

AMERICAN INDIAN EDUCATION ACT

1. 124D.71
2. 124D.71 Citation; American Indian Education Act
3. Sections 124D.71 to 124D.82 may be cited as American
4. Indian Education Act of 1988.

5. HIST: 1977 c 312 s 1; 1988 c 718 art 3 s 5; [^]1988 c 397 art 2 s
6. 164; art 11 s 3

7. ==124.D.72
8. 124D.72 Policy.

9. The Legislature finds that a more adequate [^]and relevant education is
10. needed for American Indian people in the state of Minnesota.
11. The legislature recognizes [^]tribal sovereignty and the unique educational and culturally
12. related academic needs of American Indian people. The
13. legislature also is concerned about the lack of American Indian
14. teachers [^]as well as other professionals in the state. Therefore, pursuant to the policy of the
15. state to ensure equal educational opportunity to every
16. individual, it is the purpose of sections 124D.71to 124D.82 to
17. provide for American Indian education programs ~~specially~~ [^]specifically
18. designed to meet these unique educational ~~or~~ [^]and culturally related
19. academic needs or both.

20. HIST: 1977 c 312 s 2; 1978 c 706 s 43; 1988 c 718 art 3 s 6;
21. 1988 c 397 art 2 s 164; art 11 s 3

22. ==124D.73
23. 124D.73 Definitions.

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24. Subdivision 1. Scope. For the purposes of sections

25. 124D.71 to 124D.82, the terms defined in this section have the

26. meanings given them.

27. Subd. 2. **American Indian child.** “American Indian

28. child” means any child, living on or off a reservation, who is

29. enrolled or eligible for enrollment in a federally recognized

30. tribe, [^] or documented descendent of enrolled parent or grandparent (documented and verified from Tribal

Rolls example.. CIB)

Comment [tle1]: “ American Indian Child “ definition. Problematic. Narrow description. May lead to under identification. See Joan about definition of American Indian

31. Subd. 3. ~~Advisory task force.~~ [^] **Tribal Nation Education Committee** “Advisory task force”

32. ~~means the state advisory task force on American Indian education.~~ [^] **“TNEC” is the body**

sanctioned by tribal elected leaders to be consulted with all matters pertaining to the education of Minnesota’s American Indian Communities.

33. ~~programs.~~ (Preschool through post secondary).

Comment [TE2]: Insert “”

34. Subd. 4. **Participating school; American Indian School.** [^]

35. “Participating school” and “American Indian School” means a [^]; **any school with American**

Indian students.

36. ~~school that:~~

(1) ~~is not operated by a school district; and~~

(2) ~~is eligible for a grant under Title IV of the Indian~~

37. ~~Education Act for the education of American Indian children.~~

38. HIST: 1977 c 312 s 3; 1979 c 219 s 1; 1988 c 718 art 3 s 7;

39. 1998 c 397 art 2 164; art 11 s 3

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40. == 124D.74

41. **124D.74 American Indian educational programs.**

42. Subdivision 1. **Program described.** American Indian

43. education programs are programs in public elementary and

44. secondary schools, ~~nonsectarian nonpublic~~, community, tribal, or

45. alternative schools enrolling American Indian children designed

46. to:

(1) support postsecondary preparation for ~~students~~ ^{students};

(2) support the academic achievement of American Indian

47. ~~students with identified focus to improve reading and mathematic~~

48. ~~skills;~~

49. (3) make the curriculum ~~more~~ relevant to the needs,

50. interests, ^{indigenous language} and cultural heritage of American Indian ~~students~~ ^{students};

51. (4) provide positive reinforcement of the self image of

52. American Indian ^s ~~students~~;

53. (5) develop intercultural awareness among ~~students~~ ^{all students}, ~~parents,~~ ^{teachers}

54. and ^{all} staff; and

55. (6) supplement, not supplant, state and federal educational

56. and co-curricular programs.

