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Senator Jim Bradford, Chair  
Senator Stan Adelstein, Vice Chair

Second Meeting  
2013 Interim  
September 26, 2013

Best Western Ramkota  
Rapid City, South Dakota

Thursday, September 26, 2013

The second meeting of the State-Tribal Relations Committee for 2013 was called to order by **Senator Jim Bradford** at 9:30 a.m. (MT) at the Best Western Ramkota Hotel in Rapid City.

A quorum was determined with the following members answering the roll call: Senators Jim Bradford, Stan Adelstein, and Craig Tieszen; Representatives Troy Heinert, Kevin Killer, Elizabeth May, Lee Qualm, and Mike Verchio. Excused: Senators Russell Olson and Billie Sutton.

Staff member present was Tom Magedanz, Principal Research Analyst.

(NOTE: For purpose of continuity, the following minutes are not necessarily in chronological order. Also, all referenced documents distributed at the meeting are attached to the original minutes on file in the Legislative Research Council (LRC).)

An opening prayer was offered by **Ms. Twylla Turney**.

### Minutes

**REPRESENTATIVE TROY HEINERT MOVED, SECONDED BY SENATOR CRAIG TIESZEN, THAT THE MINUTES OF THE JUNE 11, 2013, MEETING OF THE STATE-TRIBAL RELATIONS COMMITTEE BE APPROVED. The motion prevailed on a voice vote.**

### Education

**Ms. Shirley Lewis, He Sapa District Director, Oglala Lakota College, He Sapa Extension, Rapid City**, discussed Oglala Lakota College's mission and activities and described OLC's He Sapa Extension in Rapid City. She stated that Oglala Lakota College, which is based in Kyle on the Pine Ridge Reservation, has nine centers, including the He Sapa in Rapid City. OLC has 1500 enrolled students from 30 tribes, including 400 students in Rapid City. She discussed programs and majors and noted that there is an emphasis on Lakota culture and studies and that emphasis on Lakota culture promotes retention of students.

**Senator Craig Tieszen** asked about tuition costs and available tuition assistance. Ms. Lewis stated that tuition is \$80 per credit hour (\$90 for non-Native students), and that a number of grants and scholarships are also available for student aid. **Representative Kevin Killer** asked the number of non-Native students at OLC and whether any funding assistance is available from the state. Ms. Lewis replied that approximately 20% of OLC students are non-Native and that most funding assistance is federal from programs such as PL 471 or Pell grants. Financial assistance also comes from various tribes. **Representative Mike Verchio** asked whether OLC is involved in research activity, and Ms. Lewis answered that they are involved in various research projects and have received funding from the

National Science Foundation. **Representative Elizabeth May** asked whether OLC has a suicide prevention program. Ms. Lewis stated that they have training for all staff members on suicide prevention and that there is a suicide prevention director. Representative May asked what the main academic challenges are, and Ms. Lewis replied that college readiness, especially in reading, is a problem. The college has remedial programs to get students up to speed. **Representative Lee Qualm** asked what percentage of students graduate. Ms. Lewis answered that she is unsure of that number because retention of students is a problem and some students leave and return later. The college has a retention director.

**Representative Troy Heinert** asked what assistance OLC would like to have come from Pierre and state government. Ms. Lewis stated that funding is always helpful, but state assistance to improve living conditions in such areas as housing, transportation, and employment also improve the educational environment for students. **Senator Jim Bradford** said that OLC would like to see state funding for non-Native on nonenrolled students similar to what Montana does. Senator Bradford also asked what percentage of students are in teacher education. Ms. Lewis said that approximately 15% to 20% of OLC students are in teacher education and noted that there is a shortage of teachers and that teacher education is an important program. Ms. Lewis distributed a document entitled "Oglala Lakota College Annual Report 2012" (*Document 1*).

**Dr. Phil Baird, Vice President, Academic-Career-Technical Education, United Tribes Technical College, Bismarck, North Dakota**, discussed the United Tribes Technical College and described UTTC's new Black Hills Learning Center in Rapid City, which was opened in August of 2013. He stated that UTTC in Bismarck originally offered technical associate degrees but now offers several four-year degrees and programs as well. He said that UTTC has partnered with several institutions and organizations such as the University of South Dakota, Black Hills State University, and the Crazy Horse organization. UTTC is governed by five tribes and has 1500 students in Bismarck representing 80 different tribes. He said that a primary mission of UTTC is to assist in the rebuilding of Indian nations and to train people to work in their own communities in order to develop those communities. He also said that half of the Native American population in the U.S. lives off-reservation and that 20,000 Native Americans live in the Rapid City area.

