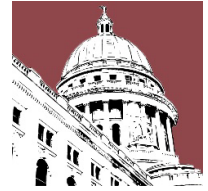

Wisconsin Legislative Council

STUDY COMMITTEE MEMO



Memo No. 4

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

FROM: Steve McCarthy, Senior Staff Attorney, and Abby Gorzlancyk, Staff Attorney

RE: Items for Committee Approval

DATE: December 11, 2024

This memo describes items for approval for the December 18, 2024 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.

For more detail regarding the bill drafts discussed at the committee's prior meetings, see "[Memo No. 2, 'Topics of Committee Discussion' \(September 23, 2024\)](#)" and "[Memo No. 3, 'Topics of Committee Discussion' \(November 6, 2024\)](#)," also available on the committee's website.

2025 LRB-0122/1, RELATING TO PUPILS WEARING TRADITIONAL TRIBAL REGALIA AT A GRADUATION CEREMONY OR SCHOOL-SPONSORED EVENT

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.

2025 LRB-0123/1, RELATING TO AUTHORIZATION FOR TRIBAL GOVERNMENTS TO COPY CERTIFIED COPIES OF VITAL RECORDS FOR ADMINISTRATIVE USE

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 under current law to copy a certified copy of a vital record for administrative use by the authorized entity.

2025 LRB-0124/1, 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 (DPI)

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.

2025 LRB-0585/1, RELATING TO REQUIRING SCHOOL DISTRICTS TO REPORT INFORMATION RELATED TO AMERICAN INDIAN CHILDREN ATTENDING SCHOOL IN THE SCHOOL DISTRICT

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. Tribal nations have requested, through consultations and memoranda of understanding with DPI, that DPI collect tribal affiliation data from public school districts. 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.

The bill draft expands the requirements of this report, requiring each school district to report the numbers, ages, and tribal affiliation of American Indian children attending the schools of the school district. The only difference between this bill draft and the bills recommended by the committee last session is a delayed effective date such that the new school district tribal affiliation reporting requirement does not apply until the 2026-2027 school year.

2025 LRB-0541/1, RELATING TO THE MEMBERSHIP OF THE PROFESSIONAL STANDARDS COUNCIL FOR TEACHERS

Wisconsin statutes create a Professional Standards Council for Teachers (PSCT) within DPI. The stated purpose of the council is to generally advise the state superintendent on standards for the licensure of teachers. [s. 115.425, Stats.] The council has approximately 19 members, one of which is a person licensed as a teacher and employed in a tribal school, recommended by a federally recognized American Indian tribe or band in this state that has a tribal school. [s. 15.377 (8) (c) 14., Stats.]

The bill draft changes the member requirement from “one person licensed as a teacher and is actively employed as a teacher in a tribal school,” to instead be “one person who is employed as a teacher in a tribal school,” thereby eliminating the licensure requirement for the member.

SM:AG:jal