
Wisconsin Legislative Council

COMMITTEE RECOMMENDATIONS



SPECIAL COMMITTEE ON STATE-TRIBAL RELATIONS

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The Wisconsin Legislative Council is a nonpartisan legislative service agency. Among other services provided to the Wisconsin Legislature, staff of the Wisconsin Legislative Council conduct study committees under the direction of the Joint Legislative Council.

Established in 1947, the Joint Legislative Council directs study committees to study and recommend legislation regarding major policy questions facing the state. Study committee members are selected by the Joint Legislative Council and include both legislators and citizen members who are knowledgeable about a study committee's topic.

This document summarizes committee activity and presents study committee recommendations to the Joint Legislative Council.

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PART I | EXECUTIVE SUMMARY

State law requires the Joint Legislative Council to create a Special Committee on State-Tribal Relations each biennium. The special committee is then required to report its findings and its legislative recommendations to the Joint Legislative Council. [s. 13.83 (3), Stats.]

BACKGROUND

The special committee, chaired by Representative Jeffrey Mursau, discussed numerous policy options spanning an array of substantive areas of law, but with a particular focus this biennium on ideas related to K-12 education. Ideas proposed for committee action included items from the committee's work from previous legislative sessions that did not pass the Legislature, ideas proposed by the committee chair, and other items proposed by committee members and executive agency staff assigned to the committee as technical advisors.

The committee completed its assignment in December 2022 and recommends seven bills for introduction in the 2023 legislative session.

STUDY COMMITTEE'S MEETINGS AND RECOMMENDATIONS

The special committee met four times from August through December 2022, including one meeting in the Menominee Nation that followed a tour of various Menominee Nation sites for committee members and staff.

In concluding its work, the committee recommends the following seven bill drafts for introduction by the Joint Legislative Council:

- **LRB-6467/1** adds one member to represent the state's two tribal colleges on the Higher Educational Aids Board (HEAB), with the member required to be alternating appointees of the Lac Courte Oreilles Ojibwe University and the College of Menominee Nation.
- **LRB-0011/1** requires the state superintendent to incorporate American Indian studies into the model academic standards, requires the Department of Public Instruction to develop and disseminate informational materials related to a school board's obligation to provide instruction on American Indians, and modifies the American Indian studies requirement for teacher licensure.
- **LRB-0012/1** 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.
- **LRB-0013/1** 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.
- **LRB-0014/1** requires each school district to report the numbers, ages, and tribal affiliation of American Indian children attending the schools of the school district.
- **LRB-0393/1** adds Indigenous Peoples' Day to the list of days requiring appropriate observance in schools.
- **LRB-0573/1** provides an option for a tribe to decide whether each individual applicant for a lifetime license to teach the American Indian language associated with the tribe in an American Indian language program is qualified to receive the lifetime license.

PART II | COMMITTEE ACTIVITY

ASSIGNMENT

The Joint Legislative Council appointed the chairperson of the Special Committee on State-Tribal Relations by an April 8, 2022 mail ballot. The committee was directed to study issues relating to American Indians and the American Indian tribes and bands in this state and develop specific recommendations and legislative proposals relating to these issues. [s. 13.83 (3), Stats.]

Membership of the special committee was appointed by a May 31, 2022 mail ballot. The final committee membership consisted of six representatives, two senators and 10 public members. A list of committee members is included as **Appendix 1** to this report.

SUMMARY OF MEETINGS

The committee held four meetings on the following dates:

- August 18, 2022.
- September 27, 2022.
- November 2, 2022.
- December 13, 2022.

August 18, 2022

At the first meeting on August 18, 2022, the special committee reviewed and discussed three bill drafts prepared by Chair Mursau, and members offered other priorities for the special committee to consider in future meetings

Chair Mursau introduced himself and welcomed the committee members. Anne Sappenfield, Director of the Legislative Council staff, welcomed committee members and thanked them for their service. She then presented a brief video featuring remarks from Wisconsin legislators, including the Joint Legislative Council Co-Chairs, regarding the work of the interim committees. Ms. Sappenfield then noted certain housekeeping items and procedures followed throughout the study committee process.

At the invitation of Chair Mursau, committee members introduced themselves and provided brief explanations of their backgrounds and interest in the committee's topic.

LC Study Committee Memo No. 1, "Topics for Committee Discussion" (August 10, 2022)

Steve McCarthy, Legislative Council Senior Staff Attorney, and Ben Kranner, Staff Analyst, provided an overview of information provided in LC Study Committee Memo No. 1. Specifically, Mr. McCarthy noted that the memo describes three bill drafts prepared by Chair Mursau, provides relevant background information, and identifies issues that the committee may wish to take into consideration when discussing the bill drafts.

Mr. McCarthy explained that Chair Mursau put the bill drafts before the committee to prompt discussion to determine where there is committee consensus and if the committee would like to request modifications or additional information on any or all of the bill drafts.

At the beginning of the discussion of each of the three bill drafts, Mr. McCarthy and Mr. Kranner provided relevant background material and described the bill drafts.

