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125.61 TEACHERS

Subd. 6. No school board shall enter into an agreement for termination of services with an early retirement incentive without applying for and receiving authorization from the commissioner of finance. The commissioner of finance shall approve or disapprove applications pursuant to this subdivision within the limits of the appropriation for the purposes of this section.

[1977 c 447 art 9 s 2]

CHAPTER 126. CURRICULUM, CONDUCT, TEXTBOOKS

Sec.		Sec.	
126.021	Repealed.	126.45	Citation. [New]
126.022	Repealed.	126.46	Declaration of policy. [New]
126.024	Repealed.	126.47	Definitions. [New]
126.07	Instruction, use of English language.	126.48	American Indian language and culture education programs. [New]
126.111	Environmental conservation education.	126.49	Teachers; licenses; exemptions. [New]
126.31	Citation. [New]	126.50	Teachers aides; community coordinators. [New]
126.32	Declaration of policy. [New]	126.51	Parent and community participation. [New]
126.33	Applicability. [New]	126.52	State board of education duties. [New]
126.34	Definitions. [New]	126.53	Advisory task force on American Indian language and culture education programs. [New]
126.35	Bilingual education programs. [New]	126.54	Pilot programs. [New]
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126.40	Advisory task force on bilingual education programs. [New]		
126.41	Pilot programs. [New]		
126.42	Construction. [New]		

126.021 [Repealed, 1977 c 447 art 6 s 13]

126.022 [Repealed, 1977 c 447 art 6 s 13]

126.024 [Repealed, 1977 c 447 art 6 s 13]

126.07 Instruction, use of English language.

The books used and the instruction given in public schools shall be in the English language, but any other language may be used by teachers in explaining to pupils who understand such language the meaning of English words; provided that in the case of a program for children of limited English speaking ability, instructions and books may be in the primary language of the children of limited English speaking ability. As used in this section, the terms "children of limited English speaking ability" and "primary language" shall have the meanings ascribed to them in section 126.34. In secondary and elementary schools other languages may be taught, when made a part of a regular or optional course of study.

[1977 c 306 s 15]

126.111 Environmental conservation education.

Subdivision 1. The state department of education with the cooperation of the department of natural resources shall prepare an interdisciplinary program of instruction for elementary and secondary schools in the field of environmental conservation education. The program shall provide integrated approaches to environmental management consistent with socio-ecological principles, the production of appropriate curriculum materials and implementation in the public schools in the state.

Subd. 2. The commissioner of education in consultation with the director of the energy agency shall prepare an interdisciplinary program in the field of energy sources, uses, conservation, and management. The first phase shall be an assessment of available curriculum materials, the amount and type of energy curriculum already being taught, and what needs to be developed to provide an integrated approach to energy education consistent with socio-economic and ecological principles. Subsequent phases shall include development of curriculum guidelines and materials and a plan for their implementation as funds become available.

[1977 c 381 s 20]

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126.31 Citation.

Sections 126.31 to 126.42 may be cited as the bilingual education act.

[1977 c 306 s 1]

126.32 Declaration of policy.

Pursuant to the policy and law of the state to provide equal and meaningful educational opportunity to every individual, it is the purpose of sections 126.31 to 126.42 to provide for the establishment of not fewer than three pilot transitional bilingual educational programs.

[1977 c 306 s 2]

126.33 Applicability.

The requirements of sections 126.31 to 126.42 shall apply only to districts which have bilingual educational programs funded pursuant to the provisions of sections 126.31 to 126.42.

[1977 c 306 s 3]

126.34 Definitions.

Subdivision 1. For the purposes of sections 126.31 to 126.42, the words, phrases, and terms defined in this section shall have the meanings given to them.

Subd. 2. "Children of limited English speaking ability" means children whose primary language is other than English or who come from home environments where the primary language is other than English and by reason thereof, have difficulty reading, writing, speaking, and understanding ordinary classroom instruction and have difficulty in performing ordinary classwork in the English language.

Subd. 3. "Primary language" is a language other than English which is the language normally used by the child or the language which is spoken in the child's home environment.

Subd. 4. "Advisory task force" means the state advisory task force on bilingual education programs.

Subd. 5. "Parent" or "parents" includes a child's legal guardian.

[1977 c 306 s 4]

126.35 Bilingual education programs.

Subdivision 1. **Instruction described.** Bilingual education programs are programs of instruction enrolling children of limited English speaking ability in elementary and secondary schools in which:

(a) There is instruction given in and study of both English and the primary language of the children of limited English speaking ability, in all courses or subjects of study, to the extent necessary to allow the children to progress effectively through the educational system and to attain the basic skills so that they will be able to perform ordinary classwork successfully in English;

(b) This instruction is given with sensitivity to and appreciation for the cultural heritage of the children of limited English speaking ability;

(c) There is instruction given in the history, culture and heritage of the children of limited English speaking ability and in the history and culture of the United States;

(d) Support components are developed for staff, including inservice training and technical assistance in methods of bilingual teaching. This inservice training may include but not be limited to: (i) Development of instructional and personal skills in reading, writing and speaking; (ii) Opportunities to develop general and bilingual teaching skills; (iii) Opportunities to develop the ability to identify, create, and apply instructional techniques that will enhance the cognitive and psychomotor development of children in bilingual education programs;

(e) Orientation to the purposes and values of the bilingual program may be provided to district staff. Bilingual programs may include: research projects, includ-

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ing experimentation with and evaluation of methods of relating to pupils of limited English speaking ability; provision of personal and vocational counseling to pupils of limited English speaking ability; and modification of curriculum, instructional methods, and administrative procedures to meet the needs of pupils of limited English speaking ability.

