

THE NATIVE AMERICAN RIGHTS FUND

INDIAN EDUCATION LEGAL SUPPORT PROJECT

"Tribalizing Indian Education"

**Compilation of State Indian Education Laws
UPDATED OCTOBER 2005**



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Prepared by

Melody L. McCoy, Staff Attorney
NATIVE AMERICAN RIGHTS FUND
1506 Broadway
Boulder, Colorado 80302
(303) 447-8760
www.narf.org

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INTRODUCTION

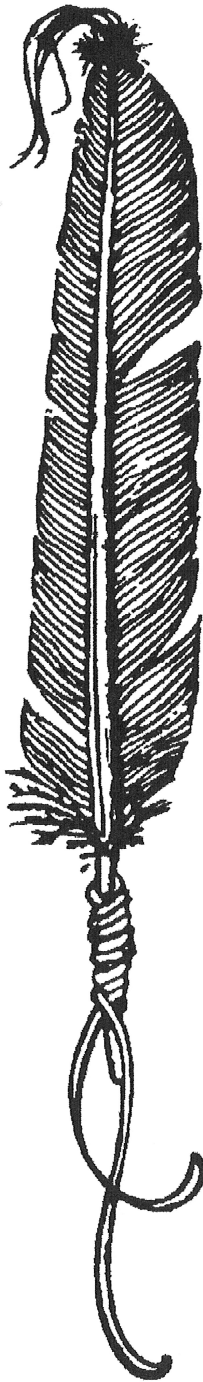
These materials are an update as of October 1, 2005 of the original compilation of selected state Indian education laws as of June 1, 1997. As with the original compilation, the research that produced this updated compilation was limited by state publication of the laws.

This is a compilation of selected state Indian education laws. It is not a comprehensive compilation. Many state laws in areas including child protection, culture and history, economic development, employment, health, land use, law enforcement, social services, and revenue sharing involve education of various levels and kinds. The laws selected for this compilation are intended to be the major laws of the states regarding Indian education.

These materials are intended to be a general resource for tribal, state, and federal officials, schools, and other interested persons. For further information and reference about Indian education law and policy and the rights and roles of tribal governments in education, please refer to the previous sets of materials under this project at www.narf.org/pubs/edu. None of these materials is intended to be legal advice for any particular tribe. Tribes should consult their legal counsel for specific advice about the existence and scope of their sovereign authority in education.

The Native American Rights Fund's Indian Education Legal Support Project, "*Tribalizing Indian Education*," is supported largely by a grant from the W.K. Kellogg Foundation.

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NATIVE AMERICAN RIGHTS FUND
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EXECUTIVE SUMMARY

The Native American Rights Fund

The Native American Rights Fund (NARF) is the national legal defense fund for American Indian and Alaska Native tribes. Founded in 1970, NARF concentrates on bringing cases and reforming laws that are of major importance to a great many Native people. NARF consistently has been at the forefront of issues and developments in Indian law in areas such as Indian treaty rights to land and water, Native religious freedom rights, and the rights of tribes as sovereign governments including tribal rights in education.

The NARF Indian Education Legal Support Project - Tribalizing Indian Education

NARF historically has represented Indian clients on a variety of education issues. Since 1987 NARF has represented the Rosebud Sioux Tribe of South Dakota in establishing a precedent-setting tribal education code and implementing that code through a tribal education department. As a result of its success with the Rosebud Sioux Tribe, NARF started its *Tribalizing Indian Education* project which is funded primarily by private foundations. The project advances Native American education by emphasizing the legal rights of tribes to govern the formal education of tribal members in all types of schools -- federal, state, and tribal.

NARF seeks to "tribalize" formal education through developing tribal education laws and reforming state and national Indian education legislation. Tribal education laws are essential to effective tribal governance of education, yet few tribes have such laws. Tribal laws are essential to defining each tribe's education rights and goals. Tribal laws are essential to delineating the forum and process for establishing tribal and non-tribal government-to-government relationships and working agreements on common education issues and goals.

The Need is Evident but Affirmative Steps Must be Taken

Indian tribes are sovereign governments just as their state and federal counterparts. Many federal reports and some federal and state laws have focused on Indian education problems. Some reports and laws have pointed out the need to increase the role of tribal governments to address the problems. But instead of requiring active tribal government involvement, most federal and state education programs and processes circumvent tribal governments and maintain non-Indian federal and state governance over the intent, goals, approaches, funding, staffing, and curriculum for Indian education. And there are no effective programs to establish tribal education codes or operate tribal education departments.

The three sovereign governments in this country have major stakes in Indian education. Common sense dictates that tribal governments have the most at stake because it involves their children who are their most precious resource and their future. Some progress has been made because of Indian education programs, Indian parent committees, Indian school boards, and tribally-controlled colleges. Some progress has been made through a measured amount of tribal control and input under laws that include the Indian Education Act of 1988, the Indian Self-Determination and Education Assistance Act of 1975, the Elementary and Secondary Education Act of 1965, and the Impact Aid Laws of 1950.

Conclusion

More direct tribal governance of Indian education is needed, and more direct governance is the next logical step for many tribes. Federal reports and recommendations call for partnerships between tribes and state schools, tribal approval of state education plans, and tribal education codes, plans, and standards. Tribal governance of education is a fact of life in a small number of tribes and more tribal communities want to assume this role. But tribes have been denied this opportunity and responsibility and have been left "out of the loop" in terms of decision-making and accountability. For Indian education to succeed, federal and state governments must allow tribes the opportunity to regain governance of the education of tribal students, thereby shaping their children's future and their own future as tribes. NARF intends to ensure that tribes gain the legal governance over education that they deserve as sovereigns and that they must have for Indian education success.

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GOALS OF THE PROJECT - TRIBALIZING INDIAN EDUCATION

1. To promote sovereign tribal rights and responsibilities in education, including the government-to-government interactions of tribal governments with the federal and state governments;
2. To increase the number of tribal governments that assess their education situation, develop education goals, and exercise sovereign rights through developing and implementing tribal education laws, tribal education standards, and tribal education plans;
3. To increase the number of tribal governments that assume more governance of education, including governmental responsibility and accountability;
4. To assist the federal and governments in increasing their government-to-government education work with tribal governments and in monitoring that increase within their federal and state agencies and federal and state funded education programs; and,
5. To assist tribes in reforming federal and state Indian education laws and policies and in passing new laws and adopting new policies which enable tribal governance, ensure access to resources, and enhance other improvements in Indian education.

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ALPHABETICAL LIST OF STATES WITH INDIAN EDUCATION LAWS

The following is an alphabetical list of states, and the Indian education laws of each state by subject area.

- 1. Alaska:**
 - Curricula and Programs
 - Staffing and Personnel
 - Finance and Funding
 - Scholarships/Grants/Tuition Programs
- 2. Arizona:**
 - Cooperative Agreements with Tribes
 - Curricula and Programs
 - Staffing and Personnel
 - Education-Related Committees
 - Finance and Funding
 - Scholarships/Grants/Tuition Programs
- 3. California:**
 - Curricula and Programs
 - Education-Related Committees
 - Finance and Funding
 - Scholarships/Grants/Tuition Programs
 - Other
- 4. Colorado:**
 - Cooperative Agreements with Tribes
 - Curricula and Programs
 - Scholarships/Grants/Tuition Programs
- 5. Connecticut:**
 - Curricula and Programs
 - Staffing and Personnel
 - Other
- 6. Florida:**
 - Cooperative Agreements with Tribes
 - Scholarships/Grants/Tuition Programs
- 7. Hawaii:**
 - Curricula and Programs
- 8. Idaho:**
 - Curricula and Programs
 - Staffing and Personnel
 - Scholarships/Grants/Tuition Programs
- 9. Illinois:**
 - Finance and Funding
 - Scholarships/Grants/Tuition Programs
 - Other
- 10. Indiana:**
 - Education-Related Committees
- 11. Iowa:**
 - Finance and Funding
 - Scholarships/Grants/Tuition Programs
- 12. Kansas:**
 - Scholarships/Grants/Tuition Programs

- 13. Kentucky:**
 Curricula and Programs
 Staffing and Personnel
 Education-Related Committees
- 14. Louisiana:**
 Education-Related Committees
- 15. Maine:**
 Curricula and Programs
 Education-Related Committees
 Finance and Funding
- 16. Maryland**
 Scholarships/Grants/Tuition Programs
- 17. Massachusetts:**
 Education-Related Committees
- 18. Michigan:**
 Education-Related Committees
 Scholarships/Grants/Tuition Programs
- 19. Minnesota:**
 Cooperative Agreements with Tribes
 Curricula and Programs
 Staffing and Personnel
 Education-Related Committees
 Finance and Funding
 Scholarships/Grants/Tuition Programs
- 20. Mississippi:**
 Curricula and Programs
 Education-Related Committees
 Finance and Funding
- 21. Montana:**
 Cooperative Agreements with Tribes
 Curricula and Programs
 Staffing and Personnel
 Education-Related Committees
 Scholarships/Grants/Tuition Programs
- 22. Nebraska:**
 Cooperative Agreements with Tribes
 Curricula and Programs
 Staffing and Personnel
 Education-Related Committees
 Finance and Funding
 Scholarships/Grants/Tuition Programs
- 23. Nevada:**
 Curricula and Programs
 Staffing and Personnel
 Finance and Funding
- 24. New Jersey:**
 Education-Related Committees
- 25. New Mexico:**
 Cooperative Agreements with Tribes
 Curricula and Programs
 Staffing and Personnel
 Education-Related Committees
 Finance and Funding
 Scholarships/Grants/Tuition Programs
- 26. New York:**
 Cooperative Agreements with Tribes
 Curricula and Programs
 Staffing and Personnel
 Finance and Funding
 Scholarships/Grants/Tuition Programs
- 27. North Carolina**
 Curricula and Programs
 Education-Related Committees
- 28. North Dakota**
 Cooperative Agreements with Tribes
 Curricula and Programs
 Staffing and Personnel
 Scholarships/Grants/Tuition Programs
- 29. Ohio:**
 Curricula and Programs

30. Oklahoma:
Curricula and Programs
Education-Related Committees
Finance and Funding
Scholarships/Grants/Tuition Programs

31. Oregon:
Cooperative Agreements with Tribes
Curricula and Programs
Staffing and Personnel
Education-Related Committees
Finance and Funding

32. South Dakota:
Curricula and Programs
Staffing and Personnel
Finance and Funding
Scholarships/Grants/Tuition Programs

33. Tennessee:
Curricula and Programs
Education-Related Committees
Scholarships/Grants/Tuition Programs

34. Texas:
Scholarships/Grants/Tuition Programs

35. Utah:
Education-Related Committees
Scholarships/Grants/Tuition Programs

36. Virginia:
Education-Related Committees

37. Washington:
Curricula and Programs
Staffing and Personnel
Finance and Funding
Scholarships/Grants/Tuition Programs

38. Wisconsin:
Curricula and Programs
Staffing and Personnel
Education-Related Committees
Scholarships/Grants/Tuition Programs

39. Wyoming:
Cooperative Agreements with Tribes
Curricula and Programs
Staffing and Personnel
Education-Related Committees

States that Lack Any *Specific Substantive Laws* on Indian Education:

1. Alabama
2. Arkansas
3. Delaware
4. Georgia
5. Missouri
6. New Hampshire
7. Pennsylvania
8. Rhode Island
9. South Carolina
10. Vermont
11. West Virginia

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SUMMARY OF STATE INDIAN EDUCATION LAWS BY SUBJECT AREAS

A. Cooperative Agreements with Tribes

The following states have education laws relating to cooperative agreements with tribes:

1. Arizona.....	13
2. Colorado.....	14
3. Florida.....	15
4. Minnesota.....	16
5. Montana	17
6. Nebraska	17
7. New Mexico.....	17
8. New York.....	18
9. North Dakota.....	23
10. Oregon.....	24
11. Wyoming.....	24

B. Curricula and Programs

The following states have laws that address issues of curricula / programs and Indian education:

1. Alaska	25
2. Arizona.....	26
3. California	27
4. Colorado.....	31
5. Connecticut	32
6. Hawaii	32
7. Idaho	33
8. Kentucky.....	34
9. Maine	34

10. Minnesota.....	35
11. Mississippi	39
12. Montana	39
13. Nebraska	42
14. Nevada	43
15. New Mexico.....	45
16. New York.....	51
17. North Carolina	51
18. North Dakota.....	52
19. Ohio.....	52
20. Oklahoma.....	52
21. Oregon.....	54
22. South Dakota.....	55
23. Tennessee.....	56
24. Washington	57
25. Wisconsin.....	59
26. Wyoming.....	64

C. Staffing and Personnel

The following states have staff-related Indian education laws:

1. Alaska	65
2. Arizona.....	66
3. Connecticut	68
4. Idaho	68
5. Kentucky	69
6. Minnesota.....	70
7. Montana	76
8. Nebraska	83
9. Nevada	84
10. New Mexico.....	85
11. New York.....	85
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13. Oregon.....	87
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15. Washington	91
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D. Education-Related Committees

The following states have laws creating committees of various kinds related to Indian education:

1. Arizona.....	101
2. California	102
3. Indiana.....	103
4. Kentucky.....	103
5. Louisiana.....	104
6. Maine	105
7. Massachusetts	105
8. Michigan	106
9. Minnesota.....	106
10. Mississippi	109
11. Montana	110
12. Nebraska	112
13. New Jersey.....	113
14. New Mexico.....	114
15. North Carolina	117
16. Oklahoma.....	117
17. Oregon.....	118
18. Tennessee.....	120
19. Utah.....	120
20. Virginia	121
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22. Wyoming.....	123

E. Finance and Funding

The following states have finance laws related to Indian education:

1. Alaska	125
2. Arizona.....	125
3. California	129
4. Illinois	130
5. Iowa.....	130
6. Maine	131
7. Minnesota.....	132
8. Mississippi	135
9. Nebraska	135

10. Nevada	135
11. New Mexico.....	136
12. New York.....	136
13. Oklahoma.....	141
14. Oregon.....	142
15. South Dakota.....	143
16. Washington	144

F. Scholarships/Grants/Tuition

The following states have laws that pertain to scholarships, grants, tuition and/or recruitment programs for Indian education:

1. Alaska	145
2. Arizona.....	147
3. California	147
4. Colorado.....	148
5. Florida.....	149
6. Idaho	150
7. Illinois	151
8. Iowa.....	152
9. Kansas.....	153
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11. Michigan	155
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STATE INDIAN EDUCATION LAWS BY SUBJECT MATTER

A. COOPERATIVE AGREEMENTS WITH TRIBES

Eleven (11) states have education laws specifically authorizing cooperative agreements with tribes. Some of these laws fit under more than one of the subject areas contained in this compilation. In particular, laws compiled under the subject area "Education-Related Committees" frequently involve cooperative efforts between state entities and officers and tribes. We have excluded education-related laws that create committees, commissions, and councils from this subject heading. The cooperative agreement laws listed here range from laws that grant school districts the authority to contract with tribes for educational services and equipment to laws that govern compulsory school attendance.

Arizona, Colorado, Florida, Minnesota, Montana, Nebraska, New Mexico, New York, North Dakota, Oregon, and Wyoming have laws that fit within this subject heading.

1. ARIZONA

Title 15, Education; Chapter 3, Local Governance of Schools; Article 3, Powers and Duties of School District Governing Boards.

§ 15-342. Discretionary powers.

The governing board may:

7. Sell or lease to the state, a county, a city or a tribal government agency, any school property required for a public purpose, provided the sale or lease of the property will not affect the normal operations of a school within the school district.

2. COLORADO

a. Title 22, Education, School Districts; Article 32, School District Boards - Powers and Duties.

§ 22-32-122. Contract services, equipment, and supplies.

(1) Any school district has the power to contract with another district or with the governing body of a state college or university, with the tribal corporation of any Indian tribe or nation, with any federal agency or officer or any county, city, or city and county, or with any natural person, body corporate, or association for the performance of any service, including educational service, activity, or undertaking which any school may be authorized by law to perform or undertake. Such contract shall set forth fully the purposes, powers, rights, obligations, and responsibilities, financial or otherwise, of the parties so contracting and shall provide that the service, including educational service, activity, or undertaking be of comparable quality and meet the same requirements and standards as would be necessary if performed by the school district. A contract executed pursuant to this section may include, among other things, the purchase (outright or by installment sale) or renting or leasing, with or without an option to purchase, of necessary building facilities, equipment, supplies, and employee services. Any state or federal financial assistance which shall accrue to a contracting school district, if said district were to perform such service, including educational service, activity or undertaking individually, shall, if the state board finds the service, including educational service, activity, or undertaking is of comparable quality and meets the same requirements and standards as would be necessary if performed by a school district, be apportioned by the state board of education on the basis of the contractual obligations and paid separately to each contracting school district in the manner prescribed by law.

b. Title 32, Higher Education and Vocational Training, Educational Centers and Junior Colleges; Article 71, Junior Colleges; Part 1, Junior Colleges -- Organization.

§ 23-71-122(1)(q). Junior college board of trustees -- specific powers.

(1) In addition to any other power granted by law to a board of trustees of a junior college district, each board shall have the power to:

(q) Contract with another junior college district or public school district or with the governing body of a state college or university, with the tribal corporation of any Indian tribe or nation, with any federal agency or officer or any county, city, or city and county, or with any natural person, body corporate, or association for the performance of any service, activity, or undertaking which any school may be authorized by law to perform or undertake. Such contract shall set forth fully the purposes, powers, rights, obligations, and responsibilities, financial or otherwise, of the parties so contracting and shall provide that the service, activity, or undertaking be of comparable quality and meet the same requirements and standards as would be necessary if performed by the school district. A contract executed pursuant to this paragraph (q) may include, among other things, the purchase or renting of necessary building facilities, equipment, supplies, and employee services.

3. FLORIDA

Title XIX, Public Business; Chapter 285, Indian Reservations and Affairs.

§ 285.18. Tribal council as governing body; powers and duties.

(1) The respective governing bodies of the Seminole Tribe of Florida and the Miccosukee Tribe of Indians recognized by the United States and organized pursuant to the provisions of the Act of June 18, 1934, 48 Stat. 987, 25 U.S.C. s. 476 shall be the respective governing bodies of the special improvement districts created by s. 285.17.

(2) The governing bodies of the special improvement districts shall have the duty and power:

(a) To plan, contract for, and implement programs for the benefit of their members in law enforcement, education, housing, health care, and other social services, which shall include, without limitation, delivery of health services, workforce training, child services, and other programs to improve the health, economic, and educational opportunities of its members.

(b) To contract with the district school board of any district adjoining the local school district, when deemed necessary by the tribal council, to provide public education and educational programs for their members, notwithstanding the provisions of s. 230.23 that authorize school boards to establish attendance areas for their districts or approve plans for attendance in other districts.

4. MINNESOTA

a. Education Code: Prekindergarten - Grade 12; Chapter 128B, Pine Point School.

§ 128B.011. School governance and standards.

Subdivision 1. Governance. The care, management, and control of Pine Point school is vested in the White Earth reservation tribal council. The council has the same powers and duties as a school board under chapters 120 to 129 and other provisions applicable to school boards. The tribal council may delegate powers and duties for the operation of the school to the Indian education committee. The committee may exercise powers and duties delegated to it.

Subd. 2. Standards. The school is a public school providing instruction for pupils in kindergarten through the 8th grade. Instruction shall meet the same standards for instruction as are required for other public schools.

Subd. 3. Cooperation with school districts. If the council determines it cannot adequately provide certain services, the council shall purchase or share services with one or more school districts or other provider for instruction, administration, or other requirements of operating the school, including curriculum, teachers, support services, supervision, administration, financial accounting and reporting, and other instructional and noninstructional programs. The council is encouraged to cooperate with school districts to increase and improve instructional and support services available to the pupils in the school.

b. Post-Secondary Education; Chapter 136F, Board of Trustees of the Minnesota State Colleges and Universities.

§ 136F.12. Fond du Lac campus.

Subdivision 1. Unique missions. The Fond du Lac campus has a unique mission among two-year colleges to serve the lower division general education needs in Carlton and south St. Louis counties, and the education needs of American Indians throughout the state and especially in northern Minnesota. The campus has a further unique mission to provide programs in support of its federal land grant status. Accordingly, while the college is governed by the board of trustees, its governance is accomplished in conjunction with the board of directors of Fond du Lac tribal college.

