

Legislative Review

A Look at Higher Education in Week 11: March 21-25, 2011



Friday, March 25

The date by which referrals of bills in the second house must be reported to the Appropriations Committee of the Legislative Assembly

Single Department of Education Opposed

HCR 3046 was heard March 23 in a joint meeting of the House Constitutional Revision and House Education Committees. If passed by the legislature and approved by the voters in 2012, HCR 3046 would amend the state's Constitution to eliminate the State Board of Higher Education, the North Dakota University System chancellor and the superintendent of public instruction.

A single department of education would be created to "oversee and administer" all public education in the state, including early childhood, K-12 and higher education effective January 1, 2015. The governor would appoint a director to a three-year term as CEO of the new department.

The director would receive "advice and guidance" from an 11-member educational council appointed by the governor with advice and consent of legislative leadership (the majority and minority party House and Senate leaders and Senate president pro tempore).

Chancellor Bill Goetz opposed HCR 3046, testifying that the critical question is whether consolidating the governance of North Dakota education would significantly enhance the education of our students and produce a greater return on the state's investment. "If we look to other states," he said, "the answer is clearly 'No.'"

Goetz cited the example of Florida which implemented a P-20 governance structure in 2001. In 2002, another constitutional amendment added a Board of Governors for Florida's University System. The reorganization in Florida has taken over a decade, and the transition is still continuing.

SBHE President Jon Backes and Minot State University President David Fuller both provided written testimony opposing

this concurrent resolution. President Backes stated, "To succeed for the next one hundred [years], we must think and plan in the long term. . . Establishing a vision, a strategic plan and policies for the system are important responsibilities of higher education governing boards like the State Board of Higher Education and are responsibilities that can only be accomplished by a board that is authorized to set policy with respect to higher education." Noting that the model proposed by HCR 3046 would be the only one of its kind in the nation, President Backes concluded, "We cannot entrust the governance of our institutions to an untested model."

President Fuller focused on the efficiencies and effectiveness of the current system. "That effectiveness and efficiency is well documented in the annual accountability reports and other reports providing in-depth analyses and data about the system and the individual institutions. . . The most telling proof of that effectiveness is to talk to students and to visit our individual campuses."

No action has been taken by the House Constitutional Revision Committee.

Week 12 Agenda

HB 1411 Mon., Mar. 28, 9 a.m., S-EDU:
Declares chancellor has no authority over institutions; requires separate funding methodology for research, four year and two year campuses
[Oppose]

HB 1036 Wed., Mar. 30, 9 a.m., S-EDU:
Study Higher Education developmental education (Interim Higher Education Committee bill) [Support]

Study of Allowing Access to Confidential Juvenile Records to School Officials

SCR 4017, a bill directing that Legislative Management study the feasibility and desirability of allowing school officials, including officials of higher education institutions, access to confidential juvenile file records, received a unanimous “do pass” recommendation, with referral to consent agenda, from House Judiciary on March 21.

Senator Carolyn Nelson, one of the bill’s sponsors, testified on the bill, explaining difficulties encountered by school officials when seeking juvenile court information, which is confidential and therefore unavailable in most

cases. Certain information from the juvenile court records should be provided to or permitted access by officials to ensure that involved student’s behaviors are being addressed in the most appropriate and best manner, and to provide as may be necessary for safety of other students and staff.

The initial version of this bill did not include discussion about access to juvenile court records by higher education officials. SBHE supported this bill and requested that higher education officials be added. That amendment was made, and the bill passed the House.

Higher Education Funding Commission Bill Heard

SB 2300, a bill to create a commission on higher education funding, was heard in House Education Committee March 22.

The primary function of the commission would be to examine alternative methods for funding higher education. A list of desired outcomes is included in the legislation.

Bill Goetz, NDUS chancellor, testified in support of the bill saying that this commission is an opportunity to look at our system in a unique way and ask ourselves what the state of North Dakota can do to make the most dynamic education system possible with the resources available.

Makeup of the commission also is specified in the legislation; members would be appointed by the governor. Funding for operation of the commission would come from the NDUS Office budget.

The committee did not take action on the bill.

Study of Third Party Refund Management Systems

SCR 4026 was heard before the House Education Committee on March 22. Sponsored by Sen. Schneider and Rep. Mock, this resolution, as passed by the Senate, directs the Legislative Management Committee to consider studying campus use of companies that specialize in managing student financial aid refund.

Tamara Barber, BSC associate vice president for finance and operations, provided the House Education Committee background information on the *HigherOne* service currently utilized by BSC and UND for processing student financial aid refunds.

No House Education action has been taken.

Failed Bills

HB 1307: Would have permitted minors in bars for meals

HB 1353: Would have changed the composition of the SOMHS Advisory Council; House amended to revise SOMHS mission statement, removed \$28.9 Million funding for SOMHS renovation/addition and \$5.8 Million for added student enrollment and residency positions

SB 2167: Comprehensive bill would have addressed bullying in school districts, included a new commission on bullying

SB 2296: Would have established energy usage database and required information from all state entities with buildings