LRB-6467/P1, Relating to the Membership of the Higher Educational Aids Board

Mr. McCarthy explained that LRB-6467/P1 is similar to 2021 Assembly Bill 428 and 2021 Senate Bill 421, which were recommended by the special committee last session. Assembly Bill 428 was amended during the 2021-22 legislative session, and passed the Assembly as amended, but the Senate took no action on that bill. LRB-6467/P1 is identical to the amended version of Assembly Bill 428 as passed by the Assembly.

Representative Rozar asked whether the bill allows the proposed tribal representative on HEAB to be a full voting member, and whether tribal members support the version of the bill amended in the Assembly last session. Senator Jacque noted that the issue of a tie vote on HEAB business is still a possibility under the amendment.

Ms. Gouge and Mr. Awonohopay noted that it would be preferable for both tribal colleges to have a representative on HEAB, but acknowledged it would be acceptable to proceed with one alternating representative.

Ms. Liggins, Chair Mursau, and others voiced support for recommending the version of the bill presented to the committee, and members agreed to vote on recommending the bill draft at the committee's next meeting.

LRB-6468/P1, Relating to Adding a Tribal Representative to Certain Boards and Councils in State Government

Mr. Kranner noted that this bill draft was the product of efforts of certain committee members last session and that it was received by the special committee at the end of its work last meeting, but not with enough time for committee consideration. He then generally described the provisions of the bill draft and noted that a memorandum from the Legislative Reference Bureau included in the meeting materials identified which state agency oversees each board and council included in the bill draft.

Representative Rozar, Mr. Boyd, and others noted that it may be difficult to find a person willing to serve on all 53 boards and councils proposed in the bill draft. Members generally agreed that the list of 53 boards should be cut down, and the bill draft should be broken down into a number of different bill drafts roughly drafted to only include boards and councils within each relevant state agency. Mr. Decorah noted that the list of 53 boards and councils was already a shorter list than the original list of all boards and councils in state government reviewed by some tribal members last session.

Members signaled openness to further revisions to the substantive language of the bill draft, including Ms. Liggins, Ms. Gouge, and Chair Mursau agreeing that the bill draft should allow a person who is "endorsed" by the tribe, rather than only a tribal member, to serve in the roles created by the bill draft.

Mr. Kranner then invited members of the Technical Advisory Committee to weigh in on the bill draft. Ms. Cole and Ms. Lozano noted that some of the boards under their respective state agencies have concerns about creating tie vote situations.

Members generally agreed to delete a number of boards and councils from the bill draft. Members were directed to review the bill draft once more on their own and identify a small number of boards and councils that they prioritize.

LRB-6469/P1, 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

Mr. McCarthy explained that LRB-6469/P1 is identical to LRB-0025/1, which was recommended for introduction by the special committee last session. However, the Joint Legislative Council declined to vote to introduce LRB-0025/1.

Representative Rozar, Mr. Awonohopay, and Mr. O'Connor discussed how licensing of tribal language teachers works under current law, including a discussion of public and tribal school organization and operation.

Members voiced support for renewing the committee's recommendation of the bill draft, and agreed to vote on recommending the bill draft at the committee's next meeting.

Committee Discussion and Plans for Future Meetings

A number of members, including Representatives Bowen, Tittl, and Rozar, suggested that the committee hold at least one future meeting in person on tribal lands.

Mr. Decorah, Mr. Awonohopay, Ms. Liggins, and Ms. Gouge all raised revisiting the work the special committee did in the recent past on modifying Act 31 requirements.

Representative Vining noted her interest and work on mental, infant, and maternal health issues, with a particular focus on tribal youth. She suggested the special committee could explore whether issues like tribal health care deserts in Wisconsin could be addressed.

Mr. Boyd raised looking at whether any adjustments to the law could be made regarding state fuel tax collection and remittance.

Mr. Greendeer suggested modifying s. 69.30, Stats., to include tribes in the list of entities not subject to certain penalties for copying a certified copy of a vital record for administrative use.

Mr. Awonohopay, Representatives Rozar and Vining, and others indicated an interest in the committee meeting more than three times this session.

September 27, 2022

At the September 27, 2022 meeting, the special committee discussed four new bill drafts and heard presentations from invited speakers. Additionally, members of the special committee, the Technical Advisory Committee, and Legislative Council staff participated in a shuttle tour of various Menominee Nation sites. Sites visited included a community and recreation center, tribal offices, and the Menominee Cultural Museum.

The Menominee Tribal Chair, Ron Corn, Sr., welcomed members and expressed appreciation for the consultations between the executive branch and the tribes.

Presentation by Invited Speakers and Discussion of Items for Committee Study

Representatives of DPI, David O'Connor, American Indian Studies Consultant, and Kevyn Radcliffe, Legislative Liaison, presented background information on four bill drafts that were provided by Chair Mursau for committee discussion. Ms. Radcliffe noted that while three of the bill drafts resulted from DPI proposals, LRB-0011/P1 is not a proposal from DPI. However, she noted that DPI would support LRB-0011/P1 with certain improvements, and that DPI would submit its analysis of the bill draft ahead of the next meeting of the committee.

