

Testimony re: HB 2373
Presented by Chairman Steve Ortiz
on behalf of
Prairie Band Potawatomi Nation
March 18, 2013
9:00 A.M.

Good Morning Mr. Chairman and Members of the Committee:

My name is Stephen Ortiz “Mon-Wah”, Chairman of the Prairie Band Potawatomi Nation Tribal Council. The Prairie Band is one of the Four Kansas Native American Indian Tribes and the Prairie Band Reservation is located about 20 minutes north of Topeka.

It is my pleasure to be here with you today to testify in support of House Bill 2373 which would align the graduation requirements for children who are in the custody of the Prairie Band or any other Native American tribe located in Kansas, with the graduation requirements for children who are in the custody of the State Department of Children and Family Services or the Juvenile Justice Authority.

In 2011, the State Legislature approved House Substitute for Senate Bill 23 in order to improve graduation rates for children who are or have been removed from their home. Due to the differing graduation requirements among school districts and the mobility of this student population, those students are now afforded the opportunity to graduate on time if they meet the state minimum high school graduation requirements. However, that bill did not address children who are in the custody of the Kansas Native American tribes and attending Kansas public schools.

Tribal Nations in Kansas are sovereign governments generally authorized to make laws and regulate activity on their tribal lands. The Prairie Band Potawatomi Nation has a Law and Order Code including Child in Need of Care and Juvenile Offender laws. These laws contain provisions allowing youth to be placed in the custody of the Tribe, similar to State law. These youth may be placed with foster families or in group homes on and off the reservation. These circumstances often result in the child attending school in a new school district that may require

more credits to earn a diploma than their former school district. Unless HB 2373 is passed, these Native American youth who are or have been in tribal custody will be required to have more credits in order to graduate from high school than would similarly situated children who are in State custody. This is inherently unfair to these Native American youth. There are currently students who are in the custody of the Prairie Band Potawatomi Nation and have been placed in a new school district for various reasons. If that school district requires more credits than the student's previous school district, they cannot be granted a diploma.

The Prairie Band Potawatomi Nation as well as most Native American Nations value education highly. The Prairie Band provides education assistance to youth who express interest in seeking post secondary education. We draft laws in order to encourage tribal youth to, at a minimum, graduate from high school. HB 2373 does not change the state requirements a student must meet to graduate. It simply ensures that this special population of students are not prohibited from graduating due to the differing graduation requirements from district to district.

Furthermore, a student may choose to take *more* than the minimum number of electives, but would not be required to do so. The reason behind this is the fact that children who are placed in foster care tend to be placed in more than one placement which may require them to move from school to school. As a result, it is much more difficult for them to complete and earn full credit for some courses.

The Prairie Band has some children in their custody today who, unless this law is changed to include children placed in tribal custody, will not be treated similarly to youth in the custody of the State and who then will not be eligible to receive their high school diploma this May. For that reason, we ask that you expedite the bill so that it can be effective in law for students graduating from high school this year.

Thank you very much for your time, and I ask for your support of this important legislation, HB 2373. I am available to answer any questions you may have for me at this time.