

1705

CHAPTER 346

1979 Assembly Bill 807

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CHAPTER 346, Laws of 1979

AN ACT to repeal 15.09 (6) (b) and 15.377 (5); to renumber subchapters IV, V and VI of chapter 115; to renumber and amend 15.09 (6) (a); to amend 118.19 (3) (a); and to create 15.07 (5) (q), 15.371 (4), 15.375, 20.255 (1) (fn), 115.28 (16), subchapter IV of chapter 115 and 121.91 (2) (j) of the statutes, relating to establishment of American Indian language and culture education programs in schools, creating an American Indian language and culture education board, granting rule-making authority and making appropriations.

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

SECTION 1. Legislative declaration. The legislature declares that it is the policy of this state to recognize the special cultural and language needs of American Indian pupils and to acknowledge the unique historical status of these pupils as both citizens of this state and of their tribal government.

SECTION 2. 15.07 (5) (q) of the statutes is created to read:

15.07 (5) (q) Members of the American Indian language and culture education board, \$25 per day.

SECTION 3. 15.09 (6) (a) of the statutes, as affected by chapter 34, laws of 1979, is renumbered 15.09 (6) and amended to read:

15.09 (6) REIMBURSEMENT FOR EXPENSES. ~~Except as otherwise provided in this subsection, members~~ Members of a council shall not be compensated for their services, but members of councils created by statute shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties, such reimbursement in the case of an elective or appointive officer or employee of this state who represents an agency as a member of a council to be paid by the agency which pays his or her salary.

SECTION 4. 15.09 (6) (b) of the statutes is repealed.

SECTION 5. 15.371 (4) of the statutes is created to read:

15.371 (4) AMERICAN INDIAN LANGUAGE AND CULTURE EDUCATION BOARD. The American Indian language and culture education board shall have the program responsibilities specified for the board under s. 115.28 (16) and subch. IV of ch. 115.

SECTION 6. 15.375 of the statutes is created to read:

15.375 Same; attached boards. (1) AMERICAN INDIAN LANGUAGE AND CULTURE EDUCATION BOARD. There is created an American Indian language and culture education board which is attached to the department of public instruction under s. 15.03. The board shall consist of 13 members appointed by the governor for staggered 4-year terms from recommendations made by the various Indian tribes, bands and organizations in this state. The members shall include parents or guardians of American Indian children, American Indian teachers, school administrators, a school board member, persons involved in programs for American Indian children and persons experienced in the training of teachers for American Indian language and culture education programs. Members shall be appointed so as to be representative of all the American Indian tribes, bands and organizations in this state. In addition to its duties under subch. IV of ch. 115, the board shall advise the state superintendent of public instruction, the board of regents of the university of Wisconsin system, the higher educational aids board and the board of voca-

tional, technical and adult education on all matters relating to the education of American Indians. The board does not have rule-making authority.

SECTION 7. 15.377 (5) of the statutes is repealed.

SECTION 8. At the appropriate place in the schedule in section 20.005 of the statutes, insert the following amounts for the purposes indicated:

	1979-80	1980-81
20.255 Public instruction, department of		
(1) EQUAL EDUCATIONAL OPPORTUNITIES		
(fn) Alternative school American Indian language and culture education aid	GPR A -0-	45,000

SECTION 9. 20.255 (1) (fn) of the statutes is created to read:

20.255 (1) (fn) *Alternative school American Indian language and culture education aid.* The amounts in the schedule for the payment of aid to alternative schools for American Indian language and culture education programs under s. 115.75.

SECTION 10. 115.28 (16) of the statutes is created to read:

115.28 (16) AMERICAN INDIAN LANGUAGE AND CULTURE EDUCATION. (a) Establish by rule, in coordination with the American Indian language and culture education board, standards for certifying the abilities of teachers participating in American Indian language and culture education programs under subch. IV to read and write or speak an American Indian language and to possess knowledge of American Indian history and culture.

(b) Establish by rule, in coordination with the American Indian language and culture education board, standards for certifying the abilities of home school coordinators, counselors and aides participating in American Indian language and culture education programs under subch. IV to possess knowledge of American Indian history and culture.

(c) Promulgate rules, in coordination with the American Indian language and culture education board, which further define "American Indian" under s. 115.71 (2) (d).

SECTION 11. Subchapters IV, V and VI of chapter 115 of the statutes are renumbered subchapters V, VI and VII of chapter 115, respectively.

SECTION 12. Subchapter IV of chapter 115 of the statutes is created to read:

CHAPTER 115

SUBCHAPTER IV

AMERICAN INDIAN LANGUAGE AND CULTURE EDUCATION PROGRAM

115.71 Definitions. In this subchapter:

(1) "Alternative school" means any nonsectarian private school or tribally operated school in this state which complies with the requirements of 42 USC 2000d and in which at least 75% of the pupils enrolled are American Indians.