LRB-0012/P1, Relating to Pupils Wearing Traditional Tribal Regalia at a High School Graduation Ceremony

Mr. O'Connor discussed how, for many Indigenous students and their families, wearing cultural and religious items honors their nation, community, and heritage. However, students are sometimes prohibited from wearing these items at various school events. Ms. Radcliffe noted that DPI superintendents, past and present, have written letters to school districts urging them to work with regional tribal nations to develop policies that recognize the cultural and religious significance of certain items. Ms. Radcliffe outlined various Wisconsin laws that provide protections for religious beliefs and cultural heritage, but noted that these laws have not prevented schools from prohibiting students from wearing tribal regalia to graduation ceremonies. In turn, she noted that DPI recommends a statutory change to accommodate tribal regalia.

Mr. O'Connor discussed other states (including Utah, North Dakota, and Arizona) that established protections for tribal regalia and urged legislation modeled after these other states. Ms. Radcliffe further noted that DPI recommends broadening the applicability of LRB-0012/P1 to address graduation ceremonies and school-sponsored events, rather than only high school graduation ceremonies.

Representative Rozar asked whether DPI's suggested modification would expand the bill draft's applicability to all public schools, rather than only high schools. Mr. O'Connor confirmed this and also clarified that DPI's suggestion would broaden the bill draft's applicability to all school-sponsored events.

Representative Rozar also asked whether the bill draft's protections would be applicable to students of any cultural background, rather than only students of Indigenous background. She also expressed support for legislation that would be applicable to people with a wider range of backgrounds. Legislative Council staff noted that the bill draft's protections for wearing tribal regalia would be limited to members of federally recognized tribes in Wisconsin. Legislative Council staff also noted that the bill draft could be modified to extend protections to members of tribes that are not located in Wisconsin.

Representative Rozar asked if there were any other statutes that would provide protections for cultural regalia for people of other cultural backgrounds. Legislative Council staff noted that certain statutes confer similar rights, but that there was not a law that provides protections comparable to those established in LRB-0012/P1.

Representative Rozar asked if there were specific examples where students were denied the ability to wear tribal regalia. Mr. O'Connor described such an instance.

Mr. Decorah suggested that the bill draft's applicability be expanded to afford protections to descendants of tribal members. He also asked whether the bill draft would apply to online schools and detailed an instance where a student of an online school was denied the ability to wear tribal regalia. Mr. O'Connor responded that the bill draft would apply in the situation described by Mr. Decorah.

Mr. Boyd noted that the Bayfield School District includes many tribal members but has previously restricted tribal regalia at graduation ceremonies. He also urged the committee to consider expanding the bill draft's applicability to include non-federally recognized tribes that are in the process of receiving federal recognition (such as the Brothertown Indian Nation).

Mr. Awonohopy recommended broadening the bill draft to allow pupils to wear tribal regalia in schools on a more regular basis, beyond school-sponsored events and graduation ceremonies.

Representative Tittl expressed support for broadening the bill draft to provide protections to individuals of Indigenous descent who are not enrolled tribal members. He also cautioned against expanding the bill draft's scope in a manner that would include types of cultural regalia beyond tribal regalia.

Committee members discussed potential language for expanding the bill draft's scope to address enrolled members and their descendants. They also discussed the option of enumerating specific items of cultural significance in the bill draft.

Representative Rozar asked what types of barriers may have existed to establishing protections similar to those included in the bill draft. Mr. Decorah and Representative Tittl generally noted that school boards may be more responsive to local concerns rather than directives from DPI. Representative Tittl also noted that LRB-0012/P1 is not a proposal that has been previously rejected by the Legislature.

Jim Pete, President of the Wisconsin Indian Education Association, commented that they often hear concerns that tribal members may be receiving special accommodations. He suggested that the wearing of tribal regalia is a means of expressing Indigenous culture, much as non-tribal individuals may be able to express their culture without restriction.

Janet Chapman, Menominee Tribal Education Director, provided an example of a student being restricted from wearing tribal regalia. She also asked if the bill draft would supersede a school's requirement to wear a specific type of clothing, such as a cap and gown. Legislative Council staff confirmed that the bill draft would provide for broad protection of the ability to wear tribal dress.

Legislative Council staff summarized committee member comments and outlined potential changes to the bill draft.

LRB-0014/P1, Relating to Requiring School Districts to Report Information Related to American Indian Children Attending School in the School District

Mr. O'Connor provided information on the intent of LRB-0014/P1 and summarized existing Wisconsin statutes relevant to the topic. He noted that, beginning in the 2021-22 academic school year, various school districts in Wisconsin began voluntarily reporting tribal affiliation data for American Indian/Alaska Native students. While this data has assisted DPI efforts, it has been of limited utility because not all school districts report the data. As such, DPI proposes a statutory change to specifically require school districts to collect and report this data to DPI.

Legislative Council staff noted that the Wisconsin Association of School Boards submitted written comments on the bill draft, as well as the other three bill drafts before the committee.

Ms. Liggins commented that data collection efforts may only be as reliable as parents' reporting of their children's demographic information.

Legislative Council staff asked DPI staff how the department collects demographic data and whether the bill draft would create a suitable mechanism for collecting this data. Mr. O'Connor confirmed that demographic data is currently collected through the reporting mechanism modified by the bill draft.

Representative Rozar asked if DPI would be able to collect tribal affiliation information even if parents chose not to provide the information to their school district. Mr. O'Connor responded that the bill draft would establish a means for parents to report tribal affiliation data where they may currently be unable to do so.

