

SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION

S.F. No. 1905

(SENATE AUTHORS: KUNESH)		
DATE	D-PG	OFFICIAL STATUS
02/20/2023	913	Introduction and first reading Referred to Education Policy
03/02/2023	1249	Comm report: To pass and re-referred to Judiciary and Public Safety See HF2497

1.1

A bill for an act

1.2

relating to education; providing for American Indian education for all students;

1.3

requiring a report; appropriating money; amending Minnesota Statutes 2022,

1.4

sections 13.32, subdivision 3; 120B.021, subdivisions 2, 4, by adding a subdivision;

1.5

122A.187, by adding a subdivision; 122A.63, by adding a subdivision; 124D.095,

1.6

subdivision 2; 124D.73, by adding a subdivision; 124D.74, subdivisions 1, 3, 4,

1.7

by adding a subdivision; 124D.76; 124D.78; 124D.79, subdivision 2; 124D.791,

1.8

subdivision 4; 124D.81; 144.4165; proposing coding for new law in Minnesota

1.9

Statutes, chapters 121A; 124D.

1.10

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.11

Section 1. Minnesota Statutes 2022, section 13.32, subdivision 3, is amended to read:

1.12

Subd. 3. **Private data; when disclosure is permitted.** Except as provided in subdivision

1.13

5, educational data is private data on individuals and shall not be disclosed except as follows:

1.14

(a) pursuant to section 13.05;

1.15

(b) pursuant to a valid court order;

1.16

(c) pursuant to a statute specifically authorizing access to the private data;

1.17

(d) to disclose information in health, including mental health, and safety emergencies

1.18

pursuant to the provisions of United States Code, title 20, section 1232g(b)(1)(I), and Code

1.19

of Federal Regulations, title 34, section 99.36;

1.20

(e) pursuant to the provisions of United States Code, title 20, sections 1232g(b)(1),

1.21

(b)(4)(A), (b)(4)(B), (b)(1)(B), (b)(3), (b)(6), (b)(7), and (i), and Code of Federal Regulations,

1.22

title 34, sections 99.31, 99.32, 99.33, 99.34, 99.35, and 99.39;

1.23

(f) to appropriate health authorities to the extent necessary to administer immunization

1.24

programs and for bona fide epidemiologic investigations which the commissioner of health

determines are necessary to prevent disease or disability to individuals in the public educational agency or institution in which the investigation is being conducted;

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

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

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

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

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

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

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

(n) to the commissioner of education for purposes of an assessment or investigation of a report of alleged maltreatment of a student as mandated by chapter 260E. Upon request by the commissioner of education, data that are relevant to a report of maltreatment and are

from charter school and school district investigations of alleged maltreatment of a student must be disclosed to the commissioner, including, but not limited to, the following:

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

(2) information regarding student and employee witnesses;

(3) information regarding the alleged perpetrator; and

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

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

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

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

(r) with Tribal Nations about Tribally enrolled or descendant students as necessary for the Tribal Nation and school district or charter school to support the educational attainment of the student.

Sec. 2. Minnesota Statutes 2022, section 120B.021, subdivision 2, is amended to read:

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

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

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

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

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

(5) representatives of the Minnesota business community; and

(6) representatives from the Tribal Nations Education Committee and Minnesota's Tribal Nations and communities, including both Anishinaabe and Dakota.

(b) Academic standards must:

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

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

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

Sec. 3. Minnesota Statutes 2022, section 120B.021, subdivision 4, is amended to read:

Subd. 4. **Revisions and reviews required.** (a) The commissioner of education must revise ~~and appropriately embed technology and information literacy standards consistent with recommendations from school media specialists into~~ the state's academic standards and graduation requirements and implement a ten-year cycle to review and, consistent with the review, revise state academic standards and related benchmarks, consistent with this subdivision. During each ten-year review and revision cycle, the commissioner also must examine the alignment of each required academic standard and related benchmark with the knowledge and skills students need for career and college readiness and advanced work in the particular subject area. The commissioner must include the contributions of Minnesota American Indian tribes and communities, including urban Indigenous communities, as related to the academic standards during the review and revision of the required academic standards. The commissioner must embed Indigenous education for all students consistent with recommendations from Minnesota's Tribal Nations and urban Indigenous communities regarding the contributions of Minnesota American Indian Tribes and communities into the state's academic standards during the review and revision of the required academic standards. The recommendations to embed Indigenous education for all students includes but is not limited to American Indian experiences in Minnesota, including Tribal histories, Indigenous

5.1 languages, sovereignty issues, cultures, treaty rights, governments, socioeconomic
5.2 experiences, contemporary issues, and current events.

