1999 ASSEMBLY BILL 586

November 10, 1999 – Introduced by JOINT LEGISLATIVE COUNCIL. Referred to Committee on Education.

1   AN ACT *to renumber* 121.02 (2); and *to create* 20.255 (1) (am), 115.29 (6) and

2   121.02 (2) (b) of the statutes; **relating to:** education about American Indians

3   and making an appropriation.

Analysis by the Legislative Reference Bureau

This bill is explained in the PREFATORY NOTE provided by the joint legislative council.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

PREFATORY NOTE: This bill was prepared for the joint legislative council's American Indian study committee.

Background

1989 Wisconsin Act 31 created s. 121.02 (1) (L) 4., stats., which requires that each school board, as part of the social studies curriculum, include instruction in the history, culture and tribal sovereignty of the federally recognized American Indian tribes and bands in Wisconsin at least twice in the elementary grades and at least once in the high school grades. Act 31 also created s. 115.28 (17) (d), stats., which requires the state superintendent of public instruction to develop a curriculum for grades 4 to 12 on the Chippewa Indians' treaty–based, off–reservation right to hunt, fish and gather. In addition, Act 31 provided $100,000 general purpose revenue (GPR) in state fiscal year

1989–90 and $200,000 GPR in state fiscal year 1990–91 and authorized 3.0 full–time equivalent (FTE) positions in the department of public instruction (DPI). Act 31 also provided $50,000 GPR in each of those years to DPI to conduct educational conferences on American Indian treaty rights. These amounts were included in DPI's appropriation for educational leadership--general program operations and were not a separate line item in DPI's budget.

In response to general budget cuts and staff reductions in the mid–1990's, allocations for this purpose were reduced. In state fiscal year 1998–99, DPI allocated 1.6 FTE positions to the American Indian studies program and expended a total of $111,744 ($63,334 for salaries; $24,741 for fringe benefits; $20,144 for supplies and services; and $3,525 for conferences and projects) for the program.

Description of bill

This bill creates a separate appropriation to DPI specifically for continued implementation of the Act 31 requirements and restores the funding and DPI position authorizations to the levels originally established in Act 31 for the American Indian studies program. Specifically, the bill does the following:

1. Creates a separate annual appropriation to DPI of $250,000 GPR beginning in state fiscal year 2000–01 to: (a) fund 3.0 FTE positions in DPI to: (i) develop curriculum relating to Chippewa Indians' treaty–based, off–reservation right to hunt, fish and gather as required under s. 115.28 (17) (d); (ii) assist school boards in complying with the Act 31 requirement to provide instruction about the American Indian tribes and bands in Wisconsin; and (iii) annually audit school districts to determine compliance with the Act 31 requirement to provide instruction about the American Indian tribes and bands in Wisconsin; and (b) conduct educational conferences and projects relating to providing instruction about American Indian tribes and bands in Wisconsin.

2. Decreases the educational leadership--general program operations appropriation to DPI by $111,800 GPR, beginning in state fiscal year 2000–01, which is the amount expended by DPI in state fiscal year 1998–99 (rounded to the next higher $100), for the American Indian studies program. This reflects the decrease of 1.6 FTE positions at DPI funded under this appropriation and the elimination of expenditures for services and supplies and educational conferences and projects relating to this program which are funded under this appropriation.

3. Requires DPI annually to audit a number of school districts to monitor compliance with the Act 31 requirement to provide instruction about the American Indian tribes and bands in Wisconsin. Under the bill, DPI determines the number of school districts to audit each year. (The bill does not require an on–site audit.)

4. Requires DPI to annually report the results of those audits to the American Indian study committee.

1   **SECTION 1.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert

2   the following amounts for the purposes indicated:

		1999-00	2000-01

20.255 Public instruction, department of

(1)   EDUCATIONAL LEADERSHIP

(am)   American Indian education pro-

gram		GPR	A	–0–	250,000

SECTION 2. 20.255 (1) (am) of the statutes is created to read:

20.255 **(1)** (am) *American Indian education program.* The amounts in the schedule to develop a curriculum under s. 115.28 (17) (d), to conduct educational conferences and projects under s. 115.29 (6), to assist school boards in complying with s. 121.02 (1) (L) 4. and to audit such compliance under s. 121.02 (2) (b).

SECTION 3. 115.29 (6) of the statutes is created to read:

115.29 **(6)** AMERICAN INDIAN EDUCATION PROGRAM; CONFERENCES AND PROJECTS. Conduct educational conferences and projects relating to instruction in the history, culture and tribal sovereignty of the federally recognized American Indian tribes and bands located in this state.

SECTION 4. 121.02 (2) of the statutes is renumbered 121.02 (2) (a).

SECTION 5. 121.02 (2) (b) of the statutes is created to read:

121.02 **(2)** (b) Annually, the department shall conduct audits of school districts regarding compliance with the standard under sub. (1) (L) 4. The department shall determine the number of school districts to audit each year. By July 30, 2001, and annually thereafter by July 30, the department shall report the results of the audits conducted in the previous school year to the American Indian study committee under s. 13.83 (3).

SECTION 6. **Nonstatutory provisions; public instruction.**

1   (1) The authorized FTE positions for the department of public instruction are

2   increased by 3.0 GPR positions, to be funded from the appropriation under section

3   20.255 (1) (am) of the statutes, as created by this act, for the purposes of developing

4   a curriculum under section 115.28 (17) (d) of the statutes, assisting school districts

5   in complying with section 121.02 (1) (L) 4. of the statutes and conducting audits

6   under section 121.02 (2) (b) of the statutes, as created by this act.

7   **SECTION 7. Appropriation changes; public instruction.**

8   (1) In the schedule under section 20.005 (3) of the statutes for the appropriation

9   to the department of public instruction under section 20.255 (1) (a) of the statutes,

10   as affected by the acts of 1999, the dollar amount is decreased by $111,800 for fiscal

11   year 2000–01 to decrease the authorized FTE positions for the department by 1.6

12   GPR positions for the purpose of complying with section 115.28 (17) (d) of the statutes

13   and assisting school boards in complying with section 121.02 (1) (L) 4. of the statutes

14   and to eliminate funding for services and supplies and educational conferences and

15   projects for the American Indian studies program.

16   **SECTION 8. Effective date.**

17   (1) This act takes effect on July 1, 2000.

18   **(END)**