Legislative Council staff asked DPI staff how school districts collect demographic data regarding their students. Mr. O'Connor and Ms. Liggins described the mechanisms through which school districts collect this data.

Mr. Awonohopay asked why reporting of tribal affiliation is currently only optional and not required. Mr. O'Connor noted that Wisconsin is currently the only state that collects data regarding tribal affiliation.

Representative Rozar asked whether the bill draft's use of the term "descendent of the first or second degree" would include everyone who is eligible to enroll in a tribe. Ms. Liggins and Mr. Awonohopay discussed the meaning of this term and indicated that descendants of enrolled members may not necessarily be eligible for enrollment in a tribe.

LRB-0265/P1, Relating to Indigenous Peoples' Day

Mr. O'Connor noted that DPI supports designating the second Monday in October as Indigenous Peoples' Day. He also provided background information on efforts to designate an Indigenous Peoples' Day in Wisconsin, in other states, and at the federal level. He also recognized that the idea of replacing Columbus Day with Indigenous Peoples' Day is not without controversy and mentioned that some other states recognize the days separately.

Legislative Council staff noted that the bill draft mirrors a bill co-sponsored by Chair Mursau and Representative Bowen in the recent legislative session (2021 Assembly Bill 705). The staff also noted that the bill draft modifies two references to Columbus Day in the statutes: one relating to the day's observance by schools and one relating to days exempt from consideration as business days for the purposes of various consumer protection laws. Staff also described technical changes that could be made to the bill draft to clarify the date of Indigenous Peoples' Day. Representative Bowen indicated that the intent of 2021 Assembly Bill 705 was to designate Indigenous Peoples' Day as the second Monday in October.

Representative Rozar asked whether it would be possible for the bill draft to allow for the observance of both Indigenous Peoples' Day and Columbus Day. Legislative Council staff confirmed that the bill draft could be modified to provide for this and outlined different options. Staff also noted that schools have significant flexibility with respect to how they observe certain dates designated in the statutes.

Chair Mursau commented that he did not believe a bill draft that replaced Columbus Day would be passed by the Legislature. He suggested that both Columbus Day and Indigenous Peoples' Day be recognized. Representative Rozar similarly indicated support for a proposal that would allow for recognition of both days.

Mr. Awonohopay expressed support for a compromise that would allow for recognition of both days. Representative Rozar asked whether the proposed change would require schools to observe both days, or whether a school could choose which day to observe. Legislative Council staff indicated that schools generally have flexibility with respect to how certain dates are observed. Additionally, they indicated that various dates that the statutes require schools to observe may not, in practice, actually be observed by all schools.

LRB-0011/P1, 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

Brian Jackson, Jim Pete, and Shannon Chapman, members of the Wisconsin Indian Education Association, spoke on Act 31, its benefits, and the celebration of its anniversary.

Legislative Council staff noted that LRB-0011/P1 is largely identical to three bills relating to Act 31 that were introduced in the 2019-2020 legislative biennium (2019 Assembly Bills 105, 106, and 107). They noted that these bills resulted from prior work of the Special Committee on State-Tribal Relations and that the three bills received hearings in the Assembly Committee on Education (though they did not receive further legislative action).

Legislative Council staff described the content of LRB-0011/P1 and the differences between the bill draft and the three bills introduced in the 2019-2020 biennium.

Representative Rozar asked for clarification regarding the legislative history of the bills relating to Act 31. Legislative Council staff indicated that five bills relating to Act 31 were introduced, four of which received hearings, though none received executive sessions. Chair Mursau indicated that this may have been due to a resistance to creating more obligations for schools and school boards during the COVID-19 pandemic.

Mr. Awonohopay commented that more resources may be required to implement the changes incorporated in the bill draft. He also suggested that tribes may be able to prepare curriculum for use by schools and that the state could provide funding for this effort. Legislative Council staff commented that they were not certain of the fiscal impacts of the proposal and would defer to DPI on this issue. DPI staff indicated that they had concerns regarding the resources required for implementing the bill draft's requirements.

Representative Vining asked if DPI may be able to address resource needs through budget requests in the budget cycle. DPI staff indicated that they would pass this suggestion along to other staff in the department.

Legislative Council staff indicated that the Special Committee on State-Tribal Relations has previously written a letter to the Governor to express support for budget items and that a similar approach could be explored again. The staff also provided additional information about the process through which bill drafts recommended by the special committee may receive hearings in the Legislature.

Mr. Boyd expressed concern regarding the implementation of existing requirements under Act 31 and agreed with Mr. Awonohopay's comments regarding the need for more resources.

Representative Rozar asked DPI staff about the degree of specificity that DPI provides to schools with regards to the teaching of Native American history. Mr. O'Connor indicated that the curriculum is generally at the discretion of school districts.

November 2, 2022

At the November 2, 2022 meeting, the special committee voted to recommend two bill drafts, reviewed two bill drafts that were modified based on discussion at the committee's previous meeting, and discussed one new bill draft.

2021 LRB-6467/1, Relating to the Membership of the Higher Educational Aids Board

Mr. McCarthy described the bill draft, noting that the committee discussed it at its first meeting and that it is identical to the version that passed the Assembly last session.