5.3 (b) The commissioner must ensure that the statewide mathematics assessments
5.4 administered to students in grades 3 through 8 and 11 are aligned with the state academic
5.5 standards in mathematics, consistent with section 120B.30, subdivision 1, paragraph (b).
5.6 The commissioner must implement a review of the academic standards and related
5.7 benchmarks in mathematics beginning in the 2021-2022 school year and every ten years
5.8 thereafter.

5.9 (c) The commissioner must implement a review of the academic standards and related
5.10 benchmarks in arts beginning in the 2017-2018 school year and every ten years thereafter.

5.11 (d) The commissioner must implement a review of the academic standards and related
5.12 benchmarks in science beginning in the 2018-2019 school year and every ten years thereafter.

5.13 (e) The commissioner must implement a review of the academic standards and related
5.14 benchmarks in language arts beginning in the 2019-2020 school year and every ten years
5.15 thereafter.

5.16 (f) The commissioner must implement a review of the academic standards and related
5.17 benchmarks in social studies beginning in the 2020-2021 school year and every ten years
5.18 thereafter.

5.19 (g) The commissioner must implement a review of the academic standards and related
5.20 benchmarks in physical education beginning in the 2022-2023 school year and every ten
5.21 years thereafter.

5.22 (h) School districts and charter schools must revise and align local academic standards
5.23 and high school graduation requirements in health, world languages, and career and technical
5.24 education to require students to complete the revised standards beginning in a school year
5.25 determined by the school district or charter school. School districts and charter schools must
5.26 formally establish a periodic review cycle for the academic standards and related benchmarks
5.27 in health, world languages, and career and technical education.

5.28 Sec. 4. Minnesota Statutes 2022, section 120B.021, is amended by adding a subdivision
5.29 to read:

5.30 Subd. 5. **Indigenous education for all students.** To support implementation of
5.31 Indigenous education for all students, the commissioner must:

(1) provide historically accurate, Tribally endorsed, culturally relevant, community-based, contemporary, and developmentally appropriate resources. Resources to implement standards must include professional development and must demonstrate an awareness and understanding of the importance of accurate, high-quality materials about the histories, languages, cultures, and governments of local Tribes;

(2) provide resources to support all students learning about the histories, languages, cultures, governments, and experiences of their American Indian peers and neighbors. Resources to implement standards across content areas must be developed to authentically engage all students and support successful learning; and

(3) conduct a needs assessment by December 31, 2023. The needs assessment must fully inform the development of future resources for Indigenous education for all students by using information from Minnesota's American Indian Tribes and communities, including urban Indigenous communities, Minnesota's Tribal Nations Education Committee, schools and districts, students, and educational organizations. The commissioner must submit a report on the findings and recommendations from the needs assessment to the chairs and ranking minority members of legislative committees with jurisdiction over education; to the American Indian Tribes and communities in Minnesota, including urban Indigenous communities; and to all schools and districts in the state by February 1, 2024.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 5. **[121A.041] AMERICAN INDIAN MASCOTS PROHIBITED.**

Subdivision 1. Definitions. (a) For purposes of this section, the following terms have the meanings given.

(b) "American Indian" means an individual who is:

(1) a member of an Indian Tribe or band, as membership is defined by the Tribe or band, including:

(i) any Tribe or band terminated since 1940; and

(ii) any Tribe or band recognized by the state in which the Tribe or band resides;

(2) a descendant, in the first or second degree, of an individual described in clause (1);

(3) considered by the Secretary of the Interior to be an Indian for any purpose;

(4) an Eskimo, Aleut, or other Alaska Native; or

(5) a member of an organized Indian group that received a grant under the Indian Education Act of 1988 as in effect the day preceding October 20, 1994.

