



MENOMINEE INDIAN TRIBE OF WISCONSIN

P.O. Box 910
Keshena, WI 54135-0910

November 18, 2002

Joyce L. Kiel
Senior Staff Attorney
State of Wisconsin
Joint Legislative Council
One East Main Street
Suite 401
Madison, WI 53701

RE: TRIBALLY CONTROLLED SCHOOLS

Dear Ms. Kiel:

The Menominee Tribe is interested in bringing the issue of State aid to tribally controlled schools to the attention of the Committee on State - Tribal Relations. This issue has long been a concern of the Tribe as it operates the Menominee Tribal School (MTS), a Kindergarten through Eighth Grade school funded through a contract with the Bureau of Indian Affairs and located on the Menominee Reservation. The issue arose again recently when representatives of MTS met with representatives of the Menominee Indian School District (MISD) to discuss how MTS could access services from MISD.¹

At this meeting, MTS hoped to receive at least the same benefits from MISD that a private school is entitled to receive from a public school district under Wisconsin law. They were informed by MISD that MTS was not considered a private school as that term is defined in the Wisconsin Statutes, and therefore were ineligible for any such services.

The Wisconsin Statutes define private schools as follows:

- (1) An institution is a private school if its educational program meets all of the following criteria:
 - (a) The primary purpose of the program is to provide private or religious-based education.
 - (b) The program is privately controlled.

¹Menominee Indian School District is the public school district on the Menominee Reservation. Its boundaries are coterminous with the Reservation boundaries.

- (c) The program provides at least 875 hours of instruction each school year.
- (d) The program provides a sequentially progressive curriculum of fundamental instruction in reading, language arts, mathematics, social studies, science and health. This subsection does not require the program to include in its curriculum any concept, topic or practice in conflict with the program's religious doctrines or to exclude from its curriculum any concept, topic or practice consistent with the program's religious doctrines.
- (e) The program is not operated or instituted for the purpose of avoiding or circumventing the compulsory school attendance requirement under s. 118.15(1)(a).
- (f) The pupils in the institution's educational program, in the ordinary course of events, return annually to the homes of their parents or guardians for not less than 2 months of summer vacation, or the institution is licensed as a child welfare agency under s. 48.60(1).
- (2) An institution may request the state superintendent to approve the institution's educational program as a private school. The state superintendent shall base his or her approval solely on the criteria under sub. (1).

It is clear that MTS meets every criteria of §118.165(1) except the criterion of private control.² If MTS does not meet the definition of "private school" then it is considered neither a public, nor private school under the State statutes, which leads to it being excepted from many benefits the State provides to its students.

Wisconsin has chosen to confer a number of benefits on students who attend private schools in the state, including:

1. Coordinating and providing telecommunication access to private schools (§16.974, Wis. Stats.);
2. Allowing certain disclosures by child welfare departments to private schools (§48.78(2)(a), Wis. Stats.);
3. Recognizing teaching experience in private schools for the purpose of licensing (§115.77(1)(d));
4. Providing school lunch and breakfast programs in private schools (§§115.34, 115.341, Wis. Stats.);
5. Providing students with disabilities in private schools special education related services (§115.77(1)(d), Wis. Stats.);
6. Allowing admission to public high school on certification by private school superintendent that student has completed elementary course of study (§118.145(3), Wis. Stats.);
7. Excepting private school students from definition of "dropout" (§118.153, Wis. Stats.);

²It is not clear that MTS fails to meet this criterion either. "Private control" may mean control by any entity other than the State or one of its subdivisions.

8. Providing transportation for private school students (§121.54, Wis. Stats.).

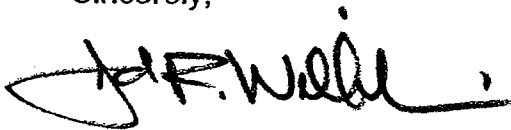
The provision of these benefits to private school students, while denying them to students enrolled in tribally controlled schools does not seem to have a rational basis, and is at best inequitable. The Tribe is interested in having the Committee on State - Tribal Relations address issues regarding State aid to tribally controlled schools in two ways.

First, the Tribe would like to see a thorough review of the current Wisconsin Statutes regarding public aid to private schools. The purpose of the review would be to suggest amendments to the statutes which would define tribal schools as a separate entity under state law, and make available to those schools the benefits currently available to private schools.