57. Program components ~~may include:~~ — development of support ^{services designed to increase}
^{completion rate/graduation rates of American Indian Students must include}

58. ~~components for students~~ ^{emphasis} in the area ^s of academic achievement,

59. retention, and attendance; development of support ~~components~~ ^{services} for

Comment [tle3]: Rebecca suggests keeping "parent"

Comment [tle4]: Change "may/will" to "must"
Add "increase completion rate/graduation rates of American Indian Students"

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60. staff, including in-service training and technical assistance in
61. methods of teaching American Indian ~~students~~ ^{students}; research projects,
62. including ~~experimentation with~~ ^{innovative teaching approaches} and evaluation of methods of
63. relating to American Indian ~~students~~ ^{students}; provision of ~~personal career and~~
64. ~~vocational~~ counseling to American Indian ~~students~~ ^{students}; ~~modification of~~
65. ~~curriculum, instructional methods, and administrative procedures~~
66. ~~to meet the needs of American Indian students~~; and supplemental
67. instruction in American Indian language, literature, history,
68. and culture. Districts offering programs may make contracts for
69. the provision of program ~~components~~ ^{services} by establishing cooperative
70. liaisons with tribal programs ~~and American Indian social service~~
71. ~~agencies~~. These programs may also be provided as components of
72. early childhood and family educational programs.

73. Subd. 2. **Voluntary enrollment.** Enrollment in
74. American Indian education programs must be voluntary. School
75. districts and participating schools must make affirmative
76. efforts to encourage participation. They shall encourage
77. parents to visit classes or come to school for a conference
78. explaining the nature of the program and provide visits by
79. school staff to parents' homes to explain the nature of the
80. ~~program.~~ <sup>The school must share all academic information to include: assessment, testing data,
attendance and assignments with parents either in a hard copy form or electronically.</sup>

Comment [tle5]: Add "The school share academic assessment and testing data with parents"

81. Subd. 3. **Enrollment of other children; shared time**
82. **enrollment.** To the extent it is economically feasible, a
83. district or participating school may make provision for the
84. voluntary enrollment of non-American Indian children in the
85. instructional components of an American Indian education program
86. in order that they may acquire an understanding of the cultural
87. heritage of the American Indian children for who ^m, that

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88. particular program is designed. However, in determining
89. eligibility to participate in a program, priority must be given
90. to American Indian children. American Indian children and other
91. children in an existing nonpublic school system may be
92. enrolled on a shared time basis in American Indian education
93. programs.

Comment [tle6]: This is not happening-eludes to money sharing- Indian Ed. Doesn't have a lot of money.

94. Subd. 4. **Location of programs.** American Indian
95. education programs must be located in facilities in which
96. regular classes in a variety of subjects are offered on a daily
97. basis. Programs may operate on an extended day or extended year
98. basis.

99. Subd. 5 **Assignment of students.** A school district
100. or participating school must not, in providing these programs,
101. assign students to schools in a way which will have the effect
102. of promoting segregation of students by race, sex, color, or
103. national origin.

Comment [TE7]: Keep "in"

Comment [TE8]: Take out to schools

[^]Subd. 5.5 **Advanced and enhanced curriculum opportunities.** American Indian students
will participate fully and on an equal basis with their peers. Students will not be denied regular services
designed to support academic learning. Ex. Title I tutoring.

Comment [tle9]: Expand: Am. In. Students will not be deprived of services designed to support academic learning, i.e. schools assume Indian program will take care of cultural component, tutor, etc. Schools need to supply additional classes for subjects that students must pass.

104. Subd. 6. **Nonverbal courses and extracurricular**
105. **activities.** In predominantly nonverbal subjects, such as art,
106. music, and physical education, American Indian children shall
107. participate fully and on equal basis with their
108. contemporaries peers in school classes provided for these subjects.
109. Every school district or participating school shall ensure to
110. children enrolled in American Indian education programs an equal
111. and meaningful opportunity to participate fully with other
112. children in all extracurricular activities. This subdivision
113. shall not be construed to prohibit instruction in nonverbal

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114. subjects or extracurricular activities which relate to the
115. cultural heritage of the American Indian children, or which are
116. otherwise necessary to accomplish the objectives described in
117. sections 124.D.71
118. HIST: 1977 c 312 s 4; 1988 c 397 art 2 s 138-142, 164; art 11 s
119. 3; 1Sp2001 c 6 art 2 s 34-38 ^{^1Sp2005 c 5 art 2 s 68}
120. ==124D.75
121. 124.D 75 Licenses for American Indian language and
122. culture education teacher; exemptions.
123. Subdivision 1. American Indian language and culture
124. education licenses. The Board of Teaching[^], in consultation with and direction from the
Tribal Nations Education Committee, must grant initial
125. and continuing teaching licenses in American Indian language and
126. culture education that bear the same duration as other initial
127. and continuing licenses/eminence credentials. The board must grant licenses to
128. persons who present satisfactory evidence that they:
- (1) possess competence in an American Indian language or
129. possess unique qualifications relative to or knowledge of
130. understanding of American Indian history and culture; ~~or~~
131. ~~(2) possess a bachelor's degree or other academic degree~~
132. ~~approved by the board or meet such requirements as to course of~~
133. ~~study and training as the board may prescribe, or possess such~~
134. ~~relevant experience as the board may prescribe.~~[^]
135. This evidence may be presented by affidavits, [^] Tribal resolutions,
136. or by such other methods as the board may prescribe.
137. Individuals may present applications for licensure on their own
138. behalf or these applications may be submitted by the
139. superintendent or other authorized official of [^] a participating school

Comment [E10]: Check with the Revit. Group to make sure on same page with wordage. Lic. and Relic?

