

**AMERICAN INDIAN-ALASKAN NATIVE****EDUCATION AMENDMENTS**

2015 GENERAL SESSION

STATE OF UTAH

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**LONG TITLE****General Description:**

This bill modifies provisions related to American Indian-Alaskan Native education.

**Highlighted Provisions:**

This bill:

▶ enacts a chapter providing for an American Indian-Alaskan Native Education State Plan, including:

- defining terms;
- providing the position of American Indian-Alaskan Native public education liaison;
- requiring reporting to the Native American Legislative Liaison Committee;
- creating the American Indian-Alaskan Native Education Commission;
- establishing the duties of the commission; and
- providing for the adoption of a state plan to address the educational achievement gap of the state's American Indian-Alaskan Native students; and

▶ makes technical and conforming amendments.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**9-9-104.6**, as last amended by Laws of Utah 2014, Chapter 387

ENACTS:

**53A-31-101**, Utah Code Annotated 1953

**53A-31-102**, Utah Code Annotated 1953

- 32           **53A-31-201**, Utah Code Annotated 1953  
 33           **53A-31-202**, Utah Code Annotated 1953  
 34           **53A-31-203**, Utah Code Annotated 1953  
 35           **53A-31-301**, Utah Code Annotated 1953  
 36           **53A-31-302**, Utah Code Annotated 1953

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38       *Be it enacted by the Legislature of the state of Utah:*

39           Section 1. Section **9-9-104.6** is amended to read:

40           **9-9-104.6. Participation of state agencies in meetings with tribal leaders --**

41       **Contact information.**

42           (1) For at least three of the joint meetings described in Subsection 9-9-104.5(2)(a), the  
 43 division shall coordinate with representatives of tribal governments and the entities listed in  
 44 Subsection (2) to provide for the broadest participation possible in the joint meetings.

45           (2) The following may participate in all meetings described in Subsection (1):

46           (a) the chairs of the Native American Legislative Liaison Committee created in Section  
 47 36-22-1;

48           (b) the governor or the governor's designee;

49           (c) (i) the American Indian-Alaskan Native Health Liaison appointed in accordance  
 50 with Section 26-7-2.5; or

51           (ii) if the American Indian-Alaskan Native Health Liaison is not appointed, a  
 52 representative of the Department of Health appointed by the executive director of the  
 53 Department of Health; [~~and~~]

54           (d) (i) the American Indian-Alaskan Native Public Education Liaison appointed in  
 55 accordance with Section 53A-31-201; or

56           (ii) if the American Indian-Alaskan Native Public Education Liaison is not appointed, a  
 57 representative of the State Office of Education appointed by the superintendent of public  
 58 instruction; and

59           [~~(d)~~] (e) a representative appointed by the chief administrative officer of the following:

60           (i) the Department of Human Services;

61           (ii) the Department of Natural Resources;

62           (iii) the Department of Workforce Services;

- 63 (iv) the Governor's Office of Economic Development; and  
64 [~~(v) the State Office of Education; and~~]  
65 [~~(vi)~~] (v) the State Board of Regents.
- 66 (3) (a) The chief administrative officer of the agencies listed in Subsection (3)(b) shall:  
67 (i) designate the name of a contact person for that agency that can assist in coordinating  
68 the efforts of state and tribal governments in meeting the needs of the Native Americans  
69 residing in the state; and  
70 (ii) notify the division:  
71 (A) who is the designated contact person described in Subsection (3)(a)(i); and  
72 (B) of any change in who is the designated contact person described in Subsection  
73 (3)(a)(i).
- 74 (b) This Subsection (3) applies to:  
75 (i) the Department of Agriculture and Food;  
76 (ii) the Department of Heritage and Arts;  
77 (iii) the Department of Corrections;  
78 (iv) the Department of Environmental Quality;  
79 (v) the Department of Public Safety;  
80 (vi) the Department of Transportation;  
81 (vii) the Office of the Attorney General;  
82 (viii) the State Tax Commission; and  
83 (ix) any agency described in Subsection (2)(c) [~~or (d)~~] through (e).
- 84 (c) At the request of the division, a contact person listed in Subsection (3)(b) may  
85 participate in a meeting described in Subsection (1).
- 86 (4) (a) A participant under this section who is not a legislator may not receive  
87 compensation or benefits for the participant's service, but may receive per diem and travel  
88 expenses as allowed in:  
89 (i) Section 63A-3-106;  
90 (ii) Section 63A-3-107; and  
91 (iii) rules made by the Division of Finance according to Sections 63A-3-106 and  
92 63A-3-107.
- 93 (b) Compensation and expenses of a participant who is a legislator are governed by