(c) "District" means a district under section 120A.05, subdivision 8.

(d) "Mascot" means any human, nonhuman animal, or object used to represent a school and its population.

(e) "Public school" or "school" means a public school under section 120A.05, subdivisions 9, 11, 13, and 17, and a charter school under chapter 124E.

Subd. 2. **Prohibition on American Indian mascots.** (a) A public school may not have or adopt a name, symbol, or image that depicts or refers to an American Indian Tribe, individual, custom, or tradition to be used as a mascot, nickname, logo, letterhead, or team name of the district or school within the district.

(b) A public school may seek an exemption to paragraph (a) by submitting a request in writing to all eleven federally recognized Tribal Nations in Minnesota and to the Tribal Nations Education Committee. The exemption is denied if any of the eleven Tribal Nations or the Tribal Nations Education Committee opposes the exemption. A public school whose exemption is denied must comply with paragraph (a) by September 1 of the following calendar year after which the exemption request was made.

EFFECTIVE DATE. This section is effective June 30, 2024.

Sec. 6. Minnesota Statutes 2022, section 122A.187, is amended by adding a subdivision to read:

Subdivision 1. **American Indian history and culture.** The Professional Educator Licensing and Standards Board must adopt rules that require all licensed teachers renewing their license under sections 122A.181 to 122A.184 to include in the renewal requirements professional development in the cultural heritage and contemporary contributions of American Indians, with particular emphasis on Minnesota Tribal Nations.

Sec. 7. Minnesota Statutes 2022, section 122A.63, is amended by adding a subdivision to read:

Subd. 10. **Minnesota Indian teacher training program account.** (a) An account is established in the special revenue fund known as the "Minnesota Indian teacher training program account."

(b) Funds appropriated for the Minnesota Indian teacher training program under this section must be transferred to the Minnesota Indian teacher training program account in the special revenue fund.

(c) Money in the account is annually appropriated to the commissioner for the Minnesota Indian teacher training program under this section. Any returned funds are available to be regranted. Grant recipients may apply to use grant money over a period of up to 60 months.

(d) Up to \$75,000 annually is appropriated to the commissioner for costs associated with administering and monitoring the program under this section.

Sec. 8. Minnesota Statutes 2022, section 124D.095, subdivision 2, is amended to read:

Subd. 2. **Definitions.** For purposes of this section, the following terms have the meanings given them.

(a) "Digital learning" ~~is~~ means learning facilitated by technology that offers students an element of control over the time, place, path, or pace of their learning and includes blended and online learning.

(b) "Blended learning" ~~is~~ means a form of digital learning that occurs when a student learns part time in a supervised physical setting and part time through digital delivery of instruction, or a student learns in a supervised physical setting where technology is used as a primary method to deliver instruction.

(c) "Online learning" ~~is~~ means a form of digital learning delivered by an approved online learning provider under paragraph (d).

(d) "Online learning provider" ~~is~~ means a school district, an intermediate school district, an organization of two or more school districts operating under a joint powers agreement, or a charter school located in Minnesota that provides online learning to students and is approved by the department to provide online learning courses.

(e) "Student" ~~is~~ means a Minnesota resident enrolled in a school under section 120A.22, subdivision 4, or in a Tribal contract or grant school authorized to receive aid under section 124D.83 in kindergarten through grade 12.

(f) "Online learning student" ~~is~~ means a student enrolled in an online learning course or program delivered by an online learning provider under paragraph (d).

(g) "Enrolling district" means the school district or charter school in which a student is enrolled under section 120A.22, subdivision 4, for purposes of compulsory attendance.

(h) "Supplemental online learning" means an online learning course taken in place of a course period at a local district school.

(i) "Full-time online learning provider" means an enrolling school authorized by the department to deliver comprehensive public education at any or all of the elementary, middle, or high school levels.

(j) "Online learning course syllabus" ~~is~~ means a written document that an online learning provider transmits to the enrolling district using a format prescribed by the commissioner to identify the state academic standards embedded in an online course, the course content outline, required course assessments, expectations for actual teacher contact time and other student-to-teacher communications, and the academic support available to the online learning student.