Comment [tle11]: Add eminence credential?

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140. district, participating school, or an American Indian school.

141. Subd. 2. **Persons holding general teaching licenses.**

142. A person holding a general teaching license who presents the

143. board with satisfactory evidence of competence in an American

144. Indian language, or knowledge and understanding of American

145. Indian history and culture may be licensed under this section.

Comment [E12]: Look at Rev. Group for more info.

146. Subd. 3. **Resolution or letter.** All persons applying

147. for a license under this section must submit to the board a

148. resolution or letter of support signed by an American Indian

149. tribal government or its designee. ~~All persons holding a~~

150. ~~license under this section on July 1, 1995, must have on file or~~

151. ~~file with the board a resolution or letter of support signed by~~

152. ~~a tribal government or its designee by January 1, 1996, or the~~

153. ~~next renewal date if the license thereafter.~~

154. Subd. 4. **Employment of Teachers.** Teachers employed

155. in an American Indian language and culture education program

156. pursuant to sections 124D.71 to 124D.82 shall ~~not be employed to~~ enjoy the same benefits and

rights as school personnel with comparable qualifications.

157. ~~replace any presently employed teacher who otherwise would not~~

158. ~~be replaced.~~

Comment [tie13]: Eminence credential teachers should follow same pay scale/structure (and get raises accordingly) as other licensed teachers.

159. Subd. 5. **Teacher preparation programs.** For the

160. purpose of licensing American Indian language and culture

161. education teachers, the board ~~may approve~~ ^ shall promote, encourage and endorse programs at colleges

162. or universities designed for their training subject to the

163. approval of the commissioner of education.

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164. Subd. 6. **Persons eligible for employment; exemptions.**

165. Any person licensed under this section shall be eligible for
166. employment by a school board or a participating school as a
167. teacher ~~is~~ ⁱⁿ an American Indian education program in which the
168. American Indian language or culture in which the person is
169. licensed is taught. A school district or participating school
170. may prescribe only those additional qualifications for teachers
171. licensed under this section who are approved by the Board of
172. Teaching. Any school board or participating school upon request
173. may be exempted from the licensure requirements of this section
174. in the hiring of one or more American Indian language and
175. culture education teachers for any school year in which
176. compliance would, in the opinion of the commissioner, create a
177. hardship in the securing of the teachers.

178. Subd. 7. **Persons serving under exemptions; licensure;**

179. **tenure.** An American Indian language and culture education
180. teacher serving under an exemption as provided in subdivision 6
181. shall be granted a license as soon as that teacher achieves the
182. qualifications for the license. Not more than one year of
183. service by an American Indian language and culture education
184. teacher under an exemption shall be credited to the teacher for
185. the purposes of section 122A.40 and not more than two years
186. shall be credited for the purposes of section 122A.41; and the
187. one or two years shall be deemed to precede immediately and be
188. consecutive with the year in which a teacher becomes licensed.

189. Subd. 8. **Compensation.** A teacher holding a license
190. or exemption under this section shall be compensated according
191. to a schedule which ~~is at least equivalent to~~ that applicable to
192. teachers holding general licenses.

Comment [tle14]: change to "comparable"

Comment [tle15]: add: "same benefits, teacher retirement, seniority."

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193. Subd. 9 **Affirmative efforts in hiring.** In hiring
194. for all positions in these programs, school districts and
195. participating schools ~~shall~~ **^must** give preference to and make
196. affirmative efforts to seek, recruit, and employ persons who
197. share the culture of the American Indian children who are
198. enrolled in the program. The district or participating school
199. ~~shall~~ **^must** provide procedures for the involvement of the parent
200. advisory committees in ~~designing, the procedures for the~~
201. recruitment, screening and selection of the applicants. This
202. subdivision shall not be construed to limit the school board's
203. authority to hire and discharge personnel.

