ARTICLE 4

AMERICAN INDIAN EDUCATION

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

Subd. 3. Private data; when disclosure is permitted. Except as provided in subdivision 5, educational data is private data on individuals and shall not be disclosed except as follows:

(a) pursuant to section 13.05;

(b) pursuant to a valid court order;

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

(d) to disclose information in health, including mental health, and safety emergencies pursuant to the provisions of United States Code, title 20, section 1232g(b)(1)(I), and Code of Federal Regulations, title 34, section 99.36;

(e) pursuant to the provisions of United States Code, title 20, sections 1232g(b)(1), (b)(4)(A), (b)(4)(B), (b)(1)(B), (b)(3), (b)(6), (b)(7), and (i), and Code of Federal Regulations, title 34, sections 99.31, 99.32, 99.33, 99.34, 99.35, and 99.39;

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

(i) 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;

ARTICLE 3

AMERICAN INDIAN EDUCATION

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

Subd. 3. Private data; when disclosure is permitted. Except as provided in subdivision 5, educational data is private data on individuals and shall not be disclosed except as follows:

(a) pursuant to section 13.05;

(b) pursuant to a valid court order;

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

(d) to disclose information in health, including mental health, and safety emergencies pursuant to the provisions of United States Code, title 20, section 1232g(b)(1)(I), and Code of Federal Regulations, title 34, section 99.36;

(e) pursuant to the provisions of United States Code, title 20, sections 1232g(b)(1), (b)(4)(A), (b)(4)(B), (b)(1)(B), (b)(3), (b)(6), (b)(7), and (i), and Code of Federal Regulations, title 34, sections 99.31, 99.32, 99.33, 99.34, 99.35, and 99.39;

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

(j) 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;

(k) 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);

(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(z), 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

(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(z), 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
with Tribal Nations about Tribally enrolled or descendant students to the extent 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 120A.42, is amended to read:

120A.42 CONDUCT OF SCHOOL ON CERTAIN HOLIDAYS.

(a) The governing body of any district may contract with any of the teachers of the district for the conduct of schools, and may conduct schools, on either, or any, of the following holidays, provided that a clause to this effect is inserted in the teacher's contract:

Martin Luther King's birthday, Lincoln's and Washington's birthdays, Columbus Day, Indigenous Peoples Day, and Veterans' Day. On Martin Luther King's birthday, Washington's birthday, Lincoln's birthday, and Veterans' Day at least one hour of the school program must be devoted to a patriotic observance of the day. On Indigenous Peoples Day, at least one hour of the school program must be devoted to observance of the day. As part of its observance of Indigenous Peoples Day, a district may provide professional development to teachers and staff, or instruction to students, on the following topics:

1. the history of treaties between the United States and Indigenous peoples;
2. the history of federal boarding schools for Indigenous children;
3. Indigenous languages;
4. Indigenous traditional medicines and cultural or spiritual practices;
5. the sovereignty of Tribal nations;
6. the contributions of Indigenous people to American culture, literature, and society; and
7. current issues affecting Indigenous communities;

(b) A district may conduct a school program to honor Constitution Day and Citizenship Day by providing opportunities for students to learn about the principles of American democracy, the American system of government, American citizens' rights and responsibilities, American history, and American geography, symbols, and holidays. Among other activities under this paragraph, districts may administer to students the test questions United States Citizenship and Immigration Services officers pose to applicants for naturalization.

Sec. 3. Minnesota Statutes 2022, section 120B.021, subdivision 2, is amended to read:

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:

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. 4. Minnesota Statutes 2022, section 120B.021, subdivision 4, as amended by Laws
2023, chapter 17, section 1, 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
languages, sovereignty issues, cultures, treaty rights, governments, socioeconomic
experiences, contemporary issues, and current events.