Sub. 2. Selected programs. Notwithstanding section 135A.052, subdivision 1, to better meet the education needs of Minnesota's American Indian students, and in furtherance of the unique missions provided in subdivision 1, Fond du Lac tribal and community college may offer a baccalaureate program in elementary education, as approved by the board of trustees of the Minnesota state colleges and universities, and the board of directors of Fond du Lac tribal and community college.

5. MONTANA

Title 20, Education; Chapter 5, Pupils.

§ 20-5-108. Tribal agreement with district for Indian child compulsory attendance and other agreements.

It shall be the duty of the trustees of any district where an Indian child resides to require the child to attend school in the same manner as any other child residing in the district, unless it is prohibited by the laws or treaties affecting the Indian tribe of which such child is a member or the Indian reservation on which such child resides. When such a prohibition exists, the trustees of any district shall have the authority to accept from the tribal council or other governing body of the Indian tribe or the Indian reservation authorization to enforce the compulsory attendance provisions of this title and compel the school attendance of the Indian children belonging to the tribe or residing on the reservation.

6. NEBRASKA

Chapter 13, Cities, Counties and other Political Subdivisions; Article 15, State-Tribal Cooperative Agreements.

§ 13-1503. Public agencies; powers; agreements.

Any one or more public agencies may enter into an agreement with any one or more tribal governments to perform any administrative service, activity, or undertaking that any of the public agencies or tribal governments entering into the contract is authorized by law to perform. The agreement shall be authorized and approved by the governing body of each party to the agreement. The agreement shall fully set forth the powers, rights, obligations, and responsibilities of the parties to the agreement.

7. NEW MEXICO

a. Chapter 9, Executive Department; Article 21, Indian Affairs Department Act.

§ 9-21-7. Department; additional powers and duties.

C. The department may:

(2) contract with tribal governments, public agencies or private persons to provide services and facilities for promoting the welfare of the Indian people of New Mexico

b. Chapter 22, Public Schools; Article 8B, Charter Schools.

§ 22-8B-4. Charter schools' rights and responsibilities; operation.

D. A charter school may contract with a school district, a university or college, the state, another political subdivision of the state, the federal government or one of its agencies, a tribal government or any third party for the use of a facility, its operation and maintenance and the provision of any service or activity that the charter school is required to perform in order to carry out the educational program described in its charter; provided that facilities used by a charter school shall meet the standards required pursuant to Section 22-8B-4.2 NMSA 1978.

8. NEW YORK

a. Education Law, Chapter 16, Title VI - Special Schools and Instruction; Article 83 - Indian Schools.

§ 4101. Duties of commissioner regarding Indian children.

2. The commissioner of education in his discretion may, instead of establishing schools and maintaining courses of instruction therein for the education of the Indian children of the state, contract with any school district for the education of such Indian children. The consideration for any such contract shall not exceed the total cost to the school district of the education of Indian children pursuant to such contract, less any public moneys received by the school district by reason of the attendance of such Indian children in regular day school, except any public moneys received by the district as a building quota pursuant to the provisions of section eighteen hundred six of this chapter. The commissioner of taxation and finance shall pay on the warrant of the comptroller bills, for the cost and expenses attending such contract, approved by the commissioner of education from the appropriation for the support and education of Indian children. In carrying out the provisions of this article the commissioner of education, notwithstanding any other provision of law, may lease any school ground, site or building established for a reservation and owned by the state of New York to any school district upon such terms and conditions as he shall deem necessary, convenient and proper. Nothing herein contained shall alter the title of the Indians to their lands.

§ 4102. Rights of Indians and of state shall be guarded.

Any contract which may be entered into with Indians for the use or occupancy of any land for school grounds, sites or buildings, shall provide proper protection for the title of the Indians to their lands, and shall reserve to the state the right to remove or otherwise dispose of all improvements made at the expense of the state.

§ 4105. Required attendance upon instruction.

1. Every Indian child between six and sixteen years of age, in proper physical and mental condition to attend school, shall regularly attend upon instruction at a school in which at least the common school branches of reading, spelling, writing, arithmetic, English grammar and geography are taught in English, or upon equivalent instruction by a competent teacher elsewhere than at such school as follows: Every Indian child between fourteen and sixteen years of age not regularly and lawfully engaged in any useful employment or service, and every such child between six and fourteen years of age, shall so attend upon instruction as many days annually during the period between the first days of September and the following July as a public school of the community or district of the reservation, in which such child resides, shall be in session during the same period.

2. If any such child shall so attend upon instruction elsewhere than at the public school, such instruction shall be at least equivalent to the instruction given to Indian children of like age at a school of the community or district in which such child shall reside; and such attendance shall be for at least as many hours of each day thereof, as are required of children of like age at public schools and no greater total amount of holidays and vacations shall be deducted from such attendance during the period such attendance is required than is allowed in public schools for children of like age. Occasional absences from such attendance not amounting to irregular attendance in a fair meaning of the term, shall be allowed upon such excuses only as would be allowed in like cases by the general rules and practices of public schools.

3. Transportation shall be provided for Indian children who live more than a mile from the elementary and high schools they attend, and the commissioner of education is hereby empowered to make provision for the cost of the same as a part of the care and education of Indian children.

§ 4106. Duties of persons in parental relation to Indian children.

Any person in parental relation to an Indian child between six and sixteen years of age in proper physical and mental condition to attend school, shall cause such child to attend upon instruction as provided in this article.

§ 4107. Penalty for failure to send children to school.

A violation of section forty-one hundred six shall be a misdemeanor, punishable for the first offense by a fine not exceeding five dollars or by imprisonment not exceeding ten days, and for each subsequent offense, by a fine not exceeding twenty-five dollars, or by imprisonment not exceeding thirty days, or by both such fine and imprisonment. Courts of special sessions shall, subject to removal, as provided in sections fifty-seven and fifty-eight of the code of criminal procedure, have exclusive jurisdiction in the first instance to hear, try and determine charges of violation of section forty-one hundred six within their respective jurisdictions.

§ 4109. Teachers' record of attendance.

An accurate record of attendance of all Indian children between six and sixteen years of age shall be kept by the teacher of every Indian school, showing each day, by the year, month, day of the month and day of the week, such attendance, and the number of hours in each day thereof; and each teacher upon whose instruction such Indian child shall attend elsewhere than at the school in the community or district of the reservation where he resides, shall keep a like record of such attendance. Such records shall at all times be open to the principal teacher of the reservation and its attendance officers or to such person or persons as shall be designated by the commissioner of education who may inspect and copy the same and any teacher shall answer all lawful inquiries made by them. A wilful neglect or refusal to keep such a record or answer such inquiries shall be a misdemeanor.

§ 4110. Attendance officers.

1. The principal teacher of the Indian schools on each reservation shall supervise the enforcement of this article within said reservation and shall appoint, subject to the approval of the commissioner of education, and remove at pleasure such number of attendance officers as the commissioner of education shall deem necessary, whose jurisdictions shall extend over all school districts on the reservation for which they shall be appointed. Such principal teachers are also vested with the same power and authority as the attendance officers appointed by them.

2. If the education of Indian children of the reservation shall be provided pursuant to the provisions of subdivision two of section forty-one hundred one of this chapter, the attendance officer or officers of the school district providing such education shall have jurisdiction over all Indian children on the reservation. Such attendance officers shall not, however, be entitled to receive from the commissioner of education the payment for services provided in section forty-one hundred fourteen of this chapter.

3. The commissioner of education may appoint and remove at pleasure such attendance officers as he shall deem necessary, who shall have jurisdiction over all children other than Indian children on the reservation for which they shall be appointed. Such attendance officers shall receive such sum per day or part thereof as shall be fixed by the commissioner of education for each day or part thereof necessarily employed as such attendance officers. Compensation of attendance officers herein provided for shall be audited by the commissioner of education and paid in the same manner as other expenses incurred pursuant to this article.

§ 4111. Arrest of truants.

Any attendance officer may arrest without warrant anywhere within the state any Indian child between six and sixteen years of age, found away from his home and who is then a truant from instruction upon which he is lawfully required to attend within the districts of which such attendance officer has jurisdiction. He shall forthwith deliver a child so arrested either to the person in parental relation to the child, or to the teacher of the school from which said child is then a truant, or in case of habitual or incorrigible truants, shall bring them before a magistrate for commitment to a school for delinquents, as provided in section forty-one hundred twelve.

§ 4112. Commissioner of education to contract for keeping of truants.

The commissioner of education may contract with any city or district having a school for delinquents, for the confinement, maintenance and instruction therein of any child who shall be committed to such school as a truant by any magistrate before whom such child shall have been examined upon the charge of truancy. The costs and expenses attending the support and maintenance of any truant, as herein provided, shall be audited by the commissioner of education and paid in the same manner as the expenses of supporting and maintaining the schools on a reservation are paid.

§ 4113. Census.

The commissioner of education shall cause to be taken a complete annual census of the Indian children between birth and eighteen years of age on any reservation; such census shall be taken between the first day of May and the last day of August and shall include all such facts and information as are required by section thirty-two hundred forty-one of this chapter. A report of such census shall be prepared in duplicate and a copy filed with the commissioner on or before the fifteenth day of October.

§ 4114. Payment of services herein required.

Each of the attendance officers herein provided for shall receive such sum per day as shall be fixed by the commissioner of education for each day necessarily employed in enforcing this article; and each person employed in taking and tabulating the census of the residents of said reservations, shall be entitled to receive such compensation as the commissioner of education shall allow. The compensation of attendance officers and the expense in taking the enumeration herein provided for shall be audited by the commissioner of education and paid in the same manner as other accounts for the support and maintenance of the schools on said reservations are paid.

§ 4116. Co-operation of Indians shall be sought.

In the discharge of the duties imposed by this article, the said commissioner shall endeavor to secure the co-operation of all the several bands of Indians, and for this purpose, shall visit, by himself or his authorized representative, all the reservations where they reside, lay the matter before them in public assembly, inviting them to assist either by appropriating their public moneys to this object, or by setting apart lands and erecting suitable buildings, or by furnishing labor or materials for such buildings, or in any other way which he or they may suggest as most effectual for the promotion of this object.

§ 4119. School district may contract to educate Indian children.

Notwithstanding any other provision of law, the trustee, trustees or board of education of any school district shall have power to contract with the commissioner of education for the instruction of Indian children. Notwithstanding any other provision of law, the trustee, trustees or board of education of any school district shall have authority to lease a site or school building owned by the state of New York whether located on or off an Indian reservation and such trustee, trustees or board of education shall have authority to maintain school in such building notwithstanding the fact that such building may not be located within the district boundary lines of such school district.

b. Education Law, Chapter 16, Title II - School District Organization; Article 35 - Union Free School Districts.

§ 1709. Powers and duties of boards of education.

The said board of education of every union free school district shall have the power, and it shall be its duty:

(25)(c) Likewise when not so needed such motor vehicle or vehicles may be leased to a school district or an Indian tribe, for the purpose of transporting children and instructors in connection with (1) a recreation project or a youth service project operated by a school district or by an Indian tribe, if such project is authorized and approved by the state youth commission, or (2) a youth bureau or agency or activity or project of a county, town, city, village or an Indian tribe which is devoted to the welfare of youth therein or to providing leisure-time activities for youth or assistance to children, as authorized in section ninety-five of the general municipal law, or (3) one or more playgrounds and neighborhood recreation centers operated and maintained by one or more cities except New York, Buffalo and Rochester, counties except Erie and the counties within the city of New York, towns, villages, or Indian tribes, whether or not any school board of district joins in such operating and maintaining, as authorized in section two hundred forty-four-b of the general municipal law.

9. NORTH DAKOTA

Title 54, State Government; Chapter 54-40.2, Agreements Between Public Agencies and Indian Tribes.

§ 54-40.2-01. Definitions.

1. "Public agency" means any political subdivision, including municipalities, counties, school districts, and any agency or department of North Dakota.
3. "Tribal government" means the officially recognized government of any Indian tribe, nation, or other organized group or community located in North Dakota exercising self-government powers and recognized as eligible for services provided by the United States. The Term does not include any entity owned, organized, or chartered by a tribe which exists as a separate entity authorized by a tribe to enter agreements of any kind without further approval by the government of the tribe.

§ 54-40.2-02. Authorization to enter agreements -- General contents.

1. Any one or more public agencies may enter into an agreement with any one or more tribal governments to perform any administrative service, activity, or undertaking that any of the public agencies or tribal governments are authorized to perform by law and to resolve any disputes. The agreement must set forth fully the powers, rights, obligations, and responsibilities of the parties to the agreement.

2. The Indian affairs commission may propose agreements entered into pursuant to this chapter and may assist, at the request of any tribe affected by such an agreement, in the negotiation and development of such agreements.

3. If the public agency contemplating entering into an agreement under this chapter is a school district, the school district shall:

- a. Provide written notice to the superintendent of public instruction that it is contemplating entering into an agreement under this chapter; and
- b. Consider written recommendations that the superintendent makes regarding the agreement.

4. This chapter does not apply to agreements entered into under section 24-02-02.3 and chapter 54-38 or agreements entered with one or more tribal governments pursuant to a state or federally funded program or other activity, including any publicly announced offer or a grant, loan, request for proposal, bid, or other contract originating with a public agency, for which the tribal government is otherwise eligible under federal, state, or local law.

10. OREGON

Title 30, Education and Culture; Chapter 351, Higher Education Generally, Department of Higher Education.

§ 351.260. Planning facilities and services.

The State Board of Higher Education may establish and maintain planning facilities and undertake planning work for the provision of, or related to, local planning services and may:

(1) Upon the request of the governing body of any municipality, county, Indian reservation or of a regional or joint planning agency in the state, provide planning assistance to such municipality, county, Indian reservation or planning agency (including surveys, land use studies, urban renewal plans, technical services and other planning work) and make or assist in making a study or report upon any planning problem of such municipality, county, Indian reservation or planning agency.

(2) Agree with such governing body or planning agency as to the amount to be paid to the board for such service.

(3) Apply for and accept grants from the Federal Government and other sources in connection with any such planning work.

(4) Contract with respect thereto.

11. WYOMING

Title 16, City, County, State and Local Powers; Chapter 1, Intergovernmental Cooperation; Article 1, In General.

§ 16-1-101. Authority to cooperate.

In exercising, performing or carrying out any power, privilege, authority, duty or function legally vested in any one (1) or more of them by Wyoming law, the state of Wyoming, and any one (1) or more of its counties, municipal corporations, school districts, special districts, public institutions, agencies, boards, commissions and political subdivisions, and any officer or legal representative of any one (1) or more of them, may cooperate with and assist each other, and like entities or authorities of other states, the United States and the Eastern Shoshone and Northern Arapaho Tribes of the Wind River Reservation. Cooperation may be informal or subject to resolution, ordinance or other appropriate action, and may be embodied in a written agreement specifying purposes, duration, means of financing, methods of operations, termination, acquisition and disposition of property, employment of executive and subordinate agents and other appropriate provisions.

B. CURRICULA AND PROGRAMS

This Section has seen considerable growth since the original version of these materials was published in 1997. At that time, about a dozen states had Indian education laws that pertained to curricula. Many of those laws provided for balanced presentations of minority and ethnic groups in American history and simply included American Indians as one of many of those groups. Only a few states in 1997 had laws that specifically provided for the teaching of tribal history, languages, cultures, and sovereignty in their public school curricula.

There are now twenty-six (26) states that have laws addressing these matters. *Sixteen states provide for the teaching of tribal languages.* Many of the language laws are premised on the Native American Languages Act of 1990, Pub. L. No. 101-477, which affirms the unique status of tribal languages in federal law, and encourages the states to do the same.

Five states mandate the teaching of tribal sovereignty / government. This is even more remarkable than the language laws since tribal sovereignty certainly is recognized in federal law but no federal law requires or even encourages the states to teach it.

Alaska, Arizona, California, Colorado, Connecticut, Hawaii, Idaho, Kentucky, Maine, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Washington, Wisconsin, and Wyoming all have Indian education laws that address issues of curricula and programs. The laws cover many levels of education - from early childhood to post-secondary.

1. ALASKA

Title 14, Education, Libraries, and Museums; Chapter 30, Pupils and Educational Programs for Pupils; Article 7, Bilingual-Bicultural Education

§14.30.420. Native language education.

(a) A school board shall establish a local Native language curriculum advisory board for each school in the district in which a majority of the students are Alaska Natives and any school district with Alaska Native students may establish a local Native language curriculum advisory board for each school with Alaska Native students in their district. If the local Native language curriculum advisory board recommends the establishment of a Native language curriculum for a school, the school board may initiate and conduct a Native language education curriculum within grades K through 12 at that school. The program, if established, must include Native languages traditionally spoken in the community in which the school is located. Each school board conducting a program of Native language education shall implement the program as a part of regular classroom studies and shall use

(1) instructors who are certified under AS 14.20.020 OR 14.20.025; and

(2) to the maximum extent possible

(A) instructors and instructional materials available through the University of Alaska;
and

(B) audio-visual, computer, and satellite technology.

- (b) In this section,
(1) “district” has the meaning given in AS 14.17.990;
(2) “Native” means a person of one-fourth degree or more Alaskan Indian, Eskimo, or Aleut blood.

2. ARIZONA

a. Title 15, Education; Chapter 3, Local Governance of Schools; Article 3, Powers and Duties of School District Governing Boards.

§ 15-341. General powers and duties; immunity; delegation.

A. The governing board shall:

37. Incorporate instruction on Native American history into appropriate existing curricula.

Title 15, Education; Chapter 7, Instruction; Article 1, Curriculum.

§ 15-710. Instruction in state and federal constitutions, American institutions and history of Arizona.

All schools shall give instruction in the essentials, sources and history of the Constitution of the United States and Arizona and instruction in American institutions and ideals in the history of Arizona, including the history of native americans in Arizona. The instruction shall be given in accordance with the state course of study for at least one year of the common school grades and high school grades respectively.

b. Ariz. Op. Atty. Gen. No. 101-0026 (2001).

In November 2000, Arizona voters passed an initiative measure, Proposition 203. Proposition 203 repealed the Bilingual Programs and English as a Second Language law, and replaced it with English Language Education for Children in Public Schools law, which resolved that all children in Arizona public schools shall be taught English as rapidly and effectively as possible "by being taught in English and . . . placed in English classrooms." Ariz. Stat. Sec. 15-751.

In 2001, at the request of state Senator Jackson, the Arizona Attorney General construed Proposition 203 and issued an opinion with the following conclusion.

Proposition 203 generally does not apply to Native American languages, and “State public schools may offer students classes in Native American languages and culture, whether or not such children are already proficient in English.”

3. CALIFORNIA

a. Education Code, Title 1, General Education Code Provisions; Division 1, General Education Code Provisions; Part 8.7, California Native American Public Education Grant Program.

§ 13040. California Native American instructional resources.

(a) The State Librarian shall expend the funds allocated for the purposes of this part to develop, in consultation with the State Department of Education and the Curriculum Development and Supplemental Materials Commission related to history-social science curriculum framework and content standards, California Native American instructional resources for use in the public schools maintaining any combination of instructional settings from kindergarten to grade 12, inclusive.

(b) The State Librarian may award grants on a competitive basis or shall contract with instructional resource developers to prepare the instructional resources consistent with the state curriculum framework and content standards where the teaching of Native American history is identified, and shall consult with a broadly based group of experts to advise upon and review the instructional resources. The instructional resources shall be subject to Section 13041 and all other relevant statutes governing the content of educational materials prior to distribution to the public schools.

(c) In carrying out subdivision (b), the State Librarian is encouraged to do or enable each of the following, to the extent possible:

- (1) Involve California Native Americans in the development of the instructional resources.
- (2) Consult with local and regional consortia of organizations and individuals engaged in similar educational, research, and development efforts.
- (3) Coordinate and collaborate with organizations and individuals engaging in similar educational, research, and development endeavors.
- (4) Utilize creative and innovative methods and approaches in research for, and development of, the instructional resources.
- (5) Seek matching funds, in-kind contributions, or other sources of support to supplement the funds provided in support of this part.
- (6) Propose the use of a variety of media, including new technology and the arts, to creatively and strategically appeal to pupils while enhancing and enriching community-based educational efforts.
- (7) Include scholarly inquiry related to the variety of experiences of California Native Americans.
- (8) Add relevant materials to, or catalogue relevant materials in, libraries and other repositories for the creation, publication, and distribution of bibliographies, curriculum guides, oral histories, and other resource directories and supporting the continued development of scholarly work on this subject by making a broad range of archival, library, and research materials more accessible to the American public.