Second, the Tribe would like to see the state consider including tribally controlled schools generally in its funding formula for all public schools. A starting point for considering such a concept could be a review of §124D.83 of the Minnesota Statutes which authorizes state aid to tribal schools in Minnesota. A copy of Minnesota's "American Indian Education Act" is attached to this letter.

I would appreciate any comments or questions you have regarding the issues raised in this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "J.R. Wilhelmi", with a large, stylized flourish at the end.

John R. Wilhelmi
Attorney

c. Gary Besaw
Donna Powless, Ph.D
Lisa Waukau
File

**MINNESOTA STATUTES ANNOTATED
EDUCATION CODE: PREKINDERGARTEN—GRADE 12
CHAPTER 124D. EDUCATION PROGRAMS
AMERICAN INDIAN EDUCATION**

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Current through End of 2002 1st Sp. Sess.

124D.71. Citation; American Indian Education Act

Sections 124D.71 to 124D.82 may be cited as the American Indian Education Act of 1988.

HISTORICAL AND STATUTORY NOTES

2000 Main Volume

Derivation:

Laws 1998, c. 397, art. 11, § 3.
Laws 1998, c. 397, art. 2, § 164.
St. 1996, § 126.45.
Laws 1988, c. 718, art. 3, § 5.
Laws 1977, c. 312, § 1.

Laws 1998, c. 397, recodified and made technical amendments to kindergarten through grade 12 education statutes. Amendatory credits and annotation materials formerly appearing under the renumbered predecessor sections have been reallocated under the appropriate new sections. The revisor of statutes was also instructed to make necessary cross-reference changes consistent with the renumbering.

M. S. A. § 124D.71

MN ST § 124D.71

END OF DOCUMENT

**MINNESOTA STATUTES ANNOTATED
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124D.72. Policy

The legislature finds that a more adequate education is needed for American Indian people in the state of Minnesota. The legislature recognizes the unique educational and culturally related academic needs of American Indian people. The legislature also is concerned about the lack of American Indian teachers in the state. Therefore, pursuant to the policy of the state to ensure equal educational opportunity to every individual, it is the purpose of sections 124D.71 to 124D.82 to provide for American Indian education programs specially designed to meet these unique educational or culturally related academic needs or both.

HISTORICAL AND STATUTORY NOTES

2000 Main Volume

Derivation:

Laws 1998, c. 397, art. 11, § 3.
Laws 1998, c. 397, art. 2, § 164.
St.1996, § 126.46.
Laws 1988, c. 718, art. 3, § 6.
Laws 1978, c. 706, § 43.
Laws 1977, c. 312, § 2.

Laws 1998, c. 397, recodified and made technical amendments to kindergarten through grade 12 education statutes. Amendatory credits and annotation materials formerly appearing under the renumbered predecessor sections have been reallocated under the appropriate new sections. The revisor of statutes was also instructed to make necessary cross-reference changes consistent with the renumbering.

M. S. A. § 124D.72

MN ST § 124D.72

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124D.73. Definitions

Subdivision 1. Scope. For the purposes of sections 124D.71 to 124D.82, the terms defined in this section have the meanings given them.

Subd. 2. American Indian child. "American Indian child" means any child, living on or off a reservation, who is enrolled or eligible for enrollment in a federally recognized tribe.

Subd. 3. Advisory task force. "Advisory task force" means the state advisory task force on American Indian education programs.

Subd. 4. Participating school; American Indian school. "Participating school" and "American Indian school" mean a school that:

(1) is not operated by a school district; and

(2) is eligible for a grant under Title IV of the Indian Education Act [FN1] for the education of American Indian children.

[FN1] 25 U.S.C.A. § 2601 et seq.

HISTORICAL AND STATUTORY NOTES

2000 Main Volume

Derivation:

Laws 1998, c. 397, art. 11, § 3.

Laws 1998, c. 397, art. 2, § 164.

St.1996, § 126.47.

Laws 1988, c. 718, art. 3, § 7.

Laws 1979, c. 219, § 1.

Laws 1977, c. 312, § 3.

Laws 1998, c. 397, recodified and made technical amendments to kindergarten through grade 12 education statutes. Amendatory credits and annotation materials formerly appearing under the renumbered predecessor sections have been reallocated under the appropriate new sections. The revisor of statutes was also instructed to make necessary cross-reference changes consistent with the renumbering.