Senate Language S1311-2

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
languages, sovereignty issues, cultures, treaty rights, governments, socioeconomic
experiences, contemporary issues, and current events.
(b) The commissioner must ensure that the statewide mathematics assessments administered to students in grades 3 through 8 and 11 are aligned with the state academic standards in mathematics, consistent with section 120B.30, subdivision 1, paragraph (b).
(1) The commissioner must implement a review of the academic standards and related benchmarks in mathematics beginning in the 2021-2022 school year and every ten years thereafter.
(2) The commissioner must implement a review of the academic standards and related benchmarks in arts beginning in the 2017-2018 school year and every ten years thereafter.
(3) The commissioner must implement a review of the academic standards and related benchmarks in science beginning in the 2018-2019 school year and every ten years thereafter.
(4) The commissioner must implement a review of the academic standards and related benchmarks in language arts beginning in the 2019-2020 school year and every ten years thereafter.
(5) The commissioner must implement a review of the academic standards and related benchmarks in social studies beginning in the 2020-2021 school year and every ten years thereafter.
(6) The commissioner must implement a review of the academic standards and related benchmarks in physical education beginning in the 2026-2027 school year and every ten years thereafter.
(7) The commissioner must implement a review of the academic standards and related benchmarks in arts beginning in the 2017-2018 school year and every ten years thereafter.
(8) The commissioner must implement a review of the academic standards and related benchmarks in science beginning in the 2018-2019 school year and every ten years thereafter.
(9) The commissioner must implement a review of the academic standards and related benchmarks in language arts beginning in the 2019-2020 school year and every ten years thereafter.
(10) The commissioner must implement a review of the academic standards and related benchmarks in social studies beginning in the 2020-2021 school year and every ten years thereafter.
(11) The commissioner must implement a review of the academic standards and related benchmarks in physical education beginning in the 2026-2027 school year and every ten years thereafter.
(12) School districts and charter schools must revise and align local academic standards and high school graduation requirements in health, world languages, and career and technical education to require students to complete the revised standards beginning in a school year determined by the school district or charter school. School districts and charter schools must formally establish a periodic review cycle for the academic standards and related benchmarks in health, world languages, and career and technical education.
(i) The commissioner of education must embed technology and information literacy standards consistent with recommendations from school media specialists into the state's academic standards and graduation requirements.
(ii) The commissioner of education must embed ethnic studies as related to the academic standards during the review and revision of the required academic standards.
Subd. 5. Minnesota Statutes 2022, section 120B.021, is amended by adding a subdivision to read:
Subd. 5. Indigenous education for all students. To support implementation of 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.
"Public school" or "school" means a public school under section 120A.05, subdivisions 9, 11, 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.

Subd. 3. Allowed American Indian mascot. Notwithstanding subdivision 2, a public school may have 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 on the district or school within the district without applying for an exemption, if the district can demonstrate the following:

1. the district has a documented, historic, and supportive connection between the school and an American Indian Tribe leader or Tribe concerning the school's mascot;
2. the district or school logo was designed by an Indigenous artist and is trademarked by the school's American Indian Parent Advisory Committee;
3. the district uses the proceeds from the sale of items displaying the school logo for programs benefiting Indigenous youth; and
4. the district has received endorsement of its school name, symbol, and image from the National Coalition Against Racism in Sports Media.

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

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.

EFFECTIVE DATE. This section is effective June 30, 2024.
Money in the account is annually appropriated to the commissioner for the Minnesota 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 students;
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 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 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.

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

Sec. 7. 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 students;
2. Support the academic achievement of American Indian students;
3. Make the curriculum relevant to the needs, interests, and cultural heritage of American Indian students;
4. Provide positive reinforcement of the self-image of American Indian students;
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 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 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. 10. 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, 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 program, priority must be given to American Indian children. American Indian children and other children enrolled in an existing nonpublic school system may be enrolled on a shared time basis in American Indian education programs.

Sec. 10. 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, 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 program, priority must be given to American Indian children. American Indian children and other children enrolled in an existing nonpublic school system may be enrolled on a shared time basis in American Indian education programs.

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

Sec. 11. Minnesota Statutes 2022, section 124D.74, subdivision 4, is amended to read:

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

Subd. 7. American Indian culture and language classes. A district or participating school that conducts American Indian education programs under sections 124D.71 to 124D.82 must provide American Indian culture and language classes if (1) at least five percent of enrolled students meet the definition of American Indian students, or (2) 100 or more enrolled students meet the definition of American Indian students.
In addition to employing American Indian language and culture education teachers, each
district or participating school providing programs pursuant to sections 124D.71 to 124D.82
may employ paraprofessionals. Paraprofessionals must not be employed for the purpose of
supplanting American Indian language and culture education teachers.

Any district or participating school which conducts American Indian language and culture
education programs pursuant to sections 124D.71 to 124D.82 must employ one or more full-time or
part-time community coordinators or Indian home/school liaisons if there are dedicated
American Indian education program coordinators in a district with 100 or more
state-identified American Indian students enrolled in the district. "Community coordinators shall
visit the homes of children who are to be enrolled in an American Indian education program in order to convey information about the program."

The school board or American Indian school
Parent Advisory Committee must develop its
communication, understanding, and cooperation between the schools and the community
and shall visit the homes of children who are to be enrolled in an American Indian education program in order to convey information about the program."

