

2023 HOUSE EDUCATION

HCR 3022

2023 HOUSE STANDING COMMITTEE MINUTES

Education Committee Coteau AB Room, State Capitol

HCR 3022
3/1/2023

A concurrent resolution directing the Legislative Management to consider studying and clarifying the roles of the State Board of Public School Education, the Superintendent of Public Instruction, the boards of public school districts, and the North Dakota High School Activities Association, as they relate to proper spectator conduct, including the clarification of expectations and consequences for violating those expectations, and the promotion of good sportsmanship and good citizenship, including embracing diversity.

1:00 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:

- Racial slurs
- Minimal behavioral guidelines
- Discrimination policies
- Zero tolerance policy
- Board members
- Diversity
- Good sportsmanship
- Respect people of color
- Language of racism

Rep Jamie Davis, District 9A, introduced HCR 3022, Testimony 21586

Scott Davis, Standing Rock Tribe and Chippewa Tribes, representing MHA Nation, oral testimony

Michael Fox, Chairman, MHA Nations, a/k/a Three Affiliated Tribes, oral testimony

Lorraine Davis, Founder and CEO of both NATIVE, Inc. and Native American Development Center, Testimony 21502

Additional Written Testimony:

Arla Gourneau, Testimony 21436

Alexis Davis, Testimony 21466

Ivie Frederick, Testimony 21545

Mitchell Sanderson, Testimony 21550

Kristin Rubbelke, Testimony 21553

Ken Hall, Testimony 21557

Alkire, Austin, Eaglestaff, Testimony 21958

Saschay Schletter, Testimony 21960, 26048

Cara Currie Hall, Testimony 21961

House Education Committee
HCR 3022
3/1/23
Page 2

2:01 PM Chairman Heinert closed the hearing.

Kathleen Davis, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Education Committee Coteau AB Room, State Capitol

HCR 3022
3/7/2023

A concurrent resolution directing the Legislative Management to consider studying and clarifying the roles of the State Board of Public School Education, the Superintendent of Public Instruction, the boards of public school districts, and the North Dakota High School Activities Association, as they relate to proper spectator conduct, including the clarification of expectations and consequences for violating those expectations, and the promotion of good sportsmanship and good citizenship, including embracing diversity.

2:43 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, and Timmons. Absent: Rep. Novak.

Discussion Topics:

- Amendment 02001
- Task force

Rep Schreiber-Beck moved to adopt amendment 02001, Testimony 22731, seconded by Rep Conmy. Voice vote. Motion carried.

Rep Schreiber-Beck moved a Do Pass as Amended on HCR 3022, seconded by Rep Conmy. Motion was withdrawn.

Rep Murphy moved to amend HCR 3022, Page 1 Line 20, replace “student athletes of color” with “all student athletes”, seconded by Rep Timmons. Voice vote. Motion carried.

Rep Schreiber-Beck moved a Do Pass as Amended and Place on the Consent Calendar, seconded by Rep Conmy.

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

11-2-1 Motion carried. Rep Jonas is carrier.

House Education Committee
HCR 3022
3/7/22
Page 2

3:18 PM meeting adjourned.

Kathleen Davis, Committee Clerk

March 7, 2023

DK
171
3-7-23

PROPOSED AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3022

Page 1, line 20, replace "student athletes of color" with "all student athletes"

Page 2, after line 8, insert:

"BE IT FURTHER RESOLVED, that the Legislative Management may receive input from a task force which may include:

1. One member of the State Board of Public School Education;
2. The Superintendent of Public Instruction or the Superintendent's designee;
3. Three members of the boards of public school districts appointed by the North Dakota School Boards Association;
4. The President of the North Dakota High School Activities Association or the President's designee;
5. One representative from each of the four tribes that have schools located in North Dakota, appointed by each Tribal Chair; and
6. One parent appointed by the Indian Education Director of Bismarck Public Schools; and"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3022: Education Committee (Rep. Heinert, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HCR 3022 was placed on the Sixth order on the calendar.

Page 1, line 20, replace "student athletes of color" with "all student athletes"

Page 2, after line 8, insert:

"BE IT FURTHER RESOLVED, that the Legislative Management may receive input from a task force which may include:

1. One member of the State Board of Public School Education;
2. The Superintendent of Public Instruction or the Superintendent's designee;
3. Three members of the boards of public school districts appointed by the North Dakota School Boards Association;
4. The President of the North Dakota High School Activities Association or the President's designee;
5. One representative from each of the four tribes that have schools located in North Dakota, appointed by each Tribal Chair; and
6. One parent appointed by the Indian Education Director of Bismarck Public Schools; and"

Renumber accordingly

2023 SENATE EDUCATION

HCR 3022

2023 SENATE STANDING COMMITTEE MINUTES

Education Committee
Room JW216, State Capitol

HCR 3022
3/20/2023

Directing the Legislative Management to consider studying and clarifying the roles of the State Board of Public School Education, the Superintendent of Public Instruction, the boards of public school districts, and the ND High School Activities Association, as they relate to proper spectator conduct, including the clarification of expectations and consequences for violating those expectations, and the promotion of good sportsmanship and good citizenship, including embracing diversity.

2:45 PM Chair Elkin opened the hearing. Present: Chair Elkin, Vice Chair Beard, Sen Axtman, Sen Conley, Sen Lemm, and Sen Wobbema.

Discussion Topics:

- Behavior expectations
- Antidiscrimination policies
- Zero tolerance policy
- Consistent messaging

Rep Jamie Davis, Dist 9A bill sponsor testified in support #25915, #25917, #25967.

Scott Davis, testified in support #25920 plus read Jamie Azure testimony in support # 25961.

Cara Hall, testified in support #25911.

Ken Hall, MHA Nation, testified in support with no written testimony.

Nathan Davis, Indian Affairs, testified in support with no written testimony.

Bobbie GreyEagle, Chaplain, testified in support with no written testimony.

Rep Lisa Finley-DeVillie, Dist 4A, Mandaree, ND, co-sponsor testified in support with no written testimony.

ADDITIONAL TESTEMONY:

Lorraine Davis, Native, Inc., Bismarck, ND in support #25891.

3:33 PM Chair Elkin closed the hearing.

Pam Dever, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Education Committee
Room JW216, State Capitol

HCR 3022
3/21/2023

Studying and clarifying the roles of the State Board of Public School Education, the Superintendent of Public Instruction, the boards of public school districts, and the ND High School Activities Association, as they relate to proper spectator conduct, including the clarification of expectations and consequences for violating those expectations, and the promotion of good sportsmanship and good citizenship, including embracing diversity.

2:08 PM Chair Elkin opened committee work. Present: Chair Elkin, Vice Chair Beard, Sen Axtman, Sen Conley, Sen Lemm, and Sen Wobbema.

Discussion Topics:

- Athletic directors on the board
- Societal problem
- Accountability
- Committee action

Kevin Hoherz, ND Council Educational Leaders answered question.

Jim Upgren, Dept Public Instruction answered question.

Alexis Baxley, ND School Boards, explained board responsibility.

Sen Conley moved a DO PASS.

Sen Beard seconded the motion.

Senators	Vote
Senator Jay Elkin	Y
Senator Todd Beard	Y
Senator Michelle Axtman	Y
Senator Cole Conley	Y
Senator Randy D. Lemm	Y
Senator Michael A. Wobbema	N

VOTE: YES – 5 NO – 1 Absent – 0 Motion PASSED

Sen Conley will carry the bill.

