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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. **4117**

03/04/2020 Authored by Becker-Finn, Youakim, Kunesh-Podein and Persell
The bill was read for the first time and referred to the Committee on Education Policy
03/12/2020 Adoption of Report: Re-referred to the Judiciary Finance and Civil Law Division

- 1.1 A bill for an act
- 1.2 relating to education; modifying provisions of the American Indian Education Act;
- 1.3 allowing disclosure of certain educational data to tribal nations; requiring
- 1.4 consideration of advice from tribal nations, communities, and the Tribal Nations
- 1.5 Education Committee in the development of statewide core academic standards;
- 1.6 requiring school districts and charter schools to allow American Indian students
- 1.7 to wear regalia and objects of cultural significance at graduation; modifying
- 1.8 provision regarding school board member training; amending Minnesota Statutes
- 1.9 2018, sections 13.32, subdivision 3; 120B.021, subdivision 2; 123B.09, subdivision
- 1.10 2; 124D.74, subdivision 1; 124D.78, subdivisions 1, 3; 124D.79, subdivision 2;
- 1.11 124D.81, subdivision 1; proposing coding for new law in Minnesota Statutes,
- 1.12 chapter 124D.
- 1.13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.14 Section 1. Minnesota Statutes 2018, section 13.32, subdivision 3, is amended to read:
- 1.15 Subd. 3. **Private data; when disclosure is permitted.** Except as provided in subdivision
- 1.16 5, educational data is private data on individuals and shall not be disclosed except as follows:
- 1.17 (a) pursuant to section 13.05;
- 1.18 (b) pursuant to a valid court order;
- 1.19 (c) pursuant to a statute specifically authorizing access to the private data;
- 1.20 (d) to disclose information in health, including mental health, and safety emergencies
- 1.21 pursuant to the provisions of United States Code, title 20, section 1232g(b)(1)(I) and Code
- 1.22 of Federal Regulations, title 34, section 99.36;
- 1.23 (e) pursuant to the provisions of United States Code, title 20, sections 1232g(b)(1),
- 1.24 (b)(4)(A), (b)(4)(B), (b)(1)(B), (b)(3), (b)(6), (b)(7), and (i), and Code of Federal Regulations,
- 1.25 title 34, sections 99.31, 99.32, 99.33, 99.34, 99.35, and 99.39;

2.1 (f) to appropriate health authorities to the extent necessary to administer immunization
2.2 programs and for bona fide epidemiologic investigations which the commissioner of health
2.3 determines are necessary to prevent disease or disability to individuals in the public
2.4 educational agency or institution in which the investigation is being conducted;

2.5 (g) when disclosure is required for institutions that participate in a program under title
2.6 IV of the Higher Education Act, United States Code, title 20, section 1092;

2.7 (h) to the appropriate school district officials to the extent necessary under subdivision
2.8 6, annually to indicate the extent and content of remedial instruction, including the results
2.9 of assessment testing and academic performance at a postsecondary institution during the
2.10 previous academic year by a student who graduated from a Minnesota school district within
2.11 two years before receiving the remedial instruction;

2.12 (i) to appropriate authorities as provided in United States Code, title 20, section
2.13 1232g(b)(1)(E)(ii), if the data concern the juvenile justice system and the ability of the
2.14 system to effectively serve, prior to adjudication, the student whose records are released;
2.15 provided that the authorities to whom the data are released submit a written request for the
2.16 data that certifies that the data will not be disclosed to any other person except as authorized
2.17 by law without the written consent of the parent of the student and the request and a record
2.18 of the release are maintained in the student's file;

2.19 (j) to volunteers who are determined to have a legitimate educational interest in the data
2.20 and who are conducting activities and events sponsored by or endorsed by the educational
2.21 agency or institution for students or former students;

2.22 (k) to provide student recruiting information, from educational data held by colleges
2.23 and universities, as required by and subject to Code of Federal Regulations, title 32, section
2.24 216;

2.25 (l) to the juvenile justice system if information about the behavior of a student who poses
2.26 a risk of harm is reasonably necessary to protect the health or safety of the student or other
2.27 individuals;

2.28 (m) with respect to Social Security numbers of students in the adult basic education
2.29 system, to Minnesota State Colleges and Universities and the Department of Employment
2.30 and Economic Development for the purpose and in the manner described in section 124D.52,
2.31 subdivision 7;

2.32 (n) to the commissioner of education for purposes of an assessment or investigation of
2.33 a report of alleged maltreatment of a student as mandated by section 626.556. Upon request

3.1 by the commissioner of education, data that are relevant to a report of maltreatment and are
 3.2 from charter school and school district investigations of alleged maltreatment of a student
 3.3 must be disclosed to the commissioner, including, but not limited to, the following:

3.4 (1) information regarding the student alleged to have been maltreated;

3.5 (2) information regarding student and employee witnesses;

3.6 (3) information regarding the alleged perpetrator; and

3.7 (4) what corrective or protective action was taken, if any, by the school facility in response
 3.8 to a report of maltreatment by an employee or agent of the school or school district;

3.9 (o) when the disclosure is of the final results of a disciplinary proceeding on a charge
 3.10 of a crime of violence or nonforcible sex offense to the extent authorized under United
 3.11 States Code, title 20, section 1232g(b)(6)(A) and (B) and Code of Federal Regulations, title
 3.12 34, sections 99.31 (a)(13) and (14);

3.13 (p) when the disclosure is information provided to the institution under United States
 3.14 Code, title 42, section 14071, concerning registered sex offenders to the extent authorized
 3.15 under United States Code, title 20, section 1232g(b)(7); ~~or~~

3.16 (q) when the disclosure is to a parent of a student at an institution of postsecondary
 3.17 education regarding the student's violation of any federal, state, or local law or of any rule
 3.18 or policy of the institution, governing the use or possession of alcohol or of a controlled
 3.19 substance, to the extent authorized under United States Code, title 20, section 1232g(i), and
 3.20 Code of Federal Regulations, title 34, section 99.31 (a)(15), and provided the institution
 3.21 has an information release form signed by the student authorizing disclosure to a parent.
 3.22 The institution must notify parents and students about the purpose and availability of the
 3.23 information release forms. At a minimum, the institution must distribute the information
 3.24 release forms at parent and student orientation meetings; or

3.25 (r) to tribal nations about tribally enrolled or descendant students to allow the tribal
 3.26 nation and school district or charter school to support the educational attainment of the
 3.27 student.

3.28 Sec. 2. Minnesota Statutes 2018, section 120B.021, subdivision 2, is amended to read:

3.29 Subd. 2. **Standards development.** (a) The commissioner must consider advice from at
 3.30 least the following stakeholders in developing statewide rigorous core academic standards
 3.31 in language arts, mathematics, science, social studies, including history, geography,
 3.32 economics, government and citizenship, and the arts:

4.1 (1) the Tribal Nations Education Committee under section 124D.79, subdivision 4, and
 4.2 representatives from Minnesota's tribal nations and communities, including both Anishinaabe
 4.3 and Dakota;

4.4 ~~(1)~~ (2) parents of school-age children and members of the public throughout the state;

4.5 ~~(2)~~ (3) teachers throughout the state currently licensed and providing instruction in
 4.6 language arts, mathematics, science, social studies, or the arts and licensed elementary and
 4.7 secondary school principals throughout the state currently administering a school site;

4.8 ~~(3)~~ (4) currently serving members of local school boards and charter school boards
 4.9 throughout the state;

4.10 ~~(4)~~ (5) faculty teaching core subjects at postsecondary institutions in Minnesota; and

4.11 ~~(5)~~ (6) representatives of the Minnesota business community.

4.12 (b) Academic standards must:

4.13 (1) be clear, concise, objective, measurable, and grade-level appropriate;

4.14 (2) not require a specific teaching methodology or curriculum; and

4.15 (3) be consistent with the Constitutions of the United States and the state of Minnesota.

4.16 Sec. 3. Minnesota Statutes 2018, section 123B.09, subdivision 2, is amended to read:

4.17 Subd. 2. **School board member training.** A member shall receive training in school
 4.18 finance and management developed in consultation with the Minnesota School Boards
 4.19 Association and consistent with section 127A.19. The School Boards Association must
 4.20 make available to each newly elected school board member training in school finance and
 4.21 management consistent with section 127A.19 within 180 days of that member taking office.
 4.22 The program shall be developed in consultation with the department and appropriate
 4.23 representatives of higher education. For purposes of this subdivision only, the definition of
 4.24 school board member includes a board member of a tribal contract school under section
 4.25 124D.83.

4.26 Sec. 4. Minnesota Statutes 2018, section 124D.74, subdivision 1, is amended to read:

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

4.30 (1) support postsecondary preparation for American Indian pupils;

- 5.1 (2) support the academic achievement of American Indian ~~students~~ pupils;
- 5.2 (3) make the curriculum relevant to the needs, interests, and cultural heritage of American
- 5.3 Indian pupils;
- 5.4 (4) provide positive reinforcement of the self-image of American Indian pupils;
- 5.5 (5) develop intercultural awareness among pupils, parents, and staff; and
- 5.6 (6) supplement, not supplant, state and federal educational and cocurricular programs.

