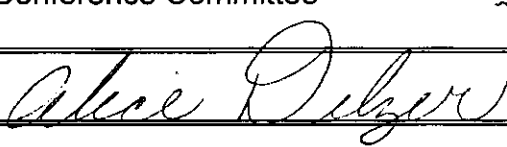
# 2011 SENATE STANDING COMMITTEE MINUTES

## Senate Appropriations Committee Harvest Room, State Capitol

SB 2130  
02-16-2011  
Job # 14634

☐ Conference Committee

Committee Clerk Signature



### Explanation or reason for introduction of bill/resolution:

A BILL for Indian Education Director.

### Minutes:

You may make reference to "attached testimony."

**Chairman Holmberg** opened the hearing on SB 2130. All committee members were present except V. Chair Grindberg. Tammy R. Dolan, OMB and Brady Larson, Legislative Council were also present. He stated Senator Heckaman and Senator Marcellais visited with some folks on this Bill. You should have the First Engrossment of this Bill and the subcommittee did not recommend it and did not put it in the budget of DPI. What are the wishes of the committee on 2130?

**Senator Warner moved DO PASS. Seconded by Senator Robinson. A Roll Call vote was taken. Yea: 3 Nay: 9 Absent 1.**

**Chairman Holmberg** The motion did not pass. Can we have an alternative motion?

**Senator Christmann moved Do Not Pass. Seconded by V. Chair Bowman. A Roll Call vote was taken on a DO NOT PASS. Yea: 9 Nay: 3 Absent 1.**

**Chairman Holmberg** stated he will carry the Bill. (Meter 3.04)

Two other Bills are passed out of committee on this Job. They are SB 2239 and SB 2228. Also discussion regarding SB2132 was held with V. Chair Bowman sharing information regarding SB 2132 on this Job.

The hearing was closed on SB 2130.

Date: 2-16-11  
Roll Call Vote # 1

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2130

Senate Appropriations Committee

☐ Check here for Conference Committee

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

Action Taken: ☒ Do Pass ☐ Do Not Pass ☐ Amended ☐ Adopt Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Warner Seconded By Robinson

Senators	Yes	No	Senators	Yes	No
Chairman Holmberg		✓	Senator Warner	✓	
Senator Bowman		✓	Senator O'Connell	✓	
Senator Grindberg		✓	Senator Robinson	✓	
Senator Christmann		✓			
Senator Wardner		✓			
Senator Kilzer		✓			
Senator Fischer		✓			
Senator Krebsbach		✓			
Senator Erbele		✓			
Senator Wanzek		✓			

Total (Yes) 3 No 9

Absent 1

Floor Assignment \_\_\_\_\_

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

Failed

Date: 2-16-11  
Roll Call Vote # 2

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2130

Senate Appropriation Committee

☐ Check here for Conference Committee

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

Action Taken: ☐ Do Pass ☒ Do Not Pass ☐ Amended ☐ Adopt Amendment  
☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Christmann Seconded By Bowman

Senators	Yes	No	Senators	Yes	No
Chairman Holmberg	✓		Senator Warner		✓
Senator Bowman	✓		Senator O'Connell		✓
Senator Grindberg	A		Senator Robinson		✓
Senator Christmann	✓				
Senator Wardner	✓				
Senator Kilzer	✓				
Senator Fischer	✓				
Senator Krebsbach	✓				
Senator Erbele	✓				
Senator Wanzek	✓				

Total (Yes) 9 No 3

Absent 1

Floor Assignment Holmberg

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

**REPORT OF STANDING COMMITTEE**

**SB 2130, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)**  
recommends **DO NOT PASS** (9 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING).  
Engrossed SB 2130 was placed on the Eleventh order on the calendar.

**2011 TESTIMONY**

**SB 2130**

**Senate Bill 2130  
Education Committee  
Senator Freborg, Chairman  
January 12, 2011**

**Chairman Freborg, members of the Education Committee members, Senator Richard Marcellais, District 9, from Belcourt, here to testify in support of Senate Bill 2130 that provides appropriations for the Department of Public Instruction, Director of Indian Education position.**

**The Native American population in North Dakota is comprised of five (5) reservations, seven (7) tribes, in eight (8) North Dakota Legislative Districts, with 54,075 tribal members and over 3.8 million acres of land.**

**A little history regarding this position was once in Department of Public Instruction, however due to budget constraints this position was cut.**

**Thank you very much for this opportunity to appear in support of Senate Bill 2130.**

#1 SB 2130





**TURTLE MOUNTAIN COMMUNITY  
SCHOOLS  
PO BOX 440  
BELCOURT, NORTH DAKOTA 58316  
PHONE: (701) 477-6471  
FAX: (701) 477-6470**

**Testimony on Senate Bill 2130  
Education Committee  
Senator Freborg, Chairman  
January 12, 2011**

**Chairman Freborg, members of the Education Committee members, Roman Marcellais, Superintendent, Turtle Mountain Community Schools from Belcourt, here to testify in support of Senate Bill 2130 that provides appropriations for the Department of Public Instruction, Director of Indian Education position.**