M. S. A. § 124D.73

MN ST § 124D.73

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124D.74. American Indian education programs

Subdivision 1. Program described. American Indian education programs are programs in public elementary and secondary schools, nonsectarian nonpublic, community, tribal, or alternative schools enrolling American Indian children designed to:

- (1) support post-secondary preparation for pupils;
- (2) support the academic achievement of American Indian students with identified focus to improve reading and mathematic skills;
- (3) make the curriculum more relevant to the needs, interests, and cultural heritage of American Indian pupils;
- (4) provide positive reinforcement of the self-image of American Indian pupils;
- (5) develop intercultural awareness among pupils, parents, and staff; and
- (6) supplement, not supplant, state and federal educational and cocurricular programs.

Program components may include: development of support components for students in the areas of academic achievement, retention, and attendance; development of support components for staff, including in-service training and technical assistance in methods of teaching American Indian pupils; research projects, including experimentation with and evaluation of methods of relating to American Indian pupils; provision of personal and vocational counseling to American Indian pupils; modification of curriculum, instructional methods, and administrative procedures to meet the needs of American Indian pupils; and supplemental instruction in American Indian language, literature, history, and culture. Districts offering programs may make contracts for the provision of program components by establishing cooperative liaisons with tribal programs and American Indian social service agencies. These programs may also be provided as components of early childhood and family education programs.

Subd. 2. Voluntary enrollment. Enrollment in American Indian education programs must be voluntary. School districts and participating schools must make affirmative efforts to encourage participation. They shall encourage parents to visit classes or come to school for a conference explaining the nature of the program and provide visits by school staff to parents' homes to explain the nature of the program.

Subd. 3. Enrollment of other children; shared time enrollment. To the extent it is economically feasible, a district or participating school may make provision for the voluntary enrollment of non-American Indian children in the instructional components of an American Indian education program in order that they may acquire an understanding of the cultural heritage of the American Indian children for whom that particular program is designed. However, in determining eligibility to participate in a program, priority must be given to American Indian children. American Indian children and other children enrolled in an existing nonpublic school system may be enrolled on a shared time basis in American Indian education programs.

Subd. 4. Location of programs. American Indian education programs must be located in facilities in which regular classes in a variety of subjects are offered on a daily basis. Programs may operate on an extended day or extended year basis.

Subd. 5. Assignment of students. A school district or participating school must not, in providing these programs, assign students to schools in a way which will have the effect of promoting segregation of students by race, sex, color, or national

origin.

Subd. 6. Nonverbal courses and extracurricular activities. In predominantly nonverbal subjects, such as art, music, and physical education, American Indian children shall participate fully and on an equal basis with their contemporaries in school classes provided for these subjects. Every school district or participating school shall ensure to children enrolled in American Indian education programs an equal and meaningful opportunity to participate fully with other children in all extracurricular activities. This subdivision shall not be construed to prohibit instruction in nonverbal subjects or extracurricular activities which relate to the cultural heritage of the American Indian children, or which are otherwise necessary to accomplish the objectives described in sections 124D.71 to 124D.82.

CREDIT(S)

2003 Electronic Pocket Part Update

Amended by Laws 2001, 1st Sp., c. 6, art. 2, §§ 34 to 38.

HISTORICAL AND STATUTORY NOTES

2003 Electronic Pocket Part Update

2001 Legislation

Laws 2001, 1st Sp., c. 6, art. 8, § 7, provides:

"If a section in this act does not specify its effective date, the section is effective July 1, 2001, unless the language or context clearly indicates that a different effective date is intended."

2000 Main Volume

Derivation:

Laws 1998, c. 397, art. 11, § 3.

Laws 1998, c. 397, art. 2, §§ 138 to 142, 164.

St.1996, § 126.48.

Laws 1977, c. 312, § 4.

Laws 1998, c. 397, recodified and made technical amendments to kindergarten through grade 12 education statutes. Amendatory credits and annotation materials formerly appearing under the renumbered predecessor sections have been reallocated under the appropriate new sections. The revisor of statutes was also instructed to make necessary cross-reference changes consistent with the renumbering.