§ 13041. Hearings; approval.

(a) The State Librarian shall submit to the Curriculum Development and Supplemental Materials Commission the instructional resources developed pursuant to Section 13040.

(b) The Curriculum Development and Supplemental Materials Commission shall hold a public hearing regarding the instructional resources and shall recommend them, along with any modifications that the commission determines to be appropriate, to the State Board of Education.

(c)(1) The State Board of Education shall hold a public hearing regarding the recommendation of the Curriculum Development and Supplemental Materials Commission pursuant to subdivision (b) and shall approve the instructional resources along with any modifications that the State Board of Education determines to be appropriate.

(2) The State Board of Education shall review the instructional resources approved pursuant to subdivision (c) in relation to the history-social science content standards adopted pursuant to Section 60605 and shall, at any subsequent revision, make adjustments, if any, to the content standards that it determines to be appropriate. The State Board of Education shall also ensure that the approved instructional resources are used as an advisory tool in developing the next revision of the history-social science curriculum framework and standards.

(d) Upon approval by the State Board of Education pursuant to subdivision (c), the instructional resources shall be made available to educators as efficiently and effectively as available funding will allow.

§ 13042. Report.

On or before January 1, 2003, the State Librarian shall report to the Governor and the appropriate fiscal and policy committees of each house of the Legislature on the use of funds provided for the purposes of this part.

b. Education Code, Title 2, Elementary and Secondary Education; Division 2, State Administration; Part 20, State Educational Agencies; Chapter 3. State Department of Education; Article 5, Bureau of Indian Education.

§ 33370. American Indian Education Unit; duties; Coordinator; appointment.

(a) There is hereby created within the State Department of Education an American Indian Education Unit, which shall provide administrative oversight of American Indian education programs established by the state and shall study and identify the cultural and educational disadvantages affecting American Indian children in the present existing public school system.

(b) The Superintendent of Public Instruction shall appoint an American Indian Education Unit Coordinator who shall be responsible for the American Indian Education Unit.

- c. **Education Code, Title 2, Elementary and Secondary Education; Division 2, State Administration; Part 20, State Educational Agencies; Chapter 3, State Department of Education; Article 6, California Indian Education Centers.**

§ 33380. Legislative intent.

The Legislature hereby finds and declares that Indian children have not succeeded well in California public schools as evidenced by low academic achievement at all grade levels, high dropout rates and by the few students continuing their education beyond high school.

It is the intent and purpose of the Legislature to strengthen the instructional program within the public schools by establishing California Indian education centers.

§ 33381. California Indian education centers.

The California Indian education centers established pursuant to this article shall serve as educational resource centers in Indian communities to the Indian students, parents, and the public schools. The centers shall be designed to:

- (a) Improve the academic achievement of Indian students with particular emphasis on reading and mathematics.
- (b) Improve the self-concept of Indian students and adults.
- (c) Increase the employment of Indian adults.
- (d) Serve as a center for related community activities.
- (e) Provide tutorial assistance to students in reading and mathematics.
- (f) Provide individual and group counseling to students and adults related to personal adjustment, academic progress, and vocational planning.
- (g) Provide coordinated programs with the public schools.
- (h) Provide a neutral location for parent-teacher conferences.
- (i) Provide a focus for summer recreational sports and academic experience.
- (j) Provide adult classes and activities.
- (k) Provide college-related training programs for prospective Indian teachers.
- (l) Provide libraries and other related educational material.

§ 33382. Guidelines for administering centers.

The State Board of Education, upon the advice and recommendations of the Superintendent of Public Instruction, shall adopt guidelines for the selection and administration of the California Indian education centers.

§ 33383. Application for center.

Application for the establishment of a California Indian education center may be made to the State Board of Education by any tribal group or incorporated Indian association, either separately or jointly, upon forms provided by the Department of Education.

- d. **Education Code, Title 2, Elementary and Secondary Education; Division 4, Instruction and Services; Part 28, General Instructional Programs; Chapter 2, Required Courses of Study.**

§ 51204.5. History of California; contributions of men, women, and ethnic groups to development of state and nation.

Instruction in social sciences shall include the early history of California and a study of the role and contributions of both men and women, black Americans, American Indians, Mexicans, Asians, Pacific Island people, and other ethnic groups to the economic, political, and social development of California and the United States of America, with particular emphasis on portraying the role of these groups in contemporary society.

- e. **Education Code, Title 2, Elementary and Secondary Education; Division 4, Instruction and Services; Part 33, Instructional Materials and Testing; Chapter 1, Instructional Materials; Article 3, Requirements, Materials.**

§ 60040. Portrayal of cultural and racial diversity.

When adopting instructional materials for use in the schools, governing boards shall include only instructional materials which, in their determination, accurately portray the cultural and racial diversity of our society, including:

- (a) The contributions of both men and women in all types of roles, including professional, vocational, and executive roles.
- (b) The role and contributions of American Indians, American Negroes, Mexican Americans, Asian Americans, European Americans, and members of other ethnic and cultural groups to the total development of California and the United States.
- (c) The role and contributions of the entrepreneur and labor in the total development of California and the United States.

- f. **Education Code, Title 5, Education; Division 6, California Community Colleges; Chapter 6, Curriculum and Instruction; Subchapter 1, Programs, Courses, and Classes; Article I, Program, Course and Class Classification and Standards.**

s 55004. Social Science Courses.

The course of instruction in social sciences shall include a study of the role, participation, and contribution of both men and women, black Americans, American Indians, Mexicans, Asians, Pacific Island people, and other ethnic groups to the economic, political, and social development of California and the United States of America.

- g. Education Code, Title 2, Elementary and Secondary Education; Division 3, Local Administration; Part 22, School Operations; Chapter 2, School Calendar; Article 3, Saturdays and Holidays.**

§ 37220.7. Native American Day commemoration.

(a) In addition to the holidays prescribed in Section 37220, public schools may be closed on the fourth Friday in September, known as "Native American Day," if the governing board, pursuant to a memorandum of understanding reached pursuant to Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, agrees to close schools for that purpose.

(b) On the fourth Friday in September, or if schools are closed on that date as specified in subdivision (a), on an alternate day determined by the governing board, public schools and educational institutions throughout this state may include exercises, funded through existing resources, commemorating and directing attention to the many contributions that Native Americans have made to this country. The State Board of Education may adopt a model curriculum guide to be available for use by public schools for exercises related to Native American Day.

4. COLORADO

Title 22, Education, General and Administrative; Article 1, General Provisions.

§ 22-1-104. Teaching of history, culture, and civil government.

(1) The history and civil government of the state of Colorado shall be taught in all the public schools of this state.

(2) In addition, the history and civil government of the United States, which includes the history, culture, and contributions of minorities, including, but not limited to, the American Indians, the Hispanic Americans, and the African Americans, shall be taught in all the public schools of the state.

(3)(a) Satisfactory completion of a course on the civil government of the United States and the state of Colorado, which includes the subjects described in subsection (2) of this section, shall be a condition of high school graduation in the public schools of this state.

(b) The condition of graduation described in paragraph (a) of this subsection (3) shall apply only to students entering their first year of high school on and after August 6, 2003.

5. CONNECTICUT

Title 10, Education and Culture; Chapter 164, Educational Opportunities; Part I, General.

§ 10-16b. Prescribed courses of study.

(d) The State Board of Education shall make available curriculum materials and such other materials as may assist local and regional boards of education in developing instructional programs pursuant to this section. The State Board of Education, within available appropriations and utilizing available resource materials, shall assist and encourage local and regional boards of education to include: (1) Holocaust education and awareness; (2) the historical events surrounding the Great Famine in Ireland; (3) African-American history; (4) Puerto Rican history; (5) Native American history; (6) personal financial management; and (7) topics approved by the state board upon the request of local or regional boards of education as part of the program of instruction offered pursuant to subsection (a) of this section.

§ 10-29a. Certain days and weeks to be proclaimed by Governor. Distribution and number of proclamations.

(9) Indian Day. The Governor shall proclaim the last Friday in September in each year to be Indian Day, which day shall be suitably observed in the public schools of the state as a day of commemoration of American Indians and their contribution to American life and civilization.

6. HAWAII

a. Constitutional provisions. Since 1978, the Constitution of the State of Hawaii has provided that

Article X, Education, Section 4, Hawaiian Education Program

The State shall promote the study of Hawaiian culture, history, and language.

The State shall provide for a Hawaiian education program consisting of language, culture and history in the public schools. The use of community expertise shall be encouraged as a suitable and essential means in furtherance of the Hawaiian education program.

Article XV, Section 4

English and Hawaiian shall be the official languages of Hawaii

b. Statutory provisions. The following are among the state's laws enacted to implement these constitutional provisions.

Title 18, Education; Chapter 304, University of Hawaii; Part II, Special Divisions, Programs and Departments; Subpart O, Hawaiian Language College.

§ 304-69. Creation.

There shall be a Hawaiian language college at the University of Hawaii at Hilo. The college shall provide a Hawaiian liberal education program providing education primarily through the Hawaiian language. There shall be established a revolving fund into which revenues from the sale of Hawaiian language materials shall be deposited. Moneys deposited into this fund shall be expended to support the Hawaiian language college.

Title 18, Education; Chapter 304, University of Hawaii; Part II, Special Divisions, Programs and Departments; Subpart O, Hawaiian Language College.

§ 304-70. Functions.

In addition to providing a quality education primarily through the medium of the Hawaiian language, the college shall:

- (1) provide an indigenous language outreach program to involve indigenous language scholars and to maintain and develop the program's Polynesian language database;
- (2) provide a Hawaiian medium teacher training program incorporating Nawahiokalani'opu'u school and other schools, as appropriate, as laboratory schools; and
- (3) maintain a Hawaiian language support center with educational specialists in the areas of research, curriculum development, language development, archival work, and educational technology.

7. IDAHO

Title 33, Education; Chapter 12, Teachers.

§ 33-1280, American Indian languages teaching authorization.

- (1) As used in this section, "Indian tribe" is as defined in section 67-4001, Idaho Code.
- (2) It is the policy of the state of Idaho to preserve, protect and promote the rights of Indian tribes to use, practice and develop their native languages and to encourage American Indians in the state to use, study and teach their native languages in order to encourage and promote:
 - (a) The survival of native language;
 - (b) Increased student scholarship;
 - (c) Increased student awareness of the student's culture and history; and
 - (d) Increased student success.

8. KENTUCKY

Title I, Sovereignty and Jurisdiction of the Commonwealth; Chapter 2, Citizenship, Emblems, Holidays, and Time.

§ 2.230. Native American Indian Month.

(1) The month of November of each year shall be observed in Kentucky as "Native American Indian Month" and during this month schools, clubs, and civic and religious organizations are encouraged to recognize the contributions of Native American Indians with suitable ceremony and fellowship designed to promote greater understanding and brotherhood between Native American Indians and the non-Native American Indian people of the Commonwealth of Kentucky.

(2) The Governor shall, prior to the first day of November of each year, issue a proclamation inviting and urging the people of the Commonwealth to observe Native American Indian Month with suitable ceremony and fellowship.

(3) The Kentucky Department of Education, Kentucky Heritage Council, and the Native American Heritage Commission established in KRS 171.820 shall, within the limits of funds available for this purpose, make information available to all people of this Commonwealth regarding Native American Indian Month and the observance thereof.

9. MAINE

Title 20-A, Education; Part 3, Elementary and Secondary Education; Chapter 207-A, Instruction; Subchapter I, General Requirements.

§ 4706. Instruction in American history, Maine studies and Maine Native American history.

American history and Maine studies must be taught as specified in the system of learning results established in section 6209.

2. Maine studies. Maine history, including the Constitution of Maine, Maine geography and environment and the natural, industrial and economic resources of Maine and Maine's cultural and ethnic heritage, must be taught. A required component of Maine studies is Maine Native American studies, which must be included in the review of content standards and performance indicators of the learning results conducted in accordance with section 6209, subsection 4. The Maine Native American studies must address the following topics:

- A. Maine tribal governments and political systems and their relationship with local, state, national and international governments;
- B. Maine Native American cultural systems and the experience of Maine tribal people throughout history;
- C. Maine Native American territories; and
- D. Maine Native American economic systems.

10. MINNESOTA

a. Chapter 10, Multiple Branches or Offices; Observances, State Observances.

§ 10.50. Ethnic American Day.

The first Sunday in June is designated Ethnic American Day, in recognition of the diverse population of Minnesota, from the Native Americans who were this land's first inhabitants to other peoples from all parts of the world who also have contributed their cultures, traditions, and values to their fellow citizens. The governor may take any action necessary to promote and encourage the observance of Ethnic American Day. The public schools may offer instruction and programs to foster and preserve ethnic cultures, traditions, and values.

b. Education Code: Prekindergarten-Grade 12; Chapter 124D, Education programs, American Indians Education.

§ 124D.72. Policy.

The legislature finds that a more adequate education is needed for American Indian people in the state of Minnesota. The legislature recognizes the unique educational and culturally-related academic needs of American Indian people. The legislature also is concerned about the lack of American Indian teachers in the state. Therefore, pursuant to the policy of the state to ensure equal educational opportunity to every individual, it is the purpose of sections 126.45 to 126.55 to provide for American Indian education programs specially designed to meet these unique educational or culturally-related academic needs or both.

§ 124D.73. Definitions.

Subdivision 1. Scope. For the purposes of sections 126.45 to 126.55, the terms defined in this section have the meanings given them.

Subd. 2. “American Indian child” means any child, living on or off a reservation, who is enrolled or eligible for enrollment in a federally recognized tribe.

Subd. 3. “Advisory task force” means the state advisory task force on American Indian education programs.

Subd. 4. “Participating school” and “American Indian school” mean a school that:

- (1) is not operated by a school district; and
- (2) is eligible for a grant under Title IV of the Indian Education Act for the education of American Indian children.

§ 124D.74. American Indian education programs.

Subdivision 1. Program described. American Indian education programs are programs in public elementary and secondary schools, nonsectarian nonpublic, community, tribal, charter, or alternative schools enrolling American Indian children designed to:

- (1) support postsecondary preparation for pupils;
- (2) support the academic achievement of American Indian students with identified focus to improve reading and mathematic skills;
- (3) make the curriculum more relevant to the needs, interests, and cultural heritage of American Indian pupils;
- (4) provide positive reinforcement of the self-image of American Indian pupils;
- (5) develop intercultural awareness among pupils, parents, and staff; and
- (6) supplement, not supplant, state and federal educational and curricular programs.

Subd. 2. Voluntary enrollment. Enrollment in American Indian language and culture education programs shall be voluntary. School districts and participating schools shall make affirmative efforts to encourage participation. They shall encourage parents to visit classes or come to school for a conference explaining the nature of the program and provide visits by school staff to parents' homes to explain the nature of the program.

Subd. 3. Enrollment of other children; shared time enrollment. To the extent it is economically feasible, a school district or participating school may make provision for the voluntary enrollment of non-American Indian children in the instructional components of an American Indian language and culture education program in order that they may acquire an understanding of the cultural heritage of the American Indian children for whom that particular program is designed. However, in determining eligibility to participate in a program, priority shall be given to American Indian children. American Indian children and other children enrolled in an existing nonpublic school system may be enrolled on a shared time basis in American Indian language and culture education programs.

Subd. 4. Location of programs. American Indian language and culture education programs shall be located in facilities in which regular classes in a variety of subjects are offered on a daily basis.

Subd. 5. Assignment of students. No school district or participating school shall in providing these programs assign students to schools in a way which will have the effect of promoting segregation of students by race, sex, color, or national origin.

Subd. 6. Nonverbal courses and extracurricula activities. In predominantly nonverbal subjects, such as art, music, and physical education, American Indian children shall participate fully and on an equal basis with their contemporaries in school classes provided for these subjects. Every school district or participating school shall ensure to children enrolled in American Indian language and culture education programs an equal and meaningful opportunity to participate fully with other children in all extracurricular activities. This subdivision shall not be construed to prohibit instruction in nonverbal subjects or extracurricula activities which relate to the cultural heritage of the American Indian children, or which are otherwise necessary to accomplish the objectives described in sections 126.45 to 126.55.

c. Education Code: Prekindergarten--Grade 12; Chapter 124D, Education Programs; American Indian Education.

§ 124D.81. Continuation of Indian education grants.

Subdivision 1. Grants; procedures. Each fiscal year the commissioner of education must make grants to no fewer than six American Indian education programs. At least three programs must be in urban areas and at least three must be on or near reservations. The board of a local district, a participating school or a group of boards may develop a proposal for grants in support of American Indian education programs. Proposals may provide for contracts for the provision of program components by nonsectarian nonpublic, community, tribal, charter, or alternative schools. The commissioner shall prescribe the form and manner of application for grants, and no grant shall be made for a proposal not complying with the requirements of sections 124D.71 to 124D.82.

Subd. 2. Plans. Each district or participating school submitting a proposal under subdivision 1 must develop and submit with the proposal a plan which shall:

- (a) Identify the measures to be used to meet the requirements of sections 124D.71 to 124D.82;
- (b) Identify the activities, methods and programs to meet the identified educational needs of the children to be enrolled in the program;
- (c) Describe how district goals and objectives as well as the objectives of sections 124D.71 to 124D.82 are to be achieved;
- (d) Demonstrate that required and elective courses as structured do not have a discriminatory effect within the meaning of section 124D.74, subdivision 5;
- (e) Describe how each school program will be organized, staffed, coordinated, and monitored; and
- (f) Project expenditures for programs under sections 124D.71 to 124D.82.

Subd. 3. Additional requirements. Each district receiving a grant under this section must each year conduct a count of American Indian children in the schools of the district; test for achievement; identify the extent of other educational needs of the children to be enrolled in the American Indian education program; and classify the American Indian children by grade, level of educational attainment, age and achievement. Participating schools must maintain records concerning the needs and achievements of American Indian children served.

Subd. 4. Nondiscrimination; testing. In accordance with recognized professional standards, all testing and evaluation materials and procedures utilized for the identification, testing, assessment and classification of American Indian children must be selected and administered so as not to be racially or culturally discriminatory and must be valid for the purpose of identifying, testing, assessing, and classifying American Indian children.

Subd. 5. Records. Participating schools and districts must keep records and afford access to them as the commissioner finds necessary to ensure that American Indian education programs are implemented in conformity with sections 124D.71 to 124D.82. Each school district or participating school must keep accurate, detailed, and separate revenue and expenditure accounts for pilot American Indian education programs funded under this section.

Subd. 6. Money from other sources. A district or participating school providing American Indian education programs shall be eligible to receive moneys for these programs from other government agencies and from private sources when the moneys are available.

Subd. 7. Exceptions. Nothing in sections 124D.71 to 124D.82 shall be construed as prohibiting a district or school from implementing an American Indian education program which is not in compliance with sections 124D.71 to 124D.82 if the proposal and plan for that program is not funded pursuant to this section.

§ 124D.82. Discrimination prohibited.

Nothing in the provisions of sections 124D.71 to 124D.82 shall be construed to violate the provisions of section 123B.30 or chapter 363A. Programs and activities pursuant to sections 124D.71 to 124D.82 shall be deemed to be positive action programs to combat discrimination.

d. Post-Secondary Education. Chapter 135A; Public Post-Secondary Education, Academics, Programs, Missions.

§ 135A.12. Unique needs and abilities of American Indian people.

Subdivision 1. Applicability. This section applies to each public postsecondary governing board and each public postsecondary institution.

Subd. 2. Programs and services. The board of each institution, at the request of ten or more full-time American Indian students, shall establish an advisory committee, in consultation with tribal designated representatives. The advisory committee shall recommend instructional programs and student services to meet the unique needs of American Indian people.

Subd. 3. American Indian languages. A student who is proficient in an American Indian language shall have the opportunity to be assessed, placed, or to receive credit for skills in that language in the same manner that a student is assessed, placed, or receives credit for skills in languages other than the English language.

Subd. 4. Qualifications for American Indian studies and services. American Indian individuals who understand and have demonstrated knowledge of American Indian language, history, or culture may be considered to be competent to provide instruction in American Indian language, history, or culture programs. Qualifications to provide noninstructional services at postsecondary institutions for American Indian people must take into consideration knowledge of and understanding of American Indian language, history, or culture.

11. MISSISSIPPI

Title 37, Education; Chapter 7, School Districts; Boards of Trustees of School Districts; Article 7, Boards of Trustees; General Powers and Duties.