Comment [tle16]: change to "must"

204. HIST:1977 c 312 s 5; 1986 c 444; 1988 c 718 art 3 s 8;
205. 1Sp1955 c 3 art 3 s 9; art 16 s **^205** 13; 1998 c 397 art 2 s
206. 143-146, 164; art 11 s 3; 1988 c 398 art 5 s 55; 1Sp2001 c 6 art
207. 2 s 39; 2003 c 130 s 12

208. ==124.D.76

209. **124.D.76 Teachers aides; community coordinators/~~Indian~~ home school liaisons.**

Comment [TE17]: Insert Indian

210. In addition to employing American Indian language and
211. cultural education teachers, each district or participating
212. school providing programs pursuant to sections 124.D.71 to
213. 124.D.82 may employ ~~teachers' aides. Teachers' aides~~ **^ para-professionals. Para-professionals** must
not be
214. employed for the purpose of supplanting American Indian language
215. and culture education teachers.
216. Any district or participating school which conducts
217. American Indian education programs pursuant to section 124.D.71
218. to 124.D.82 must employ one or more full-time or part-time

Comment [tle18]: Not called "teachers aides:" anymore (implies low qualified) Change to "para professionals "if not licensed-work under supervision of teachers. (MN law)

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219. community coordinators /Indian home school liaisons if there are 100 or more students
220. enrolled in the program. Community coordinators /Indian home school liaisons shall promote
221. communication, understanding, and cooperation between the schools
222. and the community and shall visit the homes of children who are
223. to be enrolled in an American Indian education program in order
224. to convey information about the program ^and advocate on behalf of the American Indian student.

Comment [tle19]: Implies special education aspect-how about non-special education. (also add "Indian" to home school liaisons on # 219

225. HIST: 1977 c 312 s 6; 1988 c 397 art 2 s 147,164; art 11 s 3;

226. 1Sp2001 c 6 art 2 s 40

227. ==124D.77

228. **124D.77 Recruiting and retaining Indian teachers.**

229. This section applies to a board of a district in which
230. there are at least ten American Indian children enrolled. The
231. board must actively recruit teacher applicants who are American
232. Indian ~~from the time it is reasonable^y expected that a~~ ^for any position^s that
233. ~~will~~ become available until the position is filled or September
234. 1, whichever is earlier. Notwithstanding section 122A.40,
235. subdivision 7, 10, or 11, 122.A41, subdivisions 4 and 14, any
236. other law to the contrary, or any other provision of a contract
237. entered into after May 7, 1988, to the contrary, when placing a
238. teacher on unrequested leave of absence, the board may retain a
239. probationary teacher or a teacher with less seniority in order
240. to retain an American Indian teacher.

241. HIST: 1988 c 718 art 3 s 9; 1988 c 397 art 2 s 148,164; art 11

242. s 3

243. ==124D.78

244. **124D.78 Parent and community participation.**

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245. Subdivision 1. **Parent committee.** School boards and [^]Districts
246. ~~American Indian schools~~ must provide for the maximum involvement
247. of [^]American Indian parents of children enrolled in education programs, programs [^], and
American Indian students.
248. ~~for elementary and secondary grades, special education programs,~~
249. ~~and support services.~~ Accordingly, the board of school [^]school
250. district[^]s in which there are ten or more American Indian children [^]students
251. enrolled ~~and each American Indian school~~ must establish a parent [^]an American Indian Parent
252. committee. If a committee whose membership consists of a
253. majority of parents of American Indian children has been or is
254. established according to federal, tribal, or other state law,
255. that committee may serve as the committee required by this
256. section and is subject to, at least, the requirements of this
257. subdivision and subdivision 2.
258. ~~The parent~~ [^]One of the duties of the American Indian committee ~~must~~ [^]will be to develop its
recommendations ~~in~~
259. ~~consultation with~~ to the districts curriculum advisory committee [^]or department and required by
[^]must work and consult with the American Indian parent committee required by
260. section 120B.11, subdivision 3. This committee must afford
261. parents the necessary information and opportunity [^]to
262. effectively ~~to~~ express their views concerning all aspects of
263. American Indian education and the educational needs of the
264. American Indian children [^]students enrolled in the school or program. The
265. committee must also address the need for adult education
266. programs for American Indian [^]s people in the community. The board [^]schools
267. ~~or American school~~ must ensure that programs are planned,
268. operated, and evaluated with the involvement of, and in
269. consultation with parents of children [^] students or adults served by the programs.
270. Subd. 2. **Resolution of concurrence.** Prior to

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271. December 1, the board ~~schools or American Indian school~~ must submit to
272. the department a copy of a resolution adopted by the ~~parent~~ **American Indian parent**
273. committee. The copy must be signed by the chair of the
274. committee and must state whether the committee concurs with the
275. educational programs for American Indian ~~children~~ **students** offered by the
276. ~~school board or American Indian~~ school. If the committee does
277. not concur with the educational programs, the reasons for
278. nonoccurrence and recommendations shall be submitted with the
279. resolution. By resolution, the board must **respond**, **within 60 days** in cases of
280. nonoccurrence, to each recommendation made by the committee and
281. state its reasons for not implementing the **recommendations**.