**The North Dakota Indian Education Advisory Council (NDIEA) also supports this position.**

**There are over 10,000 Native American Students in North Dakota schools.**

**The graduation rate for Native students is approximately 57%.**

**There is a successful track record for this position as evidenced by the development of the North Dakota Indian Curriculum Development Program.**

**This addition to the Department of Public Instruction will help North Dakota to fulfill its constitutional responsibility to educate all citizens.**

**This position would help in identifying and defining what Indian Education means in North Dakota and improve the manner in which it is delivered.**

**This position would align work with multiple agencies, schools and would assure transparency of government.**

**This position would effect a broad range of educational issues including curriculum, Indian history, cultural aspects of tribal heritage, standards, Adequate Yearly Progress (AYP) and health.**

**This position would allow for the gathering and dissemination of best practices information in a routine and timely way.**

**This position would provide accountability to schools, DPI, legislators as well as defining legislative issues/priorities.**

**This position would serve as a resource for North Dakota educators in the field.**

**Thank you very much for this opportunity to appear in support of Senate Bill 2130.**

**TESTIMONY ON SB 2130**  
**SENATE EDUCATION COMMITTEE**  
**January 12, 2011**  
**Robert V. Marthaller, Assistant Superintendent**  
**701-328-2267**  
**Department of Public Instruction**

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Mr. Chairman and Members of the Committee:

My name is Bob Marthaller and I am an Assistant Superintendent for the Department of Public Instruction. I am here to speak in favor of SB 2130 regarding the establishment of a Director of Indian Education position within the Department of Public Instruction. I will also provide the Committee with a detailed job description and budget details.

For too many years, the Department has been without an identified staff person whose primary responsibility would be to provide focus, planning, strategies, programs and implementation of Indian Education policy and program initiatives. Many states across the country have established Indian Education as a priority and many support not only directors but additional program staff. For example, Montana has a Division of Indian Education with a Director as well as several program specialists in areas such as curriculum, professional development, dropout prevention, Indian student achievement and more. South Dakota has an Indian Education Office with a Director of Indian Education to support Indian Education

initiatives. The Minnesota Office of Indian Education promotes culturally-relevant curriculum, strategies for teachers, and provides information, resources, support and oversight to public school staff, parents and students in the area of Indian Education.

Mr. Chairman and Members of the Committee, there are more than 10,600 Indian students attending schools in North Dakota. We are keenly aware of the unique and special needs of Indian students including cultural, economic and other social factors. Without the direct focus that this position would provide, Indian student needs may be easily ignored or at least may easily be lost in the complexity of education issues.

I need only mention a couple of facts to demonstrate the urgency to re-establish this position at the Department. First, the graduation rate for Native American students is at about 55% as compared to roughly 88% as a state average. This is unacceptable and we simply must do better and do more to change this alarming fact. Second, many of our lowest performing schools are the schools serving high populations of Native students. Assisting these schools in developing initiatives to improve student achievement would of course be a priority for this position.

I have provided a job description for this important position in Addendum One. Permit me to briefly review each of these job responsibilities.

- Work closely with the North Dakota Indian Education Advisory Council in matters affecting education opportunity for Indian students

- Serve as a liaison with local, state, regional, and federal agencies relative to American Indian educational programs
- Collaborate and work in partnership with the North Dakota Indian Affairs Commission, Tribal Councils, Bureau of Indian Education and public school boards
- Advocate for quality American Indian education programs among various state stakeholders
- Develop a strategic plan to increase academic achievement
  - Study, develop, implement and monitor a demonstration project
- Develop culturally appropriate curriculum, standards and assessment
  - Culturally relevant frameworks, strategies and training
- Assess, monitor, and develop appropriate state policy initiatives
  - Plan, develop, and recommend policy formulation
  - Initiate discussion and respond to legislative and regulatory changes impacting American Indian tribes and tribal communities
- Participate in the development and implementation of highly effective professional development opportunities for all teachers
- Participate in the development of a website directory of effective resources and successful programs

- Provide for training, technical and developmental assistance to local school districts and a variety of agencies serving American Indian learners on a wide range of educational issues

The appropriation included in this bill will provide the resources necessary to once again support educational opportunities for Native American students. Included at the end of my prepared testimony, I have provided a budget that details the use of the appropriation (Addendum Two).

The establishment of the Director of Indian Education position is supported by the North Dakota Indian Affairs Commission and the North Dakota Indian Education Advisory Council which was established last session.

Mr. Chairman and Members of the Committee, it is time to place greater emphasis in providing quality and appropriate educational opportunities for Indian students. Establishing a Director of Indian Education position will be a positive first step toward this end.

I believe that there are others who wish to speak regarding this bill and so I will conclude my remarks. I will be happy to answer any questions that you may have.

## Addendum One

Director of Indian Education  
North Dakota Department of Public Instruction

### JOB DESCRIPTION

Primary Responsibility: provide for focus, planning, strategies, programs, and implementation of Indian Education policy and program initiatives.