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

Subd. 2. Resolution of concurrence Annual compliance. Prior to March 1, the school
board or American Indian school must submit to the department a copy of a resolution
adopted by the American Indian education parent advisory committee. The copy must be
signed by the chair of the committee and must state whether the committee concurs with
the educational programs for American Indian students offered by the school board or
American Indian school. If the committee does not concur with the educational programs,
the reasons for nonconcurrence and recommendations shall be submitted directly to the
school board with the resolution. By resolution, the board must respond in writing within
60 days, in cases of nonconcurrence, to each recommendation made by the committee and
state its reasons for not implementing the recommendations. American Indian Parent
Advisory Committee. The vote is formally reflected on documentation provided by the Department
of Education and must be submitted annually on March 1.

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

Subd. 3. Membership. The American Indian education Parent Advisory Committee
must be composed of parents or guardians of American Indian children eligible to be enrolled
in American Indian education programs; American Indian secondary students eligible to be enrolled
in American Indian education programs; American Indian family members of students eligible to be enrolled in American Indian
distance education programs; American Indian language and culture education teachers and
paraprofessionals; American Indian teachers; American Indian district employees; American
Indian counselors; adult American Indian people enrolled in educational programs; and
representatives from community groups—American Indian community members. The
majority of each committee must be the parents or guardians of the American Indian children
enrolled or eligible to be enrolled in the programs. The number of parents of American
Indian students and the number of American Indian district employees, Adult American Indian people enrolled in educational programs,
and representatives from community groups—American Indian community members. The
majority of each committee must be the parents or guardians of the American Indian children
enrolled or eligible to be enrolled in the programs.
Indian and non-American Indian children shall reflect approximately the proportion of
children of those groups enrolled in the programs.

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

Subd. 5. State-identified American Indian. For the purposes of sections 124D.71 to
124D.92, the number of students who identify as American Indian or Alaska Native, as
defined by the state of Minnesota on October 1 of the previous school year, will be used to
determine the state-identified American Indian student counts for school districts, charter
schools, and Tribal contract schools for the subsequent school year.

Sec. 15. Minnesota Statutes 2022, section 124D.79, subdivision 2, is amended to read:
Subd. 2. Technical assistance. The commissioner shall provide technical assistance to
districts, schools and postsecondary institutions for preservice and in-service training for
teachers, American Indian education teachers and paraprofessionals specifically designed
to implement culturally responsive teaching methods, culturally based curriculum
development, testing and testing mechanisms, and development of materials for American
Indian education programs, and the annual report of American Indian student data using
the state count.

Sec. 16. Minnesota Statutes 2022, section 124D.791, subdivision 4, is amended to read:
Subd. 4. Duties; powers. The American Indian education director shall:
(1) serve as the liaison for the department work collaboratively and in conjunction with
the Tribal Liaison, the Tribal Nations Education Committee, the 11 Tribal communities
in Minnesota, the Minnesota Chippewa Tribe, and the Minnesota Indian Affairs Council;
(2) evaluate the state of American Indian education in Minnesota;
(3) engage the Tribal bodies, community groups, parents of children eligible to be served
by American Indian education programs, American Indian administrators and teachers,
persons experienced in the training of teachers for American Indian education programs,
the Tribally controlled schools, and other persons knowledgeable in the field of American
Indian education and seek their advice on policies that can improve the quality of American
Indian education;
(4) advise the commissioner on American Indian education issues, including:
(i) issues facing American Indian students;
(ii) policies for American Indian education;
(iii) State-identified American Indian.

Subd. 5. State-identified American Indian. For the purposes of sections 124D.71 to
124D.92, the number of students who identify as American Indian or Alaska Native, as
defined by the state of Minnesota on October 1 of the previous school year, will be used to
determine the state-identified American Indian student counts for school districts, charter
schools, and Tribal contract schools for the subsequent school year.

Sec. 13. Minnesota Statutes 2022, section 124D.79, subdivision 2, is amended to read:
Subd. 2. Technical assistance. The commissioner shall provide technical assistance to
districts, schools and postsecondary institutions for preservice and in-service training for
teachers, American Indian education teachers and paraprofessionals specifically designed
to implement culturally responsive teaching methods, culturally based curriculum
development, testing and testing mechanisms, and development of materials for American
Indian education programs, and the annual report of American Indian student data using
the state count.