Sec. 9. Minnesota Statutes 2022, section 124D.095, subdivision 8, is amended to read:

Subd. 8. **Financial arrangements.** (a) For a student enrolled in an online learning course, the department must calculate average daily membership and make payments according to this subdivision.

(b) The initial online learning average daily membership equals 1/12 for each semester course or a proportionate amount for courses of different lengths. The adjusted online learning average daily membership equals the initial online learning average daily membership times .88.

(c) No online learning average daily membership shall be generated if: (1) the student does not complete the online learning course, or (2) the student is enrolled in online learning provided by the enrolling district.

(d) Online learning average daily membership under this subdivision for a student currently enrolled in a Minnesota public school or in a Tribal contract or grant school authorized to receive aid under section 124D.83 shall be used only for computing average daily membership according to section 126C.05, subdivision 19, paragraph (a), clause (2), and for computing online learning aid according to section 124D.096.

Sec. 10. Minnesota Statutes 2022, section 124D.73, is amended by adding a subdivision to read:

Subd. 5. **American Indian student.** "American Indian student" means a student who identifies as American Indian or Alaska Native, as defined by the state on October 1 of the previous school year.

Sec. 11. Minnesota Statutes 2022, section 124D.74, subdivision 1, is amended to read:

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

(1) support postsecondary preparation for American Indian pupils;

(2) support the academic achievement of American Indian ~~students~~ pupils;

(3) make the curriculum 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 services designed to increase completion and graduation rates of American Indian students must emphasize academic achievement, retention, and attendance; development of support services for staff, including in-service training and technical assistance in methods of teaching American Indian pupils; research projects, including innovative teaching approaches and evaluation of methods of relating to American Indian pupils; provision of career 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 services 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.

Sec. 12. Minnesota Statutes 2022, section 124D.74, subdivision 3, is amended to read:

Subd. 3. **Enrollment of other children; shared time enrollment.** To the extent ~~it is economically feasible~~ that the unique educational and culturally related academic needs of American Indian people are met and American Indian student accountability factors are the same or higher than their non-American Indian peers, 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

11.1 program, priority must be given to American Indian children. American Indian children
 11.2 ~~and other children~~ enrolled in an existing nonpublic school system may be enrolled on a
 11.3 shared time basis in American Indian education programs.

11.4 Sec. 13. Minnesota Statutes 2022, section 124D.74, subdivision 4, is amended to read:

11.5 Subd. 4. **Location of programs.** American Indian education programs must be located
 11.6 ~~in facilities~~ educational settings in which regular classes in a variety of subjects are offered
 11.7 on a daily basis. Programs may operate on an extended day or extended year basis, including
 11.8 school districts, charter schools, and Tribal contract schools that offer virtual learning
 11.9 environments.

11.10 Sec. 14. Minnesota Statutes 2022, section 124D.74, is amended by adding a subdivision
 11.11 to read:

11.12 Subd. 7. **American Indian culture and language classes.** Any district or participating
 11.13 school that conducts American Indian education programs under sections 124D.71 to
 11.14 124D.82, and serves a student population of which: (1) at least five percent of the total
 11.15 student population meets the state definition of American Indian students; or (2) 100 or
 11.16 more students enrolled in the district are state-identified American Indian students must
 11.17 provide American Indian culture and language classes.

11.18 Sec. 15. Minnesota Statutes 2022, section 124D.76, is amended to read:

11.19 ~~**124D.76 COMMUNITY COORDINATORS, INDIAN HOME/SCHOOL LIAISONS**~~
 11.20 ~~**AMERICAN INDIAN EDUCATION PROGRAM COORDINATORS,**~~
 11.21 ~~**PARAPROFESSIONALS.**~~

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

11.26 Any district or participating school ~~which~~ that conducts American Indian education
 11.27 programs pursuant to sections 124D.71 to 124D.82 must employ one or more full-time or
 11.28 part-time ~~community coordinators or Indian home/school liaisons if there are~~ dedicated
 11.29 American Indian education program coordinators in a district with 100 or more
 11.30 state-identified American Indian students enrolled in the district. Community coordinators
 11.31 ~~shall~~ A dedicated American Indian education program coordinator must promote
 11.32 communication, understanding, and cooperation between the schools and the community

12.1 and ~~shall~~ must visit the homes of children who are to be enrolled in an American Indian
12.2 education program in order to convey information about the program.