M. S. A. § 124D.74

MN ST § 124D.74

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124D.75. Licenses for American Indian language and culture education teachers; exemptions

Subdivision 1. American Indian language and culture education licenses. The board of teaching must grant initial and continuing teaching licenses in American Indian language and culture education that bear the same duration as other initial and continuing licenses. The board must grant licenses to persons who present satisfactory evidence that they:

(1) possess competence in an American Indian language or possess unique qualifications relative to or knowledge and understanding of American Indian history and culture; or

(2) possess a bachelor's degree or other academic degree approved by the board or meet such requirements as to course of study and training as the board may prescribe, or possess such relevant experience as the board may prescribe.

This evidence may be presented by affidavits, resolutions, or by such other methods as the board may prescribe. Individuals may present applications for licensure on their own behalf or these applications may be submitted by the superintendent or other authorized official of a school district, participating school, or an American Indian school.

Subd. 2. Persons holding general teaching licenses. A person holding a general teaching license who presents the board with satisfactory evidence of competence in an American Indian language, or knowledge and understanding of American Indian history and culture may be licensed under this section.

Subd. 3. Resolution or letter. All persons applying for a license under this section must submit to the board a resolution or letter of support signed by an American Indian tribal government or its designee. All persons holding a license under this section on July 1, 1995, must have on file or file with the board a resolution or letter of support signed by a tribal government or its designee by January 1, 1996, or the next renewal date of the license thereafter.

Subd. 4. Employment of teachers. Teachers employed in an American Indian language and culture education program pursuant to sections 124D.71 to 124D.82 shall not be employed to replace any presently employed teacher who otherwise would not be replaced.

Subd. 5. Teacher preparation programs. For the purpose of licensing American Indian language and culture education teachers, the board may approve programs at colleges or universities designed for their training subject to the approval of the commissioner of children, families, and learning.

Subd. 6. Persons eligible for employment; exemptions. Any person licensed under this section shall be eligible for employment by a school board or a participating school as a teacher in an American Indian education program in which the American Indian language or culture in which the person is licensed is taught. A school district or participating school may prescribe only those additional qualifications for teachers licensed under this section as are approved by the board of teaching. Any school board or participating school upon request may be exempted from the licensure requirements of this section in the hiring of one or more American Indian language and culture education teachers for any school year in which compliance would, in the opinion of the commissioner, create a hardship in the securing of the teachers.

Subd. 7. Persons serving under exemptions; licensure; tenure. An American Indian language and culture education teacher serving under an exemption as provided in subdivision 6 shall be granted a license as soon as that teacher achieves the qualifications for the license. Not more than one year of service by an American Indian language and culture education teacher under an exemption shall be credited to the teacher for the purposes of section 122A.40 and not more than two years shall be credited for the purposes of section 122A.41; and the one or two years shall be deemed to precede immediately and

be consecutive with the year in which a teacher becomes licensed.

Subd. 8. Compensation. A teacher holding a license or exemption under this section shall be compensated according to a schedule which is at least equivalent to that applicable to teachers holding general licenses.

Subd. 9. Affirmative efforts in hiring. In hiring for all positions in these programs, school districts and participating schools shall give preference to and make affirmative efforts to seek, recruit, and employ persons who share the culture of the American Indian children who are enrolled in the program. The district or participating school shall provide procedures for the involvement of the parent advisory committees in designing the procedures for the recruitment, screening and selection of applicants. This subdivision shall not be construed to limit the school board's authority to hire and discharge personnel.

CREDIT(S)

2000 Main Volume

Amended by Laws 1998, c. 398, art. 5, § 55, eff. Dec. 31, 1999.

2003 Electronic Pocket Part Update

Amended by Laws 2001, 1st Sp., c. 6, art. 2, §39.

HISTORICAL AND STATUTORY NOTES

2003 Electronic Pocket Part Update

2001 Legislation

Laws 2001, 1st Sp., c. 6, art. 8, § 7, provides:

"If a section in this act does not specify its effective date, the section is effective July 1, 2001, unless the language or context clearly indicates that a different effective date is intended."

2000 Main Volume

Derivation:

Laws 1998, c. 397, art. 11, § 3.
Laws 1998, c. 397, art. 2, §§ 143 to 146, 164.
St.1996, § 126.49.
Laws 1995, 1st Sp., c. 3, art. 16, § 13.
Laws 1995, 1st Sp., c. 3, art. 3, § 9.
Laws 1988, c. 718, art. 3, § 8.
Laws 1986, c. 444.
Laws 1977, c. 312, § 5.