3:03 PM Chair Elkin adjourned the meeting.

Pam Dever, Committee Clerk

REPORT OF STANDING COMMITTEE

HCR 3022, as engrossed: Education Committee (Sen. Elkin, Chairman) recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HCR 3022 was placed on the Fourteenth order on the calendar. This resolution does not affect workforce development.

TESTIMONY

HCR 3022

A day In Time

By Arla J. Gourneau

I remember the time our TMCHS Boys BB Team went to their state BB Tournament in Bismarck, ND. Many of my girl's cousins played on the team & they were incredibly talented players. Both of my own daughters were active in HS sports with the older daughter playing Girls Varsity BB & the youngest daughter cheering for the Boys Varsity BB. So we were all in Bismarck at the tournament & I believe our Belcourt Team was playing against either Minot or Bismarck. However, the outstanding memories have not been erased by time. That game was incredibly reffed with so many unfair plays against our team. You could see the disillusionment in the boys' faces as well as the righteous anger of their home Fans (family, friends/youth & others). We were there to support our home Team. It was so bad that one of our players was physically kicked by another opposing team player. No fouls or personal fouls were called on that action & this despite fans yelling so loudly, "UNFAIR, Personal Foul!" Nope, no one heeded our heated calls. Our players should have taken the state at that time, they played their hearts out & were well-known for their prowess in BB skills. These same boys who as 5th Graders, shook hands on a Belcourt BB court saying some day, they'd go to state & take it.

It was so hurtful for our team. Our youth, including my daughters were so incredibly upset about our team being so badly reffed & treated so unfairly while playing their final game. It was sad. Most of our Senior BB players were so sad that one of them was even crying. I remember being so upset for them & when walking behind the opposing team's Coach (Bart); I made the comment that if their team had to cheat to win, they really weren't winners. He (Bart) turned around & looked at me but didn't say a word. Interestingly, he (Bart) did come to coach our following year's Varsity BB Team.

All of this should not have happened. Why penalize high school kids no matter their ethnicity when they're playing their favorite HS sport? There is no reason for this behavior or to treat anyone like this at all. Lord, this is 21st Century ~ whatever happened to attaining classy, good sportsmanship? The outcome of our Team's playing their state game might have been entirely different had the game been played equitably by the ADULTS managing the game – let alone the ND HS Athletic Association who were called upon then for this dreadful incident. This state is on record as are many schools to support the *Mental, Physical, Emotional, & Health well-being* of their students which is in by-laws & in Mission Statements. Let's get with this & make it real. Not a pretentious outlook that's to provide support for all students in word alone. If we don't, we're just re-perpetuating the same old problems of yesterday's racism & blatant discrimination. Thank you.

Respectfully,

Arla J. Gourneau

Belcourt, ND

Aaniin Alexis Davis indizhinikaaz. Sipiising indoonjibaa. Makwa indoodem dash Mikinaak wajiw aandi ingiigikinoo'amaagozed. Hello my name is Alexis Davis. Siipiising is the traditional name of where I am from and it means the Creek that Sings. Bear is my clan and I went to Turtle Mountain school. I ask that my elders and ancestors forgive me for probably saying some of that wrong as I go forth learning my language with humility. As I had mentioned I went to Turtle Mountain Community High School. I was a student athlete and in my four years I played basketball and volleyball.

It is vital that Turtle Mountain has a voice to speak on the topic of racial discrimination and harassment pertaining to North Dakota High School Activities as we were the only predominant Indigenous school in our division.

I'd like to state that I have had multiple negative experiences that happened to the teams I have been on but I never did and never will speak on the behalf of others. So I am going to speak of an event that only involved me. I have had more bad experiences than good with other teams within the Class A, Western Dakota Conference.

During my freshman year of basketball. I was on the Junior Varsity team playing against Dickinson High School. We had come back from a large defecate, the energy was high; It became a very close and nerve-wracking game. A foul was called, we lined up at the free-throw line and the Dickinson player that was in between another player and I said "effin prairie n-word". I was so completely stunned that she had said the n-word that after free throws I ran to my coach and told him that she had called me something very bad. I remember being very confused as well. It wasn't until afterwards that I had found out this was a racial slur for Indigenous people. How did she know that slur? Why did she feel it was okay to call me this out of anger? I had reported this to my Athletic Director and after further investigation she did admit to using this slur as it was said her parents believed there was nothing wrong in this situation. It was handled correctly as she was cut from the team.

This did not make the papers, it wasn't a huge event because it was just another season, another game, another day for players in Turtle Mountain. We EXPECT to go through something like this while playing in the West Dakota Conference. Why? Why do athletes of color have to accept that this is just something that comes with wanting to be a part of something more?

I am now not only a mother but an Ojibwe mother of two Ojibwe boys and I work every day to break toxic cycles and generational traumas. My two boys may want to play sports one day and what kind of cycle breaker would I be without trying to make a change for them if that was their choice one day? I don't want them to be embarrassed to be an Ojibwe Student Athlete as this is an effect that I have seen happen because of the way we are treated, I don't want harassment to come with that choice, I don't want racial discrimination towards them to be a part of that choice. House Concurrent Resolution 3022 is a step towards holding the people of North Dakota accountable during North Dakota High School Activities. A step towards better relationships. A choice to make a positive change for our future generations. I ask the committee for a Do Pass Recommendation and I will stand for any questions.



(701) 595-5181



lorraine@ndnadc.org

2403 E. Thayer Ave
Bismarck ND 58501

www.ndnadc.org



www.ndnativecenter.org



March 01, 2023

NATIVE, Inc.
Testimony in Support of HCR 3022
House Education

Chairman Heinert and Members of the Committee,

My name is Lorraine Davis. I am the Founder and CEO of two Native American-led community-based organizations called, NATIVE, Inc. and the Native American Development Center.

I stand in support of HCR 3022.

At the start of the 1900s, students in schools began forming student athletic associations. Eventually, school officials across the nation decided they had to either eliminate athletic contests between schools or exercise responsibility and authority for controlling them. The latter was considered more feasible, and the school association was adopted in ND in 1959. It is now, 2023, and it doesn't appear that the North Dakota High School Activities Association (NDHSAA) has exercised its full authority to control these activities.

NDHSAA states its purpose¹ is to contribute to the education of high school boys and girls of North Dakota by:

1. Administering a program of interscholastic activities, clinics, contests, and festivals among its member schools. Elevating the standards of good sportsmanship and encouraging growth in good citizenship, not only of high school students but also of all others who come in contact with the school activities.
2. Protecting member schools, students, and personnel from exploitation by special interest groups.
3. Encouraging pride in scholastic achievement as a fundamental basis for a well-balanced activities program.
4. Supplementing the dramatic, literary, music and physical education programs of the schools and giving due emphasis to those tendencies which promise best to promote the mental and physical health and social well-being of all students.

The NDHSAA Code of Conduct² states its purpose is to elevate standards of Good Sportsmanship and to encourage the growth of responsible citizenship among the students, member schools, and their personnel.

