

**MEMORANDUM**

**TO:** Members, Utah State Board of Education

**FROM:** Ann White, Director  
ESEA and Special Programs

**DATE:** December 3-4, 2015

**ACTION:** American Indian and Alaskan Native Education State Plan

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**Background:**

House Bill 33 *American Indian-Alaskan Native Education Amendments* was passed in the 2015 Legislative Session. The legislation provides that the Native American Legislative Liaison Committee shall submit a state plan to address the educational achievement gap of the American Indian and Alaskan Native students in the state to the Board. Within 60 days of receipt of the plan, the Board must adopt, modify, or reject the plan. If the Board does not act within 60 days after the receipt of the plan, the plan is considered adopted by the Board.

The legislation also provides that the Native American Legislative Liaison Committee may prepare legislation to implement the adopted plan. Senator Kevin Van Tassel and Representative Jack Draxler, Co-chairs of the Native American Legislative Liaison Committee, have submitted a draft concurrent resolution supporting the plan and draft legislation that includes the plan.

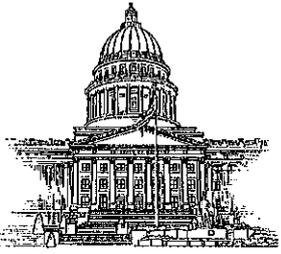
**Key Points:**

As outlined in statute, the plan shall: 1) Identify the most critical academic needs of Utah's American Indian and Alaskan Native students; 2) recommend a course of action to meet the identified needs; 3) be based on, and include, a summary of the best available evidence and most recent data; 4) focus on specific actions; 5) identify existing programs and resources; 6) prioritize more efficient and better use of existing programs and resources to meet the needs of American Indian and Alaskan Native students; 7) include ongoing reporting to the Native American Legislative Liaison Committee; 8) include a plan to hire, retain, and promote highly qualified teachers as quickly as feasible; and 9) add a process for sharing data with tribal education leaders.

**Anticipated Action:**

The Standards and Assessment Committee will review the plan and make recommendations to the Board for adopting, modifying, or rejecting the plan.

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# Utah State Legislature

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State Board of Education:

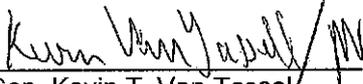
Attached please find two pieces of legislation that constitute a state plan to close the achievement gap of the state's Native American and Alaskan Native students. H.B. 33, American Indian-Alaskan Native Education Amendments (2015 General Session) provides that the state plan be submitted to the Utah State Board of Education for action as follows:

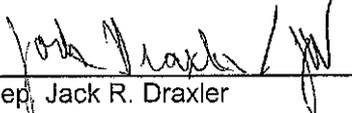
“(2) (a) The Native American Legislative Liaison Committee shall submit the proposed state plan as modified by the Native American Legislative Liaison Committee to the Utah State Board of Education.

(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.”

We appreciate your thoughtful consideration of this state plan and look forward to ongoing cooperative efforts to eliminate the achievement gap for these important students.

  
Sen. Kevin T. Van Tassel  
Chair  
Native American Legislative Liaison Committee

  
Rep. Jack R. Draxler  
Co-chair  
Native American Legislative Liaison Committee

Cc: Lorraine Austin

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

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

119 **53A-31-405. Grant program to regional service centers.**

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

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

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

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

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

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

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

138 (a) criteria for evaluating grant applications; and

139 (b) procedures for:

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

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

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

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

146 **53B-31-406. Reporting -- Meeting.**

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

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

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

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

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

154 Section 8. **Appropriation.**

155 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, for  
156 the fiscal year beginning July 1, 2015, and ending June 30, 2016, the following sums of money

157 are appropriated from resources not otherwise appropriated, or reduced from amounts  
 158 previously appropriated, out of the funds or accounts indicated. These sums of money are in  
 159 addition to any amounts previously appropriated for fiscal year 2016.

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

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

162 Schedule of Programs:

163 Teaching and Learning \$20,000

164 **Section 9. Appropriation.**

165 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, for  
 166 the fiscal year beginning July 1, 2016, and ending June 30, 2021, the following sums of money  
 167 are appropriated from resources not otherwise appropriated, or reduced from amounts  
 168 previously appropriated, out of the funds or accounts indicated. These sums of money are in  
 169 addition to any amounts previously appropriated for fiscal year 2017 through fiscal year 2021.

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

171 From Education Fund \$2,000,000

172 Schedule of Programs:

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

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

175 **Section 10. Effective date.**

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

1           **CONCURRENT RESOLUTION SUPPORTING AMERICAN INDIAN**  
2                           **AND ALASKAN NATIVE EDUCATION STATE PLAN**

3   2016 GENERAL SESSION

4   STATE OF UTAH

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6           **LONG TITLE**

7           **General Description:**

8                   This concurrent resolution supports the creation of an American Indian and Alaskan  
9                   Native Education State Plan.

10          **Highlighted Provisions:**

11               This resolution:

- 12               ▶ supports eliminating the achievement gap for American Indian and Alaskan Native
- 13               students;
- 14               ▶ outlines the need for a state plan;
- 15               ▶ provides for the state plan; and
- 16               ▶ provides for distribution of the resolution.

17          **Special Clauses:**

18               None

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20          *Be it resolved by the Legislature of the state of Utah, the Governor concurring therein:*

21               WHEREAS, American Indian and Alaskan Native students are an important asset to the  
22               state's public school system;

23               WHEREAS, American Indian and Alaskan Native students can meet the high  
24               expectations of any student within the state's public school system;

25               WHEREAS, American Indian and Alaskan Native students as a group are consistently  
26               scoring low on measures of educational achievement;

27               WHEREAS, an American Indian-Alaskan Native Education Commission was formed  
28               to develop a state plan to address this educational achievement gap; and

29               WHEREAS, the American Indian-Alaskan Native Education Commission developed a  
30               state plan subject to review by the Native American Legislative Liaison Committee and the  
31               final approval of the State Board of Education:

32 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah, the  
33 Governor concurring therein, expresses support for eliminating the achievement gap for  
34 American Indian and Alaskan Native students within the state's public school system.

35 BE IT FURTHER RESOLVED that the state eliminate the achievement gap through a  
36 state plan that consists of a pilot program implemented through statute and implementation of  
37 the resolution statements of this concurrent resolution.

38 BE IT FURTHER RESOLVED that the State Board of Education and local education  
39 agencies:

40 (1) build administrative support within the public school system for high expectations  
41 of American Indian and Alaskan Native students;

42 (2) work to strengthen tribal support for state initiatives to reach American Indian and  
43 Alaskan Native students, including the development and enhancement of curriculum that is  
44 historically and culturally accurate and sensitive and fosters the protection of heritage  
45 languages;

46 (3) work cooperatively with tribal governments to address sharing of education  
47 information regarding American Indian and Alaskan Native students, subject to the  
48 confidentiality restrictions imposed under federal law;

49 (4) increase parental, school personnel, and community support and participation for  
50 programs that foster educational achievement by American Indian and Alaskan Native  
51 students; and

52 (5) build statewide collaborations to address, and create statewide awareness of, the  
53 needs of American Indian and Alaskan Native children, including understanding of social,  
54 cultural, and holistic educational needs and the role of tribal sovereignty.

55 BE IT FURTHER RESOLVED, that a copy of this concurrent resolution be sent to the  
56 State Board of Education, the executive and legislative leaders of the eight tribes within Utah,  
57 and the American Indian-Alaskan Native Public Education Liaison.