§ 37-7-329. Establishment of schools for racial groups not otherwise provided for by law.

In a school district where there are Indian children, or children of any race not otherwise provided for by law with educational advantages, sufficient to form a school, the school board may locate one or more schools exclusively for Indians, or children of such other race, and pay salaries of teachers for same, and provide for the transportation of the children, under rules and regulations prescribed by the State Board of Education. Special licenses may be provided by the director of the division of instruction for teachers of Indian schools and other schools mentioned in this section.

12. MONTANA

a. Constitutional provisions. Since 1972, the Constitution of the State of Montana has provided that:

Article X, Education and Public Lands.

Section 1. Educational goals and duties.

(2) The state recognizes the distinct and unique cultural heritage of the American Indians and is committed in its educational goals to the preservation of their cultural integrity.

b. Statutory provisions.

1. Title 1, General Laws and Definitions; Chapter 1, General Provisions; Part 5, State Symbols -- Official Designations.

§ 1-1-510. English as official and primary language of state and local governments.

(4) This section is not intended to limit the use of any other language by a tribal government. A school district and a tribe, by mutual agreement, may provide for the instruction of students that recognizes the cultural identity of Native American children and promotes the use of a common language for communication.

2. Title 20, Education; Chapter 1, General Provisions; Part 5, Indian Education for All.

§ 20-1-501. Recognition of American Indian cultural heritage – legislative intent.

(1) It is the constitutionally declared policy of this state to recognize the distinct and unique cultural heritage of American Indians and to be committed in its educational goals to the preservation of their cultural heritage.

(2) It is the intent of the legislature that in accordance with Article X, section 1(2), of the Montana constitution:

(a) every Montanan, whether Indian or non-Indian, be encouraged to learn about the distinct and unique heritage of American Indians in a culturally responsive manner; and

(b) every educational agency and all educational personnel will work cooperatively with Montana tribes or those tribes that are in close proximity, when providing instruction or when implementing an educational goal or adopting a rule related to the education of each Montana citizen, to include information specific to the cultural heritage and contemporary contributions of American Indians, with particular emphasis on Montana Indian tribal groups and governments.

(3) It is also the intent of this part, predicated on the belief that all school personnel should have an understanding and awareness of Indian tribes to help them relate effectively with Indian students and parents, that educational personnel provide means by which school personnel will gain an understanding of and appreciation for the American Indian people.

§ 20-1-502. American Indian studies -- definitions.

As used in this part, the following definitions apply:

(1) "American Indian studies" means instruction pertaining to the history, traditions, customs, values, beliefs, ethics, and contemporary affairs of American Indians, particularly Indian tribal groups in Montana.

(2) "Instruction" means:

(a) a formal course of study or class, developed with the advice and assistance of Indian people, that is offered separately or that is integrated into existing accreditation standards by a unit of the university system or by an accredited tribal community college located in Montana, including a teacher education program within the university system or a tribal community college located in Montana, or by the board of trustees of a school district;

- c. **Administrative Rules, Title 10, Education, Board of Public Education; Chapter 54, Content and Performance Standards; Sub-Chapter 60, Social Studies Content and Performance Standards.**

§ 10.54.6043. Benchmark for Social Studies Content Standard 4 Upon Graduation.

(1) The benchmark for social studies content standard 4 for a student upon graduation is the ability to:

(d) analyze the significance of important people, events, and ideas (e.g., political and intellectual leadership, inventions, discoveries, the arts) in the major eras/civilizations in the history of Montana, American Indian tribes, the United States, and the world;

Administrative Rules, Title 10, Education, Board of Public Education; Chapter 55, Standards of Accreditation; Sub-Chapter 6, General Provisions.

§ 10.55.603. Curriculum and Assessment.

(2) For content and performance standards in all program areas in accordance with ARM 10.55.602(8), school districts shall:

(a) establish curriculum and assessment development processes as a cooperative effort of personnel certified and endorsed in the program area and trustees, administrators, other teachers, students, specialists, parents, community and, when appropriate, tribal representatives and state resource people;

Administrative Rules, Title 10, Education, Board of Public Education; Chapter 55, Standards of Accreditation; Sub-Chapter 8, Educational Opportunity.

§ 10.55.803. Learner Access.

(2) In developing curricula in all program areas, the board of trustees shall:

(b) take into account individual and cultural diversity and differences among learners. Cultural and language differences should be viewed as valuable and enriching resources and should take into account the unique needs of American Indian students and other minority groups;

(c) develop an understanding of the values and contributions of Montana's American Indians for all students;

(h) provide books and materials that reflect authentic historical and contemporary portrayals of American Indians; . . .

13. NEBRASKA

a. Chapter 79, Schools; Article 7, Accreditation, Curriculum, and Instruction; (C) Curriculum and Instruction Requirements.

§ 79-719. Multicultural education, defined.

For purposes of sections 79-719 to 79-723, multicultural education includes, but is not limited to, studies relative to the culture, history, and contributions of African Americans, Hispanic Americans, Native Americans, and Asian Americans. Special emphasis shall be placed on human relations and sensitivity toward all races

b. Chapter 79, Schools; Article 8, Teachers and Administrators; (A) Certificates.

§ 79-802.01. American Indian language teacher; requirements.

(1)Teaching American Indian languages is essential to the proper education of American Indian children

c. Chapter 84, State Officers; Article 1, Governor.

§ 84-104.06. American Indian Day; legislative findings.

The Legislature finds that American Indians were the first residents of the State of Nebraska. The Legislature further finds that these residents have made advances to the growth and development of the United States, the State of Nebraska, and their local communities, first through history and now through human and natural resources. The Legislature also finds that American Indians have made significant contributions and will continue to make contributions to the development of business, industry, education, the arts, and other areas which have made this country and this state a good place in which to live. The Legislature also finds that many of these contributions are unknown and unrecognized by many Nebraska citizens.

§ 84-104.07. American Indian Day; manner of observance.

It is hereby declared that the fourth Monday in September of each year shall be known in Nebraska as American Indian Day and that on this day schools, clubs, and civic and religious organizations shall be encouraged to recognize the contributions of American Indians with suitable ceremony and fellowship designed to promote greater understanding and brotherhood between American Indians and the non-Indian people of the State of Nebraska.

§ 84-104.08. American Indian Day; proclamation by Governor; commemoration.

(1) The Governor shall, prior to the fourth Monday in September of each year, issue a proclamation inviting and urging the people of the State of Nebraska to observe American Indian Day with suitable ceremony and fellowship.

(2) The State Department of Education and the Commission on Indian Affairs shall make, within the limits of funds available for such purpose, information available to all people of this state regarding American Indian Day and the observance thereof.

d. Chapter 85, State University, State Colleges, and Postsecondary Education; Article 9, Postsecondary Education; (B) Role and Mission Assignments.

§ 85-965. Community college area; education programs; contract to provide.

Any community college area or institution may contract to provide for the delivery of education programs within institutions operated by any state agency or within any geographic area administered by a federal agency or tribal authority.

14. NEVADA

a. Title 34, Education; Chapter 389, Examinations, Courses, Standards and Diplomas, Academic Subjects, Instruction and Courses of Study.

§ 389.150. Programs and curricula for American Indians.

The superintendent of public instruction, working with the American Indian tribes, shall establish programs and curricula designed to meet the special educational needs of American Indians in this state.

b. Administrative Code, Chapter 389, Examinations, Courses, Standards and Diplomas.

§ 389.516. Permissible elective courses of study.

A local school board may offer the following courses of study as elective courses in a public high school:

18. Great Basin Native American languages.

§ 389.6549. Great Basin Native American language.

A course of study in a Great Basin Native American language must include instruction designed to teach the pupil to do the following:

1. After 1 year of instruction:

- (a) Understand routine questions, statements, commands and conversation.
- (b) Recognize the differences in intonation between questions, statements and commands.
- (c) Produce words and phrases used frequently in daily life.
- (d) Identify in oral speech highly contextualized cognates.
- (e) Understand and compose simple oral material.
- (f) Be familiar with the location and geography of the Native Americans whose language is being studied.
- (g) Be familiar with how the Native Americans whose language is being studied are related to other Native Americans in the Great Basin region.
- (h) Be familiar with important cultural features, prominent persons, current events and activities of the Native Americans whose language is being studied.
- (i) Be familiar with some of the major contributions to the culture of this State and the United States made by the Native Americans whose language is being studied.

2. After 2 years of instruction:

- (a) Understand simple conversation.
- (b) Understand the language of simple social conventions.
- (c) Distinguish the unique sounds of the language in familiar context.
- (d) Participate in familiar situations, including, without limitation, asking and answering questions, giving and following simple directions, engaging in conversation at a dinner table, and introducing oneself.
- (e) Understand a written passage sufficiently to use alternative language to communicate the content of the passage.
- (f) Retell familiar material.
- (g) Understand main ideas and facts from a simple oral text, including, without limitation, a story.
- (h) Follow oral directions.
- (i) Infer meaning from the context of the material studied and cognates.
- (j) Compose, with guidance from the instructor, short oral compositions, statements and dialogue.
- (k) Explore major aspects of the geography, daily life, celebrations, social customs, body language and proximity, perception of time and major historical events of the region where the language is spoken.
- (l) Continue to demonstrate an awareness of current events, communities and prominent persons of the region where the language is spoken.

15. NEW MEXICO

a. **Chapter 21, State and Private Education Institutions; Article 10, Development of Indian Resources.**

§ 21-10-1. Purpose.

The purpose of this act [21-10-1 to 21-10-3 NMSA 1978] is to provide funds to New Mexico state university in order that agricultural and engineering education and work experience opportunities may be provided to Indian students to help prepare them for agricultural sciences, engineering sciences and management positions in irrigation projects and energy resources development to the end that the economic growth and public welfare of New Mexico will be promoted.

§ 21-10-2. Indian resources development program created.

There is created the “Indian resources development program” to assist the education and training, through practical on-the-job experience opportunities, of Indian students in the agricultural, engineering and associated management sciences for the purpose of insuring the successful development and management of the agricultural and energy resources on Indian lands.

§ 21-10-5. Purpose.

The purpose of the Indian Resources Development Act [21-10-4 to 21-10-9 NMSA 1978] is to create statewide Indian resources development institutes, located at New Mexico state university and the university of New Mexico, in order that the state can participate with the federal government and Indian tribes for the purpose of assisting Indian tribes in developing agricultural, mineral, energy, forestry, wildlife, recreation and business resources and associated technical and managerial resources and other areas deemed necessary to promote their economic self-sufficiency to the end that the economic growth and public welfare of New Mexico will be promoted.

§ 21-10-6. Indian resources development institutes created.

There are created the “Indian resources development institutes” to provide research, educational and service programs that will directly and indirectly contribute to the more effective utilization of the natural and human resources and related business activities on Indian lands. The institutes may provide programs to enhance the development and efficient utilization [utilization] of natural and human resources and associated businesses on Indian lands, including dryland and irrigated agriculture, rangelands, oil, gas, coal, uranium, other mineral resources, ground and surface water resources, forestry, wildlife and outdoor-based recreational resources. The institutes may also provide programs for education and training and other necessary areas that will directly contribute toward providing Indian people the technical and managerial knowledge and experience necessary for efficient utilization of their natural resources.

§ 21-10-10. Purpose.

The purpose of this act [21-10-10 to 21-10-12 NMSA 1978] is to provide funds to New Mexico state university to create an Indian scientific educational assistance and work experience program in order that agriculture, engineering and business education and related work experience opportunities may be provided to Indian students to help prepare them for agricultural sciences, engineering sciences and management positions in irrigation projects, energy resources development, forestry projects, outdoor recreation activities and small business developments to the end that the economic growth and public welfare of New Mexico will be promoted.

b. Chapter 22, Public Schools; Article 23, Bilingual Multicultural Education Act.

§ 22-23-1.1. Legislative findings.

The legislature finds that:

A. while state and federal combined funding for New Mexico's bilingual multicultural education programs was forty-one million dollars (\$41,000,000) in 2003, the funds do not directly support bilingual multicultural education program instruction;

B. the state's bilingual multicultural education program goals are for all students, including English language learners, to:

(1) become bilingual and biliterate in English and a second language, including Spanish, a Native American language, where a written form exists and there is tribal approval, or another language; and

(2) meet state academic content standards and benchmarks in all subject areas;

C. districts do not fully understand how to properly assess, place and monitor students in bilingual multicultural education programs so that the students may become academically successful;

D. because inaccurate reporting on student participation in bilingual multicultural education programs has a direct impact on state and federal funding, accountability measures are necessary to track bilingual multicultural education program funds;

E. the federal No Child Left Behind Act of 2001 does not preclude using state funds for bilingual multicultural education programs;

F. Article 12, Section 8 of the constitution of New Mexico recognizes the value of bilingualism as an educational tool;

G. professional development is needed for district employees, including teachers, teacher assistants, principals, bilingual directors or coordinators, associate superintendents, superintendents and financial officers in the areas of:

(1) research-based bilingual multicultural education programs and implications for instruction;

(2) best practices of English as a second language, English language development and bilingual multicultural education programs; and

(3) classroom assessments that support academic and language development;

H. parents in conjunction with teachers and other district employees shall be empowered to decide what type of bilingual multicultural education program works best for their children and their community. Districts shall also provide parents with appropriate training in English or in the home or heritage language to help their children succeed in school;

I. because research has shown that it takes five to seven years to acquire academic proficiency in a second language, priority should be given to programs that adequately support a child's linguistic development. The state shall, therefore, fund bilingual multicultural education programs for students in grades kindergarten through three before funding bilingual multicultural education programs at higher grade levels;

J. a standardized curriculum, including instructional materials with scope and sequence, is necessary to ensure that the bilingual multicultural education program is consistent and building on the language skills the students have previously learned. The instructional materials for Native American bilingual multicultural education programs shall be written, when permitted by the Indian nation, tribe or pueblo, and if written materials are not available, an oral standardized curriculum shall be implemented;

K. equitable and culturally relevant learning environments, educational opportunities and culturally relevant instructional materials for all students participating in the program. For Native American students enrolled in public schools, equitable and culturally relevant learning environments, educational opportunities and culturally relevant instructional materials are required to satisfy a goal of the Indian Education Act; and

L. the Bilingual Multicultural Education Act will ensure equal education opportunities for students in New Mexico. Cognitive and affective development of the students is encouraged by:

- (1) using the cultural and linguistic backgrounds of the students in a bilingual multicultural education program;
- (2) providing students with opportunities to expand their conceptual and linguistic abilities and potentials in a successful and positive manner; and
- (7) teaching students to appreciate the value and beauty of different languages and cultures.

Administrative Code; Title 6, Primary and Secondary Education; Chapter 32, Educational Standards – Bilingual Multicultural Education; Part 2, Guidelines for Implementing Bilingual Multicultural Education Programs.

§ 6.32.2.10. Program Element: Instruction.

A. Public schools providing an approved Bilingual Multicultural Education program shall include:

- (1) Literacy skills in two languages one of which is English; and
- (2) Sequential curriculum and instruction in the history and cultures of New Mexico

B. Public schools providing an approved Language Revitalization or Indigenous Language program shall include:

- (2) Oral and/or written language skills in Native American languages and other indigenous languages; and
- (3) Sequential curriculum and instruction in the history and cultures of New Mexico Native American languages and other indigenous languages.

(4) Public schools providing an approved Language Revitalization or Indigenous Language program may include literacy skills in Native American languages with approval from tribal departments of education / tribal councils.

c. Chapter 22, Public Schools; Article 23A, Indian Education.

§ 22-23A-2. Purpose of Act.

The purpose of the Indian Education Act is to:

A. ensure equitable and culturally relevant learning environments, educational opportunities and culturally relevant instructional materials for American Indian students enrolled in public schools;

B. ensure maintenance of native languages;

C. provide for the study, development and implementation of educational systems that positively affect the educational success of American Indian students;

D. ensure that the department of education partners with tribes to increase tribal involvement and control over schools and the education of students located in tribal communities;

E. encourage cooperation among the educational leadership of Arizona, Utah, New Mexico and the Navajo Nation to address the unique issues of educating students in Navajo communities that arise due to the location of the Navajo Nation in those states;

F. provide the means for a formal government-to-government relationship between the state and New Mexico tribes and the development of relationships with the education division of the bureau of Indian affairs and other entities that serve American Indian students;

G. provide the means for a relationship between the state and urban American Indian community members to participate in initiatives and educational decisions related to American Indian students residing in urban areas;

H. ensure that parents; tribal departments of education; community-based organizations; the department of education; universities; and tribal, state and local policymakers work together to find ways to improve educational opportunities for American Indian students;

I. ensure that tribes are notified of all curricula development for their approval and support;

J. encourage an agreement regarding the alignment of the bureau of Indian affairs and state assessment programs so that comparable information is provided to parents and tribes; and

K. encourage and foster parental involvement in the education of Indian students.

§ 22-23A-4. State board; tribes; rulemaking.

The state board, in consultation with tribes, may adopt and promulgate rules to implement the provisions of the Indian Education Act.

§ 22-23A-5. Indian education division; created; assistant superintendent.

A. The "Indian education division" is created within the department. The state secretary shall appoint an assistant secretary for Indian education, who shall direct the activities of the division.

B. The Indian education division shall:

- (1) provide assistance to school districts and tribes to meet the educational needs of American Indian students;
- (2) provide assistance to school districts and tribes in the planning, development, implementation and evaluation of curricula in native languages, culture and history designed for American Indian students;
- (3) develop or select for implementation a challenging, sequential, culturally relevant curriculum to provide instruction for American Indian students in kindergarten through sixth grade to prepare them for pre-advanced placement and advanced placement coursework in grades seven through twelve;
- (4) provide assistance to school districts and tribes to develop curricula and instructional materials in native languages, culture and history in conjunction and by contract with native language practitioners and tribal elders, unless the use of written language is expressly prohibited by the tribe;
- (5) establish an Indian education advisory council;
- (6) by January 2006, enter into agreements with each tribe or authorized tribal educational entity to share programmatic information and to coordinate technical assistance for public schools that serve American Indian students;
- (7) seek funds to establish an Indian education office in the northwest corner of the state to implement agreements with each tribe or authorized tribal educational entity, monitor the progress of American Indian students and coordinate technical assistance at the public schools that serve American Indian students;
- (8) require school districts to obtain a signature of approval by the tribal governments or tribal government designees residing within school district boundaries, verifying that the tribes agree to Indian education policies and procedures pursuant to federal requirements;
- (9) seek funds to establish, develop and implement the following support services for the purposes of increasing the number of American Indian teachers and principals and providing continued professional development for educational assistants, teachers and principals serving American Indian students, in conjunction with the Indian education advisory council:
 - (a) recruitment and retention;
 - (b) academic transition programs;
 - (c) academic financial support;
 - (d) teacher preparation;
 - (e) teacher induction; and
 - (f) professional development;
- (10) develop curricula to provide instruction in tribal history and government and develop plans to implement these subjects into history and government courses in school districts throughout the state;
- (11) ensure that native language bilingual programs are part of a school district's professional development plan, as provided in Section 22-2-2 NMSA 1978; and

(12) develop a plan to establish a post-secondary investment system for Indian students to which parents, tribes and the state may contribute."

§ 22-23A-6. Advisory council.

A. The "Indian education advisory council" shall consist of fourteen members as follows:

- (1) four representatives from the Navajo Nation;
- (2) two representatives, one from the Mescalero Apache Tribe and one from the Jicarilla Apache Nation;
- (3) four representatives, two from the southern pueblos and two from the northern pueblos; and
- (4) four members representing urban areas, the bureau of Indian affairs, head start organizations and the general public, at least one of whom shall be non-Indian, but all of whom shall have knowledge of and involvement in the education of Indian students.

B. On a semiannual basis, representatives from all tribes, members of the state board, the governor's office, the New Mexico office of Indian affairs, the legislature, the state superintendent and the Indian education advisory council shall meet to assist in evaluating, consolidating and coordinating all activities relating to the education of American Indian students.

C. Members of the Indian education advisory council may receive per diem and mileage as provided for nonsalaried public officers in the Per Diem and Mileage Act.

§ 22-23A-7. Report.

A. The Indian education division in collaboration with the education division of the bureau of Indian affairs and other entities that serve American Indian students shall submit an annual statewide American Indian education status report to all tribes.

B. A school district with tribal lands located within its boundaries shall provide a districtwide American Indian education status report to all tribes represented within the school district boundaries.