¹ North Dakota High School Activities Association Mission Statement. <https://ndhsaa.com/about/mission-statement>

² NDHSAA Code of Conduct. <https://ndhsaa.com/administrators-coaches/code-of-conduct>

The NDHSAA Minimal Behavior Expectations for Regular and Post-Season Competitions³ are as follows:

Contesting schools shall each have an authorized faculty representative present who shall be responsible for his/her school's participants, students, and fans throughout the contest. Spectators must wear clothing that covers the entire torso. Those who do not comply or who wear clothing that is vulgar, obscene or in some other way inappropriate, as determined by school/tournament personnel, will be removed from the facility if they do not cooperate with this behavior expectation. The use of appropriate language is expected at all times. Profanity, negative chants, trash talk, name-calling, personal attacks, or other acts of disrespect are unacceptable and must be immediately addressed by school/tournament administrators. Any attendee ejected from an NDHSAA tournament venue will be banned from the venue(s) for the remainder of the event. Respect the game/contest. Under no condition shall anyone other than the members of the official squad enter the playing surface. No one may interfere with the contest in any way.

I, and any other reasonable person, would expect that the NDHSSA would have the same level of intolerance and expectations toward spectators performing racist behaviors just as seriously as they would with those mentioned in their minimal behavioral expectations. This is personal to me as it is to most, if not all of us, who are parents with ethnic backgrounds. I hope to see to it that our children do not ever have to experience this type of ignorance again. All North Dakotans (and South Dakotans) need to improve accountability standards in societal excellence by expanding worldviews beyond their own. This behavior is deeply embedded into mindsets and within our societal culture from generation to generation. This is a window of opportunity for our leaders to make a moral stance and address an overdue societal issue and adopt a value of morality and accountability standards in societal excellence.

I, respectively, ask this committee to pass HCR 3022 and to consider requiring the NDHSAA, the North Dakota Department of Public Instruction, and other parties involved to create and implement a policy that creates respect for people of color and their ethnic heritages through professional development requirements for school leaders and staff and through cultural sensitivity education to middle and high school students and their parents through partnerships between public schools and ethnic community-based organizations in hosting community engagement and learning opportunities.

Thank you for your time.

³ NDHSAA Behavior Expectations. <https://docs.google.com/document/d/e/2PACX-1vSVI14lt8Vpuwz8i8DCJ-Jmon3faGYelShvww4oYfJO6js44DmwJAqzbBjOduDTubfwDkAJs4QOnkb2/pub>

Testimony for HCR 3022- Ivie Frederick, TMCHS graduate student.

While many students in North Dakota play sports, many of different races, there is one minority group that stands out and that's Native American athletes. My name is Ivie Frederick, and I am a Turtle Mountain Community High School (TMCHS) graduate. I'm writing this testimony in hopes you pass HCR 3022 bill because many Native American students including myself have experience some sort of discrimination.

My first encounter was my sophomore year in high school where I just transferred to TMCHS from St. John Public School. I was playing in a Volleyball match at Jamestown High School when a student in the student section had called me a "prairie n- word" to me. At first, I didn't understand what the racial slur was because I just transferred from an off-the reservation school where I've never even had to deal with discrimination because it was a white school. My coaches, Betty Delorme and Cindy Keplin had tried to talk to the Athletic director and when he went talked to the student section, they said I made it up. I kept asking my coaches throughout the match what it meant but they wouldn't tell me or even acknowledge what I was asking. After the match was over, my coaches tried to explain to the AD that I wasn't making it up because I don't know what the slur was. The AD never did anything, and my coaches had to explain to me that when we compete against schools, that this was going to happen, and you just have to ignore it. This frustrated me because I'll be honest, I don't look native but because of the jersey I was wearing and the team I was playing for the students felt they could say things like this to me. Many students from TMCHS endure so much nepotism while playing non-native schools and it needs to stop. We deserve to feel safe when we play other schools. Playing sports should be fun, we shouldn't dread going to compete other schools because we know what the spectators are going to say to us. It's not fair and we should be treated equally no matter what color we are, or what race we are.

HCR 3022**(Public Schools)**

The first thing that needs to be studied and fixed is our horrific test scores we are seeing and have been seeing for a long time under our current DPI Superintendent.

Children are left behind each year simply because a teacher says they are required to get through and curriculum. If students are not learning it what is the point of pushing the agenda!

Our schools and colleges and universities should lose all funding if they teach any version of critical race theory.

Our schools and school boards need to follow open record laws.

Schools are funded with Federal and State tax dollars and everyone in them should serve the people of the community but sadly we are experiencing universities, colleges and schools acting like they are a rouge government agency that is accountable to no one!



TESTIMONY on HCR 3022
 from the
 NATIONAL ASSOCIATION OF SOCIAL WORKERS—NORTH DAKOTA CHAPTER
 to the
 ND House Education Committee
 March 1, 2023

Chairman Heinert and members of the House Education Committee,

The NASW-ND Advocacy Committee submits this testimony in support of HCR 3022.

On Tuesday, January 31, 2023 during a Jamestown vs. Bismarck High School basketball game, non-white students on the Bismarck High School team were taunted with racial slurs, monkey noises, and war cries. These actions continued with no intervention.

The lack of immediate action to prohibit these acts proves the need for the requested study. The safety and wellbeing of the players and spectators must be prioritized. The continued taunting of students in this manner is reprehensible, especially during a school activity. It remains imminent that clarification is needed regarding spectator expectations, enforcers of spectator conduct, and consequences when individuals break these expectations.

Social workers condemn racism at all levels. The commitment to diversity is rooted in the NASW Social Work Code of Ethics and the belief that creating truly diverse, equitable, and inclusive spaces are necessary for individuals and communities to thrive. Public spaces, especially school events, should be safe spaces for all participants.

Students, parents, and spectators deserve to feel comfortable, welcomed, and supported during school activities. We encourage the legislature, school systems, and activities associations to take a hard look at how we can make school spaces not only safe but inclusive for all participants.

NASW-ND encourages you to make a DO PASS recommendation on HCR 3022.

Testimony submitted by:

Kristin Rubbelke, LSW, MSW, MASJ
 Executive Director
 NASW-ND

The North Dakota Chapter of the National Association of Social Workers (NASW-ND) is a membership association representing social workers in the state of North Dakota. The mission of NASW-ND is to strengthen and protect the practice of social work in North Dakota and to advance sound and equitable social policy. Our position on this bill is solidly grounded in our organization’s mission.

Sixty-eighth
LEGISLATIVE ASSEMBLY OF NORTH DAKOTA
Introduced by Representative Davis

Honorable Chairman

March 1, 2023

Dosha,

My name is Ken Hall, a proud member of the Three Affiliated Tribes here in North Dakota home of the Mandan, Hidatsa, and Arikara People. I am providing testimony for Resolution HCR#3022.

It's 2023 and we are still having these conversations of derogatory comments and gestures at High School sporting events. We have made numerous attempts in the past to have Native American representation on the North Dakota High School Activities Association Board of Directors to address some key issues like the one we are currently having. There again we need representation on the NDHSAA Board of Directors to have a voice at the table.

We have successfully passed legislation during the 67th Legislative Assembly of SB 2304 which is all schools public and non-public are to incorporate Native American History into their current curriculum. Thank you all for your outstanding support of this legislation.