Dr. Baird said that UTTC has accredited online programs and stated that technology will drive the next generation of tribal colleges and students, as well as education in general. He said that UTTC attempts to meet standards and needs associated with workforce development, which in North Dakota has included many new course offerings to handle the needs for workers in the Bakken oilfields. UTTC has a 50% graduation rate and a retention rate of approximately 85% from semester to semester; two-thirds of their enrollment are female. He noted that other basic issues that impact education must also be addressed, including self-identity/self-esteem issues related to tribal membership, blood quantum requirements that determine eligibility for many programs, food and nutrition needs, and the culture of poverty in the U.S. He said that UTTC will work with the Black Hills community to see what the needs are.

**Senator Stanford Adelstein** asked what courses of study UTTC would add in Rapid City that are not already available at other schools in Rapid City and suggested that the UTTC facility in Rapid City would be duplicating programs already available in the community. He stated that he doesn't feel that technical education should be tied to one specific group and that we should use what we already have. Senator Adelstein also asked how the branch in Rapid City is funded. Dr. Baird responded that UTTC will use a market study to determine additional needs in Rapid City and said that fine arts is one area and that entrepreneurship in a Native American cultural context is another. He said that sometimes the subject is the same but the delivery is different. He said the school is funded through general funds from UTTC as well as public and private contributions and federal grants.

**Representative Verchio** asked whether there is a need for each tribe to specialize in order to meet the varying educational needs of specific tribes. Dr. Baird answered that he favors a combination generalist-specialist approach. He described a proposal for an American Indian University and noted that Oglala Lakota College and Sinte Gleske University have combined to offer masters degree programs. He also discussed the issue of state assistance to tribal colleges for “nonbeneficiary” students (students who are non-Native or not enrolled tribal members) and stated that North Dakota has provided state funding to tribal schools that train workers for the oil fields.

**Representative May** asked whether UTTC is involved with any states in curriculum development, especially in the area of Indian studies, and what the state could do to encourage the teaching of Native American culture. Dr. Baird said that South Dakota got off to a good start with its 2007 legislation on Native studies requirements. He said it is important to interweave all levels of education as well as being involved with other tribes and levels of government. Representative May asked what Dr. Baird means by rebuilding Indian nations. He answered that it means sovereignty in terms of being independent and self-sufficient and being able to bring together decision making and governing.

**Representative Killer** thanked Dr. Baird for coming and reminded the committee about the upcoming National Indian Education Convention. **Representative Heinert** said that he is a tribal college graduate and believes that tribal colleges can adjust and adapt faster than more traditional large universities can. **Senator Bradford** thanked Dr. Baird for coming and said that all levels of education are important, beginning with preschool.

**Mr. Jr. Bettelyoun, Director of Indian Education, Rapid City Area Schools**, is a member of the Oglala Sioux Tribe and has been involved with Indian education his entire career. He distributed a handout entitled “Goals and Activities – Office of Indian Education, 2013 – 2014” (**Document 2**). He discussed the goals of his office and said that Indian education in the Rapid City schools involves all students and staff. He described activities such as Youth Day, the Black Hills Pow Wow, and workshops for teachers that are intended to improve relationships and understanding among students and between the Native American community and the Rapid City school district. Mr. Bettelyoun stated that his office’s budget totals \$510,000, most of which comes from federal funds, with \$65,000 coming from the school district. Some of the Indian education program’s activities include tutoring, mentoring, home school liaison, attendance and truancy issues, conflict resolution, cultural and Lakota language programs, and dropout prevention. He said there is a need to improve relationship with staff and those who enter the school as visitors or outsiders, and there is a need for more Native American course offerings. Another effort is to increase participation in extracurricular activities. He described a program to donate prom dresses so more students can participate in the prom. He also discussed the parent advisory committee and noted that there are Native American student representatives on that committee and at school board meetings.

