

**AMERICAN INDIAN AND ALASKAN NATIVE AMENDMENTS**

2016 GENERAL SESSION

STATE OF UTAH

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

This bill amends provisions related to the state system of public education and American Indians and Alaskan Natives.

**Highlighted Provisions:**

This bill:

- ▶ amends duties of the Native American Legislative Liaison Committee;
- ▶ defines terms;
- ▶ creates a pilot program to fund stipend, recruitment, and retention of teachers who teach in American Indian and Alaskan Native concentrated schools;
- ▶ creates a pilot program for regional service centers to fund individuals facilitating Title VII, Elementary and Secondary Education Act;
- ▶ requires reporting and meetings to be held; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

This bill appropriates for fiscal year 2016:

- ▶ to the State Board of Education - State Office of Education, as a one-time appropriation:
  - from the Education Fund, one-time, \$20,000.

This bill appropriates for fiscal year 2017 through fiscal year 2021:

- ▶ to the State Board of Education - State Office of Education, as an ongoing appropriation:
  - from the Education Fund, \$2,000,000.

**Other Special Clauses:**

This bill provides a special effective date.

**Utah Code Sections Affected:**

AMENDS:

**36-22-2**, as enacted by Laws of Utah 1995, Chapter 143

33 ENACTS:

34 **53A-31-401**, Utah Code Annotated 1953

35 **53A-31-402**, Utah Code Annotated 1953

36 **53A-31-403**, Utah Code Annotated 1953

37 **53A-31-404**, Utah Code Annotated 1953

38 **53A-31-405**, Utah Code Annotated 1953

39 **53B-31-406**, Utah Code Annotated 1953

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

42 Section 1. Section **36-22-2** is amended to read:

43 **36-22-2. Duties.**

44 (1) The committee shall:

45 (a) serve as a liaison between Utah Native American tribes and the Legislature;

46 (b) recommend legislation for each annual general session of the Legislature if the  
47 committee determines that modifications to current law are in the best interest of the state of  
48 Utah and of the Utah Native American tribes;

49 (c) review the operations of the Division of Indian Affairs and other state agencies  
50 working with Utah Native American tribes;

51 (d) help sponsor meetings and other opportunities for discussion with and between  
52 Native Americans[-]; and

53 (e) hold a meeting at which public education is discussed as required by Section  
54 53A-31-406.

55 (2) In conducting its business, the committee shall comply with the rules of legislative  
56 interim committees.

57 Section 2. Section **53A-31-401** is enacted to read:

58 **Part 4. American Indian and Alaskan Native Education State Plan Pilot Program**

59 **53A-31-401. Title.**

60 This part is known as the "American Indian and Alaskan Native Education State Plan  
61 Pilot Program."

62 Section 3. Section **53A-31-402** is enacted to read:

63 **53A-31-402. Definitions.**

64 As used in this part:

65 (1) "American Indian and Alaskan Native concentrated school" means a school where  
66 at least 29% of its students are American Indian or Alaskan Native.

67 (2) "Board" means the State Board of Education.

68 (3) "Regional service center" means a regional service center created under Section  
69 53A-3-429.

70 (4) "Teacher" means an individual employed by a school district or charter school who  
71 is required to hold an educator license issued by the board and who has an assignment to teach  
72 in a classroom.

73 Section 4. Section **53A-31-403** is enacted to read:

74 **53A-31-403. Pilot program created.**

75 (1) Beginning with fiscal year 2016-2017, there is created a five-year pilot program  
76 administered by the board to provide grants targeted to address the needs of American Indian  
77 and Alaskan Native students.

78 (2) The pilot program shall consist of:

79 (a) a grant program to school districts and charter schools to be used to fund stipends,  
80 recruitment, retention, and professional development of teachers that teach in American Indian  
81 and Alaskan Native concentrated schools; and

82 (b) a grant program to regional service centers to fund individuals who facilitate  
83 American Indian and Alaskan Native programs under Title VII, Elementary and Secondary  
84 Education Act.

85 (3) Up to 3% of the money appropriated to a grant program under this part may be used  
86 by the board for costs in implementing the pilot program.

87 Section 5. Section **53A-31-404** is enacted to read:

88 **53A-31-404. Grant program to school districts and charter schools.**

89 (1) From money appropriated to the grant program, the board shall distribute grant  
90 money on a competitive basis to a school district or charter school that applies for a grant and:

91 (a) (i) has within the school district one or more American Indian and Alaskan Native  
92 concentrated schools; or

93 (ii) is an American Indian and Alaskan Native concentrated school; and

94 (b) has a program to fund stipends, recruitment, retention, and professional

95 development of teachers who teach at American Indian and Alaskan Native concentrated  
96 schools.