5.7 Program services designed to increase completion and graduation rates of American Indian

5.8 ~~students~~ pupils must emphasize academic achievement, retention, and attendance;

5.9 development of support services for staff, including in-service training and technical

5.10 assistance in methods of teaching American Indian pupils; research projects, including

5.11 innovative teaching approaches and evaluation of methods of relating to American Indian

5.12 pupils; provision of career counseling to American Indian pupils; modification of curriculum,

5.13 instructional methods, and administrative procedures to meet the needs of American Indian

5.14 pupils; and ~~supplemental~~ instruction in American Indian language, literature, history, and

5.15 culture. Districts offering programs may make contracts for the provision of program services

5.16 by establishing cooperative liaisons with tribal programs and American Indian social service

5.17 agencies. These programs may also be provided as components of early childhood and

5.18 family education programs.

5.19 Sec. 5. Minnesota Statutes 2018, section 124D.78, subdivision 1, is amended to read:

5.20 Subdivision 1. **Parent committee.** (a) School boards and American Indian schools must

5.21 provide for the maximum involvement of parents of children enrolled in education programs,

5.22 programs for elementary and secondary grades, special education programs, and support

5.23 services. Accordingly, the board of a school district in which there are ten or more American

5.24 Indian students enrolled and each American Indian school must establish an American

5.25 Indian education parent advisory committee.

5.26 (b) For purposes of this section, American Indian students are defined as persons having

5.27 origins in any of the original peoples of North America who maintain cultural identification

5.28 through tribal affiliation or community recognition.

5.29 (c) If a committee whose membership consists of a majority of parents of American

5.30 Indian children has been or is established according to federal, tribal, or other state law, that

5.31 committee may serve as the committee required by this section and is subject to, at least,

5.32 the requirements of this subdivision and subdivision 2.

6.1 (d) The American Indian education parent advisory committee must develop its
 6.2 recommendations in consultation with the curriculum advisory committee required by
 6.3 section 120B.11, subdivision 3. This committee must afford parents the necessary information
 6.4 and the opportunity effectively to express their views concerning all aspects of American
 6.5 Indian education and the educational needs of the American Indian children enrolled in the
 6.6 school or program. The school board or American Indian school must ensure that programs
 6.7 are planned, operated, and evaluated with the involvement of and in consultation with parents
 6.8 of American Indian students served by the programs as evidenced by American Indian
 6.9 education parent advisory committee meeting minutes.

6.10 Sec. 6. Minnesota Statutes 2018, section 124D.78, subdivision 3, is amended to read:

6.11 Subd. 3. **Membership.** The American Indian education parent advisory committee must
 6.12 be composed of parents of children eligible to be enrolled in American Indian education
 6.13 programs; secondary students eligible to be served; American Indian language and culture
 6.14 education teachers and paraprofessionals; American Indian teachers; counselors; adult
 6.15 American Indian people enrolled in educational programs; and representatives from
 6.16 community groups. A majority of each committee must be parents of American Indian
 6.17 children enrolled or eligible to be enrolled in the programs. ~~The number of parents of~~
 6.18 ~~American Indian and non-American Indian children shall reflect approximately the proportion~~
 6.19 ~~of children of those groups enrolled in the programs.~~

6.20 Sec. 7. Minnesota Statutes 2018, section 124D.79, subdivision 2, is amended to read:

6.21 Subd. 2. **Technical assistance.** The commissioner ~~shall~~ must provide technical assistance,
 6.22 which must include an annual report of American Indian student data using the state count,
 6.23 to districts, schools and postsecondary institutions for preservice and in-service training for
 6.24 teachers, American Indian education teachers and paraprofessionals specifically designed
 6.25 to implement culturally responsive teaching methods, culturally based curriculum
 6.26 development, testing and testing mechanisms, and the development of materials for American
 6.27 Indian education programs.

6.28 Sec. 8. [124D.792] GRADUATION CEREMONIES; TRIBAL REGALIA AND
 6.29 OBJECTS OF CULTURAL SIGNIFICANCE.

6.30 A school district or charter school must not prohibit an American Indian student from
 6.31 wearing American Indian regalia, tribal regalia, or objects of cultural significance at
 6.32 graduation ceremonies.

7.1 Sec. 9. Minnesota Statutes 2018, section 124D.81, subdivision 1, is amended to read:

7.2 Subdivision 1. **Procedures.** A school district, charter school, or American
7.3 Indian-controlled tribal contract or grant school enrolling at least 20 American Indian
7.4 students identified by the state count on October 1 of the previous school year and operating
7.5 an American Indian education program according to section 124D.74 is eligible for Indian
7.6 education aid if it meets the requirements of this section. Programs may provide for contracts
7.7 for the provision of program components by nonsectarian nonpublic, community, tribal,
7.8 charter, or alternative schools. The commissioner shall prescribe the form and manner of
7.9 application for aids, and no aid shall be made for a program not complying with the
7.10 requirements of sections 124D.71 to 124D.82.