Subd. 2. **Additional program requirements.** Bilingual education programs shall be subject to the following additional requirements:

(a) To the extent practicable, children with different non-English primary languages should not be combined in the same bilingual education program class;

(b) If graded classes are used, children enrolled in the program shall be placed, to the extent practicable, in classes with others of approximately the same age and level of educational attainment. If individuals of significantly varying ages or levels of educational attainment are placed in the same class, the bilingual program shall insure that each child is provided with instruction which is appropriate for his or her level of educational attainment and educational needs;

(c) Instruction given in two languages in a bilingual program shall be appropriate to the linguistic abilities of the children enrolled and the program shall be designed to provide intensive instruction to meet the objectives described in sections 126.31 to 126.42, and shall be sufficient to meet the educational needs of children of limited English speaking ability;

(d) Nothing in sections 126.31 to 126.42 shall be construed to authorize isolation of children of limited English speaking ability for a substantial portion of the school day.

Subd. 3. **Notice of enrollment; content; rights of parents.** When a pilot program is established pursuant to sections 126.31 to 126.42, every school age child of limited English speaking ability whose primary language is the non-English language which is the medium of instruction in the pilot program and who resides in a school district participating in a pilot program and not enrolled in an existing private school system shall be eligible to enroll and to participate in any program in transitional bilingual education, established under Laws 1977, Chapter 306 for the classification to which he belongs by the school district, for a period of three years or until such time as he achieves a level of English language skills which will enable him to perform successfully in classes in which instruction is given only in English, whichever shall first occur. Consistent with the provisions of subdivision 2 nothing herein shall be construed to limit a school district's authority to enroll limited English speaking children, whose primary language is a non-English language other than the non-English language which is the medium of the instruction in the pilot program, in a program of bilingual education.

No later than ten days after the enrollment of any child in a program in transitional bilingual education, the school district in which the child resides shall notify by mail the parents of the child. Such notice shall:

(a) Be in writing and be in English and in the primary language of the child's parents;

(b) Inform the parents that their child has been enrolled in a program in transitional bilingual education;

(c) Contain a simple, nontechnical description of the purposes, method and content of the program;

(d) Inform the parents that they have the right to visit transitional bilingual education classes in which their child is enrolled;

(e) Inform the parents of the time and manner in which to request and receive a conference for the purpose of explaining the nature and purpose of the program; and

(f) Inform the parents of their right to withdraw their child from a program in transitional bilingual education and the time and manner in which to do so.

Any parent whose child is enrolled in a program in transitional bilingual education shall have the absolute right, either at the time of the original notification of enrollment or at the close of any semester thereafter, to withdraw his child from the program by providing written notice of this intent to the principal of the school

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in which his child is enrolled or to the superintendent of the school district in which his child resides; provided that no withdrawal shall be allowed until the parent is informed in a conference with school district officials of the nature and purpose of the program. At that conference, parents must also be informed of the nature of the program into which the child will be placed. The conference shall be held in a manner and language understood by the parents. Nothing herein shall preclude a parent from reenrolling a child of limited English speaking ability in the bilingual educational program.

Subd. 4. Enrollment of other children; shared time enrollment. To the extent it is economically feasible, a program of bilingual education may make provision for the voluntary enrollment of children whose primary language is English, in order that they may acquire an understanding of the cultural heritage of the children of limited English speaking ability for whom that particular program of bilingual education is designed. In determining eligibility to participate in a program, priority shall be given to the children whose primary language is other than English and this subdivision shall not operate or be construed to limit the obligation of school districts to enroll individuals of limited English speaking ability in a transitional bilingual program operated in accordance with subdivision 3. In no event shall the program be designed for the purpose of teaching a foreign language to English speaking children. Children of limited English speaking ability and English speaking children enrolled in an existing nonpublic system may be enrolled on a shared time basis in bilingual education programs.

Subd. 5. New students. All districts providing a bilingual education program under sections 126.31 to 126.42 shall take all affirmative steps necessary to immediately identify children of limited English speaking ability whose primary language is the non-English language which is the medium of instruction in the pilot program and who enroll in the public schools after the implementation of the program and to assess and classify such children in accordance with the provisions of section 126.41. All such children who are identified as limited English speaking shall be eligible to be immediately enrolled in the bilingual education program, consistent with the provisions of subdivision 3.

Subd. 6. Assignment of students. No school district shall in providing these programs assign students to schools in a way which will have the effect of promoting segregation of students by race, sex, color, or national origin.