Sec. 14. Minnesota Statutes 2022, section 124D.791, subdivision 4, is amended to read:
Subd. 4. Duties; powers. The American Indian education director shall:
(1) serve as the liaison for the department work collaboratively and in conjunction with
the Tribal Liaison, the Tribal Nations Education Committee, the 11 Tribal communities
in Minnesota, the Minnesota Chippewa Tribe, and the Minnesota Indian Affairs Council;
(2) evaluate the state of American Indian education in Minnesota;
(3) engage the Tribal bodies, community groups, parents of children eligible to be served
by American Indian education programs, American Indian administrators and teachers,
persons experienced in the training of teachers for American Indian education programs,
the Tribally controlled schools, and other persons knowledgeable in the field of American
Indian education and seek their advice on policies that can improve the quality of American
Indian education;
(4) advise the commissioner on American Indian education issues, including:
(i) issues facing American Indian students;
(ii) policies for American Indian education;
(ii) 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. 17. [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.
EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 18. 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

Subdivision 2. Eligibility.

Sec. 19. 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 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.
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 may 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 $40,000 plus the product of number of American Indian students enrolled on October 1 of the previous school year and
$358; or (2) if the district or school received a grant under this section in the designated fiscal year, the school district or Tribal contract school may carry forward the remaining funds to the following fiscal year and is not subject to an aid reduction if:
(i) the district is otherwise adhering to the plan developed under subdivision 2;
(ii) the American Indian education parent advisory committee for that school has approved
the carry forward; and

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

Subd. 2b. Carry forward of funds. If a school district or Tribal contract school does not expend the full amount of its aid described in its plan and received under this section in the designated fiscal year, the school district or Tribal contract school may carry forward the following fiscal year and is not subject to an aid reduction only if:
(i) the district is otherwise adhering to the plan developed under subdivision 2;
(ii) the American Indian education parent advisory committee for that school has approved
the carry forward; and

Subd. 2c. American Indian education aid. (b) Notwithstanding section 16A.28, if a school district
or Tribal contract school does not expend the full amount of its aid described in its plan and
received under this section in the designated fiscal year, the school district or Tribal contract
school may carry forward the remaining funds to the following fiscal year and is not subject
to an aid reduction only if:
(i) the district is otherwise adhering to the plan developed under subdivision 2;
(ii) the American Indian education parent advisory committee for that school has approved
the carry forward; and

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 may 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 $40,000 plus the product of number of American Indian students enrolled on October 1 of the previous school year and
$358; or (2) if the district or school received a grant under this section in the designated fiscal year, the school district or Tribal contract school may carry forward the remaining funds to the following fiscal year and is not subject to an aid reduction if:
(i) the district is otherwise adhering to the plan developed under subdivision 2;
(ii) the American Indian education parent advisory committee for that school has approved
the carry forward; and

Subd. 2b. Carry forward of funds. Notwithstanding section 16A.28, if a school district
or Tribal contract school does not expend the full amount of its aid described in its plan and
received under this section in the designated fiscal year, the school district or Tribal contract
school may carry forward the remaining funds to the following fiscal year and is not subject
to an aid reduction only if:
(i) the district is otherwise adhering to the plan developed under subdivision 2;
(ii) the American Indian education parent advisory committee for that school has approved
the carry forward; and
(3) the school district reports the reason for the carry forward and describes the district's
31.29 intended actions to ensure the funds are expended in the following fiscal year. The district
31.30 must report this information to the Department of Education in the form and manner and
31.31 according to the timelines specified by the commissioner:
31.32 Subd. 3. Additional requirements. Each district or cooperative unit receiving aid under
31.33 this section must each year conduct a count of American Indian children in the schools of
31.34 the district; test for achievement; identify the extent of other educational needs of the children
31.35 to be enrolled in the American Indian education program; and classify the American Indian
31.36 children by grade, level of educational attainment, age and achievement. Participating
31.37 schools must maintain records concerning the needs and achievements of American Indian
31.38 children served.
31.39 Subd. 4. Non-discrimination; testing. In accordance with recognized professional
31.40 standards, all testing and evaluation materials and procedures utilized for the identification,
31.41 testing, assessment, and classification of American Indian children must be selected and
31.42 administered so as not to be racially or culturally discriminatory and must be valid for the
31.43 purpose of identifying, testing, assessing, and classifying American Indian children.
31.44 Subd. 5. Records. Participating schools and districts, and cooperative units must keep
31.45 records and afford access to them as the commissioner finds necessary to ensure that
31.46 American Indian education programs are implemented in conformity with sections 124D.71
31.47 to 124D.82. Each school district, cooperative unit, or participating school must keep accurate,
31.48 detailed, and separate revenue and expenditure accounts for American Indian education
31.49 programs funded under this section.
31.50 Subd. 6. Money from other sources. A district, cooperative unit, or participating school
31.51 providing American Indian education programs shall be eligible to receive moneys for these
31.52 programs from other government agencies and from private sources when the moneys are
31.53 available.
31.54 Subd. 7. Exceptions. Nothing in sections 124D.71 to 124D.82 shall be construed as
31.55 prohibiting a district, cooperative unit, or school from implementing an American Indian
31.56 education program which is not in compliance with sections 124D.71 to 124D.82 if the
31.57 proposal and plan for that program is not funded pursuant to this section.
31.58 EFFECTIVE DATE. This section is effective the day following final enactment for aid for fiscal year 2024 and later.
31.59