12.3 Sec. 16. Minnesota Statutes 2022, section 124D.78, is amended to read:

12.4 **124D.78 PARENT AND COMMUNITY PARTICIPATION.**

12.5 Subdivision 1. **Parent committee.** ~~School boards and American Indian schools~~ School
12.6 districts, charter schools, Tribal contract schools, and the respective school boards must
12.7 provide for the maximum involvement of parents of American Indian children enrolled in
12.8 American Indian education programs, programs for elementary and secondary grades,
12.9 special education programs, and support services. Accordingly, ~~the board of a school district~~
12.10 school districts, charter schools, and Tribal contract schools in which there are ten or more
12.11 state-identified American Indian students enrolled ~~and each American Indian school~~ must
12.12 establish an American Indian ~~education~~ Parent Advisory Committee. If a committee whose
12.13 membership consists of a majority of parents of American Indian children has been or is
12.14 established according to federal, tribal, or other state law, that committee may serve as the
12.15 committee required by this section and is subject to, at least, the requirements of this
12.16 subdivision and subdivision 2.

12.17 The American Indian ~~education~~ Parent Advisory Committee must develop its
12.18 recommendations in consultation with the curriculum advisory committee required by
12.19 section 120B.11, subdivision 3. This committee must afford parents the necessary information
12.20 and the opportunity effectively to express their views concerning all aspects of American
12.21 Indian education and the educational needs of the American Indian children enrolled in the
12.22 school or program. ~~The school board or American Indian school~~ School districts, charter
12.23 schools, and Tribal contract schools must ensure that programs are planned, operated, and
12.24 evaluated with the involvement of and in consultation with parents of the American Indian
12.25 students served by the programs.

12.26 Subd. 2. ~~Resolution of concurrence~~ Annual compliance. Prior to March 1, the ~~school~~
12.27 ~~board or American Indian school~~ must submit to the department a copy of a resolution
12.28 adopted by the American Indian education parent advisory committee. The copy must be
12.29 signed by the chair of the committee and must state whether the committee concurs with
12.30 the educational programs for American Indian students offered by the school board or
12.31 American Indian school. If the committee does not concur with the educational programs,
12.32 the reasons for nonconcurrence and recommendations shall be submitted directly to the
12.33 school board with the resolution. By resolution, the board must respond in writing within
12.34 60 days, in cases of nonconcurrence, to each recommendation made by the committee and

13.1 ~~state its reasons for not implementing the recommendations.~~ American Indian Parent
 13.2 Advisory Committee must meet to discuss whether or not they concur with the educational
 13.3 offerings that have been extended by the district to American Indian students. If the
 13.4 committee finds that the district, charter school, Tribal contract school, and the school board
 13.5 have been meeting the needs of American Indian students, they issue a vote and resolution
 13.6 of concurrence. If they find that the needs of American Indian students are not being met,
 13.7 they issue a vote and resolution of nonconcurrence. The vote and resolution must be presented
 13.8 to the school board by one or more members of the American Indian Parent Advisory
 13.9 Committee. The vote is formally reflected on documentation provided by the Department
 13.10 of Education and must be submitted annually on March 1.

13.11 If the vote is one of nonconcurrence, the committee must provide written
 13.12 recommendations for improvement to the school board at the time of the presentation. In
 13.13 the case of nonconcurrence, the school board is given 60 days in which to respond, in writing,
 13.14 to the committee's recommendations. The board response must be signed by the entire
 13.15 school board and submitted to both the American Indian Parent Advisory Committee and
 13.16 to the Department of Education. The resolution must be accompanied by Parent Advisory
 13.17 Committee meeting minutes that show they have been appraised by the district on the goals
 13.18 of the Indian Education Program Plan and the measurement of progress toward those goals.