Subd. 7. Nonverbal courses and extracurricular activities. In predominantly nonverbal subjects, such as art, music, and physical education, children of limited English speaking ability shall participate fully and on an equal basis with their contemporaries in the public school classes provided for these subjects. Every school district shall ensure to children enrolled in bilingual education programs an equal and meaningful opportunity to participate fully with other children in all extracurricular activities. This subdivision shall not be construed to prohibit instruction in nonverbal subjects or extracurricular activities which relate to the cultural heritage of the children of limited English speaking ability, or which are otherwise necessary to accomplish the objectives described in sections 126.31 to 126.42.

[1977 c 306 s 5]

126.36 Teachers; licenses; exemptions.

Subdivision 1. Bilingual education licenses. The board of teaching, hereinafter the board, shall grant teaching licenses in bilingual education to persons who present satisfactory evidence that they:

(a) Possess competence and communicative skills in English and in another language;

(b) Possess a bachelor's degree or other academic degree approved by the board, or meet such requirements as to course of study and training as the board may prescribe.

Subd. 2. Persons holding general teaching licenses. A person holding a general teaching license who presents the board with satisfactory evidence of competence and communicative skills in a language other than English may be licensed under this section.

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Subd. 3. **Employment of teachers.** Teachers employed in a bilingual education program established pursuant to sections 126.31 to 126.42 shall not be employed to replace any presently employed teacher who otherwise would not be replaced.

Subd. 4. **Teacher preparation programs.** For the purpose of licensing bilingual teachers, the board may approve programs at colleges or universities designed for their training subject to the approval of the state board of education.

Subd. 5. **Persons eligible for employment exemptions.** Any person licensed under this section shall be eligible for employment by a school board as a teacher in a bilingual education program in which the language for which he is licensed is taught or used as a medium of instruction. A school board may prescribe only those additional qualifications for teachers licensed under this section as are approved by the board of teaching. Any school board upon request may be exempted from the licensure requirements of this section in the hiring of one or more bilingual education teachers for any school year in which compliance would, in the opinion of the commissioner of education, create a hardship in the district in the securing of the teachers. The commissioner shall notify the board of teaching of any exemptions granted pursuant to this subdivision.

Subd. 6. **Persons serving under exemptions; licensure; tenure.** A bilingual education teacher serving under an exemption as provided in subdivision 5 shall be granted a license as soon as that teacher achieves the qualifications for it. Not more than one year of service by a bilingual education teacher under an exemption shall be credited to the teacher for the purposes of section 125.12, and not more than two years shall be credited to the teacher for the purpose of section 125.17; and the one or two years shall be deemed to precede immediately and be consecutive with the year in which a teacher becomes licensed.

Subd. 7. **Affirmative efforts in hiring.** In hiring for all positions in bilingual education programs school districts shall give preference to and make affirmative efforts to seek, recruit, and employ persons who are (a) native speakers of the language which is the medium of instruction in the bilingual education program, and (b) who share the culture of the limited English speaking children who are enrolled in the program. The district shall provide procedures for the involvement of the parent advisory committees in designing the procedures for the recruitment, screening and selection of applicants, provided that nothing herein shall be construed to limit the school board's authority to hire and discharge personnel.

[1977 c 306 s 6]

126.37 Teachers aides; community coordinators.

In addition to employing bilingual teachers, each district providing bilingual education programs pursuant to sections 126.31 to 126.42 may employ teachers' aides. Teachers' aides shall not be employed for the purpose of supplanting bilingual teachers.

[1977 c 306 s 7]

126.38 Parent and community participation.

Subdivision 1. School boards shall provide for the maximum involvement of parents of children enrolled in bilingual education programs pursuant to sections 126.31 to 126.42. Accordingly, before implementing a program, the school district shall establish a parent advisory committee for that program. This committee shall afford parents the necessary information and opportunity to express their views concerning all aspects of the bilingual education program and the educational needs of the children of limited English speaking ability residing within the district's attendance boundaries. The district shall ensure that the program is planned, operated, and evaluated with the effective involvement of and in consultation with parents of children enrolled or eligible to be served by the program.

Subd. 2. The committees shall be composed solely of parents of children enrolled or eligible to be enrolled in bilingual programs; secondary students enrolled or eligible to be served; bilingual education teachers, aides, counselors, and other bilingual education program personnel; and representatives from community groups; provided, however, that a majority of each committee shall be parents of

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children enrolled or eligible to be enrolled in the corresponding program, and the number of parents of limited English speaking children and parents of children whose primary language is English shall reflect approximately the proportion of children of those groups enrolled in the program.

Subd. 3. School principals and other administrators or teachers within the district shall be encouraged to participate and cooperate with the parent advisory committee.

Subd. 4. All notices and other information sent to the parent advisory committees shall be in English and in the primary language of the parent members.

Subd. 5. Nothing in this section shall be construed as prohibiting the school board from establishing procedures whereby parents whose children are enrolled or eligible to be enrolled in the bilingual education program select, consistent with the provisions of this section, the members of the parent advisory committee. Nothing in this section shall be construed as prohibiting school boards from establishing a parent advisory committee prior to the submission of a proposal under section 126.41 for a bilingual education program.

Subd. 6. School districts which have already established a parent advisory committee pursuant to section 703 (a)(4)(e) of Title VII of the Elementary and Secondary Education Act of 1965 may utilize that committee for the purpose of complying with the provisions of this section.