Laws 1998, c. 397, recodified and made technical amendments to kindergarten through grade 12 education statutes. Amendatory credits and annotation materials formerly appearing under the renumbered predecessor sections have been reallocated under the appropriate new sections. The revisor of statutes was also instructed to make necessary cross-reference changes consistent with the renumbering.

M. S. A. § 124D.75

MN ST § 124D.75

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124D.76. Teachers aides; community coordinators

In addition to employing American Indian language and culture education teachers, each district or participating school providing programs pursuant to sections 124D.71 to 124D.82 may employ teachers' aides. Teachers' aides must not be employed for the purpose of supplanting American Indian language and culture education teachers.

Any district or participating school which conducts American Indian education programs pursuant to sections 124D.71 to 124D.82 must employ one or more full- time or part-time community coordinators if there are 100 or more students enrolled in the program. Community coordinators shall promote communication understanding, and cooperation between the schools and the community and shall visit the homes of children who are to be enrolled in an American Indian education program in order to convey information about the program.

CREDIT(S)

2003 Electronic Pocket Part Update

Amended by Laws 2001, 1st Sp., c. 6, art. 2, § 40.

HISTORICAL AND STATUTORY NOTES

2003 Electronic Pocket Part Update

2001 Legislation

Laws 2001, 1st Sp., c. 6, art. 8, § 7, provides:

"If a section in this act does not specify its effective date, the section is effective July 1, 2001, unless the language or context clearly indicates that a different effective date is intended."

2000 Main Volume

Derivation:

Laws 1998, c. 397, art. 11, § 3.

Laws 1998, c. 397, art. 2, §§ 147, 164.

Laws 1998, c. 397, art. 2, § 147.

St.1996, § 126.50.

Laws 1977, c. 312, § 6.

Laws 1998, c. 397, recodified and made technical amendments to kindergarten through grade 12 education statutes. Amendatory credits and annotation materials formerly appearing under the renumbered predecessor sections have been reallocated under the appropriate new sections. The revisor of statutes was also instructed to make necessary cross-reference changes consistent with the renumbering.

M. S. A. § 124D.76

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124D.77. Recruiting and retaining Indian teachers

This section applies to a board of a district in which there are at least ten American Indian children enrolled. The board must actively recruit teacher applicants who are American Indian from the time it is reasonably expected that a position will become available until the position is filled or September 1, whichever is earlier. Notwithstanding section 122A.40, subdivision 7, 10, or 11, 122A.41, subdivisions 4 and 14, any other law to the contrary, or any provision of a contract entered into after May 7, 1988, to the contrary, when placing a teacher on unrequested leave of absence, the board may retain a probationary teacher or a teacher with less seniority in order to retain an American Indian teacher.

HISTORICAL AND STATUTORY NOTES

2000 Main Volume

Derivation:

Laws 1998, c. 397, art. 11, § 3.
Laws 1998, c. 397, art. 2, §§ 148, 164.
St.1996, § 126.501.
Laws 1988, c. 718, art. 3, § 9.

Laws 1998, c. 397, recodified and made technical amendments to kindergarten through grade 12 education statutes. Amendatory credits and annotation materials formerly appearing under the renumbered predecessor sections have been reallocated under the appropriate new sections. The revisor of statutes was also instructed to make necessary cross-reference changes consistent with the renumbering.

M. S. A. § 124D.77

MN ST § 124D.77

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124D.78. Parent and community participation

Subdivision 1. Parent committee. School boards and American Indian schools must provide for the maximum involvement of parents of children enrolled in education programs, programs for elementary and secondary grades, special education programs, and support services. Accordingly, the board of a school district in which there are ten or more American Indian children enrolled and each American Indian school must establish a parent committee. If a committee whose membership consists of a majority of parents of American Indian children has been or is established according to federal, tribal, or other state law, that committee may serve as the committee required by this section and is subject to, at least, the requirements of this subdivision and subdivision 2.

The parent committee must develop its recommendations in consultation with the curriculum advisory committee required by section 120B.11, subdivision 3. This committee must afford parents the necessary information and the opportunity effectively to express their views concerning all aspects of **American Indian education** and the educational needs of the American Indian children enrolled in the school or program. The committee must also address the need for adult education programs for American Indian people in the community. The board or American Indian school must ensure that programs are planned, operated, and evaluated with the involvement of and in consultation with parents of children served by the programs.