Mr. Bettelyoun is a member of the South Dakota Indian Education Advisory Committee and the Hagen-Harvey Scholarship Committee and has worked with state agencies on various issues. He also discussed education problems relating to students moving in and out of the school district during the school year. He said it is necessary to work with reservation schools to track students who have moved. He is also involved in meetings of area educators in Rapid City to address the shortage of teachers in reservation schools. Mr. Bettelyoun also handed out a document entitled “Lakolkiciyapi – A Pathway to Success. 2012 Demonstration Grant for Indian Children” (Document 3), provided by Mr. Mike Talley, Principal, Rapid City Central High School.

**Senator Bradford** asked about test results for students in the Rapid City school. Mr. Bettelyoun stated that test scores for Native American students are generally good, but the problem of a transient student population interrupts the education process. **Representative Verchio** asked about the status of the federal grant and whether the program can continue without the grant. Mr. Bettelyoun answered

that the grant program has been successful although there is sometimes uncertainty about the federal commitment. He is hopeful that the program could continue. **Senator Tieszen** said that he appreciates Mr. Bettelyoun's efforts, particularly in exposing non-Native students to Native American education, history, and culture. He also appreciates the efforts to recognize student proficiency and successes.

**Representative Killer** asked about the process involved when a student drops out. Mr. Bettelyoun answered that they make efforts to maintain contact with students who have dropped out. They try to work with students who may drop out and they attempt to contact students who have dropped out in an effort to get them back in school. **Representative Heinert** thanked Mr. Bettelyoun and asked about the status of the Teacher Corps Program. Mr. Bettelyoun stated that the program is in its initial stages and meetings on the program are coming up. **Representative May** asked whether the federal grant was only for the high school. Mr. Bettelyoun stated that the grant was for Rapid City Central High School and tracked a cohort of freshman students. **Senator Bradford** said he would favor a program that would provide scholarships for tribal college students and other students who would commit to teach for a period of time on a South Dakota reservation.

### **Veterans Issues**

**Mr. James Swan, Cornerstone Rescue Mission, Rapid City**, briefed the committee on the Supportive Services for Veteran Families program, and he distributed a pamphlet on the program (**Document 4**). The program uses a federal grant to provide assistance to homeless veterans in such areas as homes, vehicles, repairs, and so on. He gave the example of a veteran new to the community who could not rent a house because he was unable to provide a rental reference. The program is a VA funded program covering the entire state of South Dakota.

### **Law Enforcement**

**Mr. Greg Sattizahn, State Court Administrator, South Dakota Unified Judicial System, Pierre**, discussed SB 70 from the 2013 Legislative Session, the Public Safety Improvement Act and distributed two handouts: "SD UJS Drug and DUI Specialty Court Locations" (**Document 5**) and "SB 70: Public Safety Improvement Act" (**Document 6**). He discussed how SB 70 relates to Drug and DUI courts and said that the new law involves the Attorney General's office, the Department of Social Services, the Department of Corrections, and the Unified Judicial System. South Dakota will have ten Drug and DUI courts in various counties by next year. Veterans courts and Hope courts will also be included in the program. Mr. Sattizahn said that the program involves revised penalty structures, evidence-based practices, an earned discharge process, intensive supervision, and sanctions and rewards with immediate consequences for negative behavior and rewards such as reducing probation periods. He said that the penitentiary is not the right place for treatment in many cases and that the programs established by SB 70 attempt to take other approaches for certain offenders.

**Representative Verchio** asked whether SB 70 contains features specifically intended for the Native American community. Mr. Sattizahn answered that there are education requirements for court officers and judges and that the bill includes tribal pilot programs for parolees with joint supervision of parolees by the Tribe and the Department of Corrections.

**Representative May** asked why there are no Native American judges in the state system. Mr. Sattizahn said that judges are elected positions, and he noted that Native Americans are underrepresented in the state bar.

**Representative Qualm** asked about the status of the pilot projects. Mr. Sattizahn answered that Secretary LaPlante (Tribal Affairs) and Secretary Kaemingk (Corrections) have visited every reservation, are negotiating with tribes on project agreements, and are close to agreement now.

**Senator Bradford** said that he hopes the pilot projects succeed and that the concept spreads to all tribes without infringement on tribal sovereignty.