[1977 c 306 s 8]

126.39 State board of education duties.

Subdivision 1. **Needs assessment.** The state board of education shall conduct a statewide assessment of the need for bilingual education programs, which shall include information on:

(a) Numbers, ages, locations by school district, and primary language, race, national origin, and level of family income of children of limited English speaking ability;

(b) Concentration of children of limited English speaking ability in attendance areas within school districts by primary language, race, national origin, and level of family income;

(c) Placement rates of children of limited English speaking ability in classes for handicapped pupils, in comparison with schoolwide and districtwide placement rates;

(d) Achievement test scores, mobility rates and dropout rates of children of limited English speaking ability in comparison with average achievement test scores, mobility rates and dropout rates;

(e) Any other data deemed necessary to assessment of the need for bilingual education in the state. The procedures for gathering the information shall be designed to comply with provisions of state and federal law relating to privacy and student records.

Any needs assessment previously conducted by a school district which is determined to be current and which meets the requirements of this subdivision may be used as the basis for a program proposal and funding under section 126.41 prior to the completion of the statewide assessment and may be used by the state board as a part of its statewide assessment.

Subd. 2. **Resource evaluation.** The state board shall study, review, and evaluate all available resources and programs which, in whole or in part, are or could be directed toward meeting the educational needs of children of limited English speaking ability, including information on:

(a) Numbers, location, qualifications, and primary language and national origin of teachers, aides, administrators, counselors, and potential post secondary education graduates from non-English speaking backgrounds who have an interest in working in bilingual programs;

(b) Programs within the state designed for the preparation of bilingual education teachers;

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(c) The effectiveness of existing programs for children of limited English speaking ability within the state;

(d) Successful and innovative preservice and inservice programs for staffs of bilingual education programs; and

(e) Tests, criteria, identification instruments and procedures for identifying, testing, assessing and classifying children of limited English speaking ability.

Subd. 3. Program models. The state board shall gather information about the theory and practice of bilingual education and design program models appropriate for meeting the need for bilingual education in conjunction with the basic educational program in the state.

Subd. 4. Evaluation of programs. The state board shall provide for comprehensive evaluation of pilot programs funded under sections 126.31 to 126.42. The state board may also provide for the comprehensive evaluation of existing educational programs offered by nonpublic, community, or alternative schools, including assessment of pupil achievement, processes and results of establishing quality programs, and attitudes of people involved in and affected by programs, provided that the nonpublic, community, or alternative school consents to the evaluation of its existing program.

Subd. 5. Community involvement. The state board shall provide for the maximum involvement of the state advisory task force on bilingual education, parents of children of limited English speaking ability, secondary students eligible to be served, bilingual education teachers, teachers' aides, representatives of community groups, and persons knowledgeable in the field of bilingual education, in the formulation of policy and procedures relating to the administration of sections 126.31 to 126.42.

Subd. 6. Consultation. The state board may consult with and make recommendations to other public departments and agencies in connection with the administration of sections 126.31 to 126.42.

Subd. 7. Teacher licensure. The state board shall provide to the board of teaching a report on its research and experience in bilingual education insofar as such research may have a bearing on the establishment of teacher licensure requirements by the board of teaching. The board of teaching shall submit its proposals to the state board for approval pursuant to the procedures in section 125.185, subdivision 4.

Subd. 8. Technical assistance. The state board of education shall provide technical assistance to school districts and post secondary institutions for preservice and inservice training for bilingual education teachers and teachers' aides, teaching methods, curriculum development, testing and testing mechanisms, and the development of materials for bilingual programs.

Subd. 9. Application for funds. The state board may apply for grants or funds which are, or may become, available under federal programs for bilingual education, including funds for administration, demonstration projects, training, technical assistance, planning and evaluation.

Subd. 10. Report. The state board shall make a report to the legislature, the governor and the public on or before September 1, 1979. This report shall include the results of the needs assessment, including an evaluation of the pilot programs, the number of children served in programs for each language group; the cost of the program per pupil for each pilot program language group, and program type; the number of children in each school district, language group and program type who, as a result of the bilingual education program, improved their English language ability to such an extent that the program is no longer necessary for those children; and recommendations for legislation including any need for expansion and accompanying plans and cost estimates in the areas of bilingual education.

Subd. 11. Rules. The state board, upon the receipt of recommendations by the advisory task force, may promulgate rules providing for standards and procedures, appropriate for the implementation of and within the limitations of sections 126.31 to 126.42.

[1977 c 306 s 9]

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126.40 Advisory task force on bilingual education programs.

Subdivision 1. **Establishment.** The state board of education shall appoint an advisory task force on bilingual education programs. There shall be no more than ten members on the task force. Members shall include: representatives of community groups, parents of children eligible to be served by the programs, bilingual administrators and teachers, persons experienced in the training of teachers for bilingual education programs, persons involved in programs for children of limited English speaking ability in nonpublic, community, or alternative schools, and persons knowledgeable in the field of bilingual education. Members shall be appointed so as to be representative of significant segments of the population of persons of limited English speaking ability.