This Bill is now a law in our great State. It is our first step together toward understanding us as Native Americans and who we are. Another recommendation would be to have Cultural Sensitivity Training for all staff and students and a NO Tolerance policy at all sporting events. Obviously, what is in place is not working and things need to change for the better. We continue to fight the good fight of Diversity, Equity, and Inclusion for all our student/athletes and the work continues. I welcome your leadership in this session to enhance and implement SB #2304 with a fiscal note attached to it for the full and effective implementation of it.

Let us work together to find solutions to this long standing issue and be innovative, creative, and take concrete actions towards something that we can all be proud of. Let's lead the Nation and let North Dakota can be the model for the rest of the country. We can do this.

In closing, we as a family experienced discrimination and racism with our daughter just a few years ago while she was in High School. The trauma these kids experience is real and without support of the school, parents, or the community these kids fall through the cracks. If we say we are all about the kids, then we all should be acting like it and start to take actions and not let it just words without action.

We need a zero tolerance against all racism and discrimination in sport and in high schools sports in North Dakota. We also need to evaluate our sport organizations and boards of directors to ensure they truly represent the people. We need to create spaces on boards for leadership that comes from the Tribal Nations, and, we need to do this now.

I ask for you to support this important resolution today. (HCR #3022)

Maacigidaac,

L. Kenneth Hall



North Dakota House of Representatives

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



Representative Jayme Davis

District 9A
601 John Street
Rolette, ND 58366-7209

jdavis@ndlegis.gov

COMMITTEES:
Human Services
Political Subdivisions

March 1, 2023

Good afternoon, Chairman Heinert, Vice-Chair Schreiber-Beck and Members of the House Education Committee. For the record I am Representative Jayme Davis. I work for the people of District 9A in Rolette County which includes the International Peace Gardens, the Turtle Mountain Reservation, and south past the town of Rolette which is where I reside.

I bring to you today, House Concurrent Resolution 3022 which is to consider studying and clarifying the roles of the State Board of Public School Education, the Superintendent of Public Instruction, the boards of public school districts, and the North Dakota High School Activities Association, as they relate to proper spectator conduct, including the clarification of expectations and consequences for violating those expectations, and the promotion of good sportsmanship good citizenship, including embracing diversity.

I'm going to give you a little background and timeline on what sparked this Resolution.

On January 31, 2023, there was a boys' varsity high school basketball game at the Jamestown High School. It was the Bismarck High School vs. Jamestown High school. During this basketball game there were multiple incidents involving the use of racial slurs vocalized by the Jamestown student section directed at the Bismarck High School student-athletes of color.

Taken from an interview done with one of the student-athletes of color and his father, I quote.

"Bismarck High basketball player Andre Austin, who is Black and Native American, said in a statement that during most games he is able to ignore noise from the crowd, but during Tuesday's game, a student called him the N-word.

"After being fouled on a drive, I get to the free throw and do my regular routine. That's when I heard loud chanting and noise making of a monkey. I was immediately shocked and I couldn't believe what I was hearing," he said.

He missed the first shot. Just before the second shot, the monkey noise came again, he said, but he didn't miss.

"Until I ran by the student section and some boy yelled to me, 'Come on you little N-word,' I couldn't believe it. My heart raced and I felt so embarrassed and angry," Andre said." ...

“I did my best to tune them out, but once again at the free throw line I heard the chanting. I felt like I was alone and no one else felt this was offensive. This was my first experience having to endure such hatred and harassment, he said.”¹

In the same article Quinn Austin, father of Andre stated, “he couldn't believe what he was hearing when his son stepped up to the free-throw line. Angry, he tried to talk to administrators, but nothing was done about the taunting, and he felt helpless, he said.

In talking with the administrator Mr. Austin stated, "I said, 'alright, excuse me. I just witnessed you go confront a grown man for about two minutes on how to conduct himself, yet you have these racist kids over here making 'effing monkey noises while my son shoots free throws, and that's okay with you?'"

Mr. Austin went on to say, “At the end of the game, I couldn’t even look at my son, because I couldn't even look him in the eye. I was afraid of making him feel bad,” Quinn Austin said. “He was barely keeping it in. He was crying.”¹

After learning of this incident, I as Representative Jayme Davis, wrote a letter to the Executive Director of the North Dakota High School Activities Association. I have included my letter as part of my testimony.

In the letter dated February 4, 2023, I laid out the listed NDHSAA *minimal* behavior expectations guidelines:

- Contesting schools shall each have an authorized faculty representative present who shall be responsible for his/her school’s participants, students, and fans throughout the contest.
- The use of appropriate language is expected at all times. Profanity, negative chants, trash talk, name-calling, personal attacks or other acts of disrespect are unacceptable and must be immediately addressed by school/tournament administrators.

I asked why these *minimal* behavior expectations were not met? I went on to notify that I am aware that incidents are to be handled at the local level. However, when they fail it is up to the NDHSAA to hold them accountable. I recommended a zero-tolerance policy to be implemented.

On February 8, the NDHSAA board unanimously approved to clarify existing antidiscrimination policies. They decided to add the language “Any discriminatory slur will result in immediate removal from the facility.”

That following Saturday on February 11, my own high school alma-mater Turtle Mountain High School traveled to Dickinson for a boys varsity high school basketball game. Again, the student-athletes of color were subjected to name-calling and racial taunts during the game. This time one person decided to mock the Native American culture by doing a dance.

Once again, nothing was done. The administrators and/or authorized faculty representative failed to meet the *minimal* behavior expectations guidelines to the detriment of the student-athletes of color.

¹ Hagen, C.S and Broadway, Nick (February 2, 2023 at 7:29pm)
 ‘Racial taunting’ at North Dakota basketball game prompts call for harsher consequences
<https://www.inforum.com/news/north-dakota/racial-taunting-at-north-dakota-basketball-game-prompts-call-for-harsher-consequences>

Now if these were the only two incidents that ever happened in North Dakota I wouldn't be here. Unfortunately, it has been happening for decades. I can speak to my own experiences. I grew up with a great love for sports. Basketball being my greatest love. I would play anywhere at any time I could.

In the early 1990's I was playing in a 6th grade basketball tournament we were playing against a neighboring school. As we got to playing the girl that was guarding me said, "Eww, you smell like a dirty Indian". It hurt me but didn't know exactly why. Later, in the game as I was guarding her, she said, "get off me you Prairie N-word". Again, I was hurt but didn't know exactly why. I talked to my family after the game, and they educated me on what those words meant and validated the feelings I was having.

Fast-forward to my freshman year at Oak Grove in Fargo, ND where I was one of few people of color on the team. I believe it was our second or third game where one of the girls on the opposite team said to me, "oh they had to get another prairie n-word to play for them." By this time, I had been called that name so many times it didn't faze me. How sad is that?

This racism, harassment, and all other hatred must stop. People need to be held accountable for their actions or in these cases inactions.

Normally, I am in favor of keeping things at the local level but when the local level fails time and time again for decades something needs to change. I'm told that the NDHSAA is a non-profit and as such it's hard to hold them accountable. I say, okay than let's find out who is and create policies and procedures of zero-tolerance.

That's why I bring forward this Resolution for a study on how we can best address these issues head on with everyone at the table. We know better, its time to do better. We must remember that we are all accountable to each other. When you see/hearing something that's hurtful, racist, or harassing – say something. No more sitting idly by expecting someone else to speak up or take action.

With that I ask you for a Do Pass recommendation and I stand for questions.