**Mr. Steve Allender, Chief of Police, Rapid City Police Department**, said that the Rapid City Police Department has 150 employees, three of whom are Native American. Native Americans comprise 20% of Rapid City's population but 50% of arrests and 50% of the jail population. A study of use of force by the police showed that 62% of those incidents involved Native Americans. He introduced **Officer Eric Dwyer** who discussed his background before joining the Rapid City Police Department four years ago. He discussed tensions in relations between the police department and the Native American community and described his frustration that communication is difficult and that it is difficult for conditions to change and for preconceived notions to be dispelled.

**Chief Allender** provided additional information and perspective on some of the issues relating to law enforcement in Rapid City. He referred to the effect of historical trauma being passed to succeeding generations. Police intervention sometimes brings accusations of racism and it is difficult to ease tensions. He referred to the "silent 90%" of Native Americans in Rapid City who don't come in contact with the police department. He said that often Native Americans do not get the service they deserve, but often they do not request it. The Rapid City Police Department has made efforts to improve relations, such as recruiting more officers, being involved with security for the annual Lakota Nation Invitational basketball tournament, and engaging in other training activity, but it is difficult to get to the heart of the problem.

**Representative Killer** asked what happens in a truancy or school dropout situation and whether law enforcement is called. Chief Allender answered that the schools address the situation first. If they are unable to handle the situation, law enforcement may be called in and will talk to parents and to the students. He said there are police present at all schools. Representative Killer asked whether a juvenile can be arrested and handcuffed at school, and Chief Allender responded that this could happen in certain situations. **Senator Bradford** thanked Chief Allender and Officer Dwyer for attending and noted that moving from a rural to an urban area is sometimes difficult, and young people sometimes get into trouble in those situations.

## Housing

**Mr. Mark Lauseng, Executive Director, South Dakota Housing Development Authority, Pierre**, discussed housing programs available in South Dakota. He distributed several pamphlets and brochures outlining SDHDA programs (**Document 7**). He discussed tribal lands and loans in the federal HUD 184 program, and stated that his office has partnered with federal agencies, the Department of Tribal Relations, the Governor's Office, and South Dakota Tribes to address issues and barriers relating to home ownership. He noted that many Native American families use the Governor's House program and that some changes have been made in energy requirements and layout restrictions. He discussed SB 235 from the 2013 Legislative Session and the Housing Opportunity Fund for rental or home ownership purposes. He also discussed the Housing Needs Study program conducted by the SDHDA, which was done for seventeen smaller South Dakota communities, including Mission. **Senator Bradford** thanked Mr. Lauseng for his presentation.

## Child Protection

**Ms. Emily Iron Cloud-Koenen, Executive Director, LOWO-Oglala Sioux Tribe Child Protection, Pine Ridge**, described the programs and activities of the Lakota Oyate Wakanyeya Owicakiyapi (LOWO), the Oglala Sioux Tribe's centrally administered child welfare agency. She distributed a packet

of several documents dealing with LOWO's organization and activities (**Document 8**). She discussed ICWA compliance issues and the strategic plan on children and families. She noted that there have been many changes over the last generation as to how people live in reservation areas. Many are in HUD government housing programs and few live on the land anymore. There has been a continuing loss of language and cultural knowledge. She described the creation of LOWO in 2003 as an agency to serve as a centrally-administered comprehensive child and family services agency on the Pine Ridge Reservation and to contract with the state Department of Social Services for child protection services.

Ms. Iron Cloud-Koenen introduced **Ms. Patricia Catches the Enemy**, who was involved in the creation of LOWO and described some of the issues involved in establishing LOWO as well as current operations. Ms. Iron Cloud-Koenen said that in 2000, 68% of children in the Department of Social Services system were Native American, while 62% are today. She said that LOWO's 2014 budget is over \$800,000. The agreement with DSS allows LOWO to do their own recruitment, licensing, and training of foster homes, both on and off the reservation. They have 300 to 400 children in their system. They have a large caseload and are short of investigators and staff, as well as funding. She stated that they have foster families who do good work. LOWO's approach is flexible and attempts to preserve family, language, and cultural identities.

**Senator Bradford** said that LOWO does well but needs additional funding. Ms. Iron Cloud-Koenen said that they do need funding and that she would like to address the entire Legislature if possible. Senator Bradford said that a good option would be to talk with the Health and Human Services committees during the Legislative Session. Representative May asked about the number of staff and what positions LOWO needs to add. Ms. Iron Cloud-Koenen replied that LOWO has 20 total staff, 16 of whom are funded through the state agreement, and said they would like to add investigator, licensing, and family development positions. They would like to do outreach training at the foster family's home area. Representative May asked about education requirements for licensing. Ms. Iron Cloud-Koenen said that some need a bachelor's degree and that they are working with colleges in this area.