Subd. 2. **Duties.** The advisory task force on bilingual education programs shall be charged with the following duties:

(a) To make recommendations to the state board concerning approval, modification, or disapproval of proposals for programs and the amounts of grants to approved programs; and

(b) To advise the state board in the administration of its duties under sections 126.31 to 126.42.

Subd. 3. **Terms.** The advisory task force shall expire and the terms, compensation, and removal of members shall be as provided for in section 15.059, subdivision 6.

[1977 c 306 s 10]

126.41 Pilot programs.

Subdivision 1. **Grants, procedures.** For fiscal years 1978 and 1979, as part of the needs assessment effort, the state board of education shall make grants to no fewer than three transitional bilingual education programs. At least one pilot bilingual program shall be in a rural area. The board of a local district or a group of boards may submit a proposal for a grant for a transitional bilingual education program. The state board shall prescribe the form and manner of application for grants and no grant shall be made for proposals not complying with the requirements of sections 126.31 to 126.42. Every program proposal shall be submitted to the state board not less than six months before the planned commencement of the program; provided, however that this six month requirement shall not apply to school districts with an existing bilingual education program established and approved pursuant to section 701 et seq., of Title VII of the Elementary and Secondary Education Act of 1965. The state board shall submit all proposals to the state advisory task force on bilingual education programs for its recommendations concerning approval, modification, or disapproval and the amounts of grants to approved programs.

Subd. 2. **Plans.** Each school district submitting a proposal under subdivision 1 shall develop and submit with the proposal a plan which shall:

(a) Identify the measures to be used to meet the requirements of sections 126.31 to 126.42;

(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 126.31 to 126.42 are to be achieved;

(d) Demonstrate that required and elective courses as structured do not have a discriminatory effect within the meaning of section 126.34, subdivision 6;

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

(f) Project expenditures for programs under sections 126.31 to 126.42.

Subd. 3. **Additional requirements.** Each school district receiving a grant under this section shall each year conduct a count of children of limited English speaking ability whose primary language is the non-English language which is the medium of instruction in the bilingual education program funded under this section in the pub-

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lic schools of the district; assess the English and primary language proficiencies of such children; test for achievement; identify the extent of other educational needs of the children to be enrolled in the bilingual education program; and classify the limited English speaking children by grade, level of educational attainment, age, achievement, and English and primary language proficiencies. This count may be part of the school census required pursuant to section 120.095. Nothing herein shall be construed to limit a school district's authority to so count, assess, test, identify and classify limited English speaking children, whose primary language is a non-English language other than the non-English language which is the medium of instruction in a program funded under this section.

Subd. 4. **Nondiscrimination; testing.** In accordance with recognized professional standards, all testing and evaluation materials and procedures utilized for the identification, testing, assessment and classification of children of limited English speaking ability shall be selected and administered so as not to be racially or culturally discriminatory and shall be valid for the purpose of identifying, testing, assessing, and classifying children of limited English speaking ability.

Subd. 5. **Records.** Participating school districts shall keep records and afford access to them as the commissioner finds necessary to ensure that bilingual education programs are implemented in conformity with sections 126.31 to 126.42. Each school district shall keep an accurate, detailed, and separate account of all money received and paid out by it for bilingual education programs funded under this section.

Subd. 6. **Funds from other sources.** A school district providing bilingual education programs shall be eligible to receive funds for these programs from other government agencies and from private sources when the funds are available.

Subd. 7. **Construction.** Nothing in sections 126.31 to 126.42 shall be construed as prohibiting a district from implementing a bilingual education program which is not in compliance with sections 126.31 to 126.42 if the proposal and plan for that program is not funded pursuant to this section.

[1977 c 306 s 11]

126.42 Construction.

Nothing in the provisions of sections 126.31 to 126.42 shall be construed to violate the provisions of section 127.08 or chapter 363. Programs and activities pursuant to sections 126.31 to 126.42 shall be deemed to be positive action programs to combat discrimination.

[1977 c 306 s 12]

126.45 Citation.

Sections 126.45 to 126.55 may be cited as the American Indian language and culture education act.

[1977 c 312 s 1]

126.46 Declaration of policy.

The legislature finds that a more adequate education is needed for American Indian pupils in the state of Minnesota. Therefore, pursuant to the policy of the state to ensure equal educational opportunity to every individual, it is the purpose of Laws 1977, Chapter 312 to provide for the establishment of American Indian language and culture education programs.

[1977 c 312 s 2]

126.47 Definitions.

Subdivision 1. For the purposes of sections 126.45 to 126.55, the words, phrases, and terms defined in this section shall have the meanings given to them.

Subd. 2. "American Indian child" means any child, living on or off a reservation, who is an enrolled member of a federally recognized tribe.

Subd. 3. "Advisory task force" means the state advisory task force on American Indian language and culture education programs.

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Subd. 4. "Participating school" means any nonsectarian nonpublic, tribal, or alternative school offering a curriculum reflective of American Indian culture which is funded by and participates in the programs in sections 126.45 to 126.55.