Representatives Rozar and Tittl asked about the composition of the board under the bill draft, including whether an even-numbered board would cause any issues with tie votes. Mr. McCarthy noted that board staff affirmed last session that an even-numbered board would not raise any issues.

Mr. Awonohopay stated his support for the bill draft. Representative Rozar asked why the Senate did not act on the bill last session and Chair Mursau said they ran out of time.

The committee approved a motion to recommend introduction of the bill draft.

2023 LRB-0014/1, Relating to Requiring School Districts to Report Information Related to American Indian Children Attending School in the School District

Mr. Kranner described the bill draft, and responded to a question from Senator Bewley by noting that DPI suggested the bill draft idea. Senator Bewley and Representative Tittl asked questions about whether the bill draft affects private schools, and DPI staff in the room noted that it did not.

The committee approved a motion to recommend introduction of the bill draft.

2023 LRB-0393/P1, Relating to Indigenous Peoples' Day

Mr. Kranner described the bill draft, noting that the bill draft only adds Indigenous Peoples' Day to the list of special observance days for schools, and does not delete the school special observance day for Columbus Day currently in state law as the previous bill draft did.

There was no further committee discussion on the bill draft.

2023 LRB-0012/P2, Relating to Pupils Wearing Traditional Tribal Regalia at a Graduation Ceremony or School-Sponsored Event

Mr. McCarthy described the bill draft, noting a number of expansions to the scope of the bill draft. These include the following:

- Expanding the bill draft's definition of a "tribe" to include tribes not located in this state, and the Brothertown Indian Nation by including any "American Indian tribe or band that was previously a federally recognized American Indian tribe or band."
- Expanding the events the bill draft applies to from "a high school graduation ceremony" to "graduation ceremonies and school-sponsored events."
- Expanding eligibility to include a pupil who is a "descendent" of a member of a tribe or a person who is eligible to be enrolled as a member of a tribe.

Representative Tittl asked whether the bill draft's protections apply to colleges, and Mr. McCarthy noted that it does not. Representatives Rozar and Vining and Mr. Awonohopay voiced support for such an expansion to the bill draft. Chair Mursau urged caution at expanding the bill draft's scope at this stage, and Mr. Boyd, Senators Bewley and Jacque, and Representative Tittl agreed with that approach. A number of members agreed the idea could be pursued as separate legislation.

2023 LRB-0013/P1, Relating to Authorization for Tribal Governments to Copy Certified Copies of Vital Records for Administrative Use

Mr. McCarthy described the bill draft. Representative Rozar asked if the bill draft creates a new exception to the law against unauthorized copying of certified copies of vital records. Mr. McCarthy said that the bill draft adds tribal governments and employees of tribal governments to the list of entities and persons who are already authorized under current law to copy a certified copy of a vital record for administrative use by the authorized entity.

Representative Bowen confirmed with Legislative Council staff that the committee will be able to vote on the bill draft at a future meeting. There was a consensus to vote on the draft at a future meeting.

Committee Discussion and Plans for Future Meetings

Ms. Liggins asked that the committee still take action on the Act 31 bill draft the committee heard at its last meeting (LRB-0011/P1, 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). Specifically, Ms. Liggins asked that the bill draft be modified to incorporate changes suggested by the Wisconsin Association of School Boards regarding certain electronic notification.

December 13, 2022

At the final meeting of the committee, the special committee reviewed changes made to various bill drafts discussed at prior meetings and voted to recommend five bill drafts.

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

Mr. McCarthy provided a brief explanation of the bill draft, indicating that it combines three of five bill drafts relating to Act 31 recommended by the committee in a prior session. Mr. McCarthy also highlighted that only one change was made to the bill draft relative to the version discussed at the November 2, 2022 meeting of the committee. This change was made to clarify that school districts could provide certain required information electronically.

The committee approved a motion to recommend introduction of the bill draft.

2023 LRB-0012/1, Relating to Pupils Wearing Traditional Tribal Regalia at a Graduation Ceremony or School-Sponsored Event

Mr. McCarthy provided a brief explanation of the bill draft. He indicated the bill draft was unchanged relative to the version discussed at the previous meeting of the committee, with the exception of a correction to the title of a section created under the bill draft.

Representative Rozar noted that she had contacted former Governor Thompson to ask if there had ever been a situation in the state's colleges where a student was refused the ability to wear traditional tribal regalia. She reported that the former Governor said that he was not aware of any such instances.

The committee approved a motion to recommend introduction of the bill draft.

2023 LRB-0013/1, Relating to Authorization for Tribal Governments to Copy Certified Copies of Vital Records for Administrative Use

Mr. McCarthy provided a brief explanation of the bill draft and indicated that the bill draft was unchanged relative to the version discussed at the previous meeting of the committee.

The committee approved a motion to recommend introduction of the bill draft.

2023 LRB-0393/1, Relating to Indigenous Peoples' Day

Mr. Kranner provided a brief explanation of the bill draft.

The committee approved a motion to recommend introduction of the bill draft.

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

Mr. McCarthy provided a brief explanation of the bill and discussed changes made to the bill relative to the version discussed at the committee's meeting on August 18, 2022.

Mr. Awonohopay asked for clarification as to whether the bill would give tribes the ability to determine whether a particular teacher is knowledgeable before DPI provides licensure. Mr. McCarthy confirmed this.

