

2023 HOUSE EDUCATION

HB 1531

2023 HOUSE STANDING COMMITTEE MINUTES

Education Committee Coteau AB Room, State Capitol

HB 1531
2/8/2023

Relating to prohibiting institutions of higher education from waiving application fees based on certain characteristics of the applicant.

9:29 AM

Chairman Heinert opened the meeting. Members present: Chairman Heinert, Vice Chairman Schreiber-Beck, Representatives Conmy, Dyk, Hager, Hauck, Heilman, Hoverson, Jonas, Longmuir, Marschall, Murphy, Novak, and Timmons.

Discussion Topics:

- Merit
- Diversity of education, status
- Cultural diversity tuition waiver
- Scholarships
- Hierarchy of social preferences
- Affirmative action
- Social classes/race

In favor:

Rep Prichard, District 8, Bismarck, presented HB 1531, Testimony 19728,

In opposition:

Cayden Marx, Dakota Outright oral testimony

Lisa Johnson, Vice Chancellor of Academic & Student Affairs, NDUS, Testimony 19730

Additional written testimony:

Birgit Pruess, Ph. D. Fargo 19961

Representative Murphy, Dist. 43 19993

Jeryn Marcellais, Student at MSU 20003

Tucker Bercier, Student at MSU 20004

Ryan Keel, College Planning Specialist 20006

Faith Wahl, UND Student Body President 20644

Kaylyn Bondy, Vice President BSC Student Affairs 20744

Bridgitte Greywater, Head Volleyball Coach VCSU 20745

Jacob Clauson ND Resident 20746

Laurie Weber, Financial Aid Director MSU 20747

Erin Klingenberg, Vice President Student Affairs VCSU 20748

David Cook, President of NDSU 20749

April Abrahamson, Financial Aid Director, Dakota College 20750

Lloyd Halvorson, Vice President Academic and Student Affairs, LRSU 20753

Sharnell Seaboy, Field Organizer at ND Native Vote 20754

Tammy Katuin, ND Resident 20755

House Education Committee

HB 1531

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Bernell Hirning, President at WSC 20758

Brian Huschle, Vice President of Academic Affairs at MSU 20761

Dr. Robert Newman, Chairman University Senate UND 20767

Anastassiya Andrianova Faculty member NDSU 20768

9:57 AM Chairman Heinert closed the hearing until 3:00 PM

Kathleen Davis, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Education Committee
Coteau AB Room, State Capitol

HB 1531
2/8/2023

Relating to prohibiting institutions of higher education from waiving application fees based on certain characteristics of the applicant.

3:00 PM

Chairman Heinert opened the meeting. Members present: Chairman Heinert, Vice Chairman Schreiber-Beck, Representatives Conmy, Dyk, Hager, Hauck, Heilman, Hoverson, Jonas, Longmuir, Marschall, Murphy, Novak, and Timmons.

Discussion Topics:

- Needs based
- Financial aid gaps
- Federal grants
- State funds
- Nature program
- No quotas by race or ethnicity
- Proposed amendment 01002

This meeting was recessed this morning and reopened in order to give Lisa Johnson, Vice Chancellor of Academic & Student Affairs, NDUS, time to bring requested information to the committee.

Opposition continued from 9:39 AM hearing:

Lisa Johnson, Vice Chancellor of Academic & Student Affairs, NDUS, oral testimony

3:15 PM Chairman Heinert closed the hearing

Kathleen Davis, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Education Committee Coteau AB Room, State Capitol

HB 1531
2/13/2023

Relating to prohibiting institutions of higher education from waiving application fees based on certain characteristics of the applicant.

4:14 PM

Chairman Heinert opened the hearing. Members present: Chairman Heinert, Vice Chairman Schreiber-Beck, Representatives Conmy, Dyk, Hager, Hauck, Heilman, Hoverson, Jonas, Longmuir, Marschall, Murphy, Novak, and Timmons.

Discussion Topics:

- State funding tied to Federal funding
- Barriers
- State costs
- Reverse discrimination
- Detrimental economic impact
- Amendment 23.0378.01003

Rep Heilman moved to adopt amendment 23.03787.01003 (#20880), seconded by Rep Timmons.

Representatives	Vote
Representative Pat D. Heinert	N
Representative Cynthia Schreiber-Beck	N
Representative Liz Conmy	N
Representative Scott Dyk	Y
Representative LaurieBeth Hager	N
Representative Dori Hauck	Y
Representative Matt Heilman	Y
Representative Jeff A. Hoverson	Y
Representative Jim Jonas	N
Representative Donald W. Longmuir	N
Representative Andrew Marschall	Y
Representative Eric James Murphy	N
Representative Anna S. Novak	N
Representative Kelby Timmons	Y

6-8-0 Motion failed.

Rep Murphy moved a Do Not Pass, seconded by Rep Conmy.

Representatives	Vote
Representative Pat D. Heinert	Y
Representative Cynthia Schreiber-Beck	Y
Representative Liz Conmy	Y
Representative Scott Dyk	N

Representative LaurieBeth Hager	Y
Representative Dori Hauck	N
Representative Matt Heilman	N
Representative Jeff A. Hoverson	N
Representative Jim Jonas	Y
Representative Donald W. Longmuir	Y
Representative Andrew Marschall	N
Representative Eric James Murphy	Y
Representative Anna S. Novak	Y
Representative Kelby Timmons	N

8-6-0 Motion carried. Rep Conmy is the carrier.

4:33 AM Chairman Heinert closed the meeting.

Kathleen Davis, Committee Clerk

REPORT OF STANDING COMMITTEE

HB 1531: Education Committee (Rep. Heinert, Chairman) recommends **DO NOT PASS** (8 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1531 was placed on the Eleventh order on the calendar.

TESTIMONY

HB 1531



North Dakota House of Representatives

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



Representative Brandon Prichard

District 8
8600 Creekside Drive
Bismarck, ND 58504-3952
C: 701-220-0624
bprichard@ndlegis.gov

COMMITTEES:

Human Services
Agriculture

House Bill 1531 House Education Committee Representative Heinert, Chairman February 8, 2023

Chairman Heinert and members of the House Education Committee,

My name is Rep. Brandon Prichard and I represent District 8 which covers all of Emmons County, rural and suburban portions of Burleigh County, and Wilton which is in McLean County. I am here to testify in support HB 1531 which would preempt public institutions of higher education from waiving tuition, books, housing, application fees, and any other cost associated with receiving an education based on an applicant's race, ethnicity, national origin, gender identity, or sexual preference. This language is located in the amendment I have attached to the testimony. Originally, I planned to only make this bill apply to the application process. However, to achieve the intended goal of reducing race-, sexual orientation-, and sexual preference-based discrimination, the bill needs to include tuition and other subsidies the public university system provides to students. I have attached the amendment to my testimony.

