
Wisconsin Legislative Council

STUDY COMMITTEE MEMO



Memo No. 4

TO: MEMBERS OF THE SPECIAL COMMITTEE ON STATE-TRIBAL RELATIONS

FROM: Steve McCarthy, Senior Staff Attorney, and Benjamin Kranner, Staff Analyst

RE: Items for Committee Approval

DATE: December 6, 2022

This memo describes items for approval for the December 13, 2022 meeting of the Special Committee on State-Tribal Relations. Specifically, Chair Mursau has included in the meeting agenda five bill drafts discussed at previous committee meetings to be considered for recommendation by the full committee. Where relevant, the memo provides background material and information requested by the committee at its last meeting.

For more detail regarding the bill drafts discussed at the committee's first three meetings, see "[Memo No. 1, "Topics for Committee Discussion," \(August 10, 2022\)](#)," "[Memo No. 2, "Items for Committee Discussion \(September 20, 2022\)](#)," and "[Memo No. 3, "Items for Committee Approval and Discussion \(October 26, 2022\)](#)," also available on the committee's website.

2023 LRB-0011/1, RELATING TO MODEL ACADEMIC STANDARDS RELATED TO AMERICAN INDIAN STUDIES, INFORMATIONAL MATERIALS RELATED TO A SCHOOL BOARD'S OBLIGATION TO PROVIDE INSTRUCTION ON AMERICAN INDIANS, AND THE AMERICAN INDIAN STUDIES REQUIREMENT FOR TEACHER LICENSURE

The committee discussed this bill at its second meeting, and agreed at its last meeting to consider it for recommendation after incorporating one change suggested by the Wisconsin Association of School Boards (WASB). Among other things, the bill requires that, beginning in the 2024-25 school year, school boards annually provide certain informational materials to school board members, school district administrators, certain individuals responsible for curriculum or staff development, principals, and social studies teachers. The new language recommended by WASB clarifies that school boards may provide the informational materials electronically, including by providing a link to the materials on the Department of Public Instruction's (DPI) website.

A full description of the provisions of the bill may be viewed in the Joint Legislative Council prefatory note on pages 1-2 of the bill.

2023 LRB-0012/1, RELATING TO PUPILS WEARING TRADITIONAL TRIBAL REGALIA AT A GRADUATION CEREMONY OR SCHOOL-SPONSORED EVENT

The committee discussed this bill at its last meeting, and ultimately agreed to consider it for recommendation without any further changes, other than a correction to the title of the section created by the bill.

The bill provides that school boards and charter schools may not prohibit a pupil who is a member of, a descendent of a member of, or eligible to be enrolled in, a federally recognized, whether currently or in the past, American Indian tribe or band from wearing traditional tribal regalia at a graduation ceremony or school-sponsored event. The bill defines “traditional tribal regalia” as a tribe’s traditional dress or recognized objects of religious or cultural significance, including tribal symbols, beads, and feathers.

2023 LRB-0013/1, RELATING TO AUTHORIZATION FOR TRIBAL GOVERNMENTS TO COPY CERTIFIED COPIES OF VITAL RECORDS FOR ADMINISTRATIVE USE

The committee discussed this bill at its last meeting, and agreed to consider it for recommendation without any further changes.

Under current law, a financial institution, state agency, county department, Wisconsin Works agency, service office, or long-term care district or an employee of any of these entities are exempt from penalties that would otherwise apply for copying a certified copy of a vital record if the copy is for use by the authorized entity and the copy is marked “FOR ADMINISTRATIVE USE.”

The bill adds tribal governments of a federally recognized American Indian tribe or band in this state and employees of tribal governments to the list of entities and persons who are authorized to copy a certified copy of a vital record for administrative use by the authorized entity.

2023 LRB-0393/1, RELATING TO INDIGENOUS PEOPLES’ DAY

The committee discussed this bill at its last meeting, and agreed to consider it for recommendation without any further changes.

Current law provides that certain dates must be “appropriately observed” if they fall on a day when school is held. If a specified date falls on a Saturday or Sunday, the day must be appropriately observed on a school day immediately following or preceding the respective day.

The bill adds Indigenous Peoples’ Day to the list of days requiring observance. Under the bill, Indigenous Peoples’ Day occurs on the second Monday of each October.

2023 LRB-0573/1, RELATING TO A LIFETIME LICENSE THAT AUTHORIZES AN INDIVIDUAL TO TEACH AN AMERICAN INDIAN LANGUAGE IN AN AMERICAN INDIAN LANGUAGE PROGRAM AND MODIFYING RULES PROMULGATED BY THE DEPARTMENT OF PUBLIC INSTRUCTION

Background

At its first meeting, the committee discussed a version of this bill identical to a bill that it recommended in a previous legislative session. However, the committee has not taken further action because DPI requested various modifications to the bill. Specifically, DPI expressed concern that the version of the bill recommended by the committee last session would technically appear to give each American Indian tribe, rather than the state superintendent who is vested with constitutional oversight of public education, the ability to approve or deny teaching licenses. Additionally, DPI raised corresponding concerns that the prior version of the bill could not be operationalized within DPI's current licensing system infrastructure, and that it would require the department to share personally identifiable information in sharing the application itself with a tribe. Therefore, several changes to the bill were made to clarify that DPI is ultimately the entity that issues this license to teach an American Indian language.

The Bill

Under current law, an individual who holds any provisional teaching license is eligible for a tier III lifetime license upon successfully completing six semesters of teaching experience. This bill provides an option for a federally recognized American Indian tribe or band to decide whether each applicant for a lifetime license to teach the American Indian language associated with the tribe or band in an American Indian language program is qualified to receive the lifetime license. To exercise this option, an American Indian tribe or band must notify DPI in writing. If an American Indian tribe or band exercises this option, the department may not issue a lifetime license to teach the associated American Indian language to an individual unless the tribe or band notifies the department that it has determined that the individual is qualified for a lifetime license to teach the American Indian language in an American Indian language program.

Under this bill, if an American Indian tribe or band opts to review individual applicants for a lifetime license, DPI must notify the tribal government whenever an individual applies for a tier III lifetime license in the language that is associated with the tribal government. Upon receiving the notice from DPI, the tribal government must determine whether the applicant is highly skilled in the language, and notify the department of one of the following:

1. If the associated tribal government determines that the individual is highly skilled in the language, that the tribal government endorses the individual for a tier III lifetime license in the language.
2. If the associated tribal government determines that the individual is not highly skilled in the language, that the tribal government does not endorse the individual for a tier III lifetime license in the language but does endorse the individual to renew a tier II license in the language.

The bill also provides that DPI may grant a tier III lifetime license in an American Indian language only if the applicant satisfies certain other requirements needed for a tier III lifetime license and is endorsed for the tier III lifetime license by the tribal government associated with that language.