The committee approved a motion to recommend introduction of the bill draft.

PART III | RECOMMENDATIONS

This Part of the report provides background information on, and a description of, the bill drafts as recommended by the Special Committee on State-Tribal Relations.

LRB-6467/1, RELATING TO MEMBERSHIP OF THE HIGHER EDUCATIONAL AIDS BOARD

Background

LRB-6467/P1 is similar to 2021 Assembly Bill 428/Senate Bill 421, which were recommended by the special committee last session. Assembly Bill 428 was amended during the 2021-22 legislative session, and passed the Assembly as amended. The Senate, however, took no action on the bill. LRB-6467/P1 is identical to the amended version of Assembly Bill 428 as passed by the Assembly.

HEAB is a part-time independent policy-making board that, among other responsibilities, administers a number of state student aid programs. The board, however, does not include voting members that represent the interests of the state's tribal colleges. During the committee's discussion of the bill draft, HEAB staff noted their support for the bill draft, and stated that tribal colleges are not currently represented on the board because they did not exist when the board was originally created by statute.

Under current law, HEAB consists of 11 members representing public institutions of higher education; private, nonprofit institutions of higher education; and the general public. Members include the superintendent of public instruction, members of the Board of Regents of the University of Wisconsin System and the Technical College System Board, a member of the board of trustees of an independent college or university, financial aids administrators, students, and a member representing the general public. Members are appointed for three-year terms except that student members are appointed for two-year terms. Members are appointed by the Governor without Senate confirmation.

Description

The bill draft adds one member to HEAB to represent the state's tribal colleges. The HEAB member representing the state's tribal colleges must be alternating appointees consisting of one member of the governing body of the Lac Courte Oreilles Ojibwe University for a two-year term, followed by one member of the governing body of the College of Menominee Nation for the next two-year term, and continuing this alternation of two-year terms thereafter.

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

Background

LRB-0011/1 combines three bills recommended by the special committee in 2018, with various changes to the bills' language. Specifically, the bill draft incorporates, with modification, the language of 2019 Assembly Bill 105, relating to model academic standards for American Indian studies; 2019 Assembly Bill 106, relating to informational materials related to a school board's obligation to provide instruction on American Indians; and 2019 Assembly Bill 107, relating to the American Indian studies requirement for teacher licensure.

During the 2019-20 legislative session, the three bills noted above received a public hearing in the Assembly Committee on Education. However, no further action was taken on any of the bills.

Description

The provisions of LRB-0011/1, and their relationship to current law, are described below.

Model Academic Standards

Under current law, the state superintendent of public instruction oversees a process of developing, approving, and revising academic standards. These standards serve as models for possible incorporation by a local school district.

The bill draft requires the state superintendent to incorporate American Indian studies into the model academic standards. These standards must address certain historical and contemporary information that pupils are expected to know. At a minimum, this information must include significant events, tribal sovereignty, and culture relating to the federally recognized tribes and bands located in Wisconsin.

The standards are to be developed in consultation with the Wisconsin Indian Education Association, Inc.

Informational Materials Related to a School Board's Obligation to Provide Instruction on American Indians

Current law requires that a school board provide pupils with the following:

- An instructional program that is designed to give pupils at all grade levels an understanding of human relations, particularly with regard to American Indians, Black Americans, and Hispanics.
- As part of the social studies curriculum, instruction in the history, culture, and tribal sovereignty of the federally recognized American Indian tribes and bands located in Wisconsin at least twice in the elementary grades and at least once in the high school grades.

The bill draft requires that DPI develop informational materials related to the requirements described above for distribution to school boards annually. The materials must be developed

and published on DPI's website by September 1, 2024. DPI must also update the materials in response to any changes to a school board's obligation to provide instruction related to American Indians.

The bill draft also requires that, beginning in the 2024-25 school year, school boards annually provide the informational materials to school board members, school district administrators, certain individuals responsible for curriculum or staff development, principals, and social studies teachers. School boards may provide the informational materials electronically, including by providing a link to the materials on the DPI website.

American Indian Studies Requirement for Teacher Licensure

Subject to several exceptions, current law generally prohibits the state superintendent of public instruction from issuing a teaching license to a person unless that person has received instruction in minority group relations, including instruction in the history, culture, and tribal sovereignty of the federally recognized American Indian tribes and bands located in Wisconsin. The bill draft modifies the instructional requirement, providing that a teacher license applicant must receive instruction in the culture, tribal sovereignty, and contemporary and historical significant events of the federally recognized American Indian tribes and bands located in Wisconsin.

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

Background

Wisconsin law contains some general protections for a pupil's religious beliefs, ancestry, creed, race, and national origin. Specifically, schools must provide for the reasonable accommodation of a pupil's sincerely held religious beliefs with regard to all examinations and other academic requirements. Additionally, no student may be denied participation in, be denied the benefits of, or be discriminated against in any curricular, extracurricular, pupil services, recreational, or other program or activity because of race, religion, national origin, ancestry or creed. However, current law does not explicitly address an American Indian student's right to wear traditional tribal regalia at a graduation ceremony or school-sponsored event.

Description

The bill draft 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 draft defines "traditional tribal regalia" as a tribe's traditional dress or recognized objects of religious or cultural significance, including tribal symbols, beads, and feathers.