Miigwech, Philamayayapi, Thank you.



North Dakota House of Representatives

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



Representative Jayme Davis

District 9A
601 John Street
Rolette, ND 58366-7209

jdavis@ndlegis.gov

COMMITTEES:

Human Services
Political Subdivisions

February 4, 2023

Dear Mr. Fetsch,

This letter is in reference to the varsity high school basketball game between Jamestown High School and Bismarck High School on Tuesday, January 31; where racial slurs and taunting occurred toward student athletes of color.

As I'm sure you are aware of the NDHSAA *minimal* behavior expectations guidelines state:

- Contesting schools shall each have an authorized faculty representative present who shall be responsible for his/her school's participants, students, and fans throughout the contest.
- The use of appropriate language is expected at all times. Profanity, negative chants, trash talk, name-calling, personal attacks or other acts of disrespect are unacceptable and must be *immediately* addressed by school/tournament administrators.

On February 2 of the online edition of the *Fargo Forum* in an article titled "Racial taunting" at North Dakota basketball game prompts call for harsher consequences." Where a parent stated, "he tried to talk to administrators, but nothing was done about the taunting, and he felt helpless." He continued, "I just witnessed you (administrator) go confront a grown man for about two minutes on how to conduct himself, yet you have these racist kids over here making 'effing monkey noises while my son shoots free throws, and that's okay with you?"

I ask you, Mr. Fetsch, why these *minimal* behavior expectations were not met? Our student athletes and community members should not have to worry about being verbally attacked during a school function. I know these incidents are to be handled at the local level but when they fail it is up to the NDHSAA to hold them accountable. I ask you again, what is being done to correct this and make sure it never happens again.

I make a recommendation for a zero-tolerance policy to be implemented where if/when administrators fail to take swift action that there be a penalty for their inaction.

I am available for further conversation if needed and will be waiting for your response.

Thank you,
Representative Jayme Davis
District 9A
Anishinaabe/Lakota

Testimony in Support of HCR 3022 and HB 1149 (As Amended)

During a North Dakota High School Activities Association sanctioned basketball game between Bismarck High School ("BHS") and Jamestown High School in Jamestown on January 31, 2023, multiple incidents occurred involving the use of racial slurs directed toward BHS student athletes. These slurs included monkey noises, mocking "war whoops," and the use of the N-word vocalized by the Jamestown student section and directed toward the only nonwhite players for BHS.

We are the parents of the two student athletes from BHS targeted with the racial slurs at this game and we offer this testimony in support of HCR 3022 and HB 1149 (as amended).

The father of one of the BHS players and sister of another player attempted to bring this to the attention to the Jamestown Athletic Director. The complaint was ignored, and no action was taken to remove students or address the racialized taunts by the Jamestown student section. As a result, the Jamestown student section continued to harass the student athletes well into the second half. Following the game, one of the players brought this to both head coaches' attention.

The emotional distress suffered by our sons cannot be overlooked or dismissed. The comments that were made and the loud chants of vehement racist taunting will have lasting emotional effects on these student athletes. It is the duty of NDHSAA and school administrators to cultivate safe and harassment-free environments for student athletes. Note that both these student athletes from BHS held themselves to their highest standard and never interacted with the crowd during this racial harassment and verbal abuse.

We feel strongly that immediate action is needed. The students and administrators at Jamestown Public School who participated in or allowed this abuse to occur must be held accountable. Additionally, policy changes are needed at NDHSAA including, but not limited to, implementing a "zero tolerance policy" for all students and fans that directly addresses and combats all incidences of hate and racism and which contains serious sanctions for those involved in such actions. Further, there should be permanent representation from Reservation School Districts on the NDHSAA Board of Directors.

While we are seeking immediate action directly from Jamestown School and NDHSAA on this matter, we support HCR 3022 and HB 1149 (as amended) and their mandate for legislative study to establish clear procedure and accountability for handling incidents like this in the future.

Thank you for the opportunity to present this testimony.

Savannah Alkire
Quinn Austin

Kate Eaglestaff
Lance Eaglestaff

Chair of the House,

My name is Sashay Schettler, and I am a citizen of the MHA Nation and a resident of Bismarck. I am testifying in favor of House Concurrent Resolution No. 3022.

Students of color and students from historically marginalized communities should not have to endure racists remarks. According to the Philadelphia Urban ACE Study, one of five additional ACEs (or adverse childhood experiences) not included in the original study was experiencing racism. Addressing this as a community is an urgent need. As a community we need congruent and aligned actionable step to take together, on which I urge our representatives to support.

Thank you for your consideration and feel free to contact me with questions.

Sashay Schettler

701-426-5972

sashayschettler@gmail.com

Sixty-eighth

LEGISLATIVE ASSEMBLY OF NORTH DAKOTA
HOUSE CONCURRENT RESOLUTION NO. 3022

Introduced by Representatives Davis, Dakane, Dobervich, Fegley, Finley-Deville, Henderson, Holle, Nelson, Schreiber-Beck

Honorable Chairperson,

March 1, 2023

Thank you for the opportunity to provide testimony to support HCR #3022.

My name is Cara Currie Hall and I have been an advocate for Women in Sport, Indigenous Peoples in Sports for over 30 years.

Since 2001 I have been advocating and dialoguing with the NDHSAA – North Dakota High School Activities Association to be more inclusive and invite Native Peoples and Women to serve on the Governing Boards of Directors so that Sports in the State would actually be representative of the citizens. Numerous calls and letters were made and no actions were taken. The NDHSAA leadership has shown no capability of addressing and eliminating the ongoing racism and discrimination of athletes of color and of girls in sports. If this was not the case, then we wouldn't be having to have this discussion at this level.

But, I ask you legislators to change North Dakota and make it a better, inclusive, safe, place for athletes of all colors and both genders.

As a parent I had to live with the unthinkable. Being a global advocate, former athlete and coach, I had to see my own daughter be discriminated by coaches that resulted in a comprehensive international investigation at that [Bismarck High School]. The atrocious comment was made that “you need to be blonde to play for this team”. Worse, the Executive Director of the NDHSAA made the decision by [himself] that she would not be able to play on his transfer rule that applies selectively. He took away her opportunities to play sports and killed her dreams. She will never get them back. She was one of the two athletes that were cut from a team in a school that had no such policy. They were both the Native Athletes. And the Booster Club President's ninth grade daughter got to play in their place.

Title IX is a Federal Law and all schools and entities that receive even one dollar \$1.00, are required to uphold the law. It's obvious that the NDHSAA and most sports teams are not gender neutral and its time to change that. Representation matters.

I ask you all to support HCR #3022 today and lead the State in the right direction.

I welcome your questions and the opportunity for further discussion.