C. The status reports shall be written in a brief format and shall include the following information, through which public school performance is measured and reported to the tribes:

- (1) student achievement as measured by a statewide test approved by the state board, with results disaggregated by ethnicity;
- (2) school safety;
- (3) the dropout rate;
- (4) attendance;
- (5) parent and community involvement;
- (6) educational programs targeting American Indian students;
- (7) financial reports;
- (8) current status of federal Indian education policies and procedures;
- (9) school district initiatives to decrease the number of student dropouts and increase attendance;
- (10) public school use of variable school calendars; and
- (11) school district consultations with parent advisory committees.
/tribal councils.

d. Chapter 22, Public Schools; Article 13, Courses of Instruction and School Programs.

§ 22-13-3.1. Even Start Family Literacy Program, created, guidelines, benchmarks, performance standards and evaluations.

The "even start family literacy program" is created in the department of education to provide funding for preschool reading readiness and parenting education. The purpose of the program is to support the educational and developmental needs of students in preschool: address cultural diversity; and provide family support that leads to improved literacy, improved ability for students to succeed in school and economic self-sufficiency. Priority for funding shall be provided to those public schools that have the highest proportion of limited English proficient students, students living in poverty and Native American students.

16. NEW YORK

Education Law, Chapter 16; Title I, General Provisions; Article 3, Education Department; Part I, General Provisions.

§ 111. Indian affairs.

The education department, by or through the appropriate division, bureau or officer thereof, shall exercise and perform the functions, powers and duties conferred or imposed by law in relation to the education of children upon the Indian reservations.

Education Law, Chapter 16; Title VI - Special Schools and Instruction; Article 83 - Indian Schools.

§ 4101. Duties of commissioner regarding Indian children.

1. The commissioner of education shall establish schools in such places and maintain such courses of instruction therein for the education of the Indian children of the state as he shall deem necessary. He shall have general supervision of such education and shall cause to be erected where necessary convenient and suitable school buildings for the accommodation of all the Indian children of the state.

17. NORTH CAROLINA

Chapter 147, State Officers; Article 3, The Governor.

§ 147-18. To designate "Indian Day."

The Governor of North Carolina is hereby empowered to set aside some day which shall be called "Indian Day" on which Indian lore shall receive emphasis in the public schools of the State and among the citizens of North Carolina.

18. NORTH DAKOTA

Title 15.1, Elementary and Secondary Education; Chapter 15.1-21, Curriculum and Testing.

§ 15.1-21-05. Indian education curriculum.

The superintendent of public instruction may develop an Indian education curriculum to be implemented within the minimum curriculum requirements for elementary and secondary schools. The superintendent shall provide for continuing research and evaluation and for in-service training necessary to implement such a curriculum.

19. OHIO

Title XXXIII, Education - Libraries; Chapter 3313, Boards of Education, Administration of Schools.

§ 3313.60. Required curriculum; requirements for promotion to ninth grade and for graduation from high school.

(A) The board of education of each city and exempted village school district, the governing board of each educational service center, and the board of each cooperative education school district established pursuant to section 3311.521 of the Revised Code shall prescribe a curriculum for all schools under their control. Except as provided in division (E) of this section, in any such curriculum there shall be included the study of the following subjects:

- (1) The language arts, including reading, writing, spelling, oral and written English, and literature;
- (2) Geography, the history of the United States and of Ohio, and national, state, and local government in the United States, including a balanced presentation of the relevant contributions to society of men and women of African, Mexican, Puerto Rican, and American Indian descent as well as other ethnic and racial groups in Ohio and the United States;

20. OKLAHOMA

a. 2001 Session Law Service, Senate Concurrent Resolution No. 37.

. . . the Oklahoma State Legislature encourages the teaching and learning of Native American languages at all levels of instruction.

. . . the Oklahoma State Legislature opposes artificial barriers to the instruction or learning of Native American languages and encourages all education authorities to take all appropriate steps to promote and encourage the instruction and learning of Native American languages.

. . . the Oklahoma State Legislature urges the Superintendent of Public Instruction to take appropriate measures to foster respect for Native American languages and to vigilantly address any situations that may occur where proper respect for Native American languages is not provided.

Administrative Code, Title 210, State Department of Education; Chapter 15, Curriculum and Instruction; Subchapter 3, Priority Academic Student Skills; Part 15, Oklahoma Standards for World Languages (Foreign, Native American, and/or American Sign Language).

§ 210:15-3-133. Overview.

(a) The Oklahoma State Board of Education has identified the study of languages (foreign, Native American, American Sign Language) as core curriculum along with science, mathematics, social studies, language arts, and the arts (visual art and general music). All districts are required to implement a sequential program of study of at least one language other than English in the curriculum. The state school laws of Oklahoma 2001 state "Students must learn about cultures and environments -- their own and those of others with whom they share the earth. Students, therefore, must study social studies, literature, languages, the arts, mathematics and science."

(u) The standards written in this Oklahoma world languages curriculum framework are for all languages taught in Oklahoma schools. Some languages, such as American Sign Language, Native American languages, and classical languages have unique characteristics that may require some modifications in the standards to reflect their special traits. For example, Latin places a stronger emphasis on reading, while oral skills receive less emphasis, Native American languages emphasize oral skills, while written skills receive less emphasis. American Sign Language emphasizes visual-gestural and interpretive communication.

b. Title 25, Definitions and General Provisions; Chapter 2, Holidays.

§ 90.12. Oklahoma Native American Day.

The Third Monday in November of each year is designated as "Oklahoma Native American Day" in Oklahoma. All citizens of this state are requested to devote some portion of Oklahoma Native American Day to commemorate the accomplishments of Oklahoma's Native Americans. Teachers and students of the schools of this state are requested to observe the day with appropriate activities.

c. Title 70, Schools; Division I; Chapter 1; Article XI, Curriculum.

§ 11-103.6b. Social studies curriculum and textbooks to reflect American diversity.

A. The State Board of Education shall adopt a social studies core curriculum with courses of instruction for all students enrolled in the public schools that reflect the racial, ethnic, religious, and cultural diversity of the United States of America. The United States history and Oklahoma history components required in the social studies curriculum for all students shall include, but not be limited to, African Americans, Native Americans, and Hispanic Americans.

Title 70, Schools; Division I; Chapter 1; Article XXIV, Miscellaneous.

§ 24-119. Ethnic and racial history coverage.

The State Board of Education shall adopt necessary rules and regulations providing coverage of the outstanding historical events which recognize the contributions made by African Americans, Hispanic Americans, Native Americans and other ethnic groups to Oklahoma's rich cultural history and heritage.

21. OREGON

a. Title 30, Education and Culture; Chapter 329, Oregon Educational Act for the 21st Century; Educational Improvement and Reform.

§ 329.007. Definitions.

As used in this chapter, unless the context requires otherwise:

(9) "Oregon Studies" means history, geography, economics and civics specific to the State of Oregon. Oregon Studies instruction in Oregon government shall include municipal, county, tribal and state government, as well as the electoral and legislative processes.

§ 329.492. Development of academic content standards for Oregon Studies.

(1) The Department of Education shall develop academic content standards for Oregon Studies. The department shall consult with the Oregon Historical Society in the development of the academic content standards in Oregon Studies and in the preparation of materials to support teacher training and classroom instruction in Oregon Studies. The materials shall include a balanced presentation of the relevant contributions to society by men and women of African-American, Hispanic, Native American, Asian-American and other racial groups in Oregon.

- b. **Title 30, Education and Culture; Chapter 342, Teachers and other School Personnel, Licensing and Registration of Teachers and Administrators.**

§ 342.144. Licenses to teach American Indian languages.

(1) As used in this section, "American Indian tribe" means an Indian tribe as that term is defined in ORS 97.740.

(2) The Legislative Assembly declares that teaching American Indian languages is essential to the proper education of American Indian children.

22. SOUTH DAKOTA

- a. **Title 13, Education; Chapter 13-57, University of South Dakota.**

§ 13-57-3.2. Indian studies center recognized -- Purposes.

The Legislature hereby recognizes the center for Indian studies which is a division of the university of South Dakota and is under the control of the board of regents. The purposes of the center for Indian studies are to provide persons of Indian descent with educational opportunities both on and off the campus of the university of South Dakota and to provide to all persons the opportunity to research and study the history, culture, and language of the Indians of North America and South Dakota.

Title 13, Education; Chapter 13-59, State colleges.

§ 13-59-2.1. Black Hills Indian studies center recognized -- Purposes.

The Legislature hereby recognizes the center for Indian studies which is a division of Black Hills state university and is under the control of the board of regents. The purposes of the center for Indian studies are to provide persons of Indian descent with educational opportunities both on and off the campus of Black Hills state university and to provide to all persons the opportunity to research and study the history, culture, and language of the Indians of North America and South Dakota.

- b. **Administrative Code, Title 24, Department of Education and Cultural Affairs; Article 24:16, Teacher Preparation Program Approval; Chapter 24:16:08, Requirements for Basic Teaching Programs.**

§ 24:16:08:43, K-12. South Dakota Indian studies education program.

A K-12 South Dakota Indian studies education program shall comply with all standards in general education, professional education, and K-12 education program requirements, require coursework sufficient to constitute a major, with at least 50 percent in upper division coursework, and require study experience in the:

- (1) History of the South Dakota American Indian languages and how oral and written language is acquired, understood and used;
- (2) Culture, social, political, and economic systems of South Dakota American Indians;
- (3) Psychology, philosophy, and education of South Dakota American Indians; and
- (4) Contemporary literature of South Dakota American Indians and other Native Americans.

23. TENNESSEE

Title 15, Holidays; Chapter 2, Days of Special Observance.

§ 15-2-106. American Indian Day.

(a) The fourth Monday in September of each year is to be especially observed in Tennessee as "American Indian Day," and that on this day schools, clubs, and civic and religious organizations are encouraged to recognize the contributions of American Indians with suitable ceremony and fellowship designed to promote greater understanding and brotherhood between American Indians and the non-Indian people of the state of Tennessee.

(b) The governor shall, prior to the fourth Monday in September of each year, issue a proclamation inviting and urging the people of the state to observe American Indian Day with suitable ceremony and fellowship.

(c) The department of education and the commission of Indian affairs shall make, within the limits of funds available for such purpose, information available to all people of this state regarding American Indian Day and the observance thereof.

24. **WASHINGTON**

a. **Title 28A, Common School Provisions; Chapter 28A.150, General Provisions.**

§ 28A.150.220. Basic Education Act -- Definitions -- Program requirements -- Program accessibility -- Rules.

(1) Satisfaction of the basic education program requirements identified in RCW 28A.150.210 shall be considered to be implemented by the following program:

(a) Each school district shall make available to students enrolled in kindergarten at least a total instructional offering of four hundred fifty hours. The program shall include instruction in the essential academic learning requirements under *RCW 28A.630.885 and such other subjects and such activities as the school district shall determine to be appropriate for the education of the school district's students enrolled in such program;

(b) Each school district shall make available to students enrolled in grades one through twelve, at least a district-wide annual average total instructional hour offering of one thousand hours. The state board of education may define alternatives to classroom instructional time for students in grades nine through twelve enrolled in alternative learning experiences. The state board of education shall establish rules to determine annual average instructional hours for districts including fewer than twelve grades. The program shall include the essential academic learning requirements under *RCW 28A.630.885 and such other subjects and such activities as the school district shall determine to be appropriate for the education of the school district's students enrolled in such group;

(c) If the essential academic learning requirements include a requirement of languages other than English, the requirement may be met by students receiving instruction in one or more American Indian languages.

§ 28A.230.090. High school graduation requirements or equivalencies -- Reevaluation and report by state board of education -- Credit for courses taken before attending high school.

(1)The state board of education shall establish high school graduation requirements or equivalencies for students.

(a)Any course in Washington state history and government used to fulfill high school graduation requirements shall consider including information on the culture, history, and government of the American Indian peoples who were the first inhabitants of the state.

(3) Pursuant to any requirement for instruction in languages other than English established by the state board of education or a local school district, or both, for purposes of high school graduation, students who receive instruction in American sign language or one or more American Indian languages shall be considered to have satisfied the state or local school district graduation requirement for instruction in one or more languages other than English.

b. Title 28B, Higher Education; Chapter 28B.10, Colleges and Universities Generally.

§ 28B.10.710. Washington State or Pacific Northwest History in Curriculum.

There shall be a one quarter or semester course in either Washington state history and government, or Pacific Northwest history and government in the curriculum of all teachers' colleges and teachers' courses in all institutions of higher education. No person shall be graduated from any of said schools without completing said course of study, unless otherwise determined by the state board of education. Any course in Washington state or Pacific Northwest history and government used to fulfill this requirement shall include information on the culture, history, and government of the American Indian peoples who were the first human inhabitants of the state and the region.

Administrative Code, Title 180, State Board of Education; Chapter 180-50, Courses of Study and Equivalencies.

§ 180-50-115. Mandatory areas of study in the common school.

(4) In addition to the requirements in the above subsections, each such school district shall offer all required courses for a high school diploma as provided in chapter 180-51 WAC and shall provide an opportunity for high school students to take at least one course in the following areas of study:

(f) A language other than English which may include American Indian languages;

c. Title 28B, Higher Education; Chapter 28B.80, Higher Education Coordinating Board.

§ 28B.76.290. Coordination of activities with segments of higher education.

The board shall coordinate educational activities among all segments of higher education taking into account the educational programs, facilities, and other resources of both public and independent two and four-year colleges and universities. The four-year institutions and the state board for community and technical colleges shall coordinate information and activities with the board. The board shall have the following additional responsibilities:

...

(2) Establish minimum admission standards for four-year institutions, including a requirement that coursework in American sign language or an American Indian language shall satisfy any requirement for instruction in a language other than English that the board or the institutions may establish as a general undergraduate admissions requirement;

25. WISCONSIN

a. Higher Education, Chapter 36, University of Wisconsin System.

§ 36.25. Special Programs.

(21m) **Great Lakes Indian Law Program.** The board shall establish a Great Lakes Indian law program at the University of Wisconsin-Madison law school.

b. Schools, Chapter 115, State Superintendent: General Classifications and Definitions, Children with Disabilities; Subchapter II, State Superintendent of Public Instruction.

§ 115.28. General duties.

The state superintendent shall:

(17) American Indian language & culture education.

(c) Promulgate rules which further define “American Indian” under s. 115.71(2)(d).

(d) Develop a curriculum for grades 4 to 12 on the Chippewa Indians’ treaty-based, off-reservation rights to hunt, fish and gather.

Schools, Chapter 115, State Superintendent, General Classifications and Definitions, Children with Disabilities; Subchapter IV, American Indian Language and Culture Education Program.

§ 115.71. Definitions.

In this subchapter:

(1) “Alternative school” means any nonsectarian private school or tribally operated school in this state which complies with the requirements of 42 USC 2000d and in which at least 75% of the pupils enrolled are American Indians.

(2) “American Indian” means any person who is:

(a) A member of a tribe, band or other organized group of Indians, including those tribes, bands or groups terminated since 1940, or who is a descendant in the first or 2nd degree of any such member;

(b) Considered by the federal government, on May 22, 1980, to be an Indian for any purpose;

(c) An Eskimo, Aleut or other Alaska native; or

(d) Determined to be an Indian under rules promulgated by the state superintendent in coordination with the board under s. 115.28(17)(c).

(4) “Board” means the American Indian language and culture education board.

(5) “Home school coordinator” means a person employed by the school district to promote communication between the school and the American Indian community.

(6) “Tribal education authority” means the educational authority of a tribe, band or other organized group of American Indians, which may be vested in a tribal department or division of education, a tribal school board, a tribal education committee or any similar body.

§ 115.72. Establishment of programs.

(1) Any school district enrolling American Indian pupils, or alternative school, may establish, on a voluntary basis, an American Indian language and culture education program. The program shall be designed to:

(a) Make the school curriculum more relevant to the needs, interests and cultural heritage of American Indian pupils.

(b) Provide reinforcement of the positive self-image of American Indian pupils.

(c) Develop intercultural awareness among pupils, parents and staff.

(2) The American Indian language and culture education program may include:

(a) Instruction in American Indian language, literature, history and culture.

(b) In-service training and technical assistance for staff in regard to methods of teaching American Indian pupils.

(c) Vocational education and counseling for American Indian pupils.

(d) Modification of curriculum, instructional methods and administrative procedures to meet the needs of American Indian pupils.

(e) Tests of the academic achievement of the American Indian pupils enrolled.

(f) Identification of the educational needs of the American Indian pupils enrolled.

(g) Classification of American Indian pupils enrolled by grade, level of education, age and achievement.

(3) The school board of a district establishing an American Indian language and culture education program may designate the school or schools in which the program shall be offered. The parent or guardian of an American Indian pupil may transfer the pupil to the school in which the program is offered, if it is in the same district, in order for the pupil to participate in the program.

(4) American Indian language and culture education programs established under this subchapter shall be located in school facilities in which regular classes in a variety of subjects are offered on a daily basis.

§ 115.73. Program requirements.

(1) Each school district and alternative school, before establishing a program under this subchapter, shall develop a plan which:

- (a) Identifies the activities, methods and programs to be used to meet the identified educational needs of the pupils to be enrolled in the program.
- (b) Describes how the program will be organized, staffed, coordinated and evaluated.
- (c) Estimates the costs of the program.

(2) Each school district and alternative school operating a program under this subchapter shall maintain records concerning the number of American Indian pupils enrolled in the program and of all sums expended in connection with the program. The school district or alternative school shall make affirmative efforts to encourage participation of American Indian pupils in the program by providing for meetings with parents and guardians of American Indian pupils to explain the nature of the program.

§ 115.735. Parent advisory committee.

(1) Each school district and alternative school which establishes a program under this subchapter shall establish an American Indian parent advisory committee, appointed by the school board, to afford parents and educators of American Indian pupils the opportunity to advise the school board of their views and to ensure that a program is planned, operated and evaluated with their involvement and consultation. If there is a local tribal education authority, the school board shall appoint committee members from recommendations submitted by the authority.

(2) The committee shall be composed of parents or guardians of American Indian pupils enrolled in the program, teachers, aides and counselors involved in the program and representatives of local tribal education authorities, but a majority of the members of each committee shall be parents or guardians of American Indian pupils enrolled in the program.

(3) If an advisory committee exists which meets the requirement of sub. (2), it may serve as the parent advisory committee. If the school board consists solely of parents or guardians of American Indian pupils, it may serve as the parent advisory committee

§ 115.74. Assessment of needs and evaluation of resources.

(1) On or before July 1 in every even-numbered year, the department, in coordination with the board, shall:

(a) Conduct a statewide assessment of the need for American Indian language and culture education programs. The assessment shall include information on:

1. Numbers, ages, location and tribal affiliation of American Indian pupils.
2. Concentration of American Indian pupils in attendance areas, as defined in s. 121.845(1), within each school district by tribal affiliation.
3. Placement rates of American Indian children in classes for handicapped pupils in comparison with statewide and district-wide placement rates.
4. Advancement, achievement levels and dropout rates of American Indian pupils in comparison with average advancement and dropout rates.
5. Participant response to the program.

(b) Evaluate the American Indian language and culture education programs established under this subchapter. Alternative school programs shall be evaluated under this paragraph only with the permission of the school.

(2) Annually, on or before July 1, the department, in coordination with the board, shall evaluate all available resources and programs which are or could be directed toward meeting the educational needs of American Indian pupils. The evaluation shall include information on:

(a) Numbers, locations and qualifications of teachers, administrators, counselors and others from American Indian backgrounds who are interested in working in American Indian language and culture education programs.

(b) Programs in this state designed for the preparation of American Indian language and culture education teachers.

(c) The effectiveness of programs for American Indian pupils in this state other than programs established under this subchapter.

(d) The effectiveness of preservice and inservice programs for staffs of American Indian language and culture education programs.

(e) The tests, criteria, procedures and methods used to identify, test, assess and classify American Indian pupils.

(3) The assessment of needs under sub. (1)(a) and the evaluation of resources under sub. (2) shall be performed on Indian reservations and in other Indian communities recognized by the federal government only in conjunction with, or with the permission of, the respective tribal governments.

(4) The state superintendent shall prepare a biennial report which shall be included as an addendum to the department's biennial report under s. 15.04(1)(d). The report shall include the results of the most recent assessment of needs and evaluation of programs under sub. (1), the evaluation of resources under sub. (2) and recommendations for legislation in the area of American Indian language and culture education.

c. Schools, Chapter 118, General School Operations.