Attached in the appendices are four examples of scholarships that subsidize the education of students based upon arbitrary factors such as the color of their skin and sexual preferences. These scholarships directly contradict a system of merit and replace the education system with a hierarchy of social preferences. In Appendix A, I have attached a description of NDSU's Cultural Diversity Waiver which provides free tuition for students based upon race, ethnicity, and national origin. Similar scholarships are outlined in Appendix B and C from UND and MSU. In Appendix D, a partial tuition scholarship at UND titled the "Pride Scholarship" is provided based upon sexual identity.

I encourage the House Education Committee to support a system of education based upon merit instead of a hierarchy of social preferences. I respectfully ask for the committee to support HB 1531 by giving the bill a "Do Pass" recommendation.

Appendix A – NDSU Cultural Diversity Tuition Waiver

NDSU NORTH DAKOTA STATE UNIVERSITY

[APPLY](#)
[VISIT NDSU](#)
[REQUEST INFO](#)
Q

[About](#)
[Academic Programs](#)
[Admission](#)
[Graduate School](#)
[Campus Life](#)
[Athletics](#)

[Home](#) > [admission](#) > [financial aid](#)

Cultural Diversity Tuition Waiver

Admission

[EXPLORE NDSU](#) +

[HOW TO APPLY](#) +

[VISIT NDSU](#)

[SCHOLARSHIPS, COST AND FINANCIAL AID](#) X

- [Cost of Attendance](#)
- [First-Year Scholarships](#)
- [International Student Scholarships](#)
- [Transfer Student Scholarships](#)
- [Cultural Diversity Tuition Waiver](#)
- [Net Price Calculator](#)

[ADMITTED STUDENT CHECKLIST](#)

[INTERNATIONAL APPLICANTS](#)

[TRANSFER APPLICANTS](#) +

[COUNSELOR AND ADVISOR RESOURCES](#) +

[MEET OUR STAFF](#)

[PARENTS AND FAMILIES](#)

[UNDERGRADUATE ONLINE DEGREE PROGRAMS](#)

[HIGH SCHOOL VISITS](#)

Overview

North Dakota State University is pleased to offer the Cultural Diversity Tuition Waiver, an award intended to assist students with their educational costs. If you are an incoming first year or transfer student who identifies with one or more of the following groups, you are encouraged to apply:

- Native American/American Indian
- Alaska Native
- African American/Black
- Asian
- Hawaiian Native/Other Pacific Islander
- Hispanic/Latino
- Middle Eastern
- Multiracial/Multiethnic (from the above categories)

Eligibility

To be considered for the Cultural Diversity Tuition Waiver, you must:

- Identify with one or more of the groups listed above
- Be admitted to NDSU by April 1, 2023 and meet one of the following:
 - New undergraduate first-year student with a 2.75 or higher cumulative high school GPA
 - New undergraduate transfer student with a 2.0 or higher cumulative college GPA

Among the students identified as culturally diverse, priority is given to:

- Students with high financial need (based on results of the completed 2023-2024 Free Application for Federal Student Aid ([FAFSA](#)) as of February 1, 2023)
- Enrolled members or direct descendants of a Native American/American Indian tribe or Alaska Native village
- First-generation college students
- Students who are single parents
- North Dakota residents

Appendix B – UND Cultural Scholarship

Cultural Diversity Scholarship

The University of North Dakota recognizes the educational benefit of a diverse student population and has developed a policy to recruit, assist and retain enrolled members of federally recognized American Indian tribes and Alaska Natives and Villages, American Indian graduates of tribally-controlled community colleges in North Dakota, and other under-represented groups and economically disadvantaged students.

[Open All](#)

Eligibility

In order to be eligible for this scholarship, you must meet all of the following criteria:

1. Member of a historically underrepresented population (African American/Black, American Indian, Alaska Native, Asian American, Native Hawaiian, Pacific Islander, Latino/a/x, Hispanic American or Multiracial).
2. Incoming freshman with a high school GPA of 3.00 or higher, OR transfer student from a tribal college with 24 or more college credits, AND a cumulative GPA of 3.00 or higher.
3. Enrolled as an on-campus student at UND.
4. Be a United States citizen.
5. Demonstrate financial need through the Free Application for Federal Student Aid (FAFSA).

Funding

- Effective Fall 2022, undergraduate students are eligible for up to \$2,750 per semester, or \$5,500 per academic year. In some cases, partial scholarships may be awarded.
- Scholarships will be awarded up to but not exceeding the cost of UND in-state tuition.
- Scholarships do not include flight fees, application fees, books, room, board, or other costs of attendance.
- Please note that online tuition cannot be waived through this program.

Appendix C – Minot State Cultural Tuition Waiver

Cultural Diversity Tuition Waiver

The Cultural Diversity Tuition Waiver promotes diversity on campus through assistance to historically under-represented individuals and economically disadvantaged students.

Eligibility Criteria:

- Undergraduate new freshmen with a high school GPA of 2.25 or greater and transfer students with a cumulative GPA of 2.25 or greater and *pursuing a first bachelor's degree*. Eligibility will be based on the ethnicity as listed on the MSU Admission Application.
- US Citizen
- Minot State General Scholarship Application required for admitted students by February 15, 2019

Renewal Criteria:

- Enrollment in 12 or more credits for fall and spring semesters.
- Receive a passing grade in 24 or more credits for the fall and spring semesters.
- Earn a 2.25 or greater semester GPA and 2.25 or higher cumulative GPA.

Terms and Conditions:

- The award applies only to the tuition charged for on-campus and off-campus face-to-face courses.
- Students who withdraw forfeit their award.
- If all or a portion of your tuition is paid by a 3rd party agency, this award may be reduced or canceled.
- The award is non-refundable.
- Available to US residents only.
 - ND residents - 50% tuition waiver
 - Contiguous residents - 25% tuition waiver
 - *Minnesota, Montana, South Dakota*
 - WUE residents - 10% tuition waiver
 - *Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, South Dakota, Utah, Washington, Wyoming*
 - Non-resident - 10% tuition waiver
- A student may receive only one academic tuition waiver award per year. Students eligible for more than one award will receive the greater of the academic awards being offered.
- The maximum amount a student can receive from institutional funds cannot exceed the tuition, fees and books, and room and board (if living on campus). Institutional funds include any award program and endowed scholarships

Appendix D – UND Pride Scholarship

Pride Scholarship

The Pride Scholarship is awarded to one or more incoming freshman students who are a part of the LGBTQ+ community or students who are ally of the community. If no incoming students apply, the scholarship may be awarded to a current UND student who meets the same criteria.

Award

\$1,100.00

Scopes

Office of Student Finance

Deadline

02/01/2023

Supplemental Questions

1. Please provide an example of how you have demonstrated a commitment to the LGBTQ+ community.

23.0378.01002

Sixty-eighth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1531

Introduced by

Representatives Prichard, Dyk, Heilman, Rios, Schatz, Timmons, VanWinkle

Senator Paulson

1 A BILL for an Act to create and enact a new section to chapter 15-10 of the North Dakota
2 Century Code, relating to prohibiting institutions of higher education from waiving ~~application-~~
3 ~~fees~~educational costs based on certain characteristics of the applicant.