NOTE: COMPARE CHANGES TO AMERICAN INDIAN EDUCATION AID, MINNESOTA STATUTES 2022, SECTION 124D.81, SUBD. 1, ABOVE

PAGE R15 A-4
NOTE: COMPARE CHANGES TO AMERICAN INDIAN EDUCATION AID, MINNESOTA STATUTES 2022, SECTION 124D.81, SUBD. 5, ABOVE

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

Subd. 19. **Online learning students.** (a) The average daily membership for a public school pupil or a pupil enrolled in a school authorized to receive Tribal contract or grant aid under section 124D.83 generating online learning average daily membership according to section 124D.095, subdivision 8, paragraph (b), equals the sum of: (1) the ratio of the sum of the number of instructional hours the pupil is enrolled in a regular classroom setting at the enrolling school to the actual number of instructional hours in the school year at the enrolling school, plus (2) .12 times the initial online learning average daily membership 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. 20. 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, operated, or administered by those schools.

(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. 17. Minnesota Statutes 2022, section 124D.81, subdivision 5, is amended to read:

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

Sec. 7. Minnesota Statutes 2022, section 126C.05, subdivision 19, is amended to read:

Subd. 19. **Online learning students.** (a) The average daily membership for a public school pupil or a pupil enrolled in a school authorized to receive Tribal contract or grant aid under section 124D.83 generating online learning average daily membership according to section 124D.095, subdivision 8, paragraph (b), equals the sum of: (1) the ratio of the sum of the number of instructional hours the pupil is enrolled in a regular classroom setting at the enrolling school to the actual number of instructional hours in the school year at the enrolling school, plus (2) .12 times the initial online learning average daily membership 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. 18. 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, 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.

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

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:

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2024</td>
<td>$17,949,000</td>
</tr>
<tr>
<td>2025</td>
<td>$19,266,000</td>
</tr>
</tbody>
</table>

(b) The 2024 appropriation includes $1,159,000 for 2023 and $16,790,000 for 2024.

(c) The 2025 appropriation includes $1,865,000 for 2024 and $17,401,000 for 2025.

Subd. 3. Minnesota Indian teacher training program grants. (a) For joint grants to assist people who are American Indian to become teachers under Minnesota Statutes, section 122A.63:

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2024</td>
<td>$700,000</td>
</tr>
<tr>
<td>2025</td>
<td>$700,000</td>
</tr>
</tbody>
</table>

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

Subd. 4. Native language revitalization grants to schools. (a) For grants to school districts and charter schools to offer language instruction in Dakota and Anishinaabe languages or another language indigenous to the United States or Canada:

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2024</td>
<td>$2,210,000</td>
</tr>
<tr>
<td>2025</td>
<td>$600,000</td>
</tr>
</tbody>
</table>

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

Subd. 5. Native language revitalization grants to schools. (a) For grants to school districts and charter schools to offer language instruction in Dakota and Anishinaabe languages or another language indigenous to the United States or Canada:
(b) Grant amounts are to be determined based upon the number of schools within a district implementing language courses. Eligible expenses include costs for teachers, program supplies, and curricular resources.

(c) Up to five percent of the grant amount is available for grant administration and monitoring.

(d) Up to $300,000 each year is for administrative and programmatic capacity at the Department of Education.

(e) Any balance in the first year does not cancel but is available in the second year.

Subd. 5. Tribal contract school aid. (a) For Tribal contract school aid under Minnesota Statutes, section 124D.83:

$ 2,585,000 2024

$ 2,804,000 2025

(b) The 2024 appropriation includes $255,000 for 2023 and $2,330,000 for 2024.

(c) The 2025 appropriation includes $258,000 for 2024 and $2,546,000 for 2025.