

Representative Jack R. Draxler proposes the following substitute bill:

AMERICAN INDIAN AND ALASKAN NATIVE AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kevin T. Van Tassell

House Sponsor: Jack R. Draxler

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;
- ▶ requires reporting and meetings to be held;
- ▶ provides a sunset date; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

- This bill appropriates for fiscal year 2017:
- ▶ to the State Board of Education - State Office of Education, as an ongoing appropriation:
 - from the Education Fund, \$250,000.

Other Special Clauses:



26 This bill provides a special effective date.

27 **Utah Code Sections Affected:**

28 AMENDS:

29 **36-22-2**, as enacted by Laws of Utah 1995, Chapter 143

30 **63I-1-253**, as last amended by Laws of Utah 2015, Chapters 62, 431, and 442

31 ENACTS:

32 **53A-31-401**, Utah Code Annotated 1953

33 **53A-31-402**, Utah Code Annotated 1953

34 **53A-31-403**, Utah Code Annotated 1953

35 **53A-31-404**, Utah Code Annotated 1953

36 **53A-31-405**, Utah Code Annotated 1953



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

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

39 **36-22-2. Duties.**

40 (1) The committee shall:

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

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

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

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

49 (e) hold a meeting at which public education is discussed as required by Section
50 53A-31-405.

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

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

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

55 **53A-31-401. Title.**

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

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

60 **53A-31-402. Definitions.**

61 As used in this part:

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

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

65 (3) "Teacher" means an individual employed by a school district or charter school who
66 is required to hold an educator license issued by the board and who has an assignment to teach
67 in a classroom.

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

69 **53A-31-403. Pilot program created.**

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

73 (2) The pilot program shall consist of a grant program to school districts and charter
74 schools to be used to fund stipends, recruitment, retention, and professional development of
75 teachers who teach in American Indian and Alaskan Native concentrated schools.

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

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

79 **53A-31-404. Grant program to school districts and charter schools.**

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

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

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

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

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

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

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

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

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

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

103 (a) criteria for evaluating grant applications; and

104 (b) procedures for:

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

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

107 (5) The grant money is intended to supplement and not replace existing money
108 supporting American Indian and Alaskan Native concentrated schools.

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

110 **53A-31-405. Reporting -- Meeting.**

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

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

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

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

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

118 Section 7. Section **63I-1-253** is amended to read:

119 **63I-1-253. Repeal dates, Titles 53, 53A, and 53B.**

120 The following provisions are repealed on the following dates:

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

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

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

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

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

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

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

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

131 (9) Section 53A-17a-163, Performance-based Compensation Pilot Program, is repealed
132 July 1, 2016.

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

135 [~~(10)~~] (11) Section 53B-24-402, Rural residency training program, is repealed July 1,
136 2020.

137 [~~(11)~~] (12) Subsection 53C-3-203(4)(b)(vii), which provides for the distribution of
138 money from the Land Exchange Distribution Account to the Geological Survey for test wells,
139 other hydrologic studies, and air quality monitoring in the West Desert, is repealed July 1,
140 2020.

141 **Section 8. Appropriation.**

142 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, for
143 the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following sums of money
144 are appropriated from resources not otherwise appropriated, or reduced from amounts
145 previously appropriated, out of the funds or amounts indicated. These sums of money are in
146 addition to amounts previously appropriated for fiscal year 2017.

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

148 From Education Fund

\$250,000

149 Schedule of Programs:

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Pilot Teacher Retention Grant Program

\$250,000

Section 9. **Effective date.**

If approved by two-thirds of all the members elected to each house, this bill takes effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto override.