13.19 Subd. 3. **Membership.** The American Indian ~~education~~ Parent Advisory Committee
 13.20 must be composed of parents or guardians of American Indian children eligible to be enrolled
 13.21 in American Indian education programs; American Indian secondary students ~~eligible to~~
 13.22 ~~be served;~~ American Indian family members of students eligible to be enrolled in American
 13.23 Indian education programs; American Indian language and culture education teachers and
 13.24 paraprofessionals; American Indian teachers; American Indian district employees; American
 13.25 Indian counselors; adult American Indian people enrolled in educational programs; and
 13.26 ~~representatives from community groups. A~~ American Indian community members. The
 13.27 majority of each committee must be the parents or guardians of the American Indian children
 13.28 enrolled or eligible to be enrolled in the programs. ~~The number of parents of American~~
 13.29 ~~Indian and non-American Indian children shall reflect approximately the proportion of~~
 13.30 ~~children of those groups enrolled in the programs.~~

13.31 Subd. 4. **Alternate committee.** If the organizational membership or the board of directors
 13.32 ~~of an American Indian school~~ a Tribal contract school consists of parents of children attending
 13.33 the school, that membership or board may serve also as the American Indian ~~education~~
 13.34 Parent Advisory Committee.

14.1 Subd. 5. **State-identified American Indian.** For the purposes of sections 124D.71 to
14.2 124D.82, the number of students who identify as American Indian or Alaska Native, as
14.3 defined by the state of Minnesota on October 1 of the previous school year, will be used to
14.4 determine the state-identified American Indian student counts for school districts, charter
14.5 schools, and Tribal contract schools for the subsequent school year.

14.6 Sec. 17. Minnesota Statutes 2022, section 124D.79, subdivision 2, is amended to read:

14.7 Subd. 2. **Technical assistance.** The commissioner shall provide technical assistance to
14.8 districts, schools and postsecondary institutions for preservice and in-service training for
14.9 teachers, American Indian education teachers and paraprofessionals specifically designed
14.10 to implement culturally responsive teaching methods, culturally based curriculum
14.11 development, testing and testing mechanisms, ~~and~~ the development of materials for American
14.12 Indian education programs, and the annual report of American Indian student data using
14.13 the state count.

14.14 Sec. 18. Minnesota Statutes 2022, section 124D.791, subdivision 4, is amended to read:

14.15 Subd. 4. **Duties; powers.** The American Indian education director shall:

14.16 (1) ~~serve as the liaison for the department~~ work collaboratively and in conjunction with
14.17 the Tribal Liaison, the Tribal Nations Education Committee, the 11 Tribal communities,
14.18 nations in Minnesota, the Minnesota Chippewa Tribe, and the Minnesota Indian Affairs
14.19 Council;

14.20 (2) evaluate the state of American Indian education in Minnesota;

14.21 (3) engage the tribal bodies, community groups, parents of children eligible to be served
14.22 by American Indian education programs, American Indian administrators and teachers,
14.23 persons experienced in the training of teachers for American Indian education programs,
14.24 the tribally controlled schools, and other persons knowledgeable in the field of American
14.25 Indian education and seek their advice on policies that can improve the quality of American
14.26 Indian education;

14.27 (4) advise the commissioner on American Indian education issues, including:

14.28 (i) issues facing American Indian students;

14.29 (ii) policies for American Indian education;

(iii) awarding scholarships to eligible American Indian students and in administering the commissioner's duties regarding awarding of American Indian education grants to school districts; and

(iv) administration of the commissioner's duties under sections 124D.71 to 124D.82 and other programs for the education of American Indian people;

(5) propose to the commissioner legislative changes that will improve the quality of American Indian education;

(6) develop a strategic plan and a long-term framework for American Indian education, in conjunction with the Minnesota Indian Affairs Council, that is updated every five years and implemented by the commissioner, with goals to:

(i) increase American Indian student achievement, including increased levels of proficiency and growth on statewide accountability assessments;

(ii) increase the number of American Indian teachers in public schools;

(iii) close the achievement gap between American Indian students and their more advantaged peers;

(iv) increase the statewide graduation rate for American Indian students; and

(v) increase American Indian student placement in postsecondary programs and the workforce; and

(7) keep the American Indian community informed about the work of the department by reporting to the Tribal Nations Education Committee at each committee meeting.