**Representative Heinert** said that he applauds their efforts as actually exercising tribal sovereignty, and he asked whether other tribes have been involved with this. Ms. Iron Cloud-Koenen said they have been working with the Rosebud Sioux Tribe's agency but there is no agreement yet.

## Economic Development

**Ms. Lori Pourier, First Peoples Fund, Rapid City**, works with Native American artists through the First Nations Development Group to promote community economic development with artists in the northern plains area. She distributed handouts on the First Peoples Fund and Artspace (**Document 9**) and a booklet entitled "Establishing a Creative Economy: Art as an Economic Engine in Native Communities" (**Document 10**). Her program attempts to create partnerships with Native artists and community development financing institutions (CDFI's) to support Native arts. They worked with Colorado State University and others to do a study of the situation in western South Dakota. They have also established the Artists in Business Leadership Program and have been getting more and more northern plains artists involved. There is a substantial market for Native art and Native art contributes to tourism and local economic development. **Senator Bradford** thanked Ms. Pourier for her presentation and said he is aware of the impact of Native art. Ms. Pourier said that 79% of households on the Pine Ridge Reservation have home-based businesses, many of which are in arts and crafts. This has been done in the Southwest for generations and we want to promote it in Pine Ridge.

## Public Testimony

**Mr. Tuffy Lunderman, Rosebud Sioux Tribe**, discussed several issues. He discussed the STEP program in which the state requested the tribe to waive its sovereignty in some respects. Because the

state would not sign on, the tribe could not be considered for the federal program. He said that he is hoping for success for the pilot programs for parolees established in SB 70, but there are jurisdictional issues and proper procedures must be followed between the two sovereign entities that are involved. Tribal sovereignty must be protected. He said that we cannot ignore our history and that history is critical to the conditions that exist today. He said that racism still exists in South Dakota. The purpose of education is to educate, not to annihilate. In the past, education has been used as a vehicle to promote assimilation, which is why it is important to have tribal control of education. It is important to resist assimilation. He also said that language is crucial to preserving culture. He would support a tribal college funding bill similar to those in Montana and North Dakota; the states should partner with the tribes on education, but not control education. He said that public schools that have a large number of Native American students should be able to work with the tribes on curriculum development. He said it is not the kids who are failing, it is the system that is failing, and attitudes must change. There have been 150 years of failure and efforts to destroy Native culture through boarding schools and other efforts at assimilation. He said that education as it is currently delivered is largely irrelevant and not appropriate. Perception is important and kids must know their history. The key to education is partnership rather than control.

**Ms. Dayna Brave Eagle, Education Director, Oglala Sioux Tribe**, said that she is present to talk to the committee as an agency of the state. She said there are 13 schools and 4700 students at the K-12 levels on the Pine Ridge Reservation. Four of the schools are state, six are tribal, and one is parochial. There are a high percentage of Native American students served by several separate agencies; it is important for these entities to work together. One common problem is the need to share data among the various types of schools. She said the state did not participate in the STEP grant but there is a need to be partners. Education should be something we can cooperate on. Another issue is getting kids enrolled in tribes so that federal impact aid is not lost. She said there is a need for teachers and we should be working with the tribal colleges on this, and she discussed issues with the Teach for America program in this regard. She said that there are five tribal education agencies in South Dakota.

**Mr. Payn Harris, Rapid City**, said that tribal attorneys should be recognized off-reservation and should be allowed to represent clients off the reservation. This same principle should apply to education. He sees some hope in these areas and thanked the committee for meeting in Rapid City.

### Committee Discussion

**Senator Bradford** would like to hold one more meeting this fall, preferably on a reservation in early November. **Representative Killer** suggested looking further at education and tribal colleges. **Representative Heinert** suggested other topics as well, including Teacher Corps, health care, public safety, unemployment, ICWA, and housing.

### Adjournment

**REPRESENTATIVE VERCHIO MOVED, SECONDED BY REPRESENTATIVE QUALM, TO ADJOURN. The motion prevailed unanimously on a voice vote.**

The committee adjourned at 3:45 p.m.



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