[1977 c 312 s 3]

126.48 American Indian language and culture education programs.

Subdivision 1. **Program described.** American Indian language and culture education programs shall be programs in elementary and secondary schools enrolling American Indian children designed:

(1) To make the curriculum more relevant to the needs, interests, and cultural heritage of American Indian pupils;

(2) To provide positive reinforcement of the self-image of American Indian pupils; and

(3) To develop intercultural awareness among pupils, parents, and staff. Program components may include: instruction in American Indian language, literature, history, and culture; development of support components for staff, including inservice training and technical assistance in methods of teaching American Indian pupils; research projects, including experimentation with and evaluation of methods of relating to American Indian pupils; provision of personal and vocational counseling to American Indian pupils; modification of curriculum, instructional methods, and administrative procedures to meet the needs of American Indian pupils; and establishment of cooperative liaisons with nonsectarian nonpublic, community, tribal or alternative schools offering curricula which reflect American Indian culture. Districts offering programs may make contracts for the provision of program components by nonsectarian nonpublic, community, tribal or alternative schools. These programs may also be provided as components of early childhood and family education programs.

Subd. 2. **Voluntary enrollment.** Enrollment in American Indian language and culture education programs shall be voluntary. School districts and participating schools shall make affirmative efforts to encourage participation. They shall encourage parents to visit classes or come to school for a conference explaining the nature of the program and provide visits by school staff to parents' homes to explain the nature of the program.

Subd. 3. **Enrollment of other children; shared time enrollment.** To the extent it is economically feasible, a school district or participating school may make provision for the voluntary enrollment of non-American Indian children in the instructional components of an American Indian language and culture 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 shall 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 language and culture education programs.

Subd. 4. **Location of programs.** American Indian language and culture education programs shall be located in facilities in which regular classes in a variety of subjects are offered on a daily basis.

Subd. 5. **Assignment of students.** No school district or participating school shall in providing these programs assign students to schools in a way which will have the effect of promoting segregation of students by race, sex, color, or national origin.

Subd. 6. **Nonverbal courses and extracurricular activities.** In predominantly nonverbal subjects, such as art, music, and physical education, American Indian children shall participate fully and on an equal basis with their contemporaries in school classes provided for these subjects. Every school district or participating school shall ensure to children enrolled in American Indian language and culture education programs an equal and meaningful opportunity to participate fully with other children in all extracurricular activities. This subdivision shall not be construed to prohibit instruction in nonverbal subjects or extracurricular activities which relate to the cultural heritage of the American Indian children, or which are

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otherwise necessary to accomplish the objectives described in sections 126.45 to 126.55.

[1977 c 312 s 4]

126.49 Teachers; licenses; exemptions.

Subdivision 1. **American Indian language and culture education licenses.** The board of teaching shall grant teaching licenses in American Indian language and culture education to persons who present satisfactory evidence that they:

(a) Possess competence in an American Indian language or possess unique qualifications relative to or knowledge and understanding of American Indian history and culture;

(b) Possess a bachelor's degree or other academic degree approved by the board or meet such requirements as to course of study and training as the board may prescribe, or possess such relevant experience as the board may prescribe.

This evidence may be presented by affidavits, resolutions, or by such other methods as the board may prescribe. Individuals may present applications for licensure on their own behalf or these applications may be submitted by the superintendent or other authorized official of a school district or a nonsectarian nonpublic, tribal, or alternative school offering a curriculum reflective of American Indian culture.

Subd. 2. **Persons holding general teaching licenses.** A person holding a general teaching license who presents the board with satisfactory evidence of competence in an American Indian language, or knowledge and understanding of American Indian history and culture may be licensed under this section.

Subd. 3. **Employment of teachers.** Teachers employed in an American Indian language and culture education program pursuant to sections 126.45 to 126.55 shall not be employed to replace any presently employed teacher who otherwise would not be replaced.

Subd. 4. **Teacher preparation programs.** For the purpose of licensing American Indian language and culture education teachers, the board may approve programs at colleges or universities designed for their training subject to the approval of the state board of education.

Subd. 5. **Persons eligible for employment; exemptions.** Any person licensed under this section shall be eligible for employment by a school board or a participating school as a teacher in an American Indian language and culture education program in which the American Indian language or culture in which he is licensed is taught. A school district or participating school may prescribe only those additional qualifications for teachers licensed under this section as are approved by the board of teaching. Any school board or participating school upon request may be exempted from the licensure requirements of this section in the hiring of one or more American Indian language and culture education teachers for any school year in which compliance would, in the opinion of the commissioner of education, create a hardship in the securing of the teachers.

Subd. 6. **Persons serving under exemptions; licensure; tenure.** An American Indian language and culture education teacher serving under an exemption as provided in subdivision 5 shall be granted a license as soon as that teacher achieves the qualifications for it. Not more than one year of service by an American Indian language and culture education teacher under an exemption shall be credited to the teacher for the purposes of section 125.12 and not more than two years shall be credited for the purposes of section 125.17; and the one or two years shall be deemed to precede immediately and be consecutive with the year in which a teacher becomes licensed.

Subd. 7. **Compensation.** A teacher holding a license or exemption under this section shall be compensated according to a schedule which is at least equivalent to that applicable to teachers holding general licenses.