94 Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

95 Section 2. Section **53A-31-101** is enacted to read:

96 **CHAPTER 31. AMERICAN INDIAN-ALASKAN NATIVE**  
97 **EDUCATION STATE PLAN**

98 **Part 1. General Provisions**

99 **53A-31-101. Title.**

100 This chapter is known as the "American Indian-Alaskan Native Education State Plan."

101 Section 3. Section **53A-31-102** is enacted to read:

102 **53A-31-102. Definitions.**

103 As used in this chapter:

104 (1) "Commission" means the American Indian-Alaskan Native Education Commission  
105 created in Section 53A-31-202.

106 (2) "Liaison" means the individual appointed under Section 53A-31-201.

107 (3) "Native American Legislative Liaison Committee" means the committee created in  
108 Section 36-22-1.

109 (4) "State plan" means the state plan adopted under Section 53A-31-301.

110 (5) "Superintendent" means the superintendent of public instruction appointed under  
111 Section 53A-1-301.

112 Section 4. Section **53A-31-201** is enacted to read:

113 **Part 2. Liaison and Commission**

114 **53A-31-201. American Indian-Alaskan Native public education liaison.**

115 (1) Subject to budget constraints, the superintendent shall appoint an individual as the  
116 American Indian-Alaskan Native public education liaison.

117 (2) The liaison shall work under the direction of the superintendent in the development  
118 and implementation of the state plan.

119 (3) The liaison shall annually report to the Native American Legislative Liaison  
120 Committee about:

121 (a) the liaison's activities; and

122 (b) the activities related to the education of American Indians and Alaskan Natives in  
123 the state's public school system and efforts to close the achievement gap.

124 Section 5. Section **53A-31-202** is enacted to read:

125 **53A-31-202. Commission created.**

126 (1) There is created a commission known as the "American Indian-Alaskan Native  
127 Education Commission." The commission shall consist of 15 members as follows:

128 (a) the superintendent;

129 (b) the liaison;

130 (c) two individuals appointed by the superintendent that are coordinators funded under  
131 Title VII, Elementary and Secondary Education Act;

132 (d) three members of the Native American Legislative Liaison Committee appointed by  
133 the chairs of the Native American Legislative Liaison Committee;

134 (e) a representative of the Navajo Nation who resides in Utah selected by the Navajo  
135 Utah Commission;

136 (f) a representative of the Ute Indian Tribe of the Uintah and Ouray Reservation who  
137 resides in Utah selected by the Uintah and Ouray Tribal Business Committee;

138 (g) a representative of the Paiute Indian Tribe of Utah who resides in Utah selected by  
139 the Paiute Indian Tribe of Utah Tribal Council;

140 (h) a representative of the Northwestern Band of the Shoshone Nation who resides in  
141 Utah selected by the Northwestern Band of the Shoshone Nation Tribal Council;

142 (i) a representative of the Confederated Tribes of the Goshute who resides in Utah  
143 selected by the Confederated Tribes of the Goshute Reservation Tribal Council;

144 (j) a representative of the Skull Valley Band of Goshute Indians who resides in Utah  
145 selected by the Skull Valley Band of Goshute Indian Tribal Executive Committee;

146 (k) a representative of the Ute Mountain Ute Tribe who resides in Utah selected by the  
147 Ute Mountain Ute Tribal Council; and

148 (l) a representative of the San Juan Southern Paiute Tribe who resides in Utah selected  
149 by the San Juan Southern Paiute Tribal Council.