Kind Regards,

Cara Currie Hall

23.3083.02001
Title.

Prepared by the Legislative Council staff for
Representative Schreiber-Beck
March 6, 2023

PROPOSED AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3022

Page 2, after line 8, insert:

"**BE IT FURTHER RESOLVED**, that the Legislative Management may receive input from a task force which may include:

1. One member of the State Board of Public School Education;
2. The Superintendent of Public Instruction or the Superintendent's designee;
3. Three members of the boards of public school districts appointed by the North Dakota School Boards Association;
4. The President of the North Dakota High School Activities Association or the President's designee;
5. One representative from each of the four tribes that have schools located in North Dakota, appointed by each Tribal Chair; and
6. One parent appointed by the Indian Education Director of Bismarck Public Schools; and"

Renumber accordingly



Lorraine Davis, CEO

 (701) 595-5181
 lorraine@ndnadc.org
 2403 E. Thayer Ave
 Bismarck ND 58501
 www.ndnadc.org
 www.ndnativecenter.org



March 20, 2023

**NATIVE, Inc.
 Testimony in Support of HCR 3022
 Senate Education**

Chairman Elkin and Members of the Committee,

My name is Lorraine Davis. I am the Founder and CEO of two Native American-led community-based organizations called, NATIVE, Inc. and the Native American Development Center.

I stand in support of HCR 3022.

At the start of the 1900s, students in schools began forming student athletic associations. Eventually, school officials across the nation decided they had to either eliminate athletic contests between schools or exercise responsibility and authority for controlling them. The latter was considered more feasible, and the school association was adopted in ND in 1959. It is now, 2023, and it doesn't appear that the North Dakota High School Activities Association (NDHSAA) has exercised its full authority to control these activities.

NDHSAA states its purpose¹ is to contribute to the education of high school boys and girls of North Dakota by:

1. Administering a program of interscholastic activities, clinics, contests, and festivals among its member schools. Elevating the standards of good sportsmanship and encouraging growth in good citizenship, not only of high school students but also of all others who come in contact with the school activities.
2. Protecting member schools, students, and personnel from exploitation by special interest groups.
3. Encouraging pride in scholastic achievement as a fundamental basis for a well-balanced activities program.
4. Supplementing the dramatic, literary, music and physical education programs of the schools and giving due emphasis to those tendencies which promise best to promote the mental and physical health and social well-being of all students.

The NDHSAA Code of Conduct² states its purpose is to elevate standards of Good Sportsmanship and to encourage the growth of responsible citizenship among the students, member schools, and their personnel.

¹ North Dakota High School Activities Association Mission Statement. <https://ndhsaa.com/about/mission-statement>

² NDHSAA Code of Conduct. <https://ndhsaa.com/administrators-coaches/code-of-conduct>

The NDHSAA Minimal Behavior Expectations for Regular and Post-Season Competitions³ are as follows:

Contesting schools shall each have an authorized faculty representative present who shall be responsible for his/her school's participants, students, and fans throughout the contest. Spectators must wear clothing that covers the entire torso. Those who do not comply or who wear clothing that is vulgar, obscene or in some other way inappropriate, as determined by school/tournament personnel, will be removed from the facility if they do not cooperate with this behavior expectation. The use of appropriate language is expected at all times. Profanity, negative chants, trash talk, name-calling, personal attacks, or other acts of disrespect are unacceptable and must be immediately addressed by school/tournament administrators. Any attendee ejected from an NDHSAA tournament venue will be banned from the venue(s) for the remainder of the event. Respect the game/contest. Under no condition shall anyone other than the members of the official squad enter the playing surface. No one may interfere with the contest in any way.

Any reasonable person would expect the NDHSSA to address this the performance of racist behaviors as seriously as they would with those mentioned in their minimal behavioral expectations.

This is personal to me as it is to most, if not all of us, who are parents with ethnic backgrounds. I hope to see to it that our children do not ever have to experience this type of ignorance again. Me and my family represent four of the ND Tribes and Mexican descent. Our children and people need to be valued just as equally as Caucasian youth. Our kid's youth development is just as important as any other child's youth development. If this were my child, my life's purpose would shift to exclusively work towards eradicating this ignorance.

All North Dakotans (and South Dakotans) need to improve accountability standards in societal excellence by expanding worldviews beyond their own. This behavior is deeply embedded into mindsets and within our societal culture and has been from generation to generation. This is why it is critical to incorporate more accurate U.S. history into social studies curriculum. This is a window of opportunity for our leaders to make a moral stance and address an overdue societal issue and adopt a value of morality and accountability standards in societal excellence.

I, respectively, ask this committee to pass HCR 3022 and to consider developing a requirement for the NDHSAA, the North Dakota Department of Public Instruction, and other parties involved to create and implement a policy that includes the intolerance of racism and discriminative behavior language into its existing behavior expectations and add to its mission to that is it intentional toward ensuring the respect all ethnicities and their heritages. Developing a committee with all the right stakeholders to design the study is critical toward ensuring it is meaningful. This is a great opportunity for schools and associations affiliated with shaping the education system to increase its efforts to become culturally sensitive and respectful. Some examples could include the priorities of professional development requirements for school leaders and staff and through cultural sensitivity education to middle and high school students

³ NDHSAA Behavior Expectations. <https://docs.google.com/document/d/e/2PACX-1vSVI14lt8Vpuwz8i8DCJ-Jmon3faGYeiShvww4oYfJO6js44DmwJAqzbBjOduDTubfwDkAJs4QOnkb2/pub>



Lorraine Davis, CEO

-  (701) 595-5181
-  lorraine@ndnadc.org
-  2403 E. Thayer Ave
Bismarck ND 58501
-  www.ndnadc.org
-  www.ndnativecenter.org



and their parents through partnerships between public schools, Tribes and ethnic community-based organizations in hosting community engagement and learning opportunities.

Thank you for your time.



North Dakota House of Representatives

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



Representative Jayme Davis

District 9A
601 John Street
Rolette, ND 58366-7209

jdavis@ndlegis.gov

COMMITTEES:
Human Services
Political Subdivisions

March 20, 2023

Good afternoon, Chairman Elkin, Vice-Chair Beard and Members of the Senate Education Committee. For the record I am Representative Jayme Davis. I work for the people of District 9A in Rolette County which includes the International Peace Gardens, the Turtle Mountain Reservation, and south past the town of Rolette which is where I reside.

I bring to you today, House Concurrent Resolution 3022 which is to consider studying and clarifying the roles of the State Board of Public School Education, the Superintendent of Public Instruction, the boards of public school districts, and the North Dakota High School Activities Association, as they relate to proper spectator conduct, including the clarification of expectations and consequences for violating those expectations, and the promotion of good sportsmanship good citizenship, including embracing diversity.

I'm going to give you a little background and timeline on what sparked this Resolution.

On January 31, 2023, there was a boys' varsity high school basketball game at the Jamestown High School. It was the Bismarck High School vs. Jamestown High school. During this basketball game there were multiple incidents involving the use of racial slurs vocalized by the Jamestown student section directed at the Bismarck High School student-athletes of color.

Taken from an interview done with one of the student-athletes of color and his father, I quote.

“Bismarck High basketball player Andre Austin, who is Black and Native American, said in a statement that during most games he is able to ignore noise from the crowd, but during Tuesday's game, a student called him the N-word.

“After being fouled on a drive, I get to the free throw and do my regular routine. That's when I heard loud chanting and noise making of a monkey. I was immediately shocked and I couldn't believe what I was hearing,” he said.

He missed the first shot. Just before the second shot, the monkey noise came again, he said, but he didn't miss.

“Until I ran by the student section and some boy yelled to me, ‘Come on you little N-word,’ I couldn't believe it. My heart raced and I felt so embarrassed and angry,” Andre said.” ...