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

5 **SECTION 1.** A new section to chapter 15-10 of the North Dakota Century Code is created
6 and enacted as follows:

7 ~~Application fee~~**Educational costs waiver - Prohibition.**

8 An institution of higher education under the control of the state board of higher education
9 may not waive costs associated with receiving an education, including all or part of the cost of
10 tuition, book fees, housing, or an application fee for admission to the institution based on an
11 applicant's race, ethnicity, national origin, ~~or diversity~~gender identity, or sexual preference.



HB 1531

House Education Committee

February 8, 2023

Lisa A. Johnson, Vice Chancellor of Academic & Student Affairs, NDUS
701.328.4143 | lisa.a.johnson@ndus.edu

Chair Heinert and members of the House Education Committee, my name is Lisa Johnson. I serve as the Vice Chancellor of Academic and Student Affairs for the North Dakota University System. I am here today on behalf of the North Dakota University System to provide testimony in opposition to HB 1531.

Each year, the colleges and universities of the NDUS process over 7,500 undergraduate applications for admission. The colleges and universities do not waive the application fee based on an individual's race, ethnicity, or national origin. I am, however, aware of institutions hosting free application events, waiving the application fee as a part of their larger, coordinated recruitment and outreach efforts. It is important to know that the waiver of application fees is for all applicants during the specified period of time.

As for the bill's proposed language prohibiting an application waiver based on "diversity", the campuses attract a very diverse student body that also includes individuals of any age, sex, religion, marital status, political viewpoint, ability or disability, or military service connection.

At a time of some of the fiercest competition to attract and retain North Dakota students, HB 1531 would literally prevent institutions, without exception, from extending this benefit to some of the "diverse" populations that the bill's sponsors might expect to receive an application waiver.

For these reasons, the NDUS seeks the Committee's recommendation of "Do Not Pass" on HB 1531.

Birgit Pruess, Ph.D.
 3696 Harrison St S
 Fargo ND 58104

February 8, 2023

Re: HB1531 with amendment
 House Education Committee

Dear Chair Heinert and members of the House Education Committee. My name is Dr. Birgit Pruess and I am a resident of Fargo, ND. I have a long history in Higher Education in North Dakota. I was Faculty Senate President at one of our institutions and faculty advisory member on the State Board of Higher Education. However, I am providing testimony here as a private citizen and not as a representative of any group. I am testifying in opposition to HB1531, especially as amended.

My reasons for this are outlined below.

- 1) The North Dakota State Constitution Article VIII, Section 6 dedicates the authority over our 11 institutions of Higher Education to the State Board of Higher Education (SBHE). I think this is an SBHE decision.
- 2) Has anybody calculated how much this bill will cost the state in dollars?
 - a. Tuition. It is well known that not every student pays the same tuition. There are in state tuitions, out of state tuitions, and international tuitions. Then, there are reciprocity agreements, such as between Minnesota and North Dakota which lower tuition for out of state students from a particular state. There are contracts with individual institutions (often worldwide) that have a negotiated tuition. If the tuition gets changed after the contract has been made, the other side has two options: pay the higher tuition or back out of the contract. In many cases, the latter is going to happen. Our institutions are facing an extremely competitive environment right now when it comes to enrollment. Any attempts by our State Legislature to decrease enrollment will lead to disaster. We already had to let go of many of our good faculty, which reduces educational opportunities for those of our students that this bill seems to protect. Or just simply the ones that will be left, should this bill pass in both chambers.
 - b. Grants. I once had a diversity supplement to an NIH grant. There are grants that are specifically targeted at populations that are underrepresented at our Higher Ed institutions. Is our State Legislature prepared to lose such grants? This can amount to millions to dollars across the State. And what about ongoing ones? Note that faculty who are leaving will take their grants with them, so long as their destination is another academic institution in the US.
- 3) Equity. I am strong a believer that everybody should have access to Education and that includes Higher Education. Just walking across any of our campuses, one can notice easily that there are not too many indigenous people or people of color. Does anybody seriously think that people are underrepresented because they are less intelligent? I sure hope not. Instead, the reason for their underrepresentation is usually financial. What is wrong about using a number of dollars that is small on the larger scale of things to help people educate themselves? Our society needs medical health professionals, scientists, lawyers, engineers,

teachers, and many others. Do we want to lose the ND Indian Scholarship Program? And what about the NATURE program, which “aims to improve science, technology, engineering and mathematics education among North Dakota tribal college and middle/high school students and to build a pathway for the pursuit of careers in STEM disciplines”. To your information, the NATURE program is under North Dakota EPSCoR, a federally funded program. Do we want to lose all these dollars, just to exclude our indigenous friends from getting an education? Does not North Dakota value it’s tribal relationships?

Altogether, I oppose HB1531 because of the decrease in enrollment we will face, the loss of faculty and staff, and most importantly the negative impact on our underrepresented populations, especially our indigenous friends from North Dakota’s Tribal Nations.

While I often testify in opposition to Higher Education bills, I like to make the point that I appreciate the hard work and dedication my legislators put into their work. Your service is much appreciated.

Sincerely and respectfully

Birgit Pruess, Ph.D.

Eric J. Murphy
Representative District 43
Testimony on HB1531

Thank Chairman Heinert and members of the House Education Committee. For the record, my name is Eric James Murphy, representing District 43 in the House.

I am expressing my concern as well as concerns of constituents at the University of North Dakota and in my district who have reached out to me concerning HB1531. This proposed legislation will have an impact on the ability to continue to create a campus at UND that is wide spectrum of diversity. Over the years, UND has sought ways to reduce barriers that prevent impede the mission of educating all students. One vital mechanism for this effort are mechanisms to reduce barriers preventing a student's path to a college education, for which affordability is one of the largest barriers.

To enhance a path to academic success and remove a key barrier to attendance, UND uses both waivers and scholarships targeted to attract students who add to the diversity of the campus environment. Without these scholarships and need-based aid, many of these students would be unable to attend UND.

Some information requested from UND to highlight these programs:

Total Cultural Diversity Tuition Waiver:

- Undergraduate students: annual award \$1.2M to 182 students. The Diversity Scholars have a high academic performance such as enrolling in more credits, completion of more credits, and have a greater GPA than students of color not receiving the waiver.
- Law students: annual award \$114,000 to 17 students.

Total scholarship programs funded by UND, Alumni, or grant programs:

- There are 26 scholarship programs (with annual payouts of \$416K) where ethnicity is the primary or preferred awarding requirement.
- UND's INMED program offers scholarship to students who identify as American Indian or Alaska Native which are not included in the 26 scholarship programs listed above.
- Pride Scholarship requires students to provide an essay of how they have demonstrated a commitment to the LGBTQ+ community and is awarded to one or more incoming freshman students who are a part of the LGBTQ+ community or students who are ally of the community. If no incoming students apply, the scholarship may be awarded to a current UND student who meets the same criteria.

These are some of the programs at UND that would be negatively impacted by HB1531. On behalf of my constituents and myself, I recommend a do not pass on HB1531.