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

Background

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 is 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.”

Description

The bill draft 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.

LRB-0014/1, RELATING TO REQUIRING SCHOOL DISTRICTS TO REPORT INFORMATION RELATED TO AMERICAN INDIAN CHILDREN ATTENDING SCHOOL IN THE SCHOOL DISTRICT

Background

Under current law, the state superintendent of public instruction must conduct a statewide, biennial assessment of the need for American Indian language and culture education programs. Various information must be included in this assessment, including information on the numbers, ages, location, and tribal affiliation of American Indian pupils. While certain school districts began voluntarily reporting tribal affiliation data to DPI during the 2021-2022 academic school year, current law does not explicitly require school districts to collect this information and report it to DPI.

Current law also requires each school district to submit an annual school district report to DPI. This report must include various information related to the school district, including the number of children taught in the schools of the school district, the number of hours of direct pupil instruction provided in each school of the school district, and the names of all teachers employed by the school district during the school year.

Description

The bill draft expands the requirements of the annual report that each school district must provide to DPI, requiring the report to include the numbers, ages, and tribal affiliations of American Indian children attending the schools of the school district.

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

Background

Current law establishes a list of dates that 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 law allows schools to determine how to appropriately observe each day listed in the statute.

Various states, including Wisconsin, have recognized Indigenous Peoples’ Day through a proclamation by the state’s governor. However, states have also recognized the day through legislation.

Description

The bill draft adds Indigenous Peoples' Day, designated as the second Monday of each October, to the list of days requiring appropriate observance in schools.

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

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. One such provisional teaching license is for a teacher participating in American Indian language programs. Current law also requires DPI to establish standards certifying the abilities of these teachers. Those standards require, among other things, that the applicant for the license must be certified as competent in the American Indian language by the applicable tribal council, tribal language division, or local American Indian parent advisory committee.

Description

The bill draft 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, DPI 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 the bill draft, 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:

- 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.
- 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 draft 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.

PART IV | STUDY COMMITTEE VOTES

The Special Committee on State-Tribal Relations voted unanimously to recommend the following bill drafts for introduction by the Joint Legislative in the 2023-24 legislative session.

On November 2, 2022, the special committee voted to recommend the following bill drafts to the Joint Legislative Council for introduction in the 2023-24 session of the Legislature. The votes on the bill drafts were as follows:

- LRB-6467/1, relating to the membership of the Higher Educational Aids Board, passed by a vote of Ayes, 13 (Reps. Mursau, Bowen, Edming, Rozar, Tittl, and Vining; Sens. Bewley and Jacque; and Public Members Awonohopay, Boyd, Decorah, Greendeer, Jr., and Liggins); Noes, 0; and Absent, 5 (Public Members Allen, Daniels, Jr., Gouge, Holsey, and McGeshick).
- LRB-0014/1, relating to requiring school districts to report information related to American Indian children attending school in the school district, passed by a vote of Ayes, 13 (Reps. Mursau, Bowen, Edming, Rozar, Tittl, and Vining; Sens. Bewley and Jacque; and Public Members Awonohopay, Boyd, Decorah, Greendeer, Jr., and Liggins); Noes, 0; and Absent, 5 (Public Members Allen, Daniels, Jr., Gouge, Holsey, and McGeshick).

On December 13, 2022, the special committee voted to recommend the following bill drafts to the Joint Legislative Council for introduction in the 2023-24 session of the Legislature. The votes on the bill drafts were as follows:

- 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, passed by a vote of Ayes, 13 (Reps. Mursau, Bowen, Edming, Rozar, Tittl, and Vining; Sens. Bewley and Jacque; and Public Members Awonohopay, Decorah, Greendeer, Jr., Holsey, and Liggins); Noes, 0; and Absent, 5 (Public Members Allen, Boyd, Daniels, Jr., Gouge, and McGeshick).
- LRB-0012/1, relating to pupils wearing traditional tribal regalia at a graduation ceremony or school-sponsored event, passed by a vote of Ayes, 13 (Reps. Mursau, Bowen, Edming, Rozar, Tittl, and Vining; Sens. Bewley and Jacque; and Public Members Awonohopay, Decorah, Greendeer, Jr., Holsey, and Liggins); Noes, 0; and Absent, 5 (Public Members Allen, Boyd, Daniels, Jr., Gouge, and McGeshick).
- LRB-0013/1, relating to authorization for tribal governments to copy certified copies of vital records for administrative use, passed by a vote of Ayes, 13 (Reps. Mursau, Bowen, Edming, Rozar, Tittl, and Vining; Sens. Bewley and Jacque; and Public Members Awonohopay, Decorah, Greendeer, Jr., Holsey, and Liggins); Noes, 0; and Absent, 5 (Public Members Allen, Boyd, Daniels, Jr., Gouge, and McGeshick).
- LRB-0393/1, relating to Indigenous Peoples' Day, passed by a vote of Ayes, 13 (Reps. Mursau, Bowen, Edming, Rozar, Tittl, and Vining; Sens. Bewley and Jacque; and Public Members Awonohopay, Decorah, Greendeer, Jr., Holsey, and Liggins); Noes, 0; and Absent, 5 (Public Members Allen, Boyd, Daniels, Jr., Gouge, and McGeshick).
- 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, passed by a vote of Ayes, 13 (Reps. Mursau, Bowen, Edming, Rozar, Tittl, and Vining; Sens. Bewley and Jacque; and Public Members Awonohopay, Decorah, Greendeer, Jr., Holsey, and Liggins); Noes, 0; and Absent, 5 (Public Members Allen, Boyd, Daniels, Jr., Gouge, and McGeshick).