Comment [E20]: Need to refer to statute's

Comment [tle21]: add "within 60 days or 30-60days" put an amount of time or range

Comment [tle22]: Need legal advice to put teeth into it. START HERE!!!

282. Subd. 3. **Membership.** The **American Indian Parent** committee must be composed
283. of parents of children eligible to be enrolled in American
284. Indian education programs; secondary students eligible to be
285. served; American Indian language and culture education teachers
286. and aides; American Indian teachers; counselors; adult American
287. Indian people enrolled in educational programs; and
288. **representatives from community groups. A majority of each**
289. **committee must be parents of children enrolled or eligible to be**
290. **enrolled in the programs.** The number of parents of American
291. Indian and non-American Indian children shall reflect
292. approximately the proportion of children of those groups
293. enrolled in the programs.

Comment [tle23]: What about self identified?

294. Subd. 4. **Alternate committee.** If the organizational
295. membership or board of directors of an American Indian
296. school consists of parents and children attending the school,
297. that membership or board may serve also as the parent committee.

298. HIST: 1977 c 312 s 7; 1988 c 718 art 3 s 10-13; 1991 c 265 art

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299. 3 s 18; 1944 c 647 art 3 s 19; 1 Sp1995 c 3 art 16 s 13; 1997 c 7

300. art 1 s 71; 1988 c 397 art 2 s 149-151,164; art 11 s 3; 1Sp2001

301. c 6 art 2 s 41

302. ==124D.79

303. **124D.79** ^ **Tribal Nations Education Committee, Community and commissioner participation**
in

304. **American Indian education.**

305. Subdivision 1. ^ **Tribal Nations Education Committee (TNEC) and Community**
involvement. The

Comment [tle24]:

306. commissioner must provide for the maximum involvement of the

307. ^TNEC ~~state committees~~ on American Indian education, parents of

308. American Indian children, secondary students eligible to be

309. served, American Indian language and culture education teachers,

310. American Indian teachers, teachers' aides, representatives of

311. community groups, and persons knowledgeable in the field of

312. American Indian education, in the formulation of policy and

313. procedures relating to the administration of sections 124D.71 to

314. 124.D82.

^Including conducting a yearly field hearing on Indian education to include Indian educators,
parent, and students.^ Results will be available to all tribal nations for review, recommendations
and necessary action.

315. Subd. 2. **Technical assistance.** The commissioner

316. shall provide technical assistance to districts, schools and

317. postsecondary institutions for pre^service and in-service

318. training for American Indian education teachers and teacher's

319. aides, teaching methods, ^culturally accurate curriculum development, ^unbiased testing and

320. testing mechanisms, and the development of material for

321. American Indian education programs.

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322. Subd. 3. **Application for funds.** The commissioner
323. shall apply for money which may be available under federal
324. programs for American Indian education, including funds for
325. administration, demonstration projects, training, technical
326. assistance, planning and evaluation.

327. HIST: 1977 c 312 s 8; 1979 c 334 art 3 s 14; 1980 c 609 art 3
328. s 8,9; 1988c 718 art 3 s 14; 1993 c 224 art 13 s 48,49; 1998 c
329. 397 art 2 s 152,153,164; art 11 s 3; 1998 c 398 art 5 s 55
330. ==124D.80

331. **124D.80 MS 2002 Expired**

332. ==124D.81

333. **124. D81 Continuation of Indian education grants.**

334. Subdivision 1. **Grants; procedures.** Each fiscal year
335. the commissioner of education [^]in consultation with TNEC must make grants to no fewer than
336. six American Indian education programs. At least three **programs**
337. must be in urban area and at least three must [^]be on or near
338. reservations. The board of a local district , a participating
339. school or group of boards may develop a proposal for grants in
340. support of American Indian education programs. Proposals may
341. provide for contracts for the provision of program components by
342. nonsectarian nonpublic, community, tribal, or alternative
343. schools. The commissioner shall prescribe the form and manner
344. of application for grants, and no grant shall be made for a
345. proposal not complying with the requirements of sections 124D.71
346. to 124D.82. The Commissioner must submit all proposals to
347. ~~the state Advisory Committee on American Indian Education Programs~~ [^]TNEC
348. for its recommendations concerning approval, modification, or
349. disapproval and the amounts of grants to approved programs.