(2) "American Indian" means any person who is:

(a) A member of a tribe, band or other organized group of Indians, including those tribes, bands or groups terminated since 1940, or who is a descendant in the first or 2nd degree of any such member;

(b) Considered by the federal government, on the effective date of this act (1979), to be an Indian for any purpose;

(c) An Eskimo, Aleut or other Alaska native; or

(d) Determined to be an Indian under rules promulgated by the state superintendent in coordination with the board under s. 115.28 (16) (c).

(3) "Board" means the American Indian language and culture education board.

(4) "Home school coordinator" means a person employed by the school district to promote communication between the school and the American Indian community.

(5) "Tribal education authority" means the educational authority of a tribe, band or other organized group of American Indians, which may be vested in a tribal department or division of education, a tribal school board, a tribal education committee or any similar body.

115.72 Establishment of programs. (1) Any school district enrolling American Indian pupils, or alternative school, may establish, on a voluntary basis, an American Indian language and culture education program. The program shall be designed to:

(a) Make the school curriculum more relevant to the needs, interests and cultural heritage of American Indian pupils.

(b) Provide reinforcement of the positive self-image of American Indian pupils.

(c) Develop intercultural awareness among pupils, parents and staff.

(2) The American Indian language and culture education program may include:

(a) Instruction in American Indian language, literature, history and culture.

(b) In-service training and technical assistance for staff in regard to methods of teaching American Indian pupils.

(c) Vocational education and counseling for American Indian pupils.

(d) Modification of curriculum, instructional methods and administrative procedures to meet the needs of American Indian pupils.

(e) Tests of the academic achievement of the American Indian pupils enrolled.

(f) Identification of the educational needs of the American Indian pupils enrolled.

(g) Classification of American Indian pupils enrolled by grade, level of education, age and achievement.

(3) The school board of a district establishing an American Indian language and culture education program may designate the school or schools in which the program shall be offered. The parent or guardian of an American Indian pupil may transfer the pupil to the school in which the program is offered, if it is in the same district, in order for the pupil to participate in the program.

(4) American Indian language and culture education programs established under this subchapter shall be located in school facilities in which regular classes in a variety of subjects are offered on a daily basis.

115.73 Program requirements. (1) Each school district and alternative school, before establishing a program under this subchapter, shall develop a plan which:

(a) Identifies the activities, methods and programs to be used to meet the identified educational needs of the pupils to be enrolled in the program.

(b) Describes how the program will be organized, staffed, coordinated and evaluated.

(c) Estimates the costs of the program.

(2) Each school district and alternative school operating a program under this subchapter shall maintain records concerning the number of American Indian pupils enrolled in the program and of all sums expended in connection with the program. The school district or alternative school shall make affirmative efforts to encourage participation of American Indian pupils in the program by providing for meetings with parents and guardians of American Indian pupils to explain the nature of the program.

115.735 Parent advisory committee. (1) Each school district and alternative school which establishes a program under this subchapter shall establish an American Indian parent advisory committee, appointed by the school board, to afford parents and educators of American Indian pupils the opportunity to advise the school board of their views

and to ensure that a program is planned, operated and evaluated with their involvement and consultation. If there is a local tribal education authority, the school board shall appoint committee members from recommendations submitted by the authority.

(2) The committee shall be composed of parents or guardians of American Indian pupils enrolled in the program, teachers, aides and counselors involved in the program and representatives of local tribal education authorities, but a majority of the members of each committee shall be parents or guardians of American Indian pupils enrolled in the program.

(3) If an advisory committee exists which meets the requirements of sub. (2), it may serve as the parent advisory committee. If the school board consists solely of parents or guardians of American Indian pupils, it may serve as the parent advisory committee.

115.74 Assessment of needs and evaluation of resources. (1) On or before July 1, 1982, and on or before July 1 in every 2nd year thereafter, the department, in coordination with the board, shall:

(a) Conduct a statewide assessment of the need for American Indian language and culture education programs. The assessment shall include information on:

1. Numbers, ages, location and tribal affiliation of American Indian pupils.
2. Concentration of American Indian pupils in attendance areas, as defined in s. 121.85 (1) (b), within each school district by tribal affiliation.
3. Placement rates of American Indian children in classes for handicapped pupils in comparison with statewide and district-wide placement rates.
4. Advancement, achievement levels and dropout rates of American Indian pupils in comparison with average advancement and dropout rates.

5. Participant response to the program.

(b) Evaluate the American Indian language and culture education programs established under this subchapter. Alternative school programs shall be evaluated under this paragraph only with the permission of the school.