Jeryn Marcellais
Student, Mayville State University
PO Box 2224 Belcourt, ND 58316
(701) 278-5423

House Bill 1531
North Dakota House Education Committee
Representative Heinert, Chairman
February 8th, 2023

Boozhoo, Hello, Chairman Heinert and members of the House of Education Committee,

My name is Jeryn Marcellais. I am a senior at Mayville State University pursuing a Bachelor's degree in Secondary English Education with a minor in Library, Media, and Information Science. I am a proud member of the Turtle Mountain Band of Chippewa Indians, and was born and raised on the Turtle Mountain Reservation. I am writing this testimony in complete opposition of HB 1531. As a student at Mayville State, I have been the recipient of the Diversity Waiver, the very thing this bill aims to eliminate.

For myself, the members of my tribe, members of other tribes in our great state of North Dakota, and the other demographics listed in this bill, educational waivers have helped make the dream of pursuing higher education an achievable reality. Educational waivers that this bill aims to abolish have an impact on one's choice to attend institutions of higher education. For myself personally, educational waivers make it possible for me to attend Mayville State, and make me feel that I am welcomed as a Native American woman on campus.

At Mayville State, the educational waiver has thus created the Intercultural and Diversity Club. For myself, as well as the members of this club, it has been a saving grace. It is a club where I get the opportunity to connect with other Native American students as well as minority and international students who have similar college experiences, unlike the majority. This club is open to all students, and provides opportunities of the enrichment of various cultures, both on campus and in the community of Mayville.

The passing of this bill would inhibit students like myself from attending higher education institutions. The idea that this bill is even proposed in the first place is a slap in the face, as I feel it is a ploy to hinder diverse students, both in our state and across the country, from attending institutions of higher education in North Dakota.

For these reasons, I highly encourage a "do not pass" on HB 1531.

Miigwetch, thank you.

Tucker Bercier
Student, Mayville State University
PO Box 481, St. John, ND 58369
(701) 550-7880

House Bill 1531
North Dakota House Education Committee
Representative Heinert, Chairman
February 8, 2023

Chairman Heinert and members of the House Education Committee,

My name is Tucker Bercier, a senior at Mayville State University studying social science education. I am an enrolled member of the Turtle Mountain Band of Chippewa Indians. I write this testimony in complete opposition to HB 1531. As I pursue my bachelor's degree at Mayville State, as well as when I completed my associate's degree at Lake Region, I have been the recipient of partial educational costs waivers.

For many members of my tribe, as well as members of the other demographics listed in this bill, educational costs waivers open a door of opportunities. In regards to traditionally disadvantaged groups, these waivers provide incentives to pursue higher education. These groups have historically felt that higher education was a far away dream, primarily because of costs. Incentives, such as educational cost waivers, help these students to realize that those dreams are not too distant. For international students, another group potentially affected by this bill, these waivers help them in their pursuit of achieving the American dream.

Educational costs waivers are not meant to be prejudice, but are vital in bringing diverse individuals and perspectives to the majority populace of college students in North Dakota. The consequences of this bill would likely impact the decisions of thousands of potential students from home and across the country to pursue higher education in our great state.

For these reasons, I highly recommend a "do not pass" on HB 1531.

HB 1531

House Education Committee

February 8, 2023

701.793.9242 info@gocollegesmart.com

Chair Heinert and members of the House Education Committee, my name is Ryan Keel. I am a College Planning Specialist and have helped hundreds of families plan for and reduce the cost of a college education. I am painfully aware of the many barriers that prevent students from attending colleges and universities.

I would like to address three issues that relate to this proposed bill.

- 1) This would discourage many individuals from seeking an education in ND, and would directly impact important issues such as encouraging more women to become involved in STEM.
- 2) This sends a clear message to prospective students in and out of state, that North Dakota does not value diversity, nor does it think of higher education as a priority.
- 3) This goes directly against any programs or initiatives that are trying to recruit new talent from out of state to fill the many open jobs as well as help revitalize our small towns. This includes Gov. Burgum's Energizing Our Communities plan.

I'd also like to share from my personal experience as a College Planning Specialist. Within the last several years, I have worked for multiple families with conservative voting parents, who have children that would fall under the 'characteristics' of this bill. Those parents encouraged their students to attend a school out of state because they knew their child would be more welcome somewhere outside of North Dakota than they had been here. This bill will only encourage more behavior like this.

For these reasons, I strongly recommend a "Do Not Pass" on HB 1531



Faith Wahl | UND Student Body President
Faith.wahl@und.edu | 701.426.9123

Morgan Mastrud | UND Student Body Vice President
Morgan.mastrud@und.edu | 701.200.8415

House Bill 1531
House Education Committee
February 9th, 2023

Chairman Heinert and Members of the House Education Committee,

For the record, my name is Faith Wahl, and I serve as the Student Body President at the University of North Dakota (UND). I am submitting this testimony in concurrence with Morgan Mastrud, the Student Body Vice President at UND. We are submitting testimony in opposition to HB 1531, including the amendments that were proposed to the committee on February 8th, 2023.

When considering HB 1531 and the impact that it would have on higher education in North Dakota, we feel that it is important to consider how this bill would negatively impact students both financially and academically. First, several students would lose access to critical financial aid if this bill were to pass. Currently, 1.58 million dollars are allocated to scholarships, grants, or tuition waivers for undergraduate, graduate, law, and medical students that would no longer be awarded based on the implications of the proposed amendments. This financial aid is crucial to student success, particularly in times of great economic need and inflationary periods. The financial aid that students receive positively impacts their life, including areas such as food, housing, books, supplies, and other expenses related to higher education. Removing these key opportunities for students would result in increased financial hardships and create barriers to recruiting and retaining students in North Dakota.

Beyond the serious financial implications that this bill would impose on students, several significant academic programs would be affected as well. These include, but are not limited to, the Indians Into Medicine (INMED) and the Recruitment and Retention of American Indians

Into Nursing (RAIN) programs. Both programs utilize scholarships, grants, and tuition waivers for students intended to fill workforce gaps and target specific populations that are underserved throughout the state. If HB 1531 and the proposed amendments were to pass, students throughout the state and nation would be discouraged from pursuing their education at UND or other colleges in North Dakota. This action would have a negative impact on the future of the state's healthcare workforce and economy.

Finally, HB 1531 and the proposed amendments could adversely affect University foundations and jeopardize relationships with alumni that are willing to give back to an institution. Throughout the state of North Dakota, higher education donors are incentivized to donate to institutions through the Challenge Grant, which provides one dollar of state funding for every two dollars privately donated. This matching program has been incredibly successful in encouraging donors to give back to students through endowments and scholarships. At this time, UND has approximately 50 endowments that directly benefit students with characteristics outlined in the proposed amendments. When individuals choose to donate privately, they are free to identify where and to whom the funds will be allocated. If restrictions are placed on how funds can be distributed and which students are eligible to receive educational funding, private donors may be discouraged from giving money towards an institution. Beyond the loss in private donations that HB 1531 may cause, the loss in Challenge Grant funding that would accompany a decrease in private donations would result in losing millions of dollars in student financial aid. If passed, HB 1531 along with the proposed amendments would severely limit student financial aid, academic programs, and private donations that significantly contribute to student success.