§ 118.01. Educational goals and expectations.

(2) Educational goals. (c) *Citizenship*. Each school board shall provide an instructional program designed to give pupils:

8. At all grade levels, an understanding of human relations, particularly with regard to American Indians, Black Americans and Hispanics.

d. Schools, Chapter 121, School Finance; Subchapter II, General Aid; School District Standards.

§ 121.02. School district standards.

(1) Except as provided in § 118.40(2r)(d), each school board shall:

(L)(4) Beginning September 1, 1991, as part of the social studies curriculum, include instruction in the history, culture and tribal sovereignty of the federally recognized American Indian tribes and bands located in this state at least twice in the elementary grades and at least once in the high school grades.

Administrative Code, Department of Public Instruction; Chapter PI 8, School District Standards.

PI § 8.01. School district standards.

(L) Instruction. Each school district board shall provide instruction as follows:

2. In grades kindergarten through 8, include instruction in the social studies curriculum in the history, culture and tribal sovereignty of the federally recognized American Indian tribes and bands located in the state in at least 2 grade levels and in at least one grade level in grades 9 through 12 beginning September 1, 1991.

26. WYOMING

Title 8, General provisions; Chapter 6, Official Language.

§ 8-6-101. English as official language of Wyoming.

(a) English shall be designated as the official language of Wyoming. Except as otherwise provided by law, no state agency or political subdivision of the state shall be required to provide any documents, information, literature or other written materials in any language other than English.

(b) A state agency or political subdivision or its officers or employees may act in a language other than the English language for any of the following purposes:

(v) To provide instruction in foreign and Native American language courses;

(vi) To provide instruction designed to aid students with limited English proficiency so they can make a timely transition to use of the English language in the public schools;

C. STAFFING AND PERSONNEL

Seventeen states have Indian education laws pertaining to teachers and other educational staff and personnel. These laws range from programs for minority teachers including American Indians to specific laws regarding teacher certification in tribal languages and culture. There obviously is some overlap with the state laws providing for the teaching of tribal languages and the laws governing the teachers of that language. With respect to certification of teachers of tribal languages, many states involve or even defer to tribes.

Alaska, Arizona, Connecticut, Idaho, Kentucky, Minnesota, Montana, Nebraska, Nevada, New Mexico, New York, North Dakota, Oregon, South Dakota, Washington, Wisconsin, and Wyoming have staff-related Indian education laws.

1. ALASKA

Title 14, Education, Libraries, and Museums; Chapter 20, Teachers and School Personnel; Article 1, Teacher Certification.

§ 14.20.025. Limited Teacher Certificates.

Notwithstanding AS 14.20.020(b), a person may be issued a limited certificate, valid only in the area of expertise for which it is issued, to teach Alaska Native language or culture, military science, or a vocational or technical course for which the board determines by regulation that baccalaureate degree training is not sufficiently available. A limited certificate may be issued under this section only if the school board of the district or regional educational attendance area in which the person will be teaching has requested its issuance. A person who applies for a limited certificate shall demonstrate, as required by regulations adopted by the board, instructional skills and subject matter expertise sufficient to ensure the public that the person is competent as a teacher. The board may require a person issued a limited certificate to undertake academic training as may be required by the board by regulation and make satisfactory progress in the academic training.

Administrative Code; Title 4, Education and Early Development; Chapter 12, Certification of Professional Teachers.

§ 12.043. Limited certificate (Type M).

(a) The commissioner may issue a limited certificate (Type M) valid for five years in the specialty area of Alaska Native language or culture, military science, or a vocational or technical course if the commissioner determines that

- (1) baccalaureate degree teacher training in the specialty areas of Alaska Native language or culture, military science, or vocational or technical studies is not sufficiently available;
- (2) the applicant has demonstrated both subject matter expertise and teaching competency, as verified by the local school district; and
- (3) the school board, through its chief school administrator, has requested issuance of a limited certificate for the applicant.

(b) To demonstrate subject matter and teaching competency required under (a) of this section, the applicant must submit two letters of recommendation verifying the applicant's length of experience and competency in the specialty field and,

(1) in the Alaska Native language or culture specialty,

(A) submit a resume demonstrating competency in an Alaska Native language or at least four years experience involving an Alaska Native culture, as verified by the school district;

(B) submit additional information requested by the department relevant to the determination of expertise and teaching competency in this specialty.

(c) A limited certificate may be renewed any number of times upon submission to the department of evidence of

(1) satisfactory completion of

(A) three semester hours of credit; or

(B) additional training or work experience acceptable to the commissioner;

(2) satisfactory work performance under the limited certificate; and

(3) renewal of request for a limited certificate by the school board through its chief school administrator.

(d) The department may not require the applicant to possess a baccalaureate degree for issuance of a limited certificate.

(e) A limited certificate is valid only in the school district or regional educational attendance area whose school board requested the certificate.

2. ARIZONA

Administrative Code; Title 7, Education; Chapter 2, State Board of Education; Article 6, Certification.

§ R7-2-613. Endorsements.

G. Elementary Foreign Language Endorsement –grades K-8

1. The elementary foreign language endorsement is optional.

2. The requirements are:

a. An Arizona elementary, secondary or special education certificate.

b. Proficiency in speaking, reading, and writing a language other than English, verified by the appropriate language department of an accredited institution. American Indian language proficiency shall be verified by an official designated by the appropriate tribe.

c. Three semester hours of courses in the methods of teaching a foreign language at the elementary level.

H. Bilingual Endorsement –grades K-12

1. A provisional bilingual endorsement or a bilingual endorsement is required of an individual who is a bilingual classroom teacher, bilingual resource teacher, bilingual specialist, or otherwise responsible for providing bilingual instruction.
2. The provisional bilingual endorsement is valid for three years and is not renewable. The requirements are:
 - a. An Arizona elementary, secondary, or special education, or vocational certificate; and
 - b. Proficiency in a language other than English or sign language.
3. The holder of the bilingual endorsement is authorized to teach English as a Second Language.
4. The requirements are:
 - a. An Arizona elementary, secondary, or special education, or vocational certificate;
 - b. Completion of a bilingual education program from an accredited institution or the following courses:
 - i. Three semester hours of foundations of instruction for non-English-language-background students;
 - ii. Three semester hours of bilingual methods;
 - iii. Three semester hours of English as a Second Language for bilingual settings;
 - iv. Three semester hours of courses in bilingual materials and curriculum; assessment of limited-English-proficient students; teaching reading and writing in the native language; or English as a Second Language for bilingual settings;
 - v. Three semester hours of linguistics to include psycholinguistics, sociolinguistics, first language acquisition, and second language acquisition for language minority students; or American Indian language linguistics;
 - . . .
 - c. A valid bilingual certificate or endorsement from another state may be substituted for the courses described in subsection (H)(4)(b);
 - d. Practicum in a bilingual program or two years of verified bilingual teaching experience; and
 - e. Proficiency in a spoken language other than English, verified by the language department of an accredited institution except in the case of Spanish and American Indian languages. . . . American Indian language proficiency shall be verified by an official designated by the appropriate tribe.

3. CONNECTICUT

Title 10, Education and Culture; Chapter 170, Boards of Education.

§ 10-220a. In-service training, Professional development, Institutes for educators, Cooperating and beginning teacher programs, regulations.

(a) The State Board of Education, within available appropriations and utilizing available materials, shall assist and encourage local and regional boards of education to include: (A) Holocaust education and awareness; (B) the historical events surrounding the Great Famine in Ireland; (C) African-American history; (D) Puerto Rican history; (E) Native American history; (F) personal financial management; and (G) topics approved by the state board upon the request of local or regional boards of education as part of in-service training programs pursuant to this subsection.

Title 10, Education and Culture; Chapter 170, Boards of Education.

§ 10-226g. Intergroup relations training for teachers.

Each regional and local board of education may, in accordance with such regulations as may be prescribed by the State Board of Education, provide a program in intergroup relations training for all teachers employed in the public schools of the district. In addition, each such board may select one of its employees to assume responsibility as coordinator of intergroup relations. No regulation of the State Board of Education shall require a local or regional board of education to hire new personnel to carry out the purposes of subsection (b) of section 10-145a, section 10-226f and this section. Each such coordinator shall, utilizing local resources to the extent available, with the assistance of the coordinator of intergroup relations for the State Board of Education: (1) Provide for the conduct of workshops and training programs in intergroup relations for all teachers in each school; (2) evaluate, and recommend the use of, textbooks and curricula material concerning racial and cultural minorities; and (3) introduce and implement programs of intergroup relations in such schools.

4. IDAHO

Title 33, Education; Chapter 12, Teachers.

§ 33-1280. American Indian languages teaching authorization.

(3) The state board of education shall promulgate rules authorizing American Indian languages teachers to teach in public schools of this state.

(4) Each Indian tribe may establish its own system of designation for individuals qualified to teach that tribe's native language. In establishing such a system, the tribe shall determine:

- (a) The development of an oral and written qualification test;
- (b) Which dialects shall be used in the test;

- (c) Whether the tribe will standardize the tribe's writing system;
- (d) How the teaching methods will be evaluated in the classroom; and
- (e) The period of time for which a tribal designation shall be valid

(5) (a) Each Indian tribe shall provide to the state board of education the names of those highly and uniquely qualified individuals who have been designated to teach the tribe's native language

(b) Upon receiving the names of American Indian languages teachers designated by an Indian tribe, the state board of education shall authorize those individuals as American Indian languages teachers in accordance with rules of the board.

(6) Notwithstanding any other provision of law, the state board of education shall not require an American Indian languages teacher who has obtained tribal designation to teach a native language to hold a specific academic degree or to complete a teacher education program.

(7) (a) An American Indian languages teaching authorization shall qualify the authorized individual to accept a teaching position or assignment in any school district of the state that offers or permits courses in an American Indian language.

(b) A holder of American Indian languages teaching authorization who does not also have a teaching certificate as provided in section 33-1201, Idaho Code, may not teach in a school district of this state any subject other than the American Indian language for which he or she is authorized to teach.

5. KENTUCKY

Title XIII, Education; Chapter 160, School Districts, Boards of Education.

§ 160.345. Required adoption of school councils for school-based decision making - Composition - Responsibilities - Professional development - Exemption - Formula for allocation of school district funds - Intentionally engaging in conduct detrimental to school-based decision making by board member, superintendent, district employee, or school council member - Complaint procedure - Disciplinary action.

(1) For the purpose of this section:

(a) "Minority" means American Indian; Alaskan native; African-American; Hispanic, including persons of Mexican, Puerto Rican, Cuban, and Central or South American origin; Pacific islander; or other ethnic group underrepresented in the school.

(2)(b)2. School councils in schools having eight percent (8%) or more minority students enrolled, as determined by the enrollment on the preceding October 1, shall have at least one (1) minority member. If the council formed under paragraph (a) of this subsection does not have a minority member, the principal, in a timely manner, shall be responsible for carrying out the following:

a. Organizing a special election to elect an additional member. The principal shall call for nominations and shall notify the parents of the students of the date, time, and location of the election to elect a minority parent to the council by ballot; and

b. Allowing the teachers in the building to select one (1) minority teacher to serve as a teacher member on the council. If there are no minority teachers who are members of the faculty, an additional teacher member shall be elected by a majority of all teachers. Term limitations shall not apply for a minority teacher member who is the only minority on faculty.

6. MINNESOTA

a. Education Code: Prekindergarten - Grade 12; Chapter 122A, Teachers and Other Educators, Teacher Education and Training, Staff Development.

§ 122A.63. Grants to prepare Indian teachers.

Subdivision 1. Establishment. A grant program is established to assist American Indian people to become teachers and to provide additional education for American Indian teachers. The commissioner may award a joint grant to each of the following:

- (1) the Duluth campus of the University of Minnesota and independent school district No. 709, Duluth;
- (2) Bemidji state university and independent school district No. 38, Red Lake;
- (3) Moorhead state university and one of the school districts located within the White Earth reservation; and
- (4) Augsburg college, independent school district No. 625, St. Paul, and special school district No. 1, Minneapolis.

Subd. 2. Application. To obtain a joint grant, a joint application must be submitted to the commissioner of education. The application must be developed with the participation of the parent advisory committee, established according to section 124D.78, and the Indian advisory committee at the postsecondary institution. The joint application shall set forth:

- (1) the in-kind, coordination, and mentorship services to be provided by the postsecondary institution; and
- (2) the coordination and mentorship services to be provided by the school district.

Subd. 3. Review and comment. The commissioner must submit the joint application to the American Indian education committee for review and comment.

Subd. 4. Grant amount. The commissioner may award a joint grant in the amount it determines to be appropriate. The grant shall include money for the postsecondary institution, school district, student scholarships, and student loans.

Subd. 5. Information to student applicants. At the time a student applies for a scholarship and loan, the student shall be provided information about the fields of licensure needed by school districts in the part of the state within which the district receiving the joint grant is located. The information shall be acquired and periodically updated by the recipients of the joint grant. Information provided to students shall clearly state that scholarship and loan decisions are not based upon the field of licensure selected by the student.

Subd. 6. Eligibility for scholarships and loans. The following Indian people are eligible for scholarships:

- (1) a student, including a teacher aide employed by a district receiving a joint grant, who intends to become a teacher and who is enrolled in a postsecondary institution receiving a joint grant;
- (2) a licensed employee of a district receiving a joint grant, who is enrolled in a master of education program; and
- (3) a student who, after applying for federal and state financial aid and an Indian scholarship according to section 124D.84, has financial needs that remain unmet. Financial need shall be determined according to the congressional methodology for needs determination or as otherwise set in federal law.

A person who has actual living expenses in addition to those addressed by the congressional methodology for needs determination, or as otherwise set in federal law, may receive a loan according to criteria established by the commissioner. A contract shall be executed between the state and the student for the amount and terms of the loan.

Subd. 7. Loan forgiveness. The loan may be forgiven if the recipient is employed as a teacher, as defined in section 122A.40 or 122A.41, in an eligible school or program in Minnesota. One-fourth of the principal of the outstanding loan amount shall be forgiven for each year of eligible employment, or a pro rata amount for eligible employment during part of a school year, part-time employment as a substitute teacher, or other eligible part-time teaching. Loans for \$2,500 or less may be forgiven at the rate of up to \$1,250 per year. The following schools and programs are eligible for the purposes of loan forgiveness:

- (1) a school or program operated by a school district;
- (2) a tribal contract school eligible to receive aid according to section 124D.83;
- (3) a head start program;
- (4) an early childhood family education program;
- (5) a program providing educational services to children who have not entered kindergarten; or
- (6) a program providing educational enrichment services to American Indian students in grades kindergarten through 12.

If a person has an outstanding loan obtained through this program, the duty to make payments of principal and interest may be deferred during any time period the person is enrolled at least one-half time in an advanced degree program in a field that leads to employment by a school district. To defer loan obligations, the person shall provide written notification to the commissioner of education and the recipients of the joint grant that originally authorized the loan. Upon approval by the commissioner and the joint grant recipients, payments shall be deferred.

The higher education services office shall approve the loan forgiveness program, loan deferral, and procedures to administer the program.

Subd. 8. Revolving fund. The Indian teacher preparation loan repayment revolving account is established in the state treasury. Any amounts repaid or contributed by a teacher who received a scholarship or loan under this program shall be deposited in the account. All money in the account is annually appropriated to the commissioner of education and shall be used to enable Indian students to participate in the program.

b. Education Code: Prekindergarten -- Grade 12; Chapter 124D, Education Programs, American Indian Education.

§ 124D.75. Licenses for American Indian language and culture education teachers; exemptions.

Subdivision 1. American Indian language and culture education licenses. The board of teaching must grant initial and continuing teaching licenses in American Indian language and culture education that bear the same duration as other initial and continuing licenses. The board must grant licenses to persons that present satisfactory evidence that they:

- (1) possess competence in an American Indian language or possess unique qualifications relative to or knowledge and understanding of American Indian history and culture; or
- (2) possess a bachelor's degree or other academic degree approved by the board or meet such requirements as to course of study and training as board may prescribe, or possess such relevant experience as the board may prescribe.

This evidence may be presented by affidavits, resolutions, or by such other methods as the board may prescribe. Individuals may present applications for licensure on their own behalf or these applications may be submitted by the superintendent or other authorized official of a school district, participating school, or an American Indian school.

Subd. 2. Persons holding general teaching licenses. A person holding a general teaching license who presents the board with satisfactory evidence of competence in an American Indian language, or knowledge and understanding of American Indian history and culture may be licensed under this section.

Subd. 3. Resolution or letter. All persons applying for a license under this section must submit to the board a resolution or letter of support signed by an American Indian tribal government or its designee. All persons holding a license under this section on July 1, 1995, must have on file or file with the board a resolution or letter of support signed by a tribal government or its designee by January 1, 1996, or the next renewal date of the license thereafter.

Subd. 4. Employment of teachers. Teachers employed in an American Indian language and culture education program pursuant to sections 124D.71 to 124D.82 shall not be employed to replace any presently employed teacher who otherwise would not be replaced.

Subd. 5. Teacher preparation programs. For the purpose of licensing American Indian language and culture education teachers, the board may approve programs at colleges or universities designed for their training subject to the approval of the commissioner of children, families, and learning.

Subd. 6. Persons eligible for employment; exemptions. Any person licensed under this section shall be eligible for employment by a school board or a participating school as a teacher in an American Indian education program in which the American Indian language or culture in which the person is licensed is taught. A school district or participating school may prescribe only those additional qualifications for teachers licensed under this section as a re approved by the board of teaching. any school board or participating upon request may be exempted from the licensure requirements of this section in the hiring of one or more American Indian language and culture education teachers for any school year in which compliance would, in the opinion of the commissioner, create a hardship in the securing of the teachers.

Subd. 7. Persons serving under exemptions; licensure; tenure. An American Indian language and culture education teacher serving under an exemption as provided in subdivision 6 shall be granted a license as soon as that teacher achieves the qualifications for the license. Not more than one year of service by an American Indian language and culture education teacher under an exemption shall be credited to the teacher for the purposes of section 122A.40 and not more than two years shall be credited for the purposes of section 122A.41; and the one or two years shall be deemed to precede immediately and be consecutive with the year in which a teacher becomes licensed.

Subd. 8. Compensation. A teacher holding a license or exemption under this section shall be compensated according to a schedule which is at least equivalent to that applicable to teachers holding general licenses.

Subd. 9. Affirmative efforts in hiring. In hiring for All positions in these programs, school districts and participating schools shall give preference to and make affirmative efforts to seek, recruit, and employ persons who share the culture of the AMERICAN Indian children who are enrolled in the program. The district or participating school shall provide procedures for the involvement of the parent advisory committees in designing the procedures for the recruitment, screening and selection of applicants. This subdivision shall not be construed to limit the school board's authority to hire and discharge personnel.

Administrative Rules; Chapter 8710, Board of Teaching, Teacher and other School Professional Licensing, Teacher Standards.

§ 8710.4100. Teachers of American Indian Language, History, and Culture.

Subpart 1. Issuance of license authorized. The Board of Teaching shall, under this part and Minnesota Statutes, section 126.49, authorize the issuance of a license to teach American Indian language, history, and culture to an applicant who has achieved and demonstrated competence in an American Indian language or knowledge and understanding of American Indian history and culture.

Subp. 2. Scope of practice. A teacher of American Indian language, history, and culture is authorized to teach an American Indian language or an American Indian history and culture to students in kindergarten through grade 12. This part shall not prohibit a school board from employing a person to teach an American Indian language or American Indian history and culture who does not hold a license under this part.

Subp.3. License requirements. A candidate for licensure to teach American Indian language, history, and culture shall submit an application that:

- A. specifies the American Indian language or history and culture to be taught;
- B. includes certified copies of two resolutions attesting to the applicant's competence in an American Indian language or the knowledge and understanding of an American Indian history and culture. One of the resolutions must be from the tribal government governing the tribe or community speaking the language or representing the history and culture for which licensure is requested with the second resolution being from one of subitems (1) to (4):
 - (1) another reservation or business committee serving the tribe or community speaking the language or representing the history and culture for which licensure is requested;
 - (2) the local Indian education committee serving the tribe or community speaking the language or representing the history and culture for which licensure is requested;
 - (3) other bodies governing or serving the tribe or community speaking the language or representing the history and culture; or
 - (4) authorized officials or professional or learned societies, organizations, or institutions who are qualified to assess the applicant's competence in an American Indian language or the knowledge and understanding of the applicant of the American Indian history and culture.