Comment [tle25]: Succes for the future of programs, how many are funded now? \$75,000 for each program or school?

Comment [tle26]: amount is \$67,275-started for 1st two years. 1/3 in metro area, 2/3 throughout state. 31 sites funded (one charter school closed) . Money divided(2.137 million allocation.) In middle of 6 year cycle. \$69,445.

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350. Subd. 2 **Plans.** Each district or participating
351. school submitting a proposal under subdivision 1 must develop
352. and submit with the proposal a plan which shall:
 a. Identify the measure to be used to meet the
353. requirements of section 124D.71 to 124D.82;
354. (b) Identify the activities, methods, and programs to meet
355. the identified educational needs of the children to be enrolled
356. in the program;
357. (c) Describe how district goals and objectives as well as
358. the objectives of sections 124D.71 to 124D.82 are to be
359. achieved;
360. (d) Demonstrate that required and elective courses as
361. structured do not have a discriminatory effect within the
362. meaning of section 124D.71, subdivision 5;
363. (e) Describe how each school program will be organized,
364. staffed, coordinated, and monitored; and
365. (f) Project expenditures for programs under sections
366. 124D.71 to 124D.82.
367. Subd. 3. **Additional requirements.** Each district
368. receiving a grant under this section must: meet each year, conduct a
369. count of American Indian children in the schools of the
370. district, test for achievement, identify the extent of each ~~other~~
371. educational needs of the children to be enrolled in the American
372. Indian education program, and classify the American Indian
373. children by grade, level of educational attainment, age and

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374. achievement. Participating schools must maintain records
375. concerning the needs and achievements of American Indian
376. children served. [^]Districts must annually report data to parent committees and district staff.
Districts must share information and develop programming to meet needs.
377. Subd. 4. **Nondiscrimination; testing.** In accordance
378. with recognized professional standards, all testing and
379. evaluation materials and procedures utilized for the
380. identification, testing, assessment and classification of
381. American Indian children must be selected and administered as
382. not to be racially or culturally discriminatory and must be
383. valid for the purpose of identifying, testing, assessing, and
- 384.
385. classifying American Indian children.
386. Subd. 5. **Records.** Participating schools and
387. districts must keep records and afford access to them as the
388. commissioner finds necessary to ensure that American Indian
389. education programs are implemented in conformity with sections
390. 124D.71 to 124D.82. Each school district or participating
391. school must keep accurate, detailed, and separate revenue and
392. expenditure accounts for ~~pilot~~ American Indian education
393. programs funded under this section. [^]The Department of Education will conduct annual program
and fiscal audits and share this information with parent committees and district staff.
394. Subd. 6. **Money from other sources.** A district or
395. participating school providing American Indian education
396. programs shall be eligible to receive moneys for these programs
397. ~~form~~ [^]from other government agencies and from private sources when the
398. monies are available.

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399. Subd. 7. **Exceptions.** Nothing in sections 124D.71 to
400. 124D.82 shall be construed as prohibiting a district or school
401. from implementing an American Indian education program which ~~us~~ ^{is}
402. not in compliance with sections 124D.71 to 124D.82 if the
403. proposal and plan for that program is not funded pursuant to
404. this section.

405. HIST: 1977 c 312 s 10; 1979 c 334 art 3 s 16; 1980 c 609 art 3
406. s 10-12; 19881 c 358 art 3 s 19; 1983 c 314 art 3 s 12; 1987 c
407. 398 art 3 s 26; 1993 c 224 art 13 s 50; art 14 s 13; 1998 c 397
408. art 2 s 156-161, 164; art 11 s 3; 1998 c 398 art 5 s 55; 200 c
409. 254 s 32; 1Sp2001 c 6 art 2 s 42-46; 2003 c 130 s 12

410. ==124D.82

411. **124D.82 Discrimination prohibited.**

412. Nothing in the provisions of section 124D.71 to 124D.82
413. shall be construed to violate the provisions of section 123B.30
414. or chapter 363A. Programs and activities pursuant to sections
415. 124D.71 to 124D.82 shall be deemed to be positive action
416. programs to combat discrimination.