Subd. 2. Resolution of concurrence. Prior to December 1, the board or American Indian school must submit to the department a copy of a resolution adopted by the parent committee. The copy must be signed by the chair of the committee and must state whether the committee concurs with the educational programs for American Indian children offered by the school board or American Indian school. If the committee does not concur with the educational programs, the reasons for nonconcurrence and recommendations shall be submitted with the resolution. By resolution, the board must respond, in cases of nonconcurrence, to each recommendation made by the committee and state its reasons for not implementing the recommendations.

Subd. 3. Membership. The committee must be composed of parents of children eligible to be enrolled in **American Indian education** programs; secondary students eligible to be served; American Indian language and culture education teachers and aides; American Indian teachers; counselors; adult American Indian people enrolled in educational programs; and representatives from community groups. A majority of each committee must be parents of children enrolled or eligible to be enrolled in the programs. The number of parents of American Indian and non-American Indian children shall reflect approximately the proportion of children of those groups enrolled in the programs.

Subd. 4. Alternate committee. If the organizational membership or the board of directors of an American Indian school consists of parents of children attending the school, that membership or board may serve also as the parent committee.

CREDIT(S)

2003 Electronic Pocket Part Update

Amended by Laws 2001, 1st Sp., c. 6, art. 2, § 41.

HISTORICAL AND STATUTORY NOTES

2003 Electronic Pocket Part Update

2001 Legislation

Laws 2001, 1st Sp., c. 6, art. 8, § 7, provides:

"If a section in this act does not specify its effective date, the section is effective July 1, 2001, unless the language or context clearly indicates that a different effective date is intended."

2000 Main Volume

Derivation:

Laws 1998, c. 397, art. 11, § 3.

Laws 1998, c. 397, art. 2, §§ 149 to 151, 164.

St.1997 Supp., § 126.51.

Laws 1997, c. 7, art. 1, § 71.

Laws 1995, 1st Sp., c. 3, art. 16, § 13.

Laws 1994, c. 647, art. 3, § 19.

Laws 1991, c. 265, art. 3, § 18.

Laws 1988, c. 718, art. 3, §§ 10 to 13, 22.

Laws 1977, c. 312, § 7.

Laws 1998, c. 397, recodified and made technical amendments to kindergarten through grade 12 education statutes. Amendatory credits and annotation materials formerly appearing under the renumbered predecessor sections have been reallocated under the appropriate new sections. The revisor of statutes was also instructed to make necessary cross-reference changes consistent with the renumbering.

M. S. A. § 124D.78

MN ST § 124D.78

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124D.79. Community and commissioner participation in American Indian education

Subdivision 1. Community involvement. The commissioner must provide for the maximum involvement of the state committees on American Indian education, parents of American Indian children, secondary students eligible to be served, American Indian language and culture education teachers, American Indian teachers, teachers' aides, representatives of community groups, and persons knowledgeable in the field of American Indian education, in the formulation of policy and procedures relating to the administration of sections 124D.71 to 124D.82.

Subd. 2. Technical assistance. The commissioner shall provide technical assistance to districts, schools and post-secondary institutions for preservice and in-service training for American Indian education teachers and teacher's aides, teaching methods, curriculum development, testing and testing mechanisms, and the development of materials for American Indian education programs.

Subd. 3. Application for funds. The commissioner shall apply for money which may be available under federal programs for American Indian education, including funds for administration, demonstration projects, training, technical assistance, planning and evaluation.

CREDIT(S)

2000 Main Volume

Amended by Laws 1998, c. 398, art. 5, § 55, eff. Dec. 31, 1999.

HISTORICAL AND STATUTORY NOTES
2000 Main Volume

Derivation:

Laws 1998, c. 397, art. 11, § 3.
Laws 1998, c. 397, art. 2, §§ 152, 153, 164.
St.1996, § 126.52.
Laws 1993, c. 224, art. 13, §§ 48, 49.
Laws 1989, c. 329, art. 9, § 34.
Laws 1988, c. 718, art. 3, § 14.
Laws 1981, c. 358, art. 3, § 20.
Laws 1981, c. 356, § 247.
Laws 1980, c. 609, art. 3, §§ 8, 9, 24.
Laws 1979, c. 334, art. 3, § 14.
Laws 1977, c. 312, § 8.