150 (2) The superintendent shall chair the commission.

151 (3) (a) The superintendent shall call meetings of the commission.

152 (b) Eight members of the commission constitute a quorum of the commission.

153 (c) The action of a majority of the commission at a meeting when a quorum is present  
154 constitutes action of the commission.

155 (4) If a vacancy occurs in the membership for any reason, the replacement shall be

156 appointed in the same manner of the original appointment for the vacant position.

157 (5) The commission may adopt procedures or requirements for:

158 (a) voting, when there is a tie of the commission members; and

159 (b) the frequency of meetings

160 (6) (a) A member of the commission may not receive compensation or benefits for the  
161 member's service, but may receive per diem and travel expenses in accordance with:

162 (i) Section 63A-3-106;

163 (ii) Section 63A-3-107; and

164 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
165 63A-3-107.

166 (b) Compensation and expenses of a participant who is a legislator are governed by  
167 Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

168 (7) The State Office of Education shall staff the commission.

169 (8) The commission shall be dissolved on December 31, 2015.

170 Section 6. Section **53A-31-203** is enacted to read:

171 **53A-31-203. Duties of the commission.**

172 (1) The commission shall develop a proposed state plan to be presented to the Native  
173 American Legislative Liaison Committee to address the educational achievement gap of the  
174 American Indian and Alaskan Native students in the state.

175 (2) The proposed state plan shall:

176 (a) identify the most critical academic needs of Utah's American Indian and Alaskan  
177 Native students;

178 (b) recommend a course of action to meet the identified needs;

179 (c) include measures of relevant data;

180 (d) focus on the specific needs of American Indian and Alaskan Native children;

181 (e) include methods to use available resources as efficiently as possible to meet the  
182 needs of American Indian and Alaskan Native students;

183 (f) list any programs, practices, materials, or equipment that the public school system  
184 would need to implement the proposed state plan to have a direct impact on the instruction of

185 American Indian and Alaskan Native students and result in measurable increased student

186 performance; and

187 (g) include ongoing reporting to the Native American Legislative Liaison Committee.

188 (3) The commission shall present the proposed state plan developed under Subsection

189 (1) to the Native American Legislative Liaison Committee by no later than October 31, 2015.

190 Section 7. Section **53A-31-301** is enacted to read:

191 **Part 3. State Plan**

192 **53A-31-301. Adoption of state plan.**

193 (1) After receipt of the proposed state plan from the commission in accordance with  
194 Section 53A-31-203, the Native American Legislative Liaison Committee may review the  
195 proposed state plan and make changes to the proposed state plan that the Native American  
196 Legislative Liaison Committee considers beneficial to addressing the educational achievement  
197 gap of the state's American Indian and Alaskan Native students.

198 (2) (a) The Native American Legislative Liaison Committee shall submit the proposed  
199 state plan as modified by the Native American Legislative Liaison Committee to the Utah State  
200 Board of Education.

201 (b) The Utah State Board of Education shall, by majority vote, within 60 days after  
202 receipt of the state plan under Subsection (2)(a) adopt, modify, or reject the state plan. If the  
203 Utah State Board of Education does not act within 60 days after receipt of the state plan, the  
204 state plan is considered adopted by the Utah State Board of Education.

205 (3) The Native American Legislative Liaison Committee may prepare legislation to  
206 implement the state plan adopted under this section.

207 Section 8. Section **53A-31-302** is enacted to read:

208 **53A-31-302. Changes to state plan.**

209 (1) The Native American Legislative Liaison Committee may recommend to the Utah  
210 State Board of Education changes to the state plan adopted under Section 53A-31-301 to  
211 ensure that the state plan continues to meet the academic needs of the state's American Indian  
212 and Alaskan Native students.

213 (2) The Native American Legislative Liaison Committee may recommend to the  
214 superintendent that the commission be reconstituted for a 18-month period if the Native  
215 American Legislative Liaison Committee determines that a substantial review of the state plan  
216 is necessary. If reconstituted under this Subsection (2), the commission shall comply with the  
217 requirements of Part 2, Commission.