The resolution shall confirm that the applicant has been assessed and is competent in the language to be taught or possesses knowledge and understanding of the American Indian history and culture to be taught.

Subp. 4. Continuing license. A continuing license shall be issued and renewed according to the rules of the Board of Teaching governing continuing licensure.

Subp. 5. Effective date. The requirements in this part for licensure as a teacher of American Indian language, history, and culture are effective on September 1, 2001, and thereafter.

§ 124D.76. Teachers aides; community coordinators.

In addition to employing American Indian language and culture education teachers, each district or participating school providing programs pursuant to sections 126.45 to 126.55 may employ teachers' aides. Teachers' aides shall not be employed for the purpose of supplanting American Indian language and culture education teachers.

Any district or participating school which conducts American Indian language and culture education programs pursuant to sections 126.45 to 126.55 shall employ one or more full time or part time community coordinators if there are 100 or more students enrolled in the program. Community coordinators shall promote communication understanding, and cooperation between the schools and the community and shall visit the homes of children who are to be enrolled in an American Indian language and culture education program in order to convey information about the program.

§ 124D.77. Recruiting and retaining Indian teachers.

This section applies to a school board of a school district in which there are at least ten American Indian children enrolled. The school board shall actively recruit teacher applicants who are American Indian from the time it is reasonably expected that a position will become available until the position is filled or September 1, whichever is earlier. Notwithstanding section 125.12, subdivision 4, 6a, or 6b, 125.17, subdivisions 3 and 11, any other law to the contrary, or any provision of a contract entered into after May 7, 1988, to the contrary, when placing a teacher on unrequested leave of absence, the board may retain a probationary teacher or a teacher with less seniority in order to retain an American Indian teacher.

c. Post Secondary Education, Chapter 135A, Public Post-Secondary Education, Academics, Programs, Missions.

§ 135A.12. Unique needs and abilities of American Indian people.

Subd. 4. Qualifications for American Indian studies and services. American Indian individuals who understand and have demonstrated knowledge of American Indian language, history, or culture may be considered to be competent to provide instruction in American Indian language, history, or culture programs. Qualifications to provide noninstructional services at post-secondary institutions for American Indian people must take into consideration knowledge of and understanding of American Indian language, history, or culture.

d. Administrative Rules, Chapter 8710, Board of Teaching, Teacher and Other School Professional Licensing, Teacher Standards.

§ 8710.2000. Standards of Effective Practice for Teachers.

Subp. 4. Standard 3, diverse learners. A teacher must understand how students differ in their approaches to learning and create instructional opportunities that are adapted to students with diverse backgrounds and exceptionalities. The teacher must:

G. understand the cultural content, world view, and concepts that comprise Minnesota-based American Indian tribal government, history, language, and culture;

7. MONTANA

Title 20, Education; Chapter 1, General Provisions; Part 5, Indian Education for All.

§ 20-1-502. American Indian studies -- definitions.

As used in this part, the following definitions apply:

(1) "American Indian studies" means instruction pertaining to the history, traditions, customs, values, beliefs, ethics, and contemporary affairs of American Indians, particularly Indian tribal groups in Montana.

(2) "Instruction" means:

(a) a formal course of study or class, developed with the advice and assistance of Indian people, that is offered separately or that is integrated into existing accreditation standards by a unit of the university system or by an accredited tribal community college located in Montana, including a teacher education program within the university system or a tribal community college located in Montana, or by the board of trustees of a school district;

(b) inservice training developed by the superintendent of public instruction in cooperation with educators of Indian descent and made available to school districts;

(c) inservice training provided by a local board of trustees of a school district, which is developed and conducted in cooperation with tribal education departments, tribal community colleges, or other recognized Indian education resource specialists; or

(d) inservice training developed by professional education organizations or associations in cooperation with educators of Indian descent and made available to all certified and classified personnel.

§ 20-1-503. Qualification in Indian studies – trustees and noncertified personnel.

(1) The board of trustees for an elementary or secondary public school district may require that all of its certified personnel satisfy the requirements for instruction in American Indian studies. Pursuant to Article X, section 8, of the Montana constitution, this requirement may be a local school district requirement with enforcement and administration solely the responsibility of the local board of trustees.

(2) Members of boards of trustees and all noncertified personnel in public school districts are encouraged to satisfy the requirements for instruction in American Indian studies.

Title 20, Education; Chapter 4, Teachers, Superintendents, and Principals; Part 2, Teacher Employment -- Tenure -- Indian Studies.

§ 20-4-201. Employment of teachers and specialists by contract.

(1)The trustees of any district have the authority to employ any person as a teacher or specialist, but only a person who holds a valid Montana teacher or specialist certificate or for whom an emergency authorization of employment has been issued that qualifies the person to perform the duties prescribed by the trustees for the position of employment. Each teacher or specialist must be employed under written contract, and each contract of employment must be authorized by a proper resolution of the trustees and must be executed in duplicate by the presiding officer of the trustees and the clerk of the district in the name of the district and by the teacher or specialist.

(2)A contract of employment with a teacher or specialist may not require the teacher or specialist to teach more than 5 days a week or on any holiday recognized by 20-1-305. A deduction may not be made from a teacher's or specialist's salary by reason of the fact that a holiday falls on a school day. A teacher's or specialist's contract made in conflict with the 5-days-a-week provision of this section is not enforceable against the teacher or specialist.

(3) Whenever the boards of trustees of two or more school districts form a joint board of trustees under the provisions of 20-3-361 or when the boards of trustees of two or more school districts enter into an interlocal agreement pursuant to Title 7, chapter 11, part 1, to cooperatively share the employment of a teacher or specialist, the joint board of trustees or the boards of trustees of two or more school districts, pursuant to an interlocal agreement, may execute a contract of employment with a teacher or specialist who shall serve the districts. When a contract is executed, the districts shall prorate the compensation provided by the contract on the basis of the total number of instructional hours expended by the teacher or specialist within each district.

(4) Any contract executed under the provisions of this section may contain the oath or affirmation prescribed in 20-4-104, and the teacher or specialist shall subscribe to the oath or affirmation before an officer authorized by law to administer oaths.

§ 20-4-202. Teacher and specialist certification registration.

(1) Any person employed as a teacher, specialist, principal, or district superintendent shall register his certificate or the district shall register its emergency authorization of employment for a teacher with the county superintendent of the county wherein he is employed in order to validate his employment status and permit payment under his employment contract. If a teacher or specialist does not register his certificate with the county superintendent within 60 calendar days after he begins to perform his services, he shall not be eligible to receive any further compensation under his contract of employment until he has registered his certificate. After the schools of a district have been open for 60 calendar days in the current school fiscal year, the county superintendent shall notify each district of the county of each teacher or specialist who has registered his current valid certificate, and the district shall not pay any

teacher who has not registered his certificate until the county superintendent does notify the district of such registration.

(2) A teacher or specialist employed by a joint district shall register his certificate with the county superintendent of the county in which he is working. A teacher or specialist employed by a special education cooperative shall register his certificate with the county superintendent of the county in which the special education cooperative is based.

§ 20-4-203. Teacher tenure.

(1) Except as provided in 20-4-208, whenever a teacher has been elected by the offer and acceptance of a contract for the fourth consecutive year of employment by a district in a position requiring teacher certification except as a district superintendent or specialist, the teacher is considered to be reelected from year to year as a tenured teacher at the same salary and in the same or a comparable position of employment as that provided by the last-executed contract with the teacher unless the trustees resolve by majority vote of their membership to terminate the services of the teacher in accordance with the provisions of 20-4-204.

(2) The tenure of a teacher with a district may not be impaired upon termination of services of the teacher if the following conditions exist:

(a) the tenure teacher is terminated because the financial condition of the district requires a reduction in the number of teachers employed; and

(b) continued employment rights are provided for in a collectively bargained contract of the district.

(3) (a) For the purposes of subsection (1), "same salary" means the daily rate of pay, excluding benefits and excluding stipends for nonteaching duties, multiplied by the number of days worked under the last-executed contract with the teacher, up to the total number of days funded by the state in the per-ANB entitlements, as provided in 20-9-311, including pupil-instruction-related days. The calculation of daily rate of pay is determined by dividing the salary in the last-executed contract with the teacher for pupil-instruction and pupil-instruction-related days, excluding benefits and excluding stipends for nonteaching duties, by the total number of contracted days under the last-executed contract.

(b) The definition of same salary may be modified if negotiated and agreed to in a collective bargaining agreement executed by the district and the teacher's exclusive representative pursuant to Title 39, chapter 31, or in an individual contract between the district and a teacher in a district in which the teachers have no exclusive representative as provided in Title 39, chapter 31.

(4) Upon receiving tenure, the employment of a teacher may be terminated for good cause.

§ 20-4-204. Termination of tenure teacher services.

(1) (a) The following persons may make a recommendation in writing to the trustees of the district for termination of the services of a tenure teacher:

(i) a district superintendent;

(ii) in a district without a district superintendent, a principal;

(iii) in a district without a district superintendent or a principal, the county superintendent or a trustee of the district.

(b) The recommendation must state clearly and explicitly the specific reason or reasons leading to the recommendation for termination.

(2) Whenever the trustees of a district receive a recommendation for termination, the trustees shall notify the teacher of the recommendation for termination and of the teacher's right to a hearing on the recommendation. The notification must be delivered by certified letter or by personal notification for which a signed receipt is returned. The notification must include:

(a) the statement of the reason or reasons that led to the recommendation for termination; and

(b) a printed copy of this section for the teacher's information.

(3) The teacher may, in writing, waive the right to a hearing. Unless the teacher waives the right to a hearing, the trustees shall set a hearing date, giving consideration to the convenience of the teacher, not less than 10 days or more than 20 days from receipt of the notice of recommendation for termination.

(4) The trustees shall:

(a) conduct the hearing on the recommendation at a regularly scheduled or special meeting of the board of trustees and in accordance with 2-3-203; and

(b) resolve at the conclusion of the hearing to terminate the teacher or to reject the recommendation for termination.

(5) The tenure teacher may appeal a decision to terminate an employment contract to the county superintendent if the teacher's employment is not covered by a collective bargaining agreement pursuant to Title 39, chapter 31, who may appoint a qualified attorney as a legal adviser who shall assist the superintendent in preparing findings of fact and conclusions of law. If the employment of the teacher is covered by a collective bargaining agreement pursuant to Title 39, chapter 31, a tenure teacher shall appeal a decision to terminate an employment contract to an arbitrator agreed upon by the district and the teacher's exclusive representative. If the exclusive representative has declined to represent the teacher, the teacher or the district may request that the board of personnel appeals provide a list of arbitrators from which the teacher and the district shall, after the toss of a coin to determine the order of striking, alternately strike names from the list until one arbitrator is selected and appointed. By mutual agreement between the parties, the county superintendent of schools may be appointed as the arbitrator.

(6) In a termination involving a teacher whose employment is not covered by a collective bargaining agreement pursuant to Title 39, chapter 31, either the teacher or the trustees may appeal to the district court of the county in which the teacher was employed. The proceedings must be commenced no later than 60 days after the date of the decision of the county superintendent.

(7) In a termination involving a teacher whose employment is covered by a collective bargaining agreement pursuant to Title 39, chapter 31, a request for arbitration must be made within 20 days from the date of termination unless an alternative time period is provided by the terms of a collective bargaining agreement.

(8) The decision of the arbitrator is final and binding. Each party shall pay one-half of an arbitrator's charges unless a different cost allocation arrangement is agreed upon by the parties.

(9) An arbitrator may order a school district to reinstate a teacher who has been terminated without good cause and to provide compensation, with interest, to a teacher for lost wages and fringe benefits from the date of termination to the date that the teacher is offered reinstatement to the same or a comparable position. Interim earnings, including the amount that the teacher could have earned with reasonable diligence, must be deducted from the amount awarded for lost wages. Before interim earnings are deducted from lost wages, reasonable amounts spent by a teacher in searching for, obtaining, or relocating to new employment must be deducted from interim earnings.

(10) Except as provided in this section, an arbitrator may not order a school district to provide compensation for punitive damages, pain and suffering, emotional distress, compensatory damages, attorney fees, or any other form of damages.

(11) Upon submission of the termination decision to an arbitrator, the teacher or the teacher's exclusive representative may not file an action against the district for reinstatement or compensation of lost wages and fringe benefits.

(12) As used in this section, the following definitions apply:

(a) "Fringe benefits" means the value of any employer-paid vacation leave, sick leave, medical insurance plan, disability or life insurance plan, or pension benefit in effect on the date of termination.

(b) "Lost wages" means the gross amount of wages that would have been reported to the internal revenue service on Form W-2 and includes any compensation deferred at the option of the employee.

§ 20-4-205. Notification of teacher reelection -- acceptance.

(1) The trustees shall provide written notice by June 1 to all teachers who have been reelected. Any teacher who does not receive notice of reelection or termination is automatically reelected for the ensuing school fiscal year.

(2) Any teacher who receives notification of reelection for the ensuing school fiscal year shall provide the trustees with written acceptance of the conditions of the reelection within 20 days after the receipt of the notice of reelection, and failure to notify the trustees within 20 days constitutes conclusive evidence of the teacher's nonacceptance of the tendered position.

§ 20-4-206. Notification of nontenure teacher reelection -- acceptance -- termination.

(1) The trustees shall provide written notice by June 1 to each nontenure teacher employed by the district regarding whether the nontenure teacher has been reelected for the ensuing school fiscal year. A teacher who does not receive written notice of reelection or termination is automatically reelected for the ensuing school fiscal year.

(2) A nontenure teacher who receives notification of reelection for the ensuing school fiscal year shall provide the trustees with written acceptance of the conditions of reelection within 20 days after the receipt of the notice of reelection. Failure to notify the trustees within 20

days constitutes conclusive evidence of the nontenure teacher's nonacceptance of the tendered position.

(3) Subject to the June 1 notice requirements in this section, the trustees may nonrenew the employment of a nontenure teacher at the conclusion of the school fiscal year with or without cause.

§ 20-4-207. Dismissal of teacher under contract.

(1) The trustees of any district may dismiss a teacher before the expiration of the teacher's employment contract for good cause.

(2) (a) The following persons may recommend the dismissal of a teacher for cause under subsection (1):

(i) a district superintendent;

(ii) in a district without a district superintendent, a principal; or

(iii) in a district without a district superintendent or a principal, the county superintendent or a trustee of the district.

(b) A person listed in subsection (2)(a) who recommends dismissal of a teacher shall give notice of the recommendation in writing to each trustee of the district and to the teacher.

(c) The notice must state clearly and explicitly the specific reason or reasons that led to the recommendation for dismissal.

(3)(a) Whenever the trustees of any district receive a recommendation for dismissal, the trustees shall notify the teacher of the right to a hearing before the trustees either by certified letter or by personal notification for which a signed receipt must be returned. The teacher may in writing waive the right to a hearing. Unless the teacher waives the right to a hearing, the teacher and trustees shall agree on a hearing date not less than 10 days or more than 20 days from the notice of intent to recommend dismissal.

(b) The trustees shall conduct a hearing on the recommendation and resolve at the conclusion of the hearing to dismiss the teacher or to reject the recommendation for dismissal.

(4) With the exception of a county superintendent, a person who recommends dismissal pursuant to subsection (2) may suspend the teacher from active performance of duty with pay pending the hearing date if the teacher's behavior or acts that led to the recommendation for dismissal are contrary to the welfare of the students or the effective operation of the school district.

(5) Any teacher who has been dismissed may in writing within 20 days appeal the dismissal under the guidelines set forth in 20-4-204. The teacher may appeal a decision to terminate an employment contract to the county superintendent if the teacher's employment is not covered by a collective bargaining agreement pursuant to Title 39, chapter 31. If the employment of the teacher is covered by a collective bargaining agreement, a teacher shall appeal a decision to terminate an employment contract to an arbitrator.

§ 20-4-208. Transfer from administrative position.

(1) A tenure teacher serving in an administrative position may be assigned to a teaching position with a reduction in salary when the district reduces the size of its administrative staff. The salary for the new position must be the same as the salary that the teacher would have received if the teacher had been continuously employed in the new position rather than in the administrative position.

(2) If a board policy or a collective bargaining agreement provides seniority rights for teachers, a district that assigns a tenure teacher serving in an administrative position to a teaching position shall recognize for seniority purposes the tenure teacher's time of service in the administrative position.

(3) As used in this section, the term "administrative position" means a position that the trustees of a district designate as administrative or supervisory in nature, not including the position of district superintendent.

(4) A tenure teacher who is transferred to a teaching position under this section must be offered the next comparable administrative position for which the tenure teacher is endorsed that becomes available in the district.

Administrative Rules, Title 10, Education, Board of Public Education; Chapter 57, Educator Licensure; Sub-Chapter 4, Classes of Licensure.

§ 10.57.436. Class 7 American Indian Language and Culture Specialist.

(1) A class 7 American Indian language and culture specialist license shall be valid for a period of 5 years.

(2) The superintendent of public instruction shall issue a class 7 license based upon verification by the American Indian tribe for which the language and culture licensure is desired that the individual has met tribal standards for competency and fluency as a requisite for teaching that language and culture. Candidates for class 7 licensure must meet All non-academic requirements for licensure in Montana.

(3) The board will accept and place on file the criteria developed by each tribe for qualifying an individual as competent to be a specialist in its language and culture.

(4) Sixty units of renewal activities authorized and verified by the tribe will be required for renewal of a class 7 license.

(5) A school district may assign an individual licensed under this rule to only, specialist services within the field of American Indian language and culture under such supervision as the district may deem appropriate. No teaching license or endorsement is required for duties within this prescribed field.

8. NEBRASKA

Chapter 79, Schools; Article 8, Teachers and Administrators; (A) Certificates.

§ 79-802.01. American Indian language teacher; requirements.

(1) Teaching American Indian languages is essential to the proper education of American Indian children. School districts and postsecondary educational institutions may employ approved American Indian language teachers to teach their native language. For purposes of this section, approved American Indian language teacher means a teacher who has passed the tribe's written and oral approval test.

(2) Approved teachers that do not also have a Nebraska teaching certificate shall not teach any subject other than Indian language they are approved to teach by the tribe.

(3) Each tribe shall develop both a written and an oral test that must be successfully completed in order to determine that a teacher is approved to teach the tribe's native language. When developing such approval tests, the tribe shall include, but not be limited to, which dialects will be used, whether it will standardize its writing system, and how the teaching methods will be evaluated in the classroom. The teacher approval tests shall be administered at a community college or state college.

Administrative Code; Title 92, Department of Education; Chapter 10, Regulations and Procedures for the Accreditation of Schools.

§ 003.01. Teacher and Administrator Certification.

The school system shall use only persons certified pursuant to 92 BAC 21 to be a teacher or administrator. Pursuant to 79-1603 R.R.S., persons conducting religion or prekindergarten classes in nonpublic schools which are not counted as part of the school's courses for purposes of complying with the requirements of this CHAPTER are excluded from this requirement. Pursuant to 79-802.01 R. R. S., American Indian language teachers who are approved by the tribe to teach their native language are also excluded from this requirement when conducting native language courses.

9. NEVADA

Administrative Code, Chapter 391, Education Personnel, Special Endorsements.

§ 391.233. Endorsement to teach Great Basin Native American language.

1. Except as otherwise provided in subsection 4, to receive an endorsement to teach a course in a Great Basin Native American language, a person must:

- (a) Have a high school diploma or equivalent;
- (b) Have completed 6 semester hours of course work that included, without limitation:
 - (1) Professional education and teaching methodology; or
 - (2) the study of Native American languages; and
- (c) Be certified as a fluent speaker of the language person proposes to teach by:
 - (1) A council of a tribe of Native Americans who speak that language; or
 - (2) a qualified official of a university or college.

2. An endorsement issued pursuant to this section:

- (a) Is valid for 3 years.
- (b) Is renewable.
- (c) May be used only to teach the language set forth on the endorsement.

3. An applicant for an endorsement issued pursuant to this section:

- (a) Must submit with his application;
 - (1) The applicable documents and fees required for initial licensure pursuant to NAC 391.045; and
 - (2) Written documentation verifying his certification as a fluent speaker of the language he proposes to teach
- (b) Is not subject to the provisions of NAC 391.030 and 391.036.