97 (2) The grant money distributed under this section may only be expended to fund a  
98 program described in Subsection (1)(b).

99 (3) (a) If a school district or charter school obtains a grant under this section, by no  
100 later than two years from the date the school district or charter school obtains the grant, the  
101 board shall review the implementation of the program described in Subsection (1)(b) to  
102 determine whether:

103 (i) the program is effective in addressing the need to retain teachers at American Indian  
104 and Alaskan Native concentrated schools; and

105 (ii) the money is being spent for a purpose not covered by the program described in  
106 Subsection (1)(b).

107 (b) If the board determines that the program is not effective or that the money is being  
108 spent for a purpose not covered by the program described in Subsection (1)(b), the board may  
109 terminate the grant money being distributed to the school district or charter school.

110 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
111 board may make rules providing:

112 (a) criteria for evaluating grant applications; and

113 (b) procedures for:

114 (i) a school district to apply to the board to receive grant money under this section; and

115 (ii) the review of the use of grant money described in Subsection (3).

116 Section 6. Section **53A-31-405** is enacted to read:

117 **53A-31-405. Grant program to regional service centers.**

118 (1) From money appropriated to the grant program, the board shall distribute grant  
119 money on a competitive basis to regional service centers that apply for a grant to fund, in  
120 addition to any available federal money, an individual who facilitates American Indian and  
121 Alaskan Native programs under Title VII, Elementary and Secondary Education Act.

122 (2) The grant money distributed under this section may only be expended for the  
123 purpose described in Subsection (1).

124 (3) (a) If a regional service center obtains a grant under this section, by no later than  
125 two years from the date on which the regional service center obtains the grant, the board shall

126 review the implementation of the grant money to determine whether:

127 (i) the objectives of Title VII, Elementary and Secondary Education Act, as outlined by  
128 the regional service center are being met; and

129 (ii) the money is being spent for a purpose not provided for in Subsection (1).

130 (b) If the board determines that the objectives of Title VII, Elementary and Secondary  
131 Education Act, are not being met or that the money is being spent for a purpose not covered by  
132 Subsection (1), the board may terminate the grant money being distributed to the regional  
133 service center.

134 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
135 board may make rules providing:

136 (a) criteria for evaluating grant applications; and

137 (b) procedures for:

138 (i) a regional service center to apply to the board to receive grant money under this  
139 section; and

140 (ii) the review of the use of grant money described in Subsection (3).

141 (5) This section is not intended to require the replacement of individuals who are  
142 employed by a school district or charter school.

143 Section 7. Section **53B-31-406** is enacted to read:

144 **53B-31-406. Reporting -- Meeting.**

145 (1) The liaison shall annually report to the Native American Legislative Liaison  
146 Committee during the five years of the pilot program regarding:

147 (a) what entities receive a grant under this part;

148 (b) the effectiveness of the expenditures of grant money; and

149 (c) recommendations, if any, for additional legislative action.

150 (2) The Native American Legislative Liaison Committee shall annually schedule at  
151 least one meeting at which education is discussed with selected stakeholders.

152 Section 8. **Appropriation.**

153 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, for  
154 the fiscal year beginning July 1, 2015, and ending June 30, 2016, the following sums of money  
155 are appropriated from resources not otherwise appropriated, or reduced from amounts  
156 previously appropriated, out of the funds or accounts indicated. These sums of money are in

157 addition to any amounts previously appropriated for fiscal year 2016.

158 To State Board of Education - Utah State Office of Education

159 From Education Fund, one-time \$20,000

160 Schedule of Programs:

161 Teaching and Learning \$20,000

162 **Section 9. Appropriation.**

163 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, for

164 the fiscal year beginning July 1, 2016, and ending June 30, 2021, the following sums of money

165 are appropriated from resources not otherwise appropriated, or reduced from amounts

166 previously appropriated, out of the funds or accounts indicated. These sums of money are in

167 addition to any amounts previously appropriated for fiscal year 2017 through fiscal year 2021.

168 To State Board of Education - Utah State Office of Education

169 From Education Fund \$2,000,000

170 Schedule of Programs:

171 Pilot Teacher Retention Grant Program \$1,500,000

172 Pilot Regional Service Center Title IV Program \$500,000

173 **Section 10. Effective date.**

174 If approved by two-thirds of all the members elected to each house, this bill takes effect

175 upon approval by the governor, or the day following the constitutional time limit of Utah

176 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,

177 the date of veto override.