- Work closely with the North Dakota Indian Education Advisory Council in matters affecting education opportunity for Indian students.
- Serve as a liaison with local, state, regional, and federal agencies relative to American Indian educational programs.
- Collaborate and work in partnership with the North Dakota Indian Affairs Commission, Tribal Councils, Bureau of Indian Education and public school boards.
- Advocate for quality American Indian education programs among various state stakeholders.
- Develop a strategic plan to increase academic achievement.
  - Study, develop, implement and monitor a demonstration project.
- Develop culturally appropriate curriculum, standards and assessment.
  - Culturally relevant frameworks, strategies and training
- Assess, monitor, and develop appropriate state policy initiatives.
  - Plan, develop, and recommend policy formulation.
  - Initiate discussion and respond to legislative and regulatory changes impacting American Indian tribes and tribal communities.
- Participate in the development and implementation of highly effective professional development opportunities for teachers.
- Participate in the development of a website directory of effective resources and successful programs.
- Provide for training and technical and developmental assistance to local school districts and a variety of agencies serving American Indian learners on a wide range of educational issues.

Addendum Two

Director, Indian Education  
2011-13 Biennium

This budget request is to fund a new position at the director level plus support staff and operational costs.

Total Proposed Budget - \$265,413.00

Director, Indian Education Programs

Director Level, Grade 15, credentialed position

Total Salary + Benefits = \$179,327

Salary = \$134,832 (\$5,618 x 12 x 2)

Benefits = \$44,495 (Approximate 33%)

Support Staff

Administrative Assistant, Grade 7

Total Salary + Benefits = \$71,086

Salary = \$53,448 (\$2,227 x 12 x 2)

Benefits = \$17,638 (Approximate 33%)

Operations

\$15,000





## MANDAN, HIDATSA & ARIKARA NATION

*Three Affiliated Tribes \* Fort Berthold Indian Reservation*

404 Frontage Road \* New Town, North Dakota 58763-9402

OFFICE OF THE CHAIRMAN  
(701) 627-8100  
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Robert V. "Bob" Marthaller  
Assistant Superintendent  
ND Department of Public Instruction  
600 E. Boulevard Ave.  
Bismarck, ND 58505-0440

January 10, 2011

Mr. Marthaller,

This testimony is written to support Senate Bill 2130 for a Director of Indian Education at the Department of Public Instruction. This position would be helpful in identifying and defining what Indian Education means in North Dakota and improve the manner in which it is delivered. This addition will also help the state fulfill its constitutional responsibility to educate all citizens. It is the moral and ethical thing to do.

With more than 10,000 Native American students in North Dakota schools we at the Mandan, Hidatsa & Arikara Nation feel a 57 percent graduation rate is not acceptable. This position will allow for closer work with tribal schools and will effect a broad range of educational issues including curriculum, Indian history, cultural aspects of tribal heritage, standards, Adequate Yearly Progress (AYP) and health.

There is a successful track record for this position as evidenced by the development of the ND Indian Curriculum Development Program and would assure transparency of government. In turn an increase in efficiency would be created as it would allow for the gathering and dissemination of best practices information in a routine and timely way as well as provide accountability to schools, DPI and legislators in defining legislative issues or priorities.

A very valuable tool created by the past Director of Indian Education was the Tribal Resource Guides for Educators which were developed by the North Dakota Indian Education Advisory Council. It is our intent to work closely with this advisory council upon the reinstatement of the director.

In closing, on behalf of the people of the MHA Nation, the MHA Nation Tribal Business Council and Tribal Education Administration hereby lend our full support for a Director of Indian Education at the Department of Public Instruction as it will serve as a resource for North Dakota educators.

Sincerely,

Tex G. Hall, Chairman

#4 SB 2130

Chairman Freborg and members of the committee, my name is Marc Bluestone. I am the Superintendent of the New Town Public School District #1 in New Town, North Dakota. New Town is located on the Fort Berthold Indian Reservation, home of the Mandan, Hidatsa, and Arikara people. I am here to testify on behalf of our school district and community in support of Senate Bill 2130 an appropriation for funding a director of Indian Education.

The North Dakota Indian Education Advisory Council (NDIEAC) which was established by the 61<sup>st</sup> Legislative Assembly has been studying educational issues facing American Indian students in North Dakota. I currently serve on this committee. The Advisory Council recognizes that there is a need to strengthen programs and services to American Indian students. One of the ways to accomplish this is to establish a Director of Indian Education who would actively work with the Advisory Council to develop a long-range strategic plan to improve the education of American Indian students in North Dakota. This position would serve as a liaison between local, state, regional, and federal agencies that provide educational programs for American Indians. The director would advocate for quality program and services designed to increase student achievement for American Indian students.

#5

Currently, there are over 10,000 American Indian students in public, tribal, and Bureau of Indian Education schools in North Dakota. Many of the schools that have a majority of American Indian students are struggling with many educational and social issues including but not limited to entering school not ready to learn, attendance issues, high dropout rates, neglect, abuse, health and nutrition issues, drugs and alcohol concerns, and low parent involvement. There is a strong correlation between student achievement and economic conditions (i.e., poverty). These types of issues impact our schools which result in lower student achievement. Many of our schools are struggling with making Adequate Yearly Progress.