Laws 1998, c. 397, recodified and made technical amendments to kindergarten through grade 12 education statutes. Amendatory credits and annotation materials formerly appearing under the renumbered predecessor sections have been reallocated under the appropriate new sections. The revisor of statutes was also instructed to make necessary cross-reference changes consistent with the renumbering.

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124D.80. Committees on American Indian education programs

Subdivision 1. Establishment. The commissioner of children, families, and learning shall create an 18-member **American Indian education** committee. The commissioner must appoint members with the assistance of the Indian affairs council as provided under section 3.922, subdivision 6, and the higher education services office. Members must include representatives of tribal bodies, community groups, parents of children eligible to be served by the programs, American Indian administrators and teachers, persons experienced in the training of teachers for **American Indian education** programs, persons involved in programs for American Indian children in American Indian schools, and persons knowledgeable in the field of **American Indian education**. Members shall be appointed so as to be representative of significant segments of the population of American Indians, with membership consisting of representatives from the 11 reservations and the Minnesota Chippewa tribe, the chair of the Minnesota Indian affairs council, urban advisory council, and five urban at-large representatives, two of which reside in the metropolitan area, one of which resides in the Duluth area, one of which resides in the Bemidji area, and one of which resides in the southern region of the state.

Subd. 2. Committee to advise commissioner. The committee on **American Indian education** programs shall advise the commissioner in the administration of the commissioner's duties under sections 124D.71 to 124D.82 and other programs for the education of American Indian people, as determined by the commissioner. The committee shall also provide advice to the commissioner in awarding scholarships to eligible American Indian students and in administering the commissioner's duties regarding awarding of American Indian post-secondary preparation grants to school districts. The committee may work in multiple subcommittees focused on general Indian education issues and scholarship-related issues.

Subd. 3. Expenses; expiration. The committee must be reimbursed for expenses according to section 15.059, subdivision 6. The commissioner must determine the membership terms and the duration of the committee, which shall expire no later than June 30, 2003.

CREDIT(S)

2000 Main Volume

Amended by Laws 1998, c. 398, art. 5, § 55, eff. Dec. 31, 1999.

2003 Electronic Pocket Part Update

Amended by Laws 2001, 1st Sp., c. 13, §§ 9 to 11.

HISTORICAL AND STATUTORY NOTES

2000 Main Volume

Derivation:

Laws 1998, c. 397, art. 11, § 3.
Laws 1998, c. 397, art. 2, §§ 154, 155, 164.
St.1997 Supp., § 126.531.
Laws 1997, c. 192, § 21.
Laws 1996, c. 412, art. 3, § 32.

Laws 1988, c. 718, art. 3, § 15.

Laws 1983, c. 260, § 27.

Laws 1979, c. 219, § 2.

Laws 1998, c. 397, recodified and made technical amendments to kindergarten through grade 12 education statutes. Amendatory credits and annotation materials formerly appearing under the renumbered predecessor sections have been reallocated under the appropriate new sections. The revisor of statutes was also instructed to make necessary cross-reference changes consistent with the renumbering.

M. S. A. § 124D.80

MN ST § 124D.80

END OF DOCUMENT

MINNESOTA STATUTES ANNOTATED
EDUCATION CODE: PREKINDERGARTEN--GRADE 12
CHAPTER 124D. EDUCATION PROGRAMS
AMERICAN INDIAN EDUCATION

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Current through End of 2002 1st Sp. Sess.

124D.83. State revenue for American Indian tribal contract or grant schools

Subdivision 1. Authorization. (a) Each year each American Indian-controlled tribal contract or grant school authorized by the United States Code, title 25, section 450f, that is located on a reservation within the state is eligible to receive tribal contract or grant school aid subject to the requirements in paragraphs (b) to (d).

(b) The school must plan, conduct, and administer an education program that complies with the requirements of either this chapter and chapters 120A, 120B, 121A, 122A, 123A, 123B, 125A, 125B, 126C, 127A, 129, and 268A or Code of Federal Regulations, title 25, sections 31.0 to 45.80.

(c) The school must comply with all other state statutes governing independent school districts or their equivalent in the Code of Federal Regulations, title 25.

(d) The state tribal contract or grant school aid must be used to supplement, and not to replace, the money for American Indian education programs provided by the federal government.