APPENDIX 1 | LIST OF COMMITTEE MEMBERS

Special Committee on State-Tribal Relations

Chair Jeffrey Mursau , Representative Crivitz, WI 54114	Vice Chair Janet Bewley , Senator Mason, WI 54856
Dee Ann Allen Lac du Flambeau Band of Lake Superior Chippewa Indians Lac du Flambeau, WI 54538	Joey Awonohopay , Secretary Menominee Tribal Legislature Keshena, WI 54135
David Bowen , Representative Milwaukee, WI 53209	Christopher D. Boyd , Chairman Red Cliff Band of Lake Superior Chippewa Indians Bayfield, WI 54814
Ned Daniels, Jr. , Chairman Forest County Potawatomi Community Crandon, WI 54520	Michael Decorah , Senior Intergovernmental Affairs Specialist St. Croix Chippewa Indians of Wisconsin Webster, WI 54893
James Edming , Representative Glen Flora, WI 54526	Lorraine Gouge , Vice-Chairwoman Lac Courte Oreilles Tribal Governing Board Hayward, WI 54843
Conroy Greendeer, Jr. Ho-Chunk Nation Black River Falls, WI 54615	Shannon Holsey , President Stockbridge-Munsee Community Bowler, WI 54416
André Jacque , Senator DePere, WI 54115	Lisa Liggins , Secretary Oneida Nation Oneida, WI 54155
Carmen McGeshick , Council Member Sokaogon Chippewa Community Crandon, WI 54520	Donna Rozar , Representative Marshfield, WI 54449
Paul Tittl , Representative Manitowoc, WI 54220	Robyn Vining , Representative Wauwatosa, WI 53212

STUDY ASSIGNMENT: The Special Committee is directed to study issues relating to American Indians and the American Indian tribes and bands in this state and develop specific recommendations and legislative proposals relating to these issues. [s. 13.83 (3), Stats.]

18 MEMBERS: 6 Representatives; 2 Senators; and 10 Public Members.

LEGISLATIVE COUNCIL STAFF: Steve McCarthy Senior Staff Attorney, Ben Kranner, Staff Analyst, and Julie Learned, Administrative Staff.

APPENDIX 2 | LIST OF COMMITTEE MATERIALS

August 18, 2022 Meeting

- Memo No. 1, “Topics of Committee Discussion” (August 10, 2022).
- LRB-6467/P1, relating to the membership of the Higher Educational Aids Board.
- LRB-6468/P1, relating to adding a tribal representative to certain boards and councils in state government.
- LRB-6469/P1, 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.
- Memorandum from Ryan LeCloux, Legislative Analyst, Wisconsin Legislative Reference Bureau, “State agencies and statutory boards, committees, and councils in LRB-6468” (August 5, 2022).
- Minutes of the August 18, 2022 meeting.

September 27, 2022 Meeting

- LRB-0011/P1, 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.
- LRB-0012/P1, relating to pupils wearing traditional tribal regalia at a high school graduation ceremony.
- LRB-0014/P1, relating to requiring school districts to report information related to American Indian children attending school in the school district.
- LRB-0265/P1, relating to Indigenous Peoples' Day.
- College of Menominee Nation Library Location.
- Memo No. 2, “Items for Committee Discussion” (September 20, 2022).
- Handout, Comments on K-12 Education-Related Bill Drafts Under Committee Consideration, submitted by the Department of Public Instruction.
- Handout, Comments on K-12 Education-Related Bill Drafts Under Committee Consideration, submitted by Dan Rossmiller, Government Relations Director, Wisconsin Association of School Boards.
- Minutes of the September 27, 2022 meeting.

November 2, 2022 Meeting

- LRB-6467/1, relating to the membership of the Higher Educational Aids Board.
- LRB-0012/P2, relating to pupils wearing traditional tribal regalia at a graduation ceremony or school-sponsored event.
- LRB-0013/P1, relating to authorization for tribal governments to copy certified copies of vital records for administrative use.
- LRB-0014/1, relating to requiring school districts to report information related to American Indian children attending school in the school district.
- LRB-0393/P1, relating to Indigenous Peoples' Day.

- Memo No. 3, “Items for Committee Approval and Discussion” (October 26, 2022).
- Minutes of the November 2, 2022 meeting.

December 13, 2022 Meeting

- 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.
- LRB-0012/1, relating to pupils wearing traditional tribal regalia at a graduation ceremony or school-sponsored event.
- LRB-0013/1, relating to authorization for tribal governments to copy certified copies of vital records for administrative use.
- LRB-0393/1, relating to Indigenous Peoples’ Day.
- 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.
- Memo No. 4, “Items for Committee Approval” (December 6, 2022).
- Minutes of the December 13, 2022 meeting.

[Copies of documents are available at www.legis.wisconsin.gov/lc.]