Sec. 19. [124D.792] GRADUATION CEREMONIES; TRIBAL REGALIA AND OBJECTS OF CULTURAL SIGNIFICANCE.

A school district or charter school must not prohibit an American Indian student from wearing American Indian regalia, Tribal regalia, or objects of cultural significance at a graduation ceremony.

Sec. 20. Minnesota Statutes 2022, section 124D.81, is amended to read:

124D.81 AMERICAN INDIAN EDUCATION AID.

Subdivision 1. **Procedures.** A school district, charter school, cooperative unit as defined in section 123A.24, subdivision 2, or American Indian-controlled tribal contract or grant school enrolling at least 20 American Indian students identified by the state count on October

1 of the previous school year ~~and operating an American Indian education program according to section 124D.74~~ is eligible for American Indian education aid if it meets the requirements of this section. Programs may provide for contracts for the provision of program components by nonsectarian nonpublic, community, tribal, charter, or alternative schools. The commissioner shall prescribe the form and manner of application for aids, and no aid shall be made for a program not complying with the requirements of sections 124D.71 to 124D.82.

Subd. 2. **Plans.** To ~~qualify for~~ receive aid, an eligible district, charter school, cooperative unit as defined in section 123A.24, subdivision 2, or tribal contract school must develop and submit a plan for approval by the Indian education director that shall:

(a) Identify the measures to be used to meet the requirements of sections 124D.71 to 124D.82;

(b) Identify the activities, methods and programs to meet the identified educational needs of the children to be enrolled in the program;

(c) Describe how district goals and objectives as well as the objectives of sections 124D.71 to 124D.82 are to be achieved;

(d) Demonstrate that required and elective courses as structured do not have a discriminatory effect within the meaning of section 124D.74, subdivision 5;

(e) Describe how each school program will be organized, staffed, coordinated, and monitored; and

(f) Project expenditures for programs under sections 124D.71 to 124D.82.

Subd. 2a. **American Indian education aid.** (a) The American Indian education aid for an eligible district, cooperative unit, or tribal contract school equals the greater of (1) the sum of ~~\$20,000~~ \$40,000 plus the product of ~~\$358~~ \$500 times the difference between the number of American Indian students enrolled on October 1 of the previous school year and 20; or (2) if the district or school received a grant under this section for fiscal year 2015, the amount of the grant for fiscal year 2015.

(b) Notwithstanding paragraph (a), the American Indian education aid must not exceed the district, cooperative unit, or tribal contract school's actual expenditure according to the approved plan under subdivision 2.

Subd. 3. **Additional requirements.** Each district or cooperative unit receiving aid under this section must each year conduct a count of American Indian children in the schools of the district; test for achievement; identify the extent of other educational needs of the children to be enrolled in the American Indian education program; and classify the American Indian

17.1 children by grade, level of educational attainment, age and achievement. Participating
17.2 schools must maintain records concerning the needs and achievements of American Indian
17.3 children served.

17.4 Subd. 4. **Nondiscrimination; testing.** In accordance with recognized professional
17.5 standards, all testing and evaluation materials and procedures utilized for the identification,
17.6 testing, assessment, and classification of American Indian children must be selected and
17.7 administered so as not to be racially or culturally discriminatory and must be valid for the
17.8 purpose of identifying, testing, assessing, and classifying American Indian children.

17.9 Subd. 5. **Records.** Participating schools ~~and~~, districts, and cooperative units must keep
17.10 records and afford access to them as the commissioner finds necessary to ensure that
17.11 American Indian education programs are implemented in conformity with sections 124D.71
17.12 to 124D.82. Each school district, cooperative unit, or participating school must keep accurate,
17.13 detailed, and separate revenue and expenditure accounts for ~~pilot~~ American Indian education
17.14 programs funded under this section.

17.15 Subd. 6. **Money from other sources.** A district, cooperative unit, or participating school
17.16 providing American Indian education programs shall be eligible to receive moneys for these
17.17 programs from other government agencies and from private sources when the moneys are
17.18 available.