Chairman Heinert and Members of the House Education Committee, we respectfully request a Do Not Pass on HB 1531 and the proposed amendments. Thank you for your time, and we are available for any questions that you might have.

Respectfully submitted,

Faith Wahl and Morgan Mastrud



1500 Edwards Avenue
 PO Box 5587
 Bismarck, ND 58506-5587
 701.224.5400

ويوي . ا
 House Education Committee
 February 8th, 2023
 Kaylyn Bondy, Vice President for Student Affairs
 701.224.5638 | kaylyn.bondy@bismarckstate.edu

Chair Heinert and Committee Members:

My name is Kaylyn Bondy. I serve as Bismarck State College's Vice President for Student Affairs. I am submitting written testimony in opposition to the proposed amendments to HB1531.

Bismarck State College does not waive the application fee based on an individual's race, ethnicity, or national origin. BSC does, however, host free application events, waiving the application fee as a part of our larger, coordinated recruitment and outreach efforts. The waiver of application fees is for all applicants during the specified period of time.

Bismarck State College is in opposition to amendments proposed to HB1531. Bismarck State College supports the original version of the bill.

Thank you.

Monroe, Beverley

From: Greywater, Brigitte <brigitte.greywater@vcsu.edu>
Sent: Wednesday, February 8, 2023 1:13 PM
To: NDLA, H NAT
Cc: Johnson, Lisa; Greywater, Sheldon; LaFramboise, Kelly
Subject: HB 1531

Good Afternoon,

Upon reading the amendments to HB 1531, I am writing in opposition as this affects many, but I will specifically write regarding our Native American students. I served as the Director of Counseling/Head Volleyball Coach for Lake Region State College and I currently serve as head volleyball coach at Valley City State University.

All college campuses within the NDUS have a reservation with 120 miles of their institution. We have tribal two year colleges with some four year bachelor degree opportunities for students. Dependent on the tribal college status, they may or may not accept federal student loans due to current default rates. These students who qualify for federal student loans, but potentially not federal grant aid need additional assistance to continue their education rather than only paying out of pocket or with private loans. The ND Indian Scholarship is a way to provide additional assistance as well as cultural diversity waivers/scholarship on independent NDUS campuses.

As we continue to bridge the relationships between federal and sovereign nations (tribal reservations), access to education will provide the bridge needed. Without these waivers and scholarships, we will see a decrease in Native American students pursuing post-secondary education.

Thank you,

Brigitte Greywater
Head Volleyball Coach
Staff Senate Vice President
Green Dot Facilitator
Valley City State University
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701-845-7166 (office)

Monroe, Beverley

From: Jacob Clauson <clausonja92@gmail.com>
Sent: Wednesday, February 8, 2023 1:11 PM
To: NDLA, H NAT; NDLA, H EDU
Subject: Opposition to HB1531

Hello,

As a resident of North Dakota, I am writing this letter in opposition to HB 1531, and most vehemently the recent amendments that would now prevent an NDUS institution from providing any waiver (and scholarship) based on race, ethnicity, national origin, gender identity or sexual preference.

North Dakota needs to draw in capable, intelligent, and globally aware workers to remain viable in the 21st Century. This bill will do the opposite. The sheer economic ignorance of such a bill is astounding.

This bill would eliminate the ND Indian Scholarship, a complete disregard for this state's history and Native population. We should be embracing and encouraging folks from all walks of life to come to North Dakota and contribute to our state and our colleges.

I encourage a "no" vote on this bill.

Thank you.

Jacob Clauson



Financial Aid Office

HB 1531

Representative Pat Heinert
House Education Committee
February 8th, 2023

Dear Chairman Heinert and members of the House Education Committee, for the record, we are writing on behalf of students, faculty, and staff at Minot State University.

We are writing to express opposition to HB 1531 as it is currently amended to prohibit waiving of educational costs based on applicant's race, ethnicity, national origin, gender identity or sexual preference.

Passage of this bill will have a direct impact on our ability to recruit, retain, and graduate underserved populations of students and will put Minot State University and the entire ND University System at a competitive disadvantage. Our ability to provide a Cultural Diversity Tuition Waiver program helps us provide educational opportunities to students who may not otherwise be considering pursuit of a college degree. Approximately fifty-five to sixty-five students benefit from the Cultural Diversity Waiver each year.

HB 1531 also puts the future of the ND Indian Scholarship in jeopardy. The ND Indian Scholarship provides critical direct financial assistance to Native American students based on merit and financial need. The elimination of this vital program will have a direct impact on our Native American students' ability to complete their degrees. Nearly twenty-five students receive assistance from the ND Indian Scholarship each year.

Additionally, HB 1531 has the potential to put Minot State in a problematic situation regarding our existing scholarship endowment agreements created with donor intentions to give preference to various groups of students based on gender or ethnic background.

Ultimately, HB 1531 will hurt students who rely on these programs to help them finance their education at Minot State University.

Please consider voting no on HB 1531. Thank you for your time and consideration.

Laurie Weber, Financial Aid Director

Annette Mennem, Native American Cultural Center Director

Dr. Laurie Geller, Vice President for Academic Affairs

Brent Winiger, Vice President for Administration and Finance

Kevin Harmon, Vice President for Student Affairs

Chair Heinert and members of the House Education Committee. We are submitting this testimony in opposition to HB 1531.

Please vote 'do not pass' on HB 1531. Given the extremely limited time we've had to collect numbers that would reflect how devastating the impact of that bill would be, please realize that the below statistics would constitute only the tip of the economic iceberg the bill would ram our ship of state into. Besides losing the additional revenue beyond waivers from the students who would be impacted for sure, as well as the economic benefit they and their visiting parents bring to our communities, the impact on enrollment and funding formula for VCSU, and the cascading impacts that would have on Valley City and Barnes County would be devastating.

We would be happy to gather specific details of the impact, but due to the short response time, we have not gathered that information. VCSU currently enrolls 102 students who would be affected by this bill.

Beyond the pure economics of the bill, the bill and the amendments in question would undermine much of what we as an institution of higher education believe in as the role of higher education, i.e., that access to a reasonably-priced public education is part and parcel of the American experience, and that decreasing access for some runs counter to what we as a country, and North Dakota as a state, have historically been about.

We work hard to bring a diverse range of students into our state knowing that diversity is the lifeblood for progress and healthy communities. This bill would radically undermine that work, staunch that flow, and bring the growth and progress we've worked so hard for for so many years to a shuddering halt if not worse. North Dakotans want to grow, we want North Dakota to grow, this bill would actively and negatively impact all we've worked so hard to accomplish for our state. Please vote 'do not pass' on HB 1531.

Respectfully,

Larry Brooks, Vice President for Academic Affairs
Erin Klingenberg, PhD, Vice President for Student Affairs
Rachelle Hunt, PhD, CCF Faculty Representative



House Bill 1531
House Education Committee
Representative Heinert, Chairman
February 8, 2023

Chairman Heinert and members of the House Education Committee,

My name is David Cook, and I am the president of North Dakota State University. I am submitting this written testimony in opposition to the proposed amendment to HB1351.