4. A person who does not possess the qualifications required by paragraphs (a) and (b) of subsection 1, but does possess the qualifications required by paragraph © of subsection 1, may teach a course in a Great Basin Native American language without an endorsement issued pursuant to this section if a licensed teacher is present in the classroom during instruction. Written documentation of person's certification as a fluent speaker of the language he proposes to teach must be provided to the department before he may begin teaching.

10. NEW MEXICO

Chapter 22, Public Schools; Article 10A, School Personnel Act.

§ 22-10A-13. Native American language and culture certificate.

The state board may issue a Native American language and culture certificate to a person proficient in a Native American language and culture of a New Mexico tribe or pueblo who meets criteria established by the state board. A baccalaureate degree is not required for the person applying for this certificate. The Native American language and culture certificate shall be issued and renewable in accordance with procedures established by the state board.

Administrative Code, Title 6, Primary and Secondary Education; Chapter 64, School Personnel, Competencies for Licensure; Part 10, Competencies for Entry-Level Bilingual Education Teachers.

§ 6.64.10.9. Competencies for entry-level Bilingual Education Teachers.

(A)(1) The teacher communicates effectively orally and in writing (where the written form exists and is allowed) in the language other than English. For Native American languages which have locally developed tribal standards for language proficiency, tribal standards may be used.

11. NEW YORK

Education Law, Chapter 16; Title VI - Special Schools and Instruction; Article 83, Indian Schools.

§ 4104. Employment of teachers, salaries, et cetera.

1. The commissioner of education shall employ all necessary teachers, attendance officers and other assistants and employees, and fix their salaries within the amount of the appropriations made therefor, as shall be necessary for the proper enforcement of the statutes relating to Indian education.

2. The personnel of the faculty of each state Indian school shall be classified as follows:

- a. Principal
- b. Vice principal
- c. Teacher

3. Each member of the faculty shall receive an annual salary to be paid over a ten month period, except that the principal shall receive an annual salary to be paid over a twelve month period.

4. Any contribution of food, lodging or maintenance by the state, or any commutation in lieu of maintenance, except traveling expenses and field allowances, shall be considered as part of the salary to be paid. The fair value of such food, lodging, maintenance or commutation shall be determined by the director of the budget and may in his discretion be deducted from the salary to which a member of the faculty would otherwise be entitled.

12. NORTH DAKOTA

Title 15.1, Elementary and Secondary Education; Chapter 15.1-09, School Boards.

§ 15.1-09-33. School board - Powers.

(21) Contract with and provide reimbursement for the provision of teaching services by an individual certified as an instructor in the areas of North Dakota American Indian languages and culture by the education standards and practices board.

Title 15.1, Elementary and Secondary Education; Chapter 15.1-13, Teacher Licensing.

§ 15.1-13-22. Licensure of North Dakota American Indian language instructors.

The board may license an individual as an instructor of North Dakota American Indian languages and culture if the individual is recommended for licensure to teach North Dakota native languages by an indigenous language board created by tribal government in this state and if the individual:

1. Displays competence in North Dakota American Indian languages and culture and has successfully completed a three-semester-hour course in classroom instruction at a tribal college or other institution of higher education; or
2. Holds a baccalaureate degree and has knowledge of and experience in North Dakota American Indian languages and culture.

Title 15.1, Elementary and Secondary Education; Chapter 15.1-18, Teacher Qualifications.

§ 15.1-18-10. Specialty Areas -- Teacher Qualification (Effective after June 30, 2006).

Notwithstanding the requirements of the chapter:

2. An individual may teach Native American languages provided the individual is an eminence-credentialed teacher.

Administrative Code; Title 67.1, Education Standards and Practices Board; Article 67.1-02, Teacher Licensure; Chapter 67.1-02-05, Licensure Policies.

§ 67.1-02-05-04 Endorsements, added degrees, and restrictions.

4. Restricted licenses. Programs that include a specialized rather than a regular professional education core are issued licenses that restrict the holder to teaching in that specialty area.

c. Restricted licenses are issued to those nondegreed applicants in:

- (3) North Dakota American Indian language instructors as pursuant to North Dakota Century Code section 15.1-13-22.

13. OREGON

a. Title 30, Education and Culture; Chapter 342, Teachers and Other School Personnel, Licenses and Registration of Teachers and Administrators.

§ 342.144. Licenses to teach American Indian languages.

(1) As used in this section, "American Indian tribe" means an Indian tribe as that term is defined in ORS 97.740.

(2) The Legislative Assembly declares that teaching American Indian languages is essential to the proper education of American Indian children.

(3) The Teacher Standards and Practices Commission shall establish an American Indian languages teaching license.

(4) Each American Indian tribe may develop a written and oral test that must be successfully completed by an applicant for an American Indian languages teaching license in order to determine whether the applicant is qualified to teach the tribe's native language. When developing the test, the tribe shall determine:

- (a) Which dialects will be used on the test;
- (b) Whether the tribe will standardize the tribe's writing system; and
- (c) How the teaching methods will be evaluated in the classroom.

(5) The test shall be administered at an appropriate location that does not create hardship for the tribal members administering the test.

(6) The commission may not require an applicant to hold a specific academic degree, to complete a specific amount of education or to complete a teacher education program to receive an American Indian teaching license.

(7)

(a) An American Indian languages teaching license qualifies the holder to accept a teaching position in a school district, public charter school, education service district, community college or state institution of higher education.

(b) A holder of an American Indian languages teaching license who does not have a teaching license issued under ORS 342.125 may not teach in a school district or education service district any subject other than the American Indian language they are approved to teach by the tribe.

(c) A holder of an American Indian languages teaching license who does not also have a teaching license or registration issued under ORS 342.125 may not teach in a public charter school any subject other than the American Indian language they are approved to teach by the tribe.

(8)

(a) As used in this subsection, "technical assistance program" means a program provided to an American Indian languages teacher by a licensed teacher with three or more years of teaching experience. A technical assistance program may include direct classroom observation and consultation, assistance in instructional planning and preparation, support in implementation and delivery of classroom instruction, and other assistance intended to enhance the professional performance and development of the American Indian languages teacher.

(b) The holder of an American Indian languages teaching license who does not also have an administrative license, teaching license or registration issued under ORS 342.125 and who is employed by a school district, public charter school or education service district shall participate in a technical assistance program with a person holding a teaching license issued by the commission under ORS 324.125. The technical assistance program shall meet the guidelines specified in ORS 329.815 (1) to (3).

(9) An American Indian languages teaching license shall be valid for three years and may be renewed upon application from the holder of the license.

Administrative Code; Chapter 584, Teacher Standards and Practices Commission; Division 60, Twenty-First Century Teaching Licenses.

§ 584-060-0200. Requirements for an American Indian Languages Teaching License.

Upon filing a correct and complete application in form and matter prescribed by the Commission, an applicant may be granted an American Indian Teaching License for one or more American Indian languages. The license shall be valid for three years and may be renewed upon application from the holder of the license.

(1) The initial application shall be joint application from the prospective teacher and the tribe whose language will be taught. The tribe must certify that the applicant is qualified to teach the language of the tribe.

(2) The initial application shall include the submission of fingerprint cards with the appropriate fees and a completed affidavit attesting to the review of laws prohibiting discrimination as found in the booklet entitled Discrimination and the Oregon Educator.

(3) A holder of an American Indian languages teaching license who does not have a teaching license or registration issued under ORS 342.125 may not teach any subject other than the American Indian language they are approved to teach by the tribe.

Administrative Code; Chapter 584, Teacher Standards and Practices Commission; Division 100, No Child Left Behind.

§ 584-100-0106. Licenses Not Considered to be “Full State Certification.”

The following Oregon Teaching Licenses are not considered to meet full state certification under the No Child Left Behind federal act:

(8) American Indian Languages License

b. Title 30, Education and Culture; Chapter 342, Teachers and Other School Personnel, Minority Teacher Act of 1991.

§ 342.433. Definitions.

As used in ORS 342.433 to 342.449 and 351.077:

(1) "Minority" means a person who is:

(d) An American Indian or Alaskan Native having origins in any of the original peoples of North America.

(2) "Teacher" includes a teacher or an administrator.

§ 342.437. Goals.

The State of Oregon is committed to ethnic-racial equity and, therefore, it is the goal of the state that by the year 2001 the number of minority teachers, including administrators, employed by school districts and education service districts shall be approximately proportionate to the number of minority children enrolled in the public schools of this state.

§ 342.443. Biennial report to legislature; contents, preparation.

(1) The Education and Workforce Policy Advisor shall report biennially to the Legislative Assembly longitudinal data on the number and percentage of:

(a) Minority students enrolled in community colleges;

(b) Minority students applying for admission to public four-year institutions of higher education;

(c) Minority students accepted in public four-year institutions of higher education;

(d) Minority students graduated from public four-year institutions of higher education;

(e) Minority candidates seeking to enter public teacher education programs in this state;

(f) Minority candidates admitted to public teacher education programs;

(g) Minority candidates who have completed approved public teacher education programs;

(h) Minority candidates receiving Oregon teaching licenses based on preparation in this state and preparation in other states;

(i) Minority teachers who are newly employed in the public schools in this state; and

(j) Minority teachers already employed in the public schools.

(2) The Advisor also shall report comparisons of minorities' and nonminorities' scores on basic skills, pedagogy and subject matter tests.

(3) The Oregon State University System, the Department of Education, the Teacher Standards and Practices Commission, community colleges and school districts shall cooperate with the Oregon Office of Educational Policy and Planning in collecting data and preparing the report.

§ 342.447. Mandatory preparation of plans for recruitment, admission, retention and graduation of minority teachers, review of plans.

(1) The State Board of Higher Education shall require each public teacher education program in this state to prepare a plan with specific goals, strategies and deadlines for the recruitment, admission, retention and graduation of minority teachers.

(2) The state board shall review the plans for the adequacy and feasibility of the plans and, after making necessary revisions, shall adopt the plans.

(3) The state board shall adopt rules governing:

(a) The contents of the plans;

(b) The state board's initial and biennial review process, including timetables for revising plans; and

(c) Other matters necessary for carrying out the provisions of ORS 342.433 to 342.449 and 351.077.

14. SOUTH DAKOTA

Administrative Rules, Department of Education; Article 24:15, Certification; Chapter 24:15:06, Requirements for Education Endorsement Programs.

§ 24:15:06:21. K-12 South Dakota Indian studies education endorsement program.

A K-12 South Dakota Indian studies education endorsement program requires a South Dakota Indian studies methodology course in addition to 12 semester hours in the language, history, culture, and literature of South Dakota American Indians. Study in the developmental characteristics of K-12 learners and a practicum, internship, or student teaching inclusive of K-12 learners is required in addition to the 12 hours, if not previously completed. Verified teaching experience in K-12 South Dakota Indian studies within the five-year period immediately preceding application may be accepted in lieu of the above field experiences at the equivalency of one year's teaching experience for one semester hour credit for a maximum of three semester hours of the total credit hours required.

§ 24:16:08:43. K-12 South Dakota Indian studies education program.

A K-12 South Dakota Indian studies education program shall comply with all standards in general education, professional education, and K-12 education program requirements, require coursework sufficient to constitute a major, with at least 50 percent in upper division coursework, and require study and experience in the:

(1) History of the South Dakota American Indian languages and how oral and written language is acquired, understood, and used;

(2) Culture, social, political, and economic systems of South Dakota American Indians;

(3) Psychology, philosophy, and education of South Dakota American Indians; and

(4) Contemporary literature of South Dakota American Indians and other Native Americans.

15. WASHINGTON

a. Title 28B, Higher Education; Chapter 28B.10, Colleges and Universities Generally.

§ 28B.10.710 Washington State or Pacific Northwest History in Curriculum.

There shall be a one quarter or semester course in either Washington state history and government, or Pacific Northwest history and government in the curriculum of all teachers' colleges and teachers' courses in all institutions of higher education. No person shall be graduated from any of said schools without completing said course of study, unless otherwise determined by the state board of education. Any course in Washington state or Pacific Northwest history and government used to fulfill this requirement shall include information on the culture, history, and government of the American Indian peoples who were the first human inhabitants of the state and the region.

b. Administrative Code; Title 180, State Board of Education; Chapter 180-78A, Approval Standards for Performance-Based Preparation Programs for Teachers, Administrators, and Educational Staff Associates-Based Preparation Programs, Professional Certificate Programs, Program Approval Standard, Specific Knowledge and Skills.

§ 180-78A-700. First peoples' language / culture certification pilot program, Findings, purposes, and intent, Definitions, Pilot program established, Tribal eligibility to participate, Pilot program requirements, Assignment of teachers, Reports.

(1) findings. The state board of education endorses the following:

(a) Teaching first peoples' languages can be a critical factor in successful educational experiences and promoting cultural sensitivity for all students. The effect is particularly strong for Native American students;

(b) First peoples' languages are falling silent. Despite tribal efforts, first people's languages are not fully incorporated into the school systems. This is a loss to the cultural heritage of the affected tribes and to the cultural resources of Washington state;

(c) recognition of Native American languages under RCW 28A.230.090(3) and 28B.80.350(2), as satisfying state or local graduation requirements and minimum college admission requirements, while concentrating on promoting a positive impact on student learning through state policies, is insufficient to meet the educational needs of Native American students:

(d) The potential to have a positive impact on student learning is in part dependent on the willingness of the local education agency to collaborate with the sovereign tribal government's language / culture program;

(e) It is within the statutory authority of the state board of education to enhance the learning opportunities for all students by helping prevent the loss of first peoples' languages through assisting the state's sovereign neighbors to sustain, maintain or recover their linguistic heritage, history and culture;

- (f) From the Multi-Ethnic Think Tank position statement, June 2001:
 - (i) A culturally inclusive pedagogy will ensure the success of all students, who will develop greater appreciation of other cultures and worldviews;'
 - (ii) All students have prior experiences that frame their worldview; learn from childbirth and are lifelong learners; can academically achieve at high levels when they are appropriately taught; and are entitled to learn in a multicultural context;'
- (g) Research has shown that students who study another language may benefit in the following ways: Greater academic success in other areas of study, including reading, social studies, and mathematics; a clearer understanding of the English language including function, vocabulary and syntax; and an increase on standardized test scores, especially in verbal areas;
- (h) From the Native American Languages Act, Public Law 101_477, Section 102, 1990:
 - (i) 'The traditional languages of Native Americans are an integral part of their cultures and identities and form the basic medium for the transmission, and thus survival, of Native American cultures, literatures, histories, religions, political institutions, and values;'
 - (ii) 'Languages are the means of communication for the full range of human experiences and are critical to the survival of cultural and political integrity of any people'; and
 - (iii) There are many sovereign tribal nations in the state of Washington and they serve the needs of many groups of first peoples, each possessing unique languages, cultures and worldviews.

(2) purposes. The purpose of this section is to establish a pilot program to accomplish the following goals:

- (a) To honor the sovereign status of tribal governments in their sole expertise in the transmission of their indigenous languages, heritage, cultural knowledge, customs, traditions and best practices for the training of first peoples' language/culture teachers;
- (b) Contribute to a positive impact on student learning by promoting continuous improvement of student achievement of the sovereign tribal government's language/culture learning goals, as established by each sovereign tribal government's language/culture program, and by supporting the goals for multicultural education included in the 2001 position statement developed by the Washington state Multi_Ethnic Think Tank;
- (c) Contribute to the preservation, recovery, revitalization, and promotion of first peoples' languages and cultures;
- (d) Meaningfully acknowledge that language is inherently integral to Native American culture and ways of life;
- (e) Implement in a tangible way the spirit of the 1989 Centennial Accord between Washington state and the sovereign tribal governments in the state of Washington.
- (f) Provide a mechanism for the state board of education to recognize tribally qualified language/culture teachers as eligible to receive a Washington state first peoples' language/culture teaching certificate; and
- (g) Provide the opportunity for Native American students to learn first peoples' languages and cultures while at school and provide another avenue for students to learn core curricula through first peoples' worldviews.

(3) intent. It is the intent of the state board of education to work in collaboration with the sovereign tribal governments of Washington state to establish a Washington state first peoples' language/culture teacher certification program on a pilot basis in order to:

(a) Act in a manner consistent with the policy as specified in the Native American Languages Act, P.L. 101_477 Sec. 104(1) 'preserve, protect, and promote the rights and freedom of Native Americans to use, practice, and develop Native American languages';

(b) Act in a manner consistent with Washington state's government-to-government relationship with Washington state sovereign tribal governments and use the Washington state first peoples' language/culture certification pilot programs to model effective government-to-government relationships;

(c) Act in a manner consistent with the goal of the state Basic Education Act under RCW 28A.150.210;

(d) Act in a manner consistent with the following purposes of Public Law 107_110, 'No Child Left Behind Act':

(i) 'Holding schools, local education agencies, and States accountable for improving the academic achievement of all students, and identifying and turning around low_performing schools that have failed to provide a high_quality education to their students, while providing alternatives to students in such schools to enable the students to receive a high_quality education,' Sec. 1002(4);

(ii) 'Providing children an enriched and accelerated educational program, including the use of schoolwide programs or additional services that increase the amount and quality of instructional time,' Sec. 1002(8);

(iii) 'Promoting schoolwide reform and ensuring the access of children to effective, scientifically based instructional strategies and challenging academic content,' Sec. 1002(9);

(iv) '... Supporting local education agencies, Indian tribes, organizations, postsecondary institutions and other entities to meet the unique education, culturally related academic needs of American Indian and Alaskan Native Students' Sec. 7102(a);

(e) Act on its involvement with and adoption of the 1991 joint policy statement on Indian education: 'K_12 American Indian dropout prevention is a priority of schools. Effective education needs to be implemented throughout the K-12 school system if the American Indian student is to achieve academic and personal success';

(f) Acknowledge that there is a public responsibility to make available to all students in the state of Washington an accurate and balanced study of the American Indian experiences with and contributions to life on this continent;

(g) Act on the following state board beliefs:

(i) In order to meet the needs of all students, highly qualified teachers are required;

(ii) All state board of education policies and activities should meet the needs of the state's diverse student population;

(iii) In order for all students to achieve at high levels, multiple learning styles and needs must be supported; and

(h) Act on the following goals from the state board's 2002-05 work plan:

(i) Professional education and certification requirements are aligned with education reform and support a positive impact on student learning;

(ii) All students shall be provided equitable educational opportunities.

(4) definitions.

(a) 'Positive impact on student learning' shall mean:

(i) The same as under WAC 180_78A_010(8) and 180_16_220 (2)(b); and

(A) Supporting the goal of basic education under [RCW 28A.150.210](#), '... to provide students with the opportunity to become responsible citizens, to contribute to their own economic well-being and to that of their families and communities, and to enjoy productive and satisfying lives...';

(B) Promoting continuous improvement of student achievement of the state learning goals and the sovereign tribal government's language/culture learning goals as established by each sovereign tribal government's language/culture program;

(C) Recognizing nonacademic student learning and growth related, but not limited, to: Oral traditions, community involvement, leadership, interpersonal relationship skills, teamwork, self-confidence, resiliency, and strengthened unique cultural identities;

(ii) Developing greater appreciation of other cultures and worldviews;

(b) A 'culturally sensitive environment' honors the unique history, culture, values, learning styles, and community of the student. For example, to demonstrate the value of the language and culture, the homeroom teacher participates in the language/culture classroom. A 'culturally sensitive environment' also includes those provisions as outlined in the Washington state joint policy on equity in education, revised in May 2000.

(c) For the purpose of this section, 'highly qualified teachers' shall mean those teachers who meet the standards of the sovereign tribal government's language/culture program.

(5) pilot program established. A Washington state first peoples' language/culture teacher certification program is established in February 2003 and will continue through the 2005_06 school year. At the end of the 2005_06 school year, the program will be extended, modified or made permanent, as determined by the state board of education in consultation with participating sovereign tribal governments.

(6) tribal eligibility to participate. Any sovereign tribal government in the state of Washington shall be eligible to participate individually on a government_to_government basis in the pilot program.

(7) project requirements.

(a) Each sovereign tribal government will appoint and certify individuals who meet the tribe's criteria for certification as instructors in the Washington state first peoples' language/culture pilot program.

(b) Each sovereign tribal government's language/culture project shall submit to the state board of education the following information for each eligible language/culture teacher desiring to participate in the pilot project:

(i) Written documentation that each designated teacher has completed the sovereign tribal government's language/culture teacher certification program;

(ii) Written documentation that each designated teacher has completed the