

Legislative Review

A Look at Higher Education in Week 12: March 28-31, 2011



April 6

Bills and Resolutions must be reported out of committee in Second House

HCR 3046 passes House

Following a 7-4 “do pass” vote by the House Constitutional Revision Committee, **HCR 3046** was approved by the House in a 50-42 vote on March 30. If passed into law 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 state Department of Education would be created to oversee and administer all public education in North Dakota, including early childhood, K-12 and higher education effective January 1, 2015. A director of the department of education would serve as the chief executive officer with advice and guidance of an 11-member educational council. As amended, the governor’s

appointment of the director would be subject to confirmation by the legislative assembly, and a sixth legislator, the speaker of the House, was added to the legislative leadership expected to provide advice and consent to the governor in appointing the educational council. **HCR 3046 is scheduled to be heard by the Senate Education Committee on Monday, April 4, at 9:30 am.**

Study of Developmental Education Supported

HB 1036, a bill mandating a study of developmental education issues, was heard in Senate Education on March 30. The bill was introduced by Legislative Management on behalf of the Interim Higher Education Committee. The purpose of the study is to reduce the developmental needs of students entering higher education institutions.

NDUS Vice Chancellor Michel Hillman testified for the NDUS in support of the bill. He explained that, on the request of the Commission on Education Improvement, the SBHE adopted a mandatory developmental course placement policy effective for students entering system institutions in the Fall 2012 term.

The intent of the new policy is not to place students into developmental courses; it is to provide early feedback to students so developmental needs can be addressed before coming to campus. Hillman indicated that a goal of the new SBHE plan is to improve student completions. Students without developmental course needs are

much more likely to complete a college degree than students with developmental needs.

Following the hearing the committee voted 7-0 Do Pass recommendation.

Bill Removing Chancellor’s Authority Defeated

HB 1411, a bill removing the chancellor’s authority for governance of institutions and requiring a three-tier funding methodology, failed in a Senate floor vote on March 29.

SBHE President Jon Backes testified in opposition to this bill during the March 28 Senate Education Committee hearing. “Without a chancellor to whom the board can delegate overall responsibility for operation or governance of the system,” he emphasized, “there is simply no effective manner of accomplishing sustained board initiatives.” Backes also cited the board’s constitutional authority to appoint and delegate duties to a commissioner of higher education who also holds the title of chancellor and serves as the chief executive officer of the board.

Failed Bills

- HB 1411:** Would have declared the State Board of Higher Education chancellor had no authority over institutions; required separate funding methodology for research, four-year and two-year campuses
- HCR 3004:** Would have directed the Legislative Management to study Indian education issues, including a fair and equitable allocation of all state and federal educational funding.

Passed Bills

- HB 1098:** Technical edits to Office of Management and Budget authority to adopt rules relating to payment by credit card and agency fees
- HB 1122:** Amends and reenacts sections relating to powers and duties of the Department of Commerce and related divisions
- HCR 3022:** Encourages congressional delegation to work with FCC to ensure broadband development in North Dakota

Week 13 Agenda

HCR 3046 Mon., Apr. 4, 9:30 am S-EDU: Constitutional amendment to eliminate State Board of Higher Education, chancellor, Department of Public Instruction superintendent and create new department of education with director to administer and oversee all state public education