The Director of Indian Education could have a major impact on the educational issues listed above. Other duties would be to establish a resource base for best practices for educating American Indian students that would be shared with all schools in North Dakota; assist schools with developing culturally appropriate curriculum incorporating American Indian history and culture; and implement Indian Education policy and program initiatives.

The establishment of a Director of Indian Education is desperately needed in North Dakota. Neighboring states including Montana, South Dakota, and Minnesota have already established and implemented this

position. Senate Bill 2130 would be a step in the right direction. I encourage you to give Senate Bill 2130 a Do Pass recommendation. Thank you. If you have any questions, I would be happy to answer them.

TRIBAL COUNCIL  
(LARGE)

Jesse "Jay" Taken Alive

Margaret M. Gates

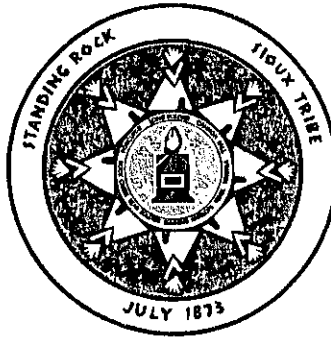
Avis Little Eagle

Dave Archambault II

Joseph McNeil Jr.

Jesse McLaughlin

Charles W. Murphy  
*Chairman*



Mike Faith  
*Vice Chairman*

Adele M. White  
*Secretary*

TRIBAL COUNCIL  
(DISTRICTS)

Sharon Two Bears  
*Cannonball District*

Henry Harrison  
*Long Soldier District*

Duane Claymore  
*Wakpala District*

Kerby St. John  
*Kenel District*

Errol D. Crow Ghost  
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Milton Brown Otter  
*Rock Creek District*

Frank Jamerson Jr.  
*Running Antelope District*

Samuel B. Harrison  
*Porcupine District*

**Testimony in SUPPORT of S.B. 2130**  
**Senate Education Committee**  
**Sen. Layton Freborg, Chairman**  
**January 12, 2011**

Chairman Freborg and members of the Committee, thank you for this opportunity to provide testimony. My name is Dr. Cheryl Ann Kary. I am the Executive Director of the Standing Rock Sioux Tribe. I am here to testify on behalf of Chairman Charles W. Murphy, who sends his greetings and regrets that he could not be here.

The Standing Rock Sioux Tribe is providing this testimony in support of S.B. 2130, to provide an appropriation of \$265,000 for funding the position of Director of Indian Education within the North Dakota Department of Public Instruction. We believe this position is critical to the on-going efforts among the Tribes of North Dakota to address the areas in which our Tribal children are, indeed, being left behind.

The Standing Rock Sioux Indian reservation is home to nine different schools that serve both Native and non-Native students. These schools may be funded as tribal grant, public, and/or private schools; however, they face similar challenges. These challenges – such as high drop-out rates, high poverty levels, lack of parental involvement, low achievement test scores, a transient population – are also challenges that other North Dakota Tribes have in common. These challenges are just the sort of systemic issues that a centrally-located Director of Indian Education can address. In addition, because of the pervasive and long-standing nature of these issues, a coordinated approach is the Tribe and State's best prospect for alleviating them.

How do we know such an approach will work? Within the Standing Rock Sioux Tribe, our Tribal Education Department coordinates the work of a Consortium of the schools and key stakeholders in education on the reservation. This working group has been able to share common concerns – attendance, for example – and address them via the consortium in several ways:

- (1) A dedicated Tribal Education Department staff that can gather the necessary data, provide recommendations, and assist with implementation. For example, our staff is assisting the Consortium by coordinating, writing, and editing a uniform attendance policy and procedures for truancy for the schools on Standing Rock;
- (2) A mechanism for sharing concerns and discussing possible solutions. For example, the Consortium was able to identify cyber-bullying as a burgeoning concern in the schools that negatively impacted attendance; and
- (3) A critical link to secondary systems which impact, and are impacted by, education. For example, during recent incidents with suicides on Standing Rock, the Consortium was able to sit at the table with Tribal mental health professionals to address the development of a coordinated school response.


These examples are but a few of the ways we have seen a coordinated effort lead to more effective responses. Because of these experiences, we believe that a state-wide effort will be equally as effective in dealing with the educational concerns of the Tribes (and the State) that require a coordinated approach, a systemic solution.

For Tribes in North Dakota, one of the major issues of concern is educating a transient student. Our schools struggle with consistency of learning with students who transfer between schools – whether within the reservation boundaries or, more commonly, between schools on and off the reservation. This challenge requires a broad discussion of school resources, tracking/ reporting of data, and curriculum alignment. A Director of Indian Education can assist in these critical matters quite effectively.

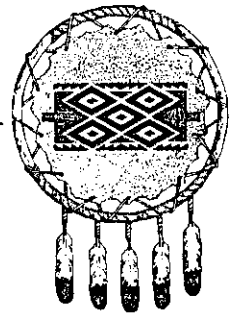
Other matters that would be of great importance are, of course, funding issues. Last year on Standing Rock, our children's schools were drastically and negatively impacted by issues with formula funding because nobody was looking out for the children being left behind. A Director of Indian Education can also deal with issues such as development and alignment of academic standards, curriculum, assessments, staff development, best practices, and data-based decision-making. In short, there will be no shortage of work for this individual and the State will certainly get a bang for their buck.