Subd. 2. Revenue amount. An American Indian-controlled tribal contract or grant school that is located on a reservation within the state and that complies with the requirements in subdivision 1 is eligible to receive tribal contract or grant school aid. The amount of aid is derived by:

(1) multiplying the formula allowance under section 126C.10, subdivision 2, less \$170, times the difference between (i) the resident pupil units as defined in section 126C.05, subdivision 6, in average daily membership, excluding section 126C.05, subdivision 13, and (ii) the number of pupils for the current school year, weighted according to section 126C.05, subdivision 1, receiving benefits under section 123B.42 or 123B.44 or for which the school is receiving reimbursement under section 124D.69;

(2) adding to the result in clause (1) an amount equal to the product of the formula allowance under section 126C.10, subdivision 2, less \$300 times the tribal contract compensation revenue pupil units;

(3) subtracting from the result in clause (2) the amount of money allotted to the school by the federal government through Indian School Equalization Program of the Bureau of Indian Affairs, according to Code of Federal Regulations, title 25, part 39, subparts A to E, for the basic program as defined by section 39.11, paragraph (b), for the base rate as applied to kindergarten through twelfth grade, excluding small school adjustments and additional weighting, but not money allotted through subparts F to L for contingency funds, school board training, student training, interim maintenance and minor repair, interim administration cost, prekindergarten, and operation and maintenance, and the amount of money that is received according to section 124D.69;

(4) dividing the result in clause (3) by the sum of the resident pupil units in average daily membership, excluding section 126C.05, subdivision 13, plus the tribal contract compensation revenue pupil units; and

(5) multiplying the sum of the resident pupil units, including section 126C.05, subdivision 13, in average daily membership plus the tribal contract compensation revenue pupil units by the lesser of \$1,500 or the result in clause (4).

Subd. 3. Waiver. Notwithstanding subdivision 1, paragraphs (b) and (c), a tribal contract or grant school:

(1) is not subject to the Minnesota Election Law;

(2) has no authority under this section to levy for property taxes, issue and sell bonds, or incur debt; and

(3) may request through its managing tribal organization a recommendation of the commissioner of children, families, and learning, for consideration of the legislature, that a tribal contract or grant school not be subject to specified statutes related to independent school districts.

Subd. 4. Early childhood family education revenue. A school receiving aid under this section is eligible to receive early childhood family education revenue to provide early childhood family education programs for parents and children who are enrolled or eligible for enrollment in a federally recognized tribe. The revenue equals 1.5 times the statewide average expenditure per participant under section 124D.135, times the number of children and parents participating full time in the program. The program must comply with section 124D.13, except that the school is not required to provide a community education program or establish a community education advisory council. The program must be designed to improve the skills of parents and promote American Indian history, language, and culture. The school must make affirmative efforts to encourage participation by fathers. Admission may not be limited to those enrolled in or eligible for enrollment in a federally recognized tribe.

Subd. 5. Tribal contract pupil units. Pupil units for pupils enrolled in tribal contract schools shall be used only for the purpose of computing tribal contract aid according to this section.

CREDIT(S)

2000 Main Volume

Amended by Laws 1998, c. 398, art. 5, § 55, eff. Dec. 31, 1999.

2003 Electronic Pocket Part Update

Amended by Laws 2000, c. 254, § 33.

HISTORICAL AND STATUTORY NOTES

2000 Main Volume

Derivation:

Laws 1998, c. 397, art. 11, § 3.
Laws 1998, c. 397, art. 2, §§ 117 to 120, 164.
St. 1997 Supp., § 124.86.
Laws 1997, 1st Sp., c. 4, art. 2, §§ 29, 30.
Laws 1996, c. 412, art. 3, §§ 30, 31.
Laws 1994, c. 647, art. 9, § 11.
Laws 1991, c. 265, art. 3, § 16.
Laws 1990, c. 562, art. 3, §§ 4, 5.
Laws 1990, c. 426, art. 1, § 16.
Laws 1989, c. 329, art. 3, § 15.

Laws 1998, c. 397, recodified and made technical amendments to kindergarten through grade 12 education statutes. Amendatory credits and annotation materials formerly appearing under the renumbered predecessor sections have been reallocated under the appropriate new sections. The revisor of statutes was also instructed to make necessary cross-reference changes consistent with the renumbering.

M. S. A. § 124D.83

MN ST § 124D.83