

1                   **AMERICAN INDIAN-ALASKAN NATIVE EDUCATION**

2                                   **AMENDMENTS**

3   2015 GENERAL SESSION

4   STATE OF UTAH

5                                   **Chief Sponsor: Jack R. Draxler**

6                                   Senate Sponsor: Kevin T. Van Tassell

|   |                 |                   |                  |
|---|-----------------|-------------------|------------------|
| 7 | Cosponsors:     | Marie H. Poulson  | Mark A. Wheatley |
| 8 | Kay L. McIff    | Angela Romero     |                  |
| 9 | Michael E. Noel | Douglas V. Sagers |                  |

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11 **LONG TITLE**

12 **General Description:**

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

14 **Highlighted Provisions:**

15           This bill:

16           ▶ enacts a chapter providing for an American Indian-Alaskan Native Education State

17 Plan, including:

- 18           • defining terms;
- 19           • providing the position of American Indian-Alaskan Native Public Education

20 Liaison;

- 21           • requiring reporting to the Native American Legislative Liaison Committee;
- 22           • creating the American Indian-Alaskan Native Education Commission;
- 23           • establishing the duties of the commission; and
- 24           • providing for the adoption of a state plan to address the educational achievement

25 gap of the state's American Indian-Alaskan Native students; and

26           ▶ makes technical and conforming amendments.

27 **Money Appropriated in this Bill:**

28           None

29 **Other Special Clauses:**

30 This bill provides a special effective date.

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **9-9-104.6**, as last amended by Laws of Utah 2014, Chapter 387

34 ENACTS:

35 **53A-31-101**, Utah Code Annotated 1953

36 **53A-31-102**, Utah Code Annotated 1953

37 **53A-31-201**, Utah Code Annotated 1953

38 **53A-31-202**, Utah Code Annotated 1953

39 **53A-31-203**, Utah Code Annotated 1953

40 **53A-31-301**, Utah Code Annotated 1953

41 **53A-31-302**, Utah Code Annotated 1953



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

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

45 **9-9-104.6. Participation of state agencies in meetings with tribal leaders --**

46 **Contact information.**

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

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

51 (a) the chairs of the Native American Legislative Liaison Committee created in Section  
52 **36-22-1**;

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

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

56 (ii) if the American Indian-Alaskan Native Health Liaison is not appointed, a

57 representative of the Department of Health appointed by the executive director of the  
58 Department of Health; [~~and~~]  
59 (d) the American Indian-Alaskan Native Public Education Liaison appointed in  
60 accordance with Section 53A-31-201; and  
61 [~~(d)~~] (e) a representative appointed by the chief administrative officer of the following:  
62 (i) the Department of Human Services;  
63 (ii) the Department of Natural Resources;  
64 (iii) the Department of Workforce Services;  
65 (iv) the Governor's Office of Economic Development;  
66 [~~(v) the State Office of Education; and~~]  
67 (v) the State Board of Education; and  
68 (vi) the State Board of Regents.  
69 (3) (a) The chief administrative officer of the agencies listed in Subsection (3)(b) shall:  
70 (i) designate the name of a contact person for that agency that can assist in coordinating  
71 the efforts of state and tribal governments in meeting the needs of the Native Americans  
72 residing in the state; and  
73 (ii) notify the division:  
74 (A) who is the designated contact person described in Subsection (3)(a)(i); and  
75 (B) of any change in who is the designated contact person described in Subsection  
76 (3)(a)(i).  
77 (b) This Subsection (3) applies to:  
78 (i) the Department of Agriculture and Food;  
79 (ii) the Department of Heritage and Arts;  
80 (iii) the Department of Corrections;  
81 (iv) the Department of Environmental Quality;  
82 (v) the Department of Public Safety;  
83 (vi) the Department of Transportation;  
84 (vii) the Office of the Attorney General;

85 (viii) the State Tax Commission; and  
 86 (ix) any agency described in ~~[Subsection]~~ Subsections (2)(c) [or (d)] through (e).  
 87 (c) At the request of the division, a contact person listed in Subsection (3)(b) may  
 88 participate in a meeting described in Subsection (1).