“I did my best to tune them out, but once again at the free throw line I heard the chanting. I felt like I was alone and no one else felt this was offensive. This was my first experience having to endure such hatred and harassment, he said.”¹

In the same article Quinn Austin, father of Andre stated, “he couldn't believe what he was hearing when his son stepped up to the free-throw line. Angry, he tried to talk to administrators, but nothing was done about the taunting, and he felt helpless, he said.

In talking with the administrator Mr. Austin stated, "I said, 'alright, excuse me. I just witnessed you go confront a grown man for about two minutes on how to conduct himself, yet you have these racist kids over here making 'effing monkey noises while my son shoots free throws, and that's okay with you?'"

Mr. Austin went on to say, “At the end of the game, I couldn’t even look at my son, because I couldn't even look him in the eye. I was afraid of making him feel bad,” Quinn Austin said. “He was barely keeping it in. He was crying.”¹

After learning of this incident, I as Representative Jayme Davis, wrote a letter to the Executive Director of the North Dakota High School Activities Association. I have included my letter as part of my testimony.

In the letter dated February 4, 2023, I laid out the listed NDHSAA *minimal* behavior expectations guidelines:

- Contesting schools shall each have an authorized faculty representative present who shall be responsible for his/her school’s participants, students, and fans throughout the contest.
- The use of appropriate language is expected at all times. Profanity, negative chants, trash talk, name-calling, personal attacks or other acts of disrespect are unacceptable and must be immediately addressed by school/tournament administrators.

I asked why these *minimal* behavior expectations were not met? I went on to notify that I am aware that incidents are to be handled at the local level. However, when they fail it is up to the NDHSAA to hold them accountable. I recommended a zero-tolerance policy to be implemented.

On February 8, the NDHSAA board unanimously approved to clarify existing antidiscrimination policies. They decided to add the language “Any discriminatory slur will result in immediate removal from the facility.”

That following Saturday on February 11, my own high school alma-mater Turtle Mountain High School traveled to Dickinson for a boys varsity high school basketball game. Again, the student-athletes of color were subjected to name-calling and racial taunts during the game. This time one person decided to mock the Native American culture by doing a dance.

¹ Hagen, C.S and Broadway, Nick (February 2, 2023 at 7:29pm)

‘Racial taunting’ at North Dakota basketball game prompts call for harsher consequences

<https://www.inforum.com/news/north-dakota/racial-taunting-at-north-dakota-basketball-game-prompts-call-for-harsher-consequences>

Once again, nothing was done. The administrators and/or authorized faculty representative failed to meet the *minimal* behavior expectations guidelines to the detriment of the student-athletes of color.

Now if these were the only two incidents that ever happened in North Dakota I wouldn't be here. Unfortunately, it has been happening for decades. I can speak to my own experiences. I grew up with a great love for sports. Basketball being my greatest love. I would play anywhere at any time I could.

In the early 1990's I was playing in a 6th grade basketball tournament we were playing against a neighboring school. As we got to playing the girl that was guarding me said, "Eww, you smell like a dirty Indian". It hurt me but didn't know exactly why. Later, in the game as I was guarding her, she said, "get off me you Prairie N-word". Again, I was hurt but didn't know exactly why. I talked to my family after the game, and they educated me on what those words meant and validated the feelings I was having.

Fast-forward to my freshman year at Oak Grove in Fargo, ND where I was one of few people of color on the team. I believe it was our second or third game where one of the girls on the opposite team said to me, "oh they had to get another prairie n-word to play for them." By this time, I had been called that name so many times it didn't faze me. How sad is that?

This racism, harassment, and all other hatred must stop. People need to be held accountable for their actions or in these cases inactions.

Normally, I am in favor of keeping things at the local level but when the local level fails time and time again for decades something needs to change. I'm told that the NDHSAA is a non-profit and as such it's hard to hold them accountable. I say, okay then let's find out who is and create policies and procedures of zero-tolerance.

That's why I bring forward this Resolution for a study on how we can best address these issues head on with everyone at the table. We know better, its time to do better. We must remember that we are all accountable to each other. When you see/hearing something that's hurtful, racist, or harassing – say something. No more sitting idly by expecting someone else to speak up or take action.

With that I ask you for a Do Pass recommendation and I stand for questions.

Miigwech, Philamayayapi, Thank you.

Testimony in Support of HCR 3022 and HB 1149 (As Amended)

During a North Dakota High School Activities Association sanctioned basketball game between Bismarck High School (“BHS”) and Jamestown High School in Jamestown on January 31, 2023, multiple incidents occurred involving the use of racial slurs directed toward BHS student athletes. These slurs included monkey noises, mocking “war whoops,” and the use of the N-word vocalized by the Jamestown student section and directed toward the only nonwhite players for BHS.

We are the parents of the two student athletes from BHS targeted with the racial slurs at this game and we offer this testimony in support of HCR 3022 and HB 1149 (as amended).

The father of one of the BHS players and sister of another player attempted to bring this to the attention to the Jamestown Athletic Director. The complaint was ignored, and no action was taken to remove students or address the racialized taunts by the Jamestown student section. As a result, the Jamestown student section continued to harass the student athletes well into the second half. Following the game, one of the players brought this to both head coaches’ attention.

The emotional distress suffered by our sons cannot be overlooked or dismissed. The comments that were made and the loud chants of vehement racist taunting will have lasting emotional effects on these student athletes. It is the duty of NDHSAA and school administrators to cultivate safe and harassment-free environments for student athletes. Note that both these student athletes from BHS held themselves to their highest standard and never interacted with the crowd during this racial harassment and verbal abuse.

We feel strongly that immediate action is needed. The students and administrators at Jamestown Public School who participated in or allowed this abuse to occur must be held accountable. Additionally, policy changes are needed at NDHSAA including, but not limited to, implementing a “zero tolerance policy” for all students and fans that directly addresses and combats all incidences of hate and racism and which contains serious sanctions for those involved in such actions. Further, there should be permanent representation from Reservation School Districts on the NDHSAA Board of Directors.

While we are seeking immediate action directly from Jamestown School and NDHSAA on this matter, we support HCR 3022 and HB 1149 (as amended) and their mandate for legislative study to establish clear procedure and accountability for handling incidents like this in the future.

Thank you for the opportunity to present this testimony.

Savannah Alkire
Quinn Austin

Kate Eaglestaff
Lance Eaglestaff

Senate Education Committee

Testimony HCR 3022, Monday, March 20, 2023

Chairman Jay Elkin

Good afternoon, Mr. Chairman and members of the committee, my name is Scott Davis. I am here today in Support of HCR 3022. I am representing the Ft. Yates Public School, Belcourt School and New Town School District.

For decades the ND High School Activities Association (NDHSAA) has failed to provide adequate Native American representation regarding the number of Tribal and Public Schools on Tribal lands. This also includes the high number of Native Americans that attend schools in Fargo, Grand Forks, Minot, Bismarck, and Mandan. NDHSAA has also failed to follow their own policy procedures when it comes to fan conduct, sportsmanship, respect and dignity during games.

Back in the early 1980's when I began to play sports, I was subject to several racists taunts, harassment and behaviors against me because of me being Native American. I can stand here today and talk for at least an hour or two of what was said, yelled and how I was treated in a number of high school venues across the state. Today, not much has changed. In fact, it has gotten worse. This is why HCR is so important.