(2) Annually, on or before July 1, the department, in coordination with the board, shall evaluate all available resources and programs which are or could be directed toward meeting the educational needs of American Indian pupils. The evaluation shall include information on:

(a) Numbers, locations and qualifications of teachers, administrators, counselors and others from American Indian backgrounds who are interested in working in American Indian language and culture education programs.

(b) Programs in this state designed for the preparation of American Indian language and culture education teachers.

(c) The effectiveness of programs for American Indian pupils in this state other than programs established under this subchapter.

(d) The effectiveness of preservice and in-service programs for staffs of American Indian language and culture education programs.

(e) The tests, criteria, procedures and methods used to identify, test, assess and classify American Indian pupils.

(3) The assessment of needs under sub. (1) (a) and the evaluation of resources under sub. (2) shall be performed on Indian reservations and in other Indian communities recognized by the federal government only in conjunction with, or with the permission of, the respective tribal governments.

(4) The department, in coordination with the board, shall make an annual report to the governor and the legislature on or before September 1. The first report shall be made on or before September 1, 1982. The report shall include the results of the most recent

assessment of needs and evaluation of programs under sub. (1), the evaluation of resources under sub. (2) and recommendations for legislation in the area of American Indian language and culture education.

115.75 Aid to alternative schools. (1) (a) Subject to the requirements of par. (b), each alternative school operating an American Indian language and culture education program under this subchapter shall receive state aid, from the appropriation under s. 20.255 (1) (fn), in an amount equal to \$110 for each pupil who has completed the fall semester in the program.

(b) No alternative school may receive state aid under this section unless the state superintendent:

1. Determines that the alternative school has adequate management and accounting capacity and that the school agrees that its accounts related to the program may be audited.

2. Certifies that the alternative school has met the requirements of ss. 115.73 and 115.735 and has submitted a report to the state superintendent which includes a description of all expenditures made in the prior year in connection with the program, a budget for the current year for the program and the number of pupils who have completed the fall semester in the program.

(2) State aid under this section shall be paid in April of each year. In no case may such aid supplant federal aid received by the alternative school and utilized for American Indian language and culture education programs in the prior year.

(3) If the appropriation under s.20.255 (1) (fn) in any year is insufficient to pay the full amount of aid under this section, state aid payments shall be prorated among the alternative schools entitled to such aid.

SECTION 13. 118.19 (3) (a) of the statutes is amended to read:

118.19 (3) (a) Beginning with the 1972-1973 school year, no certificate or license to teach in any public school may be issued unless the applicant possesses a bachelor's degree including such professional training as the department by rule requires, except as permitted under s. 115.28 (16) (a) and par. (b). Any teacher who taught in the public schools in the 1937-1938 school year or prior thereto may continue to teach in the public schools without complying with this subsection.

SECTION 14. 121.91 (2) (j) of the statutes is created to read:

121.91 (2) (j) Prevent the development of new or expanded programs under subch. IV of ch. 115.

SECTION 14m. Initial appointments. The first members of the American Indian language and culture education board created by section 15.375 of the statutes, as created by this act, shall be appointed for the following terms: 5 for a term of 4 years, 4 for a term of 3 years and 4 for a term of 2 years.

SECTION 15. Cross reference changes. In the sections of the statutes listed in Column A, the cross references shown in Column B are changed to the cross references shown in Column C:

A	B	C
Statute Sections	Old Cross References	New Cross References
15.371 (2)	subch. IV	subch. V
20.255 (1) (bb), as affected by chapter 34, laws of 1979	subch. VI	subch. VII
20.255 (1) (dd), as affected by chapter 34, laws of 1979	subch. V	subch. VI
67.04 (1) (y)	subch. IV	subch. V
70.62 (4) (em) 7	subch. IV	subch. V
115.28 (15) (a)	subch. VI	subch. VII
118.01 (1) (a), as affected by chapter 53, laws of 1979	subch. VI	subch. VII

CHAPTER 346

1710

119.04 (1)	subch. VI	subchs. IV and VII
121.004 (5) (d)	subch. IV	subch. V
121.81 (1)	subch. IV	subch. V
121.91 (2) (a), as affected by chapter 34, laws of 1979	subch. IV	subch. V

SECTION 16. Appropriation increases. The appropriation under section 20.255 (1) (a) of the statutes, as affected by the laws of 1979, is increased by \$14,300 in fiscal year 1980-81 to fund 1.0 FTE clerical position in the department of public instruction for the programs created by this act.

SECTION 17. Applicability. The treatment of section 115.75 of the statutes by this act applies initially to aid payments made to alternative schools in April 1981, for pupils completing the 1980 fall semester in the program.