89 (4) (a) A participant under this section who is not a legislator may not receive  
 90 compensation or benefits for the participant's service, but may receive per diem and travel  
 91 expenses as allowed in:

- 92 (i) Section [63A-3-106](#);
- 93 (ii) Section [63A-3-107](#); and
- 94 (iii) rules made by the Division of Finance according to Sections [63A-3-106](#) and  
 95 [63A-3-107](#).

96 (b) Compensation and expenses of a participant who is a legislator are governed by  
 97 Section [36-2-2](#) and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

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

99 **CHAPTER 31. AMERICAN INDIAN-ALASKAN NATIVE**

100 **EDUCATION STATE PLAN**

101 **Part 1. General Provisions**

102 **53A-31-101. Title.**

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

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

105 **53A-31-102. Definitions.**

106 As used in this chapter:

107 (1) "Commission" means the American Indian-Alaskan Native Education Commission  
 108 created in Section [53A-31-202](#).

109 (2) "Liaison" means the individual appointed under Section [53A-31-201](#).

110 (3) "Native American Legislative Liaison Committee" means the committee created in  
 111 Section [36-22-1](#).

112 (4) "State plan" means the state plan adopted under Section [53A-31-301](#).

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

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

116 **Part 2. Liaison and Commission**

117 **53A-31-201. American Indian-Alaskan Native Public Education Liaison.**

118 (1) Subject to budget constraints, the superintendent shall appoint an individual as the  
119 American Indian-Alaskan Native Public Education Liaison.

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

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

124 (a) the liaison's activities; and

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

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

128 **53A-31-202. Commission created.**

129 (1) There is created a commission known as the "American Indian-Alaskan Native  
130 Education Commission." The commission shall consist of 16 members as follows:

131 (a) the superintendent;

132 (b) the liaison;

133 (c) two individuals appointed by the State Board of Education that are coordinators  
134 funded in whole or in part under Title VII, Elementary and Secondary Education Act;

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

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

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

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

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

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

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

149 (k) a representative of the Ute Mountain Ute Tribe who resides in Utah selected by the  
150 Ute Mountain Ute Tribal Council;

151 (l) a representative of the San Juan Southern Paiute Tribe who resides in Utah selected  
152 by the San Juan Southern Paiute Tribal Council; and

153 (m) an appointee from the governor.

154 (2) Unless otherwise determined by the State Board of Education, the superintendent  
155 shall chair the commission.

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

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

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

160 (4) If a vacancy occurs in the membership for any reason, the replacement shall be  
161 appointed in the same manner of the original appointment for the vacant position.

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

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

164 (b) the frequency of meetings.

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

167 (i) Section [63A-3-106](#);

168 (ii) Section [63A-3-107](#); and

169 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
170 63A-3-107.

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

173 (7) The staff of the State Board of Education shall staff the commission.

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

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

176 **53A-31-203. Duties of the commission.**

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

180 (2) The proposed state plan shall:

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

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

184 (c) be based on, and include, a summary of the best available evidence and most recent  
185 data;

186 (d) focus on specific actions;

187 (e) identify existing programs and resources;

188 (f) prioritize more efficient and better use of existing programs and resources to meet  
189 the needs of American Indian and Alaskan Native students;

190 (g) include ongoing reporting to the Native American Legislative Liaison Committee;

191 (h) include a plan to hire, retain, and promote highly qualified teachers as quickly as  
192 feasible; and

193 (i) add a process for sharing data with tribal education leaders.

194 (3) The commission shall present the proposed state plan developed under Subsection  
195 (1) to the Native American Legislative Liaison Committee by no later than October 31, 2015.

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

Part 3. State Plan

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

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

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

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

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

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

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

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

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

Section 9. **Effective date.**



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