

1 **AMERICAN INDIAN AND ALASKAN NATIVE AMENDMENTS**

2 2016 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Kevin T. Van Tassell**

5 House Sponsor: Jack R. Draxler

6

LONG TITLE

7 **Committee Note:**

8 The Native American Legislative Liaison Committee recommended this bill.

9 **General Description:**

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

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ amends duties of the Native American Legislative Liaison Committee;
- 15 ▶ defines terms;
- 16 ▶ creates a pilot program to fund stipend, recruitment, and retention of teachers who
- 17 teach in American Indian and Alaskan Native concentrated schools;
- 18 ▶ creates a pilot program for regional service centers to fund individuals facilitating
- 19 Title VII, Elementary and Secondary Education Act;
- 20 ▶ requires reporting and meetings to be held; ~~§~~ → [and]
- 21a ▶ provides a sunset date; and ← ~~§~~
- 22 ▶ makes technical changes.

23 **Money Appropriated in this Bill:**

- 24 This bill appropriates for fiscal year 2016:
- 25 ▶ to the State Board of Education - State Office of Education, as a one-time
- 26 appropriation:
- 27 • from the Education Fund, one-time, \$20,000.

S.B. 14



28 This bill appropriates for fiscal year 2017 ~~§→ [through fiscal year 2021] ←§~~ :

29 ▶ to the State Board of Education - State Office of Education, as an ongoing
30 appropriation:

31 • from the Education Fund, \$2,000,000.

32 **Other Special Clauses:**

33 This bill provides a special effective date.

34 **Utah Code Sections Affected:**

35 AMENDS:

36 [36-22-2](#), as enacted by Laws of Utah 1995, Chapter 143

36a ~~§→~~ **63I-1-253, as last amended by Laws of Utah 2015, Chapters 62, 431, and 442** ~~←§~~

37 ENACTS:

38 [53A-31-401](#), Utah Code Annotated 1953

39 [53A-31-402](#), Utah Code Annotated 1953

40 [53A-31-403](#), Utah Code Annotated 1953

41 [53A-31-404](#), Utah Code Annotated 1953

42 [53A-31-405](#), Utah Code Annotated 1953

43 [53B-31-406](#), Utah Code Annotated 1953

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

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

47 **36-22-2. Duties.**

48 (1) The committee shall:

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

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

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

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

57 (e) hold a meeting at which public education is discussed as required by Section

58 [53A-31-406](#).

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

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

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

63 **53A-31-401. Title.**

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

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

67 **53A-31-402. Definitions.**

68 As used in this part:

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

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

72 (3) "Regional service center" means a regional service center created under Section
73 53A-3-429.

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

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

78 **53A-31-403. Pilot program created.**

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

82 (2) The pilot program shall consist of:

83 (a) a grant program to school districts and charter schools to be used to fund stipends,
84 recruitment, retention, and professional development of teachers who teach in American Indian
85 and Alaskan Native concentrated schools; and

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

89 (3) Up to 3% of the money appropriated to a grant program under this part may be used

90 by the board for costs in implementing the pilot program.

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

92 **53A-31-404. Grant program to school districts and charter schools.**

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

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

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

98 (b) has a program to fund stipends, recruitment, retention, and professional
99 development of teachers who teach at American Indian and Alaskan Native concentrated
100 schools.

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

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

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

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

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

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

116 (a) criteria for evaluating grant applications; and

117 (b) procedures for:

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

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

120 (5) The grant money is intended to supplement and not replace existing money

121 supporting American Indian and Alaskan Native concentrated schools.

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

123 **53A-31-405. Grant program to regional service centers.**

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

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

130 (3) (a) If a regional service center obtains a grant under this section, by no later than
131 two years from the date on which the regional service center obtains the grant, the board shall
132 review the implementation of the grant money to determine whether:

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

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

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

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

142 (a) criteria for evaluating grant applications; and

143 (b) procedures for:

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

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

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

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

150 **53B-31-406. Reporting -- Meeting.**

151 (1) The liaison shall annually report to the Native American Legislative Liaison

152 Committee during the five years of the pilot program regarding:

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

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

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

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

157a **Ŝ→ Section 8. Section 63I-1-253 is amended to read:**

157b 63I-1-253. Repeal dates, Titles 53, 53A, and 53B.

157c The following provisions are repealed on the following dates:

157d (1) Section 53-3-232, Conditional license, is repealed July 1, 2015.

157e (2) Subsection 53-10-202(18) is repealed July 1, 2018.

157f (3) Section 53-10-202.1 is repealed July 1, 2018.

157g (4) Title 53A, Chapter 1a, Part 6, Public Education Job Enhancement Program is repealed July 1,
 157h 2020.

157i (5) The State Instructional Materials Commission, created in Section 53A-14-101, is repealed July 1,
 157j 2016.

157k (6) Section 53A-15-106 is repealed July 1, 2019.

157l (7) Subsections 53A-16-113(3) and (4) are repealed December 31, 2016.

157m (8) Section 53A-16-114 is repealed December 31, 2016.

157n (9) Section 53A-17a-163, Performance-based Compensation Pilot Program Ŝ→, ←Ŝ is repealed
 157o July 1, 2016.

157p **(10) Title 53A, Chapter 31, Part 4, American Indian and Alaskan Native Education**
 157q **State Plan Pilot Program, is repealed July 1, 2022.**

157r **Ŝ→ [(10)] (11) ←Ŝ** Section 53B-24-402, Rural residency training program, is repealed July 1, 2020.

157s **Ŝ→ [(11)] (12) ←Ŝ** Subsection 53C-3-203(4)(b)(vii), which provides for the distribution of money
 157t from the Land Exchange Distribution Account to the Geological Survey for test wells, other hydrologic
 157u studies, and air quality monitoring in the West Desert, is repealed July 1, 2020. ←Ŝ

158 **Section 8. Appropriation.**

159 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, for
 160 the fiscal year beginning July 1, 2015, and ending June 30, 2016, the following sums of money
 161 are appropriated from resources not otherwise appropriated, or reduced from amounts
 162 previously appropriated, out of the funds or accounts indicated. These sums of money are in
 163 addition to any amounts previously appropriated for fiscal year 2016.

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

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

166 Schedule of Programs:

167 Teaching and Learning \$20,000

168 Section 9. **Appropriation.**

169 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, for
 170 the fiscal year beginning July 1, 2016, and ending June 30, \$→ [2021] 2017 ←\$, the following

170a sums of money

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

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

173 addition to any amounts previously appropriated for fiscal year 2017 \$→ [through fiscal year 2021] ←\$.

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

175 From Education Fund \$2,000,000

176 Schedule of Programs:

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

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

179 Section 10. **Effective date.**

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

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

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

183 the date of veto override.

**Legislative Review Note
Office of Legislative Research and General Counsel**