In closing, we would encourage Committee members to recall events held here recently – the State of the Tribes address and a historic meeting of Tribal leaders and State department officials. The loud and clear message through those events was the need for Tribes and State to work together in a true partnership. We see this position of Director of Indian Education as providing a vehicle for those endeavors and we encourage you to do the same by supporting S.B. 2130.

On behalf of Chairman Murphy and the Standing Rock Sioux Tribe, thank you for your time and attention.



UNITED TRIBES TECHNICAL COLLEGE  
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BISMARCK, NORTH DAKOTA 58504 • PHONE 701-255-3285 • FAX 701-530-0605



**Testimony Supporting SB 2130  
Providing an Appropriation for Funding a Director of Indian Education**

**Before the North Dakota Senate Education Committee  
62<sup>nd</sup> Legislative Assembly**

**January 12, 2011**

**David M. Gipp, President  
United Tribes Technical College**

Mr. Chairman and members of the Committee:

This testimony is in support of SB 2130, which seeks to provide an appropriation of \$265,413 for a full time director of Indian education within the office of the Superintendent of Public Instruction.

This is a position that United Tribes Technical College, and myself personally, have long supported. Indian students in our state education system are not performing as well as the rest of the students in the state. In a few North Dakota public schools where American Indians represent the majority of students, the Annual Yearly Progress (AYP) goals set by the No Child Left Behind Act are not being met. Rates of graduation from high school for American Indian students remain abysmally low, in some cases less than 50%. With a full-time director of Indian education directly within the office of the Superintendent of Public Instruction, coupled with the authority to recommend curriculum changes, some of the imbalances in achievement can hopefully be corrected over time.

For example, educators have learned over many years, and especially within the past 10 years, that American Indian students need a positive learning environment, one in which cultural elements consonant with the experiences of American Indian students are incorporated into the curriculum. Further, these cultural elements must be taught in a manner that shows that teachers and administrators think of these cultural elements as valuable. Too often, public education for American Indians simply does not adequately take into account their cultural needs – the old attitudes that American Indians should be assimilated into the mainstream culture often remain present among administrators and even teachers.

As an example of how this old attitude is being reversed, in Montana, over 100 curriculum modules required to be used for grades K-12 have been developed that incorporate the culture, wisdom and teachings of the seven federally recognized Tribes in Montana. The histories, cultural traditions and

#7 SB2130



teachings of the Tribes in Montana were developed by the Tribal Colleges in the state. These efforts are beginning to show positive results.

Further, American Indians, as the recent census has demonstrated, are the fastest growing population segment in North Dakota. According to the preliminary information released by the U.S. Census, American Indians are 6.7% of the North Dakota population. That trend is likely to continue. This population will want to stay in North Dakota if their cultures and accomplishments are valued and if they are provided with a solid educational background.

It should also be noted that in the past for a number of years there was a similar position within the Department of Public Instruction to that for which funds are being sought in SB 2130. Cheryl Kulas was the last to occupy this position, before she left DPI and moved over to become the Executive Director of the Indian Affairs Commission in the early 2000's. Why funding was not sought for the position subsequent to her departure is not clear.

The position to be funded by SB 2130 is greatly needed, to assist in correcting some of the imbalances mentioned. For these reasons, I strongly support the passage of SB 2130.

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**TESTIMONY ON SB 2130**  
**SENATE APPROPRIATIONS COMMITTEE**  
**January 24, 2011**  
**Robert V. Marthaller, Assistant Superintendent**  
**701-328-2267**  
**Department of Public Instruction**

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Mr. Chairman and Members of the Committee:

My name is Bob Marthaller and I am an Assistant Superintendent for the Department of Public Instruction. I am here to speak in favor of SB 2130, as amended, regarding the establishment of a Director of Indian Education position within the Department of Public Instruction. I will also provide the Committee with a detailed job description and budget details.

For too many years, the Department has been without an identified staff person whose primary responsibility would be to provide focus, planning, strategies, programs and implementation of Indian Education policy and program initiatives. Many states across the country have established Indian Education as a priority and many support not only directors but additional program staff. For example, Montana has a Division of Indian Education with a Director as well as several program specialists in areas such as curriculum, professional development, dropout prevention, Indian student achievement and more. South Dakota has an Indian Education Office with a Director of Indian Education to support Indian Education

initiatives. The Minnesota Office of Indian Education promotes culturally-relevant curriculum, strategies for teachers, and provides information, resources, support and oversight to public school staff, parents and students in the area of Indian Education.

Mr. Chairman and Members of the Committee, there are more than 10,600 Indian students attending schools in North Dakota. We are keenly aware of the unique and special needs of Indian students including cultural, economic and other social factors. Without the direct focus that this position would provide, Indian student needs may be easily ignored or at least may easily be lost in the complexity of education issues.