417. HIST: 1977 c 312 s 11; 1998 c 397 art 2 s 164; art 11 s 3

418. ==124D.83

419. **124D.83 State revenue for American Indian tribal**

420. **contract or grant schools.**

421. Subdivision 1. **Authorization.** (a) Each year each
422. American Indian-controlled tribal contract or grant school
423. authorized by the United States Code, title 25, section 450f,
424. that is located on a reservation within the state is eligible to
425. receive tribal contract or grant school aid subject to the

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426. requirements in paragraphs (b) to (d).

427. (b) The school must plan, conduct, and administer an
428. education program that complies with the requirements of either
429. this chapter and chapters 120A, 120B 121A, 122A, 123A, 123B,
430. 125A, 125B, 126C, 127A, 129, and 368A or Code of Federal
431. Regulations, title 25, sections 31.0 to 45.80.

432. (c) The school must comply with all other state statutes
433. governing independent school districts or their equivalent in
434. the Code of Federal Regulations, title 25.

435. (d) The state tribal contract or grant school aid must ~~ne~~ ^{be}
436. used to supplement, and not ~~replace~~ ^{supplant (replace)}, the money for American
437. Indian education programs provided by the federal government.

438. Subd. 2. **Revenue amount.** An American
439. Indian-controlled tribal contract or grant school that is
440. located on a reservation within the state and that complies with
441. the requirements in subdivision 1 is eligible to receive tribal
442. contract or grant school aid. The amount of aid is derived by
(1) multiplying the formula allowance under section

443. 126.C.10, subdivision 2, less \$170, times the difference between
444. the resident ~~student~~ ^{student} units as defined in section 126C.05,
445. subdivision 6, in average daily membership, excluding section
446. 126C.05, subdivision 13 , and (ii) the number of ~~student~~ ^{students} for the
447. current school year, weighted according to section 126C.05,
448. subdivision 1, receiving benefits under section 123B.42 or
449. 123B.44 or for which the school is receiving reimbursement under
450. section 124D.69;

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451. (2) adding to the result in clause (1) an amount equal to
452. the product of the formula allowance under section 126C.10,
453. subdivision 2, less \$300 times the tribal contract compensation
454. revenue ~~student~~ units;
455. (3) subcontracting from the result in clause (2) the amount of
456. money allotted to the school by the federal government through
457. Indian School Equalization Program of the Bureau of Indian
458. ~~Affairs~~ [^] **Education**, according to Code of Federal Regulations, title 25,
459. part 39, subparts A to E, for the basic program as defined by
460. section 39.11, paragraph (b), for the base rate as applied to
461. kindergarten through twelfth grade, excluding small school
462. adjustments and additional weighting, but not money allotted
463. through subparts F to L for contingency funds, school board
464. training, student training ,interim maintenance and minor
465. repair, interim administration cost, prekindergarten, and
466. operation and maintenance, and the amount of money that is
467. received according to section 124D.69;
- 468.
469. (4) dividing the result in clause (3) by the sum of the
470. resident ~~student~~ [^] students units in average daily membership, excluding
471. section 126C.05, subdivision 13, plus the tribal contract
472. compensation revenue student units; and
473. (5) multiplying the sum of the resident student units,
474. including section 126C.05, subdivision 13, in average daily
475. membership plus the tribal contract compensation revenue student
476. units by the lesser of \$1,500 or the result in clause (4).
477. Subd. 3. **Waiver.** Notwithstanding subdivision 1,
478. paragraphs (b) and (c), a tribal contract or grant school:
- (1) is not subject to the Minnesota Election Law:

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(2) has no authority under this section to levy for
479. property taxes, issue and sell bonds, or incur debt; and
480. (3) may request through its managing tribal organization a
481. recommendation of the commissioner of education, for
482. consideration of the legislature, that a tribal contract or
483. grant school not be subject to specified statutes related to
484. independent school districts.

485. **Subd. 4. Early childhood family education revenue.** A
486. school receiving aid under this section is eligible to receive
487. early childhood family education revenue to provide early
488. childhood family education programs for parents and children who
489. are enrolled or eligible for enrollment ~~on~~ⁱⁿ a federally
490. recognized tribe. The revenue equals 1.5 times the statewide
491. average expenditure per participant under section 124D.135,
492. times the number of children and parents participating full time
493. in the program. The program must comply with section 124D.13,
494. except that the school is not required to provide a community
495. education program or establish a community education advisory
496. council. The program must be designed to improve the skills of
497. parents and promote American Indian history, language, and
498. culture. The school must make affirmative efforts to encourage
499. participation by ~~fathers,~~^{parents.} ~~Admission~~^{Participation} may not be limited to those
500. enrolled in or eligible for enrollment in a federally recognized
501. tribe.