Weeks ago, I again witnessed racist taunts, chants towards my two friends' sons who were playing basketball in Jamestown. I was so appalled and angry that the next day I approached the United Tribes Board of Directors in asking them to take action and submit a Resolution that mandates a Zero Tolerance policy to the ND High School Activities Association. This is also has been followed up by several North Dakota citizens requesting changes and improvement to the NDHSAA.

HCR 3022 provides the correct study actions needed to improve the NDHSAA as it relates to Native Americans student/athletes.

Please join your colleagues from the House side and vote Green on HCR 3022.

Thank you Mr. Chairman and committee members, this concludes my testimony.



4180 HIGHWAY 281
BELCOURT, ND 58316
TMBCI.ORG



FROM THE OFFICE OF THE CHAIRMAN

JAMIE AZURE
TRIBAL CHAIRMAN
JAMIE.AZURE@TMBCI.ORG

701.477.2673

Please consider this testimony in support of Due Pass HCR 3022

In light of recent events in the state of North Dakota involving racism and racial indignities, there are much more chronicled events that have happened in recent years to disparage myths that racism is going away.

The Black Lives Matter is just one. However, for other people of color like the Native Americans, this has been very prevalent in our State as well as our sister state South Dakota for many years. It will not take long, if you google

racism in our state (ND) or South Dakota, to find hundreds if not thousands of countless acts of racism aimed at people of color. From blatant disregard for the human race from the powers that are there to enforce our civil rights (Police)

to bystanders not knowing the difference with what is being said or done and just being followers, the hatred still exists. In North Dakota, all students are supposed to take a course on Native American "Indigenous" people but where does that education go? Below is what TMBCI and TMCS are supporting for the State of North Dakota through the NDHSAA and Executive Director. This comes from a Zero Tolerance Law drafted by TMBCI and other local reservations who have joined the plight to tackle and eradicate this

behavior that has been going on for far too long.

"I would like to start the dialogue for the attempt at creating a successful by-law for the NDHSAA that would help with inclusion and add a needed dimension in diversity and cultural sensitivity.

This stems from recent incidents involving member schools and the need for cultural training and exposure to the different walks of life, nationalities/ethnicities that are present within our Great State of North Dakota.

To provide testament to why it is important, Indigenous Tribes, who are scattered among all directions in our state, have for centuries walked this area. Due to many reasons, reservation life was pushed upon them, and the stigma that arose

due to not knowing this new lifestyle and the government-imposed food stamps, alcohol and commodities led to an almost genocide (extinction) of that culture. Through the understanding of our leaders, they knew that to survive, elements of what was now

"hand-outs" would have to be used wisely and in moderation. If we didn't, diabetes, heart disease, alcoholism and many other diseases (Hypo-kinetic) would be developed later and would be the end of our people. Before reservation life, malignancies such as cancer were never found within our people.

Through the many treaties and trust agreements, land was taken and so were the rights of the many before us. We went from being plenty full with food and land that was reduced to barely nothing and that too came at a price where millions of Native Indigenous people lived throughout the territories in the beginning; but, by the end of the reservation period of

late 1800's to early 1900's that number was reduced to thousands. A genocide had occurred, and oppression was to follow. Many people believe that Natives get things for free and that stems a hatred; however, it is protected treaties and trusts of what was promised years ago is what is given and that is from government bodies taking so many things

away from Indigenous people and in part is what is still back-owed.

With that being said, the By-Law that we would like to start conversation on would be something as follows:

Turtle Mountain Community School would like to recommend a by-law to the NDHSAA that would either 1) add a NDHSAA Board Member who qualifies using the same criteria for all

other positions (Superintendent, Principal, or AD) and that they be a person of color or affiliate/member to an ethnic group within the State of North Dakota to assist the board with inclusion and diversity.

There is more, TMBCI people feel that inclusion, diversity need to be taught at every level, with every board that has jurisdiction over the masses. If education is power, then why are we not putting diversity in our business sectors, in our public building amongst our tallest buildings. For the future of all people of color and especially those on our 6 x 12 or enrolled members of TMBCI,

we want to help our state move forward. Zero tolerance is a start, education and diversity need to be the cornerstone of this movement. Indigenous people or 1st to originate this area should be protected and classified as so. Education has got to be the key to solving racism and putting in law for all people to follow above and beyond would be another just like the Zero Tolerance from

NDHSAA, TMBCI, United Tribes, etc.

This push has to continue until all avenues are pursued and all angles are covered so that our Native kids, kids of color, people of color and TMBCI members can feel protected in our state free from racial slurs, indignities and pursuant cultural disparities attached with 100- to 200-year-old treaties.

Sincerely,



Jamie Azure, Tribal Chairman
Turtle Mountain Band of Chippewa



North Dakota House of Representatives

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



Representative Jayme Davis

District 9A
601 John Street
Rolette, ND 58366-7209

jdavis@ndlegis.gov

COMMITTEES:
Human Services
Political Subdivisions

February 4, 2023

Dear Mr. Fetsch,

This letter is in reference to the varsity high school basketball game between Jamestown High School and Bismarck High School on Tuesday, January 31; where racial slurs and taunting occurred toward student athletes of color.

As I'm sure you are aware of the NDHSAA *minimal* behavior expectations guidelines state:

- Contesting schools shall each have an authorized faculty representative present who shall be responsible for his/her school's participants, students, and fans throughout the contest.
- The use of appropriate language is expected at all times. Profanity, negative chants, trash talk, name-calling, personal attacks or other acts of disrespect are unacceptable and must be *immediately* addressed by school/tournament administrators.

On February 2 of the online edition of the *Fargo Forum* in an article titled "Racial taunting" at North Dakota basketball game prompts call for harsher consequences." Where a parent stated, "he tried to talk to administrators, but nothing was done about the taunting, and he felt helpless." He continued, "I just witnessed you (administrator) go confront a grown man for about two minutes on how to conduct himself, yet you have these racist kids over here making 'effing monkey noises while my son shoots free throws, and that's okay with you?"

I ask you, Mr. Fetsch, why these *minimal* behavior expectations were not met? Our student athletes and community members should not have to worry about being verbally attacked during a school function. I know these incidents are to be handled at the local level but when they fail it is up to the NDHSAA to hold them accountable. I ask you again, what is being done to correct this and make sure it never happens again.

I make a recommendation for a zero-tolerance policy to be implemented where if/when administrators fail to take swift action that there be a penalty for their inaction.

I am available for further conversation if needed and will be waiting for your response.

Thank you,
Representative Jayme Davis
District 9A
Anishinaabe/Lakota

SCR 3022

Chair of the House,

My name is Sashay Schettler, and I am a citizen of the MHA Nation and a resident of Bismarck. I also serve as the Bismarck Public Schools Indian Education Director. I am testifying in favor of House Concurrent Resolution No. 3022. I also support the BPS Indian Education Director's role in the work moving forward.

Students of color and students from historically marginalized communities should not have to endure racist remarks. According to the Philadelphia Urban ACE Study, one of five additional ACEs (or adverse childhood experiences) not included in the original study is experiencing racism. Addressing this as a community is an urgent need. As a community we need congruent and aligned actionable steps to take together, on which I urge our representatives to support.

Thank you for your consideration and feel free to contact me with questions.

Sashay Schettler

Bismarck Public Schools

Indian Education Director

NJOMA Board of Directors

701-323-4136

701-425-2416

sashay_schettler@bismarckschools.org