I need only mention a couple of facts to demonstrate the urgency to re-establish this position at the Department. First, the graduation rate for Native American students is at about 55% as compared to roughly 88% as a state average. This is unacceptable and we simply must do better and do more to change this alarming fact. Second, many of our lowest performing schools are the schools serving high populations of Native students. Assisting these schools in developing initiatives to improve student achievement would of course be a priority for this position.

I have provided a job description for this important position in Addendum One. Permit me to briefly review each of these job responsibilities.

- Work closely with the North Dakota Indian Education Advisory Council in matters affecting education opportunity for Indian students

- Serve as a liaison with local, state, regional, and federal agencies relative to American Indian educational programs
- Collaborate and work in partnership with the North Dakota Indian Affairs Commission, Tribal Councils, Bureau of Indian Education and public school boards
- Advocate for quality American Indian education programs among various state stakeholders
- Develop a strategic plan to increase academic achievement
  - Study, develop, implement and monitor a demonstration project
- Develop culturally appropriate curriculum, standards and assessment
  - Culturally relevant frameworks, strategies and training
- Assess, monitor, and develop appropriate state policy initiatives
  - Plan, develop, and recommend policy formulation
  - Initiate discussion and respond to legislative and regulatory changes impacting American Indian tribes and tribal communities
- Participate in the development and implementation of highly effective professional development opportunities for all teachers
- Participate in the development of a website directory of effective resources and successful programs

- Provide for training, technical and developmental assistance to local school districts and a variety of agencies serving American Indian learners on a wide range of educational issues

The appropriation included in this bill will provide the resources necessary to once again support educational opportunities for Native American students.

Included at the end of my prepared testimony, I have provided an amended budget that details the use of the appropriation (Addendum Two).

The establishment of the Director of Indian Education position is supported by the North Dakota Indian Affairs Commission and the North Dakota Indian Education Advisory Council which was established last session.

Mr. Chairman and Members of the Committee, it is time to place greater emphasis in providing quality and appropriate educational opportunities for Indian students. Establishing a Director of Indian Education position will be a positive first step toward this end.

I believe that there are others who wish to speak regarding this bill and so I will conclude my remarks. I will be happy to answer any questions that you may have.

## Addendum One

Director of Indian Education  
North Dakota Department of Public Instruction

### JOB DESCRIPTION

**Primary Responsibility:** provide for focus, planning, strategies, programs, and implementation of Indian Education policy and program initiatives.

- Work closely with the North Dakota Indian Education Advisory Council in matters affecting education opportunity for Indian students.
- Serve as a liaison with local, state, regional, and federal agencies relative to American Indian educational programs.
- Collaborate and work in partnership with the North Dakota Indian Affairs Commission, Tribal Councils, Bureau of Indian Education and public school boards.
- Advocate for quality American Indian education programs among various state stakeholders.
- Develop a strategic plan to increase academic achievement.
  - Study, develop, implement and monitor a demonstration project.
- Develop culturally appropriate curriculum, standards and assessment.
  - Culturally relevant frameworks, strategies and training
- Assess, monitor, and develop appropriate state policy initiatives.
  - Plan, develop, and recommend policy formulation.
  - Initiate discussion and respond to legislative and regulatory changes impacting American Indian tribes and tribal communities.
- Participate in the development and implementation of highly effective professional development opportunities for teachers.
- Participate in the development of a website directory of effective resources and successful programs.
- Provide for training and technical and developmental assistance to local school districts and a variety of agencies serving American Indian learners on a wide range of educational issues.

Addendum Two

Director, Indian Education  
2011-13 Biennium

This budget request is to fund a new position at the director level and operational costs.

Total Proposed Budget - ~~\$265,413.00~~ \$194,327.00

Director, Indian Education Programs

Director Level, Grade 15, credentialed position

Total Salary + Benefits = \$179,327

Salary = \$134,832 (\$5,618 x 12 x 2)  
Benefits = \$44,495 (Approximate 33%)

Support Staff

~~Administrative Assistant, Grade 7~~

~~Total Salary + Benefits = \$71,086~~

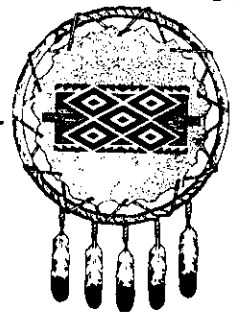
~~Salary = \$53,448 (\$2,227 x 12 x 2)~~  
~~Benefits = \$17,638 (Approximate 33%)~~

Operations

\$15,000



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**Testimony Supporting SB 2130  
Providing an Appropriation for Funding a Director of Indian Education**

**Before the North Dakota Senate Appropriations Committee  
62<sup>nd</sup> Legislative Assembly**

**January 24, 2011**

**David M. Gipp, President  
United Tribes Technical College**

Mr. Chairman and members of the Senate Appropriations Committee:

This testimony is in support of SB 2130, which seeks to provide an appropriation of <sup>\$194,321</sup>~~\$265,413~~ for a full-time director of Indian education within the office of the Superintendent of Public Instruction and the Department of Public Instruction (DPI).