Subd. 8. **Affirmative efforts in hiring.** In hiring for all positions in these programs, school districts and participating schools shall give preference to and make affirmative efforts to seek, recruit, and employ persons who share the culture of

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the American Indian children who are enrolled in the program. The district or participating school shall provide procedures for the involvement of the parent advisory committees in designing the procedures for the recruitment, screening and selection of applicants, provided that nothing herein shall be construed to limit the school board's authority to hire and discharge personnel.

[1977 c 312 s 5]

126.50 Teachers aides; community coordinators.

In addition to employing American Indian language and culture education teachers, each district or participating school providing programs pursuant to sections 126.45 to 126.55 may employ teachers' aides. Teachers' aides shall 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 126.45 to 126.55 shall employ one or more full time or part time community coordinators if there are 100 or more students enrolled in the program. Community coordinators shall promote 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 language and culture education program in order to convey information about the program.

[1977 c 312 s 6]

126.51 Parent and community participation.

Subdivision 1. School boards and participating schools shall provide for the maximum involvement of parents of children enrolled in American Indian language and culture education programs pursuant to sections 126.45 to 126.55. Accordingly, before implementing a program, each school district and participating school shall establish a parent advisory committee for that program. This committee shall afford parents the necessary information and the opportunity effectively to express their views concerning all aspects of the American Indian language and culture education program and the educational needs of the American Indian children residing within the district's or school's attendance boundaries. The district or participating school shall ensure that the program is planned, operated, and evaluated with the involvement of and in consultation with parents of children eligible to be served by the program.

Subd. 2. The committees shall be composed solely of parents of children eligible to be enrolled in American Indian language and culture programs; secondary students eligible to be served; American Indian language and culture education teachers and aides; counselors; and representatives from community groups; provided, however, that a majority of each committee shall be parents of children enrolled or eligible to be enrolled in the corresponding program, and that the number of parents of American Indian and non-American Indian children shall reflect approximately the proportion of children of those groups enrolled in the program.

Subd. 3. School principals and other administrators or teachers within the district or participating school shall be encouraged to participate and cooperate with the parent advisory committee.

Subd. 4. If the organizational membership or the board of directors of a participating school consists solely of parents of children attending the school whose children are eligible to be enrolled in American Indian language and culture education programs, that membership or board may serve also as the parent advisory committee.

[1977 c 312 s 7]

126.52 State board of education duties.

Subdivision 1. **Needs assessment.** The state board of education shall conduct a statewide assessment of the need for American Indian language and culture education programs, which shall include information on:

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(a) Numbers, ages, locations by school district, and tribal affiliation of American Indian children;

(b) Concentration of American Indian children in attendance areas within school districts by tribal affiliation;

(c) Placement rates of American Indian children in classes for handicapped pupils, in comparison with schoolwide and districtwide placement rates;

(d) Achievement test scores, mobility rates and dropout rates of American Indian children in comparison with average achievement test scores, mobility rates and dropout rates;

(e) Any other data deemed necessary to assessment of the need for American Indian language and culture education in the state. The procedures for gathering the information shall be designed to comply with provisions of state and federal law relating to privacy and student records.

Subd. 2. Resource evaluation. The state board shall study, review, and evaluate all available resources and programs which, in whole or in part, are or could be directed toward meeting the educational needs of American Indian children, including information on:

(a) Numbers, location, and qualifications of teachers, aides, administrators, counselors, and potential post secondary education graduates from American Indian backgrounds who have an interest in working in American Indian language and culture education programs;

(b) Programs within the state designed for the preparation of American Indian language and culture education teachers;

(c) The effectiveness of existing programs for American Indian children within the state;

(d) Successful and innovative preservice and inservice programs for staffs of American Indian language and culture education programs; and

(e) Tests, criteria, identification instruments and procedures for identifying, testing, assessing and classifying American Indian children.

Subd. 3. Program models. The state board shall gather information about the theory and practice of American Indian language and culture education and design program models appropriate for meeting the need for American Indian language and culture education in conjunction with the basic educational program in the state.

Subd. 4. Evaluation of pilot programs. The state board shall provide for comprehensive evaluation of pilot programs funded under sections 126.45 to 126.55. The state board may also provide for the comprehensive evaluation of existing educational programs offered by nonsectarian nonpublic, community, tribal, or alternative schools, provided that that school consents to the evaluation of its existing program. The evaluation shall include assessment of pupil achievement, processes and results of establishing quality programs, and attitudes of people involved in and affected by programs.

Subd. 5. Community involvement. The state board shall provide for the maximum involvement of the state advisory task force on American Indian language and culture education, parents of American Indian children, secondary students eligible to be served, American Indian language and culture education teachers, teachers' aides, representatives of community groups, and persons knowledgeable in the field of American Indian language and culture education, in the formulation of policy and procedures relating to the administration of sections 126.45 to 126.55. The needs assessments and resource evaluations provided for in subdivisions 1 and 2 shall be undertaken on Indian reservations only in connection with, or with the permission of, the respective tribal governments.

Subd. 6. Consultation. The state board shall consult with and make recommendations to other public departments and agencies in connection with the administration of sections 126.45 to 126.55.