502. **Subd. 5. Tribal contract student units.** ~~Pupils~~^{Student units}
503. for students enrolled in tribal contract schools shall be used
504. only for the purpose of computing tribal contract aid according
505. to this section.

Comment [j27]: Legal advice on 488 Set def. of child

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506. HIST: 1989 c 329 art 3 s 15; 1990 c 426 art 1 s 16; 1990 c 562
507. art 3 s 4,5; 1991 c 265 art 3 s 16; 1994 c 647 art 9 s 11; 1996
508. c 412 art 3 s 30, 31; 1Sp1997 c 4 art 2 s 29.30; 1998 c 397 art 2
509. s 117-120, 164; art 11 s 3; 1998 c 398 art 5 s 55; 2000 c 254 s
510. 33; 2003 c 130 s 12

511. ==124.D 84- Moved to state

512. **124D.84 Indian Scholarships.**

Comment [j28]: Section moved to Higher Ed

513. Subdivision 1. ~~_____ Awards. _____~~ The commissioner, with the a
514. ~~advice an counsel of the Minnesota Indian Education Committee~~ ^{^in consultation with TNEC,}
515. ~~may award scholarships to any Minnesota resident student who is~~
516. ~~of one fourth or more Indian ancestry, who has applied for other~~
517. ~~existing state and federal scholarship and grant programs, and~~
518. ~~who, in the opinion of the commissioner, has the capabilities to~~
519. ~~benefit form~~ ^{^from} further education. Scholarships must be for
520. ~~accredited degree programs in accredited Minnesota colleges or~~
521. ~~universities or for courses in accredited Minnesota business,~~
522. ~~technical, or vocational schools. Scholarships may also be~~
523. ~~given to students attending Minnesota colleges that are in~~
524. ~~candidacy status for obtaining full accreditation, and ate~~ ^{^are}
525. ~~eligible for and receiving federal financial aid programs~~ ^{^funding.}
526. ~~Students are also eligible for scholarships when enrolled as~~
527. ~~students in Minnesota higher education institutions that have~~
528. ~~joint programs with other accredited higher education~~
529. ~~institutions. scholarships~~ ^{^Scholarships} shall be used to defray the total
530. ~~cost of education including tuition, incidental fees, books,~~
531. ~~supplies, transportation, other related school costs and the~~
532. ~~cost of board and room and shall be paid directly to the college~~
533. ~~or school concerned where the student receives federal financial~~

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534. ~~aid. The total cost of education includes all tuition and fees~~ ^{^direct and indirect expenses}
535. ~~for each student enrolling in a public~~ ^{^or private} ~~institution and the~~
536. ~~portion of tuition and fees for each student enrolling in a~~
537. ~~private institution that does not exceed the tuition and fees at~~
538. ~~a comparable public institution. Each student shall be awarded~~
539. ~~a scholarship based on the total cost of the student's education~~ ^{^educational need.}
540. ~~and federal standardized need analysis. Applicants are~~
541. ~~encouraged to apply for all other sources of financial aid. The~~
542. ~~amount and type of each scholarship shall be determined through~~
543. ~~the advice and counsel of the Minnesota Indian education~~ ^{^TNEC}
544. ~~committee.~~

545. ~~When an Indian student satisfactorily completes the work~~
546. ~~required by a certain college or school in a school year the~~
547. ~~student is eligible for additional scholarships. if~~ ^{^If additional}
548. ~~training is necessary to reach the student's educational and~~
549. ~~vocational objective. Scholarships may not be given to any~~
550. ~~Indian student for more than five ears~~ ^{^years} ~~of study without special~~
551. ~~recommendation of the Minnesota Indian Education Committee~~ ^{^TNEC.}

552. Subd. 2. Repealed, 1Sp2003 c 9 art 2 s 56
553. HIST: Ex1959 c 71 art 5 s 36; 1971 c 176 s 1; 1977 c 384 s 1;
554. 1983 c 258 s 1Sp1985 c 11 s 12; 1988 c 629 s 28; 1988 c 718
555. art 3 s 3; 1993 c 224 art 9 s 32; art 13 s 40; 1993 c 374 s 23;
556. 1997 c 192 s 20; c 397 art 2 s 107,164; 1998 c 398 art 5 s
557. 55; 2000 c 489 art 3 s 4; 1Sp2001 c 6 art 2 s 49

558. ==124D.85

559. 124D[^].85 Repealed, 1Sp2001 c 6 art 2 s 78