This is a position that United Tribes Technical College, and myself personally, have long supported. The vast majority of the more than 10,000 Indian students in North Dakota are, in fact, in public education supported by the State of North Dakota, and that includes those Indian students who live on the reservations. Yet these students are not performing as well as the rest of the students in the state. In several North Dakota public schools where American Indians represent the majority of students, the Annual Yearly Progress (AYP) goals set by the No Child Left Behind Act are not being met. Rates of graduation from high school for American Indian students remain abysmally low, in some cases less than 50%.

We know that the reasons for these abysmal statistics do not just lie within the education system. Social, economic and cultural factors play a large role. What a full-time director of Indian education can do is help coordinate resources that are available within the education system that may be able to lead to improvements in achievement and graduation rates. Such a director can also help introduce best practices into the schools. Further, such a position can provide a sense of direction of what needs to be done. Just funding the position is a signal to Tribes, their citizens and all American Indians in the state that education for American Indians is every bit as important as education for everyone else in the state.

All of these efforts take time. It is unlikely there will be an immediate payback in terms of improvements in test scores, in part because there are systemic matters that must be resolved, and



attitudes and assumptions about Indian students that need to be adjusted and changed. For example, curricula need to be introduced that value American Indian cultures and that teach those values not just to American Indians but also to all students in the state, similar to the kinds of programs in our neighboring state of Montana.

Studies have shown that a positive learning environment, one in which cultural elements consonant with the experiences of American Indian students are incorporated into the curriculum, helps American Indian students perform. Where American Indian students are the majority of the students in a school, options such as language immersion where the students have the opportunity to be taught in their native language should be offered. Further, these cultural elements must be taught in a manner that shows that teachers and administrators think of these elements as valuable in today's society, and that they are not just treated as historical artifacts. Too often the old attitude remains present among teachers and administrators that American Indians should be assimilated into the mainstream culture, an attitude that children are quick to understand.

Changing these attitudes will not just assist American Indian students. It will help make it possible for all students in the system to think more positively about American Indians and their role in our society, past and present.

An example of how this old attitude is being reversed is occurring in Montana. The equivalent of DPI in Montana has developed over 100 curriculum modules in all subjects for grades K-12 that incorporate the culture, wisdom and teachings of the seven federally recognized Tribes in Montana. These modules are required to be used in all K-12 schools in Montana. The histories, cultural traditions and teachings of the Tribes in Montana were developed by the Tribal Colleges in the state. These efforts are beginning to show positive results.

Further, American Indians, as the recent census has demonstrated, are the fastest growing population segment in North Dakota. According to the preliminary information released by the U.S. Census, American Indians are 6.7% of the North Dakota population. That trend is likely to continue. This population will want to stay in North Dakota if their cultures and accomplishments are valued and if they are provided with a solid educational background.

It should also be noted that in the past for a number of years there was a similar position within the Department of Public Instruction to that for which funds are being sought in SB 2130. Cheryl Kulas was the last to occupy this position, before she left DPI and moved over to become the Executive Director of the Indian Affairs Commission in the early 2000's. Why funding was not sought for the position subsequent to her departure is not clear.

The position to be funded by SB 2130 is greatly needed to assist in correcting some of the imbalances mentioned. The funding for this position has been provided by the state of North Dakota in the past, and now is needed more than ever. For these reasons, I strongly support the passage of SB 2130.

Testimony on SB 2130

Monday January 24, 2011

Senate Appropriations Committee

Chairman Senator Holmberg

Chairman Holmberg and members of the education committee my name is Tiffiany Johnson and I am presenting testimony on behalf of Tex Hall, Chairman of the Mandan, Hidatsa and Arikara Nation in support of SB 2130. A bill to provide funding for a Indian Education Director and a report to the Legislature and Department of Public Instruction.

Our tribe is in support of this bill as it would help address the low graduation rate of 57% for North Dakotas Tribe's students and the Annual Yearly Progress mandated by the Nations No Child Left Behind Law. This Indian Education Director could work closely with our Tribal Education Director and our 5 schools on the Ft Berthold Indian Reservation in addressing these areas and help meet these goals of acceptable performance.

Also, our Tribe is concerned about duplication of the reporting on the No Child Left Behind and are hopeful the Indian Education Director could help streamline the reporting to the Bureau of Indian Affairs and the State's Department of Public Instruction. Our Schools and teachers need to provide more time with quality instruction and less time doing paperwork.

It is for these reasons we are very appreciate of this Bill and its sponsors and urge the Committee to pass. Our neighbor to the west Montana has a fully funded Indian Education director and it seems to be very helpful to those tribes and Montana and feel the same results would happen here, thanks you for this opportunity to present testimony on behalf of Chairman Hall and our over 1400 students on the Ft Berthold Indian Reservation.

Chairman Holmberg and members of the committee, my name is Marc Bluestone. I am the Superintendent of the New Town Public School District #1 in New Town, North Dakota. New Town is located on the Fort Berthold Indian Reservation, home of the Mandan, Hidatsa, and Arikara people. I am here to testify on behalf of our school district and community in support of Senate Bill 2130 an appropriation for funding a director of Indian Education.