Subd. 7. Teacher licensure. The state board shall provide to the board of teaching a report on its research and experience in American Indian language and culture education insofar as such research may have a bearing on the establishment

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of teacher licensure requirements by the board of teaching. The board of teaching shall submit its proposals to the state board for approval pursuant to the procedures in section 125.185, subdivision 4.

Subd. 8. **Technical assistance.** The state board shall provide technical assistance to school districts, participating schools and post secondary institutions for preservice and inservice training for American Indian language and culture education teachers and teacher's aides, teaching methods, curriculum development, testing and testing mechanisms, and the development of materials for American Indian language and culture education programs.

Subd. 9. **Application for funds.** The state board shall apply for grants or funds which are, or may become, available under federal programs for American Indian language and culture education, including funds for administration, demonstration projects, training, technical assistance, planning and evaluation.

Subd. 10. **Report.** The state board shall make a report to the legislature, the governor and the public on or before September 1, 1979. This report shall include the results of the needs assessment, including an evaluation of the pilot programs, and recommendations for legislation in the area of American Indian language and culture education.

Subd. 11. **Rules.** The state board, upon the receipt of recommendations by the advisory task force, may promulgate rules providing for standards and procedures appropriate for the implementation of and within the limitations of sections 126.45 to 126.55.

[1977 c 312 s 8]

126.53 Advisory task force on American Indian language and culture education programs.

Subdivision 1. **Establishment.** The state board of education shall appoint an advisory task force on American Indian language and culture education programs. Members shall include: representatives of community groups, parents of children eligible to be served by the programs, American Indian administrators and teachers, persons experienced in the training of teachers for American Indian language and culture education programs, persons involved in programs for American Indian children in nonsectarian nonpublic, community, tribal, or alternative schools, and persons knowledgeable in the field of American Indian language and culture education. Members shall be appointed so as to be representative of significant segments of the population of American Indians.

Subd. 2. **Duties.** The advisory task force on American Indian language and culture education programs shall be charged with the following duties:

(a) To make recommendations to the state board concerning approval, modification, or disapproval of proposals for pilot programs and the amounts of grants to approved programs; and

(b) To advise the state board in the administration of its duties under sections 126.45 to 126.55.

Subd. 3. The advisory task force shall expire and the terms, compensation, and removal of members shall be as provided for in section 15.059, subdivision 6.

[1977 c 312 s 9]

126.54 Pilot programs.

Subdivision 1. **Grants; procedures.** For fiscal years 1978 and 1979, as part of the needs assessment effort, the state board of education shall make grants to no fewer than six school year pilot American Indian language and culture education programs. At least three pilot programs shall be in urban areas and at least three shall be on or near reservations. The board of a local district, a participating school or a group of boards may develop a proposal for grants in support of pilot American Indian language and culture education programs. Proposals may provide for contracts for the provision of program components by nonsectarian nonpublic, community, tribal or alternative schools. The state board shall prescribe the form and manner of application for grants and no grant shall be made for a proposal not complying with the requirements of sections 126.45 to 126.55. Every program pro-

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posal shall be submitted to the state board not less than six months before the planned commencement of the program. The state board shall submit all proposals to the state advisory task force on American Indian language and culture education programs for its recommendations concerning approval, modification, or disapproval and the amounts of grants to approved programs.

Subd. 2. **Plans.** Each school district or participating school submitting a proposal under subdivision 1 shall develop and submit with the proposal a plan which shall:

(a) Identify the measures to be used to meet the requirements of sections 126.45 to 126.55;

(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 126.45 to 126.55 are to be achieved;

(d) Demonstrate that required and elective courses as structured do not have a discriminatory effect within the meaning of section 126.48, subdivision 5;

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

(f) Project expenditures for programs under sections 126.45 to 126.55.

Subd. 3. **Additional requirements.** Each school district receiving a grant under this section shall 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 language and culture education program; and classify the American Indian children by grade, level of educational attainment, age and achievement. This count may be part of the school census required pursuant to section 120.095. Participating schools shall maintain records concerning the needs and achievements of American Indian children served.

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

Subd. 5. **Records.** Participating schools and school districts shall keep records and afford access to them as the commissioner finds necessary to ensure that American Indian language and culture education programs are implemented in conformity with sections 126.45 to 126.55. Each school district or participating school shall keep an accurate, detailed, and separate account of all money received and paid out by it for pilot American Indian language and culture education programs funded under this section.

Subd. 6. **Funds from other sources.** A school district or participating school providing American Indian language and culture education programs shall be eligible to receive funds for these programs from other government agencies and from private sources when the funds are available.

Subd. 7. **Exceptions.** Nothing in sections 126.45 to 126.55 shall be construed as prohibiting a district or school from implementing an American Indian language and culture education program which is not in compliance with sections 126.45 to 126.55 if the proposal and plan for that program is not funded pursuant to this section.

[1977 c 312 s 10]

126.55 Construction.

Nothing in the provisions of sections 126.45 to 126.55 shall be construed to violate the provisions of section 127.08 or chapter 363. Programs and activities pursuant to sections 126.45 to 126.55 shall be deemed to be positive action programs to combat discrimination.

[1977 c 312 s 11]