17.19 Subd. 7. **Exceptions.** Nothing in sections 124D.71 to 124D.82 shall be construed as
17.20 prohibiting a district, cooperative unit, or school from implementing an American Indian
17.21 education program which is not in compliance with sections 124D.71 to 124D.82 if the
17.22 proposal and plan for that program is not funded pursuant to this section.

17.23 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2024 and later.

17.24 Sec. 21. Minnesota Statutes 2022, section 126C.05, subdivision 19, is amended to read:

17.25 Subd. 19. **Online learning students.** (a) The average daily membership for a public
17.26 school pupil or a pupil enrolled in a school authorized to receive Tribal contract or grant
17.27 aid under section 124D.83 generating online learning average daily membership according
17.28 to section 124D.095, subdivision 8, paragraph (b), equals the sum of: (1) the ratio of the
17.29 sum of the number of instructional hours the pupil is enrolled in a regular classroom setting
17.30 at the enrolling school to the actual number of instructional hours in the school year at the
17.31 enrolling school, plus (2) .12 times the initial online learning average daily membership
17.32 according to section 124D.095, subdivision 8, paragraph (b).

(b) When the sum of the average daily membership under paragraph (a) and the adjusted online learning average daily membership under section 124D.095, subdivision 8, paragraph (b), exceeds the maximum allowed for the student under subdivision 8 or 15, as applicable, the average daily membership under paragraph (a) shall be reduced by the excess over the maximum, but shall not be reduced below .12. The adjusted online learning average daily membership according to section 124D.095, subdivision 8, paragraph (b), shall be reduced by any remaining excess over the maximum.

Sec. 22. Minnesota Statutes 2022, section 144.4165, is amended to read:

144.4165 TOBACCO PRODUCTS PROHIBITED IN PUBLIC SCHOOLS.

(a) No person shall at any time smoke, chew, or otherwise ingest tobacco, or carry or use an activated electronic delivery device as defined in section 609.685, subdivision 1, in a public school, as defined in section 120A.05, subdivisions 9, 11, and 13, or in a charter school governed by chapter 124E. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that a school district owns, leases, rents, contracts for, or controls.

(b) Nothing in this section shall prohibit the lighting of tobacco by an adult as a part of a traditional Indian spiritual or cultural ceremony. An American Indian student may carry a medicine pouch containing loose tobacco intended as observance of traditional spiritual or cultural practices. For purposes of this section, an Indian is a person who is a member of an Indian tribe as defined in section 260.755, subdivision 12.

Sec. 23. **APPROPRIATIONS.**

Subdivision 1. Department of Education. The sums indicated in this section are appropriated from the general fund to the Department of Education for the fiscal years designated.

Subd. 2. American Indian education aid. (a) For American Indian education aid under Minnesota Statutes, section 124D.81, subdivision 2a:

\$ 18,460,000 2024

\$ 19,789,000 2025

(b) The 2024 appropriation includes \$1,179,000 for 2023 and \$17,281,000 for 2024.

(c) The 2025 appropriation includes \$1,919,000 for 2024 and \$17,870,000 for 2025.

19.1 Subd. 3. Native language revitalization grants to schools. (a) For grants to school
19.2 districts and charter schools to offer language instruction in Dakota and Anishinaabe
19.3 languages or another Indigenous to the United States or Canadian Indigenous language:

19.4 \$ 7,117,000 2024

19.5 \$ 7,117,000 2025

19.6 (b) Grant amounts are to be determined based upon the number of schools within a district
19.7 implementing language courses. Eligible expenses include costs for teachers, program
19.8 supplies, and curricular resources.

19.9 (c) Any balance in the first year does not cancel and is available in the second year.

19.10 (d) The base is \$7,117,000 in fiscal year 2026 and later.

19.11 Subd. 4. Minnesota Indian teacher training program grants. (a) For joint grants to
19.12 assist people who are American Indian to become teachers under Minnesota Statutes, section
19.13 122A.63:

19.14 \$ 2,210,000 2024

19.15 \$ 600,000 2025

19.16 (b) This appropriation is subject to the requirements under Minnesota Statutes, section
19.17 122A.63, subdivision 10.