The North Dakota Indian Education Advisory Council (NDIEAC) which was established by the 61<sup>st</sup> Legislative Assembly has been studying educational issues facing American Indian students in North Dakota. I currently serve on this committee. The Advisory Council recognizes that there is a need to strengthen programs and services to American Indian students. One of the ways to accomplish this is to establish a Director of Indian Education who would actively work with the Advisory Council to develop a long-range strategic plan to improve the education of American Indian students in North Dakota. This position would serve as a liaison between local, state, regional, and federal agencies that provide educational programs for American Indians. The director would advocate for quality program and services designed to increase student achievement for American Indian students.

Currently, there are over 10,000 American Indian students in public, tribal, and Bureau of Indian Education schools in North Dakota. Many of the schools that have a majority of American Indian students are struggling with many educational and social issues including but not limited to entering school not ready to learn, attendance issues, high dropout rates, neglect, abuse, health and nutrition issues, drugs and alcohol concerns, and low parent involvement. There is a strong correlation between student achievement and economic conditions (i.e., poverty). These types of issues impact our schools which result in lower student achievement. Many of our schools are struggling with making Adequate Yearly Progress.

The Director of Indian Education could have a major impact on the educational issues listed above. Other duties would be to establish a resource base for best practices for educating American Indian students that would be shared with all schools in North Dakota; assist schools with developing culturally appropriate curriculum incorporating American Indian history and culture; and implement Indian Education policy and program initiatives.

The establishment of a Director of Indian Education is desperately needed in North Dakota. Neighboring states including Montana, South Dakota, and Minnesota have already established and implemented this

position. Senate Bill 2130 would be a step in the right direction. I encourage you to give Senate Bill 2130 a Do Pass recommendation. Thank you. If you have any questions, I would be happy to answer them.

# **TURTLE MOUNTAIN BAND OF CHIPPEWA INDIANS**

HIGHWAY #5 WEST  
P.O. BOX 900  
BELCOURT, NORTH DAKOTA 58316

(701) 477-2600  
FAX: (701) 477-6836



January 24, 2011

Representative Chet Pollert  
Human Resource Division  
Appropriations Committee  
ND Legislature; State Capitol  
Bismarck, ND 58505

Dear Chairman Pollert:

The Turtle Mountain Band of Chippewa fully supports efforts to fund an appropriation for the restoration of the position of Director of Indian Education at the Department of Public Instruction. The Tribe looks forward to the state's esteemed leadership to support legislation for this position. The Director of Indian Education would allow our tribes to be a part of the state's educational system process.

The Turtle Mountain Tribe is the largest in North Dakota and education is one of our main concerns. Education is the means to a better future and independence for our tribal members. The Tribal Council understands this position was previously funded and once was a major benefit to the students from all of the tribal reservations, as well as communities within the state.

The Turtle Mountain Tribal Council is unanimous in the support of an "Indian Desk", which will undoubtedly deliver information and provide guidance to our educational leaders (school boards, administrators, educators). This position will create better cooperation and a greater measure of accountability to schools, legislators and the Department of Public Instruction.

The position of Director of Indian Education in the DPI would help fulfill the state's constitutional responsibility to educate all of our state citizens. Numerous benefits will be derived from this position and as tribal chairman, I am requesting for it to be restored. The Director of Indian Education will work with curriculum development, cultural inclusion, heritage preservation, health and wellness.

I appreciate your serious consideration to support this very important position for Indian education in the great state of North Dakota.

Respectfully submitted,

*Merle St. Claire*

Merle St. Claire, Tribal Chairman



6

**Cankdeska Cikana Community College**  
Leander R. McDonald, PhD, Vice President of Academic Affairs  
PO Box 269  
Fort Totten, ND 58335  
Phone: (701) 766-1133  
Fax: (701) 766-4077  
[Leander\\_mcdonald@littlehoop.edu](mailto:Leander_mcdonald@littlehoop.edu)

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January 24, 2011

Written Testimony: SB2130: Department of Public Instruction - Director of Indian Education

Over 10,000 American Indian students attend schools throughout the North Dakota Department of Public Instruction (DPI) School System. A huge majority of the schools that these students attend are experiencing educational barriers due to a variety of reasons. Arrays of data collection systems are in place to monitor and track disparities; however, funding is needed to hire a Director of Indian Education.

The Director would be responsible for ensuring the data is used to guide strategic planning processes to develop action plans and to seek funding to address educational disparities of our largest minority population in the State of North Dakota. The position would also serve as a liaison between DPI and the American Indian schools or Public Schools with large American Indian student populations. Evaluation, assessment, and strategic planning, are at the core of this position as issues must be identified and prioritized to ensure short and long-term progress is made on an ongoing basis.

I fully support this initiative having conducted and applied research in regard to education and encourage our Legislature to fund this worthwhile initiative. I am available for any questions by telephone at (701) 766-1133 or email: [leander\\_mcdonald@littlehoop.edu](mailto:leander_mcdonald@littlehoop.edu) regarding this testimony.

Sincerely,

Leander R. McDonald, PhD  
Vice President of Academic Affairs