The State Board of Higher Education's policy 820 reads, in part:

[I]nstitutions may provide for additional waiver of tuition and fees. Institutions are encouraged to use this authority to promote enrollment of a culturally diverse student body, including members of Indian tribes and economically disadvantaged students, for the benefit of all students and the academic community, to promote enrollment of graduate students and research, and for other purposes consistent with an institution's mission. Institutions may grant partial waivers or waive non-resident or resident tuition.

In response to this encouragement by the State Board of Higher Education, NDSU offers a limited number of cultural diversity tuition waivers and international student waivers. These awards provide a partial, not full, waiver of tuition and are designed to help NDSU's enrollment efforts, which in turn, helps the state with its workforce shortage.

As the state's land-grant institution, NDSU is obligated to serve the state by aligning its operations with the state's needs, and we consistently hear from both business leaders and government officials about the state's workforce shortage. NDSU helps reduce this shortage by retaining North Dakota high school graduates and recruiting top-notch out-of-state students. However, in order to do this, we need to have as many tools in the toolbox as we can, and these diversity waivers and international scholarships are important tools for our enrollment efforts.

Eliminating the waiver would reduce our ability to recruit undergraduate students. According to the Western Interstate Commission for Higher Education, the only population of high school graduates expected to grow for at least the next 13 years are students from under-represented groups. The number of white, non-Hispanic high school graduates has been declining since 2008. This is leading to greater competition for diverse students. Tuition waivers allow us to better recruit eligible students, and many of our graduates accept their first jobs in North Dakota.

In addition, international students are also recruited globally, and waivers provide a necessary recruiting tool as cost of attendance is often a deciding factor. Of particular importance is the fact that international students enroll disproportionately in STEM fields, which is exactly what our state leaders and business leaders need from NDSU.

In the end, I ask myself whether a proposed law makes it easier or harder for NDSU to help the state alleviate its workforce shortage. This amendment would make it harder, and I ask that it not be adopted. Thank you for your consideration.

Respectfully submitted,


David Cook

Monroe, Beverley

From: Abrahamson, April <april.abrahamson@dakotacollege.edu>
Sent: Wednesday, February 8, 2023 2:05 PM
To: NDLA, H NAT; NDLA, H EDU
Cc: Johnson, Lisa
Subject: HB 1531 Testimony

HB 1531 Testimony,

A change to HB 1531 will remove access to a more affordable education for students who bring a different perspective based on race, ethnicity, national origin, gender identity or sexual preference to our campus.

- What waivers and scholarships will be impacted?
 International, Canadian, and cultural diversity waivers and the ND Indian Scholarship will be affected at Dakota College at Bottineau.
- Who will be impacted on your campus? For International and Canadian students that are not eligible for any federal aid this waiver can help them afford to attend our institution and not have as much out of pocket expense. Many International and Canadian student must pursue financial options to help them pay for attendance at our institution as they do not have federal options to assist them.
 The ND Indian scholarship is given to our students based on need and merit, the need-based scholarships help students who may not have the financial funds to afford college attend our school, all funds regardless of the amount help our students attend our institution. This scholarship (merit or need based) encourages enrollment of students who are underrepresented in higher education.
 Diversity waivers help students who may be in underrepresented in higher education to receive an education. Enrollment of these underrepresented student can bring perspectives that may be different than traditional students, this encourages discussion in the education setting.

Thank you,



April Abrahamson

Financial Aid Director
Student Services

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Monroe, Beverley

From: Halvorson, Lloyd <lloyd.halvorson@lrsc.edu>
Sent: Wednesday, February 8, 2023 2:05 PM
To: hnat@ndlegis.gov.; NDLA, H EDU
Cc: Johnson, Lisa; Darling, Doug; Wood, Erin; Driessen, Daniel; Zehrer, Casey; Weber, Brady
Subject: HB 1531 Opposition Testimony

On behalf of President Doug Darling, Lake Region State College will stand in opposition to the amendments submitted this morning to HB 1531 and the inclusion of waivers and scholarships that would be prohibited. Lake Region State College strongly encourages a Do Not Pass recommendation.

President Darling did not object to the original bill as we do not waive the application fee based on the identified factors. We do however, find it important to provide scholarships and waivers to individuals based on race, ethnicity, and national origin. We try to issue waivers as encouraged by SBHE policy up to but not exceeding 3% of our FTE, which amounts to approximately 25 ½-tuition waivers. These waivers are provided to domestic students only and are targeted primarily to Native American students. In addition, we offer 10 International to Domestic rate waivers and allocate a few scholarships or waivers to help our athletic teams recruit an international student or two each year.

We are expected to educate students to work in a global economy and it is hard to put that global perspective on display in a classroom in Devils Lake, ND without these tools. We need these scholarships and waivers in order to help ensure a diverse student body and allow our students to learn first-hand about other cultures, other countries, and other regions of the world. We are an open enrollment institution that does not prioritize enrollment by ACT score or high school GPA. We welcome all students to live and learn at Lake Region State College. The “merit process” the author refers to in his testimony this morning is not applicable at Lake Region State College.

Please reject these amendments.



Lloyd Halvorson, Vice President
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HB 1531



North Dakota Native Vote
919 S. 7th St., Suite 603
Bismarck, North Dakota 58504
1-888-425-1483
info@ndnativevote.org

Testimony of Sharnell Seaboy regarding House Bill 1531
On behalf of North Dakota Native Vote
February 9, 2023
House Education Committee

Chairman and members of the House Education Committee, my name is Sharnell Seaboy. I am an enrolled citizen of the Mni Wakan Oyate (Spirit Lake Nation). I am a Field Organizer at North Dakota Native Vote and am here to testify in opposition of House Bill 1531 on behalf of North Dakota Native Vote.

North Dakota Native Vote is a non-partisan grassroots organization. Our mission is to create and affect policy to promote equitable representation for the Native people of North Dakota.

House Bill 1531 will impact Native American Students in North Dakota who, as we know, are underrepresented and underserved. Tuition waivers and scholarships aimed towards Native American students create opportunities to pursue higher education in colleges and universities throughout North Dakota. Without these waivers and scholarships, students that come from economically disadvantaged backgrounds will lose the opportunity to attend a college that they might not otherwise be able to attend, and institutions will lose the opportunity to create cultural diversity that enriches the college experience.

The intent of House Bill 1531 will drastically limit the opportunities for everyday citizens to attend universities such as the University of North Dakota. The estimated cost of tuition and fees for attending, for example, UND costs approximately \$456.31 per credit and \$10,951 per academic year. For many North Dakotans, colleges have been the only available step up to greater stability for themselves and their communities. Unfortunately, that step is getting steeper and if you pass HB 1531 it would make it much more difficult for students to pay for and adequately resource the cost of attending college.

North Dakota Native Vote recommends a DO NOT PASS on House Bill 1531.
Pidamiya-ye (Thank you).

HB1531

I am submitting this testimony in opposition to HB1531 as a private citizen. I am not speaking for or acting for any public institution in North Dakota. My Name is Tammy Katuin, I am a resident of Valley City, North Dakota and an Assistant Professor at Valley City State University.

As of the 2020 US census North Dakota's population is 83.7 % white. The cultural diversity in Valley City, ND mainly comes from students at Valley City State University (VCSU) who choose to come here from other states. Most of these students choose to come here to play collegiate sports while also getting an affordable education. Approximately one-third of the student population at VCSU are athletes and many of them make up our diversity. This diversity brings enrichment to our community, university and out state.

As competition grows in higher education, students have many more options to choose from. The cultural diversity tuition waiver often is a deciding factor to choose VCSU over universities, as it reduces their overall cost of their education. Diversity waivers are only used toward tuition, not living expenses, books or other fees associated with being a student. There are eligibility requirements and guidelines that must be met to be awarded a cultural diversity waiver. Those requirements can be found at this link <https://onestop.vcsu.edu/support/solutions/articles/10000072692-v820-02-valley-city-state-university-cultural-diversity-tuition-waiver-policy>

If HB1531 were to pass, the classes that I teach, and enrollment overall, would be greatly impacted. I teach courses in the department of business. At a time when we are working hard to not only maintain enrollment, but also working to increase enrollment, this bill would be devastating to not only the classes that I teach, but to the university and the community by losing these students to other universities outside of North Dakota.

These students often work part-time jobs in our community to help support themselves and afford the cost of their education. Mostly, they are working in service jobs that our local small businesses are struggling to fill. They depend on these students to fill the jobs that all businesses across our state are struggling to fill. Losing this component of our student population would be very detrimental to our local economy and to our small businesses.

Many of these students that come here from other states to play sports, and get an education stay here after graduation. I personally know many of the graduates from my classes are still here working in Valley City, Fargo, Bismarck, and other towns across our state, contributing to their communities and to the economy of these communities and our state.

I ask you, to please support the recruiting, enrollment, and retention efforts of Valley City State University, the enrichment of the community of Valley City and its economy, and the state of North Dakota by casting a Do Not Pass vote on HB1531.

- What waivers and scholarships will be impacted?
- Who will be impacted on your campus?
- What academic programs might be affected?

Monroe, Beverley

From: Hirning, Bernell <bernell.hirning@willistonstate.edu>
Sent: Wednesday, February 8, 2023 2:34 PM
To: NDLA, H EDU
Subject: HB1531 in Opposition

Greetings!

I rise in opposition to HB1531. Currently, many donors to the North Dakota University System entities are very specific in terms of their intent for their dollars to be targeted to certain populations. If this bill passes, it will greatly impact the ability for colleges and universities to reach out to alumni and donors who wish to assist certain populations within their communities and regions. This will harm colleges and universities in securing funds to assist students in attaining their educational goals.

Thank you.



Bernell Hirning, PhD
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Office: 701.774.4231 | 1.888.863.9455 Ext. 4231
Cell: 701.339.2516



Monroe, Beverley

From: Hill, Amber <amberl.hill@mayvillestate.edu>
Sent: Wednesday, February 8, 2023 3:03 PM
To: NDLA, H EDU
Cc: Van Horn, Brian; Huschle, Brian
Subject: HB 1531

Re: HB 1531

Thank you for allowing the opportunity to share information about the impact of HB 1531 as amended.

My name is Dr. Brian Huschle, VP of Academic Affairs at Mayville State University.

There are several reasons why Mayville State University is submitting testimony regarding HB 1531 as amended.

First and foremost, our charge as a CAEP (Council for Accreditation of Teacher Preparation) accredited institution is to develop goals and track progress for the recruitment of high-quality teacher candidates from a broad range of backgrounds and diverse populations.

One concern that we have is the need to address progress towards recruiting a candidate pool that reflects the diversity of America's P-12 students ([CAEP Standard 3.1](#)). Towards these efforts, Mayville State University's Office of Diversity and Inclusion and Diversity Committee have developed and supported funding for cultural diversity waivers that allow us to meet our goal of attracting and retaining racially, culturally, and ethnically diverse students. These waivers can be used to cover costs associated with their education, including **tuition, textbooks, and housing**.

Cultural diversity waivers are a measurable way we have to show evidence of progress towards our goal. HB 1531, as amended, would eliminate our ability to offer cultural diversity waivers to those students who are considering an education degree at Mayville State University. The passage of this bill could put at risk our capability to offer education degrees.

The CAEP standards transcend all 13 teacher education preparation programs across North Dakota so the impact would be felt by more than just Mayville State University.

Mayville State University holds a strong commitment to fostering an inclusive campus community that values, respects and supports diversity in multiple forms.

In closing, we ask that you thoughtfully consider **the impacts** this bill would have as it would be detrimental to our ability to meet the accreditation requirements at Mayville State University and across the state of North Dakota.

HB 1531, in opposition

Chairman Heinert and members of the House Education Committee,

My name is Dr. Robert Newman. The views I share here are my own; I speak only for myself in this note, because I did not have time to prepare and vote on a response from the UND University Senate. I am a Professor at the University of North Dakota and the current Chair of the University Senate. I have been engaged in higher education since I began college in 1977 and I have enjoyed living and working in North Dakota for almost 30 years. I apologize for the late input, but the bill changed suddenly when I was attending a conference and I did not have a chance to respond promptly.

I oppose HB 1531 because it is not a remedy for any real problem, and because the bill creates serious problems by interfering with recruiting and student success, particularly of student who have less a lower probability of attending college. The ripple effects of this bill, should it become law, will be immediate and harmful.

Universities offer a wide range of scholarships targeting different needs. Academic record, financial need, military service, and athletics are familiar examples. In all cases, scholarships serve a number of purposes, including recruiting top students, and expanding access to higher education. Some students would simply not be able to attend university without a scholarship, which represents a significant, possibly life-long lost opportunity for a better life, a loss to the university in enrollment, and a loss to the state in workforce development. Losing the ability to offer a full range of scholarships will also make North Dakota universities less competitive in comparison with other schools. Other testimony will speak to the numbers. I encourage the committee to take a close look at the testimony provided by Faith Wahl, the UND Student Body President, and any others that dive into the financial hazards.

I offer a more philosophical perspective. The bill's sponsor, in oral testimony (2/8), offered as justification that this is a "civil rights" bill and that Dr. Martin Luther King would have co-sponsored the bill. I can't speak to the opinion of Dr. King, and neither can the sponsor. But the implication is that our society in 2023 is post-racial. As a country we have certainly made a lot of progress since the 1960's, when I watched the news coverage of the civil rights movement on tv with my Dad. But we are nowhere near post-racial. Centuries of discrimination and injustice leave durable impacts on the people who suffered. There is abundant evidence of this in housing, wealth accumulation, income, public health, and educational attainment. On the last point, "64% of White students graduate from four-year institutions within six years, compared with 40 % of Black, 54% of Hispanic, and 39% of Indigenous students (McKinsey & Co, 2022, <https://www.mckinsey.com/industries/education/our-insights/racial-and-ethnic-equity-in-us-higher-education#/>). It takes very little time on Google to find evidence for the other inequities.

The sponsor, in his oral testimony, also declared that physical appearance is not a meaningful difference. He is absolutely correct that skin pigmentation, ethnicity, cultural background, sex, and gender identity do not predict anything about ability and potential. We are all human. But the repercussions of our history of discrimination and inequity reverberates to the present day. Sadly, skin color does make a difference in how people are treated, in their lived experience, in the opportunities they encounter throughout life, and in the ability of individuals to attain strong academic records and appear “meritorious”. Until we achieve as a society equal opportunity for all, we have a responsibility to work towards that goal.

What does this have to do with scholarships? As I noted, scholarships target a range of strategic goals. We reward prior academic performance, we offer financial assistance to our military veterans, with gratitude for their service. We provide scholarships to some athletes, but not all, for the potential value they offer to our sports teams. Not everyone is a high achiever in GPA or standardized tests, or a veteran, or a top athlete, but I don’t hear anybody claiming that these targeted scholarships are unfair. Indeed, you may see them as prime examples of merit, and they are. What about first generation college students? Why should a first gen get something by luck of birth (their parents did not attend college)? Because a college degree is a path towards economic advancement and a scholarship increases the chance that these students will even go to college. It is about access to higher education, for students who are less likely to pursue it purely because of their circumstances.

The same can be said of scholarships targeted at underserved, underrepresented populations. Scholarships improve accessibility, mitigate the persistent impacts of historical inequities, and enhance a student’s chance of success. If you insist on a “merit” argument, I’ll make one based on what the bill’s sponsor spoke to – overcoming historical inequity to even dream of college, which would be hard to assess purely from test scores. Skin color, aka racial identity, is a meaningful measure of that form of merit. It is not meaningless, with respect to opportunity. And that is what scholarships can help with. Targeted scholarships are partial solutions to real problems.

Thank you for the opportunity to share my thoughts and I request that you vote “**Do Not Pass**”.

Testimony in Opposition to Proposed Amendments to House Bill 1531

February 8, 2023

My name is Anastassiya Andrianova, and I urge you to vote **DO NOT PASS on HB 1531**.

I speak on my own behalf, not on behalf of North Dakota State University, but I draw on my experience in higher education since 1999, first as an undergraduate student, then as a graduate student and parttime instructor, and finally as a tenure-track and now tenured faculty at NDSU.

If enacted, the amended HB 1531 will prohibit educational costs and waivers of any kind “based on an applicant’s race, ethnicity, national origin, gender identity, or sexual preference.” Why do such programs and forms of assistance exist? Institutions of higher education under the control of the state board of higher education (SBHE) have multicultural diversity assistance programs in order to help recruit and retain multicultural students and especially first-generation and transfer students, who come from underrepresented/minority communities.

If we take multicultural assistance programs away, students will go someplace else, like Minnesota, where they might feel more welcomed and where they are offered better financial assistance packages to meet the rising costs of tuition, books, room and board, and inflation.

Multicultural and diversity waivers and scholarships are *not* “government handouts.” By assisting underrepresented and minority students, institutions under the control of the SBHE fulfill the land grant mission of educating citizens in the state of North Dakota. Plus, many (if not all) such forms of financial assistance come with eligibility criteria beyond being a member of a federally protected class, such as admission, enrollment, and passing grades/cumulative GPA (grade point average).

In his testimony in favor of this bill, Rep. Prichard includes four such scholarships that mean to promote diversity and assist underrepresented minority students with their educational costs: at NDSU, UND, and Minot State. Rep. Prichard claims these are “arbitrary factors.” They are not. Rep. Prichard fails to mention that programs, such as NDSU’s Cultural Diversity Tuition Waiver, also require meeting rigorous admissions standards and holding a certain GPA.

In offering such opportunities, universities under the control of the SBHE want to serve multicultural students and Indigenous students in particular, who come from the traditional lands of the Oceti Sakowin (Lakota, Dakota, Nakota) and other Indigenous Peoples of our land. In my time as a faculty member at NDSU (2014-present), I’ve noticed that we have difficulty recruiting and retaining Indigenous students, and it is multicultural diversity scholarships that help us serve these students and our land grant mission as a public university.

I have personally witnessed how integral tuition assistance and scholarships are for multicultural first-generation students and transfer students. These students are often the first in their family to enter college, the American dream that was not available to their parents and grandparents, but they also often come from households that cannot afford the full cost of college tuition, books, room and board, etc. The same goes for transfer students, who transfer in from community

colleges or other universities to North Dakota because they value our education experience and opportunities, but need some extra financial help and support.

There is a huge problem with student enrollments across the nation, and it is hitting North Dakota, as well. NDSU is already facing a dire budget shortfall of \$7.6 million in this biennium. Every 100 students that we *fail* to recruit and retain cost the institution roughly 1 million dollars (in student credit hours and tuition). The students that we *do* have, we must work hard to retain. This is especially true of multicultural and diverse students who bring a diversity of experience, intellectual diversity, and overall, joy and fun to our campuses. If we can make their educational experience better, this will help not just them but everyone. If these students feel welcomed, if they feel the universities are helping them with whatever costs they can, they will succeed, they will likely also stay in North Dakota, start families, and bolster our economy. And what's the alternative? An exodus of those students out of state. Loss of revenue. A huge loss to everyone.

Therefore, I strongly urge you to **VOTE NO on HB 1531**.

Dr. Anastassiya Andrianova, Ph.D.
Fargo, ND

23.0378.01003

Sixty-eighth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1531

Introduced by

Representatives Prichard, Dyk, Heilman, Rios, Schatz, Timmons, VanWinkle
Senator Paulson

1 A BILL for an Act to create and enact a new section to chapter 15-10 of the North Dakota
2 Century Code, relating to prohibiting institutions of higher education from waiving ~~application-~~
3 ~~fees~~educational costs or disbursing financial aid based on certain characteristics of the
4 applicant.

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

6 **SECTION 1.** A new section to chapter 15-10 of the North Dakota Century Code is created
7 and enacted as follows:

8 ~~Application fee~~**Educational costs waiver - Financial aid disbursement - Prohibition.**

9 1. As used in this section, unless the context requires otherwise:

10 a. "Educational costs" includes all or part of the cost of tuition, book fees, housing,
11 or an application fee for admission to the institution;

12 b. "Financial aid" includes scholarships and grants; and

13 c. "Location" means an applicant's residence or prior residence, including an Indian
14 reservation.

15 2. An institution of higher education under the control of the state board of higher
16 education may not waive ~~an application fee for admission to the institution~~ educational
17 costs based on an applicant's traits or characteristics, including race, ethnicity,
18 national origin, ~~or diversity~~ gender identity, or sexual preference, but not including
19 location.

20 3. An institution of higher education under the control of the state board of higher
21 education may not disburse financial aid if the award is based on an applicant's traits
22 or characteristics, including race, ethnicity, national origin, gender identity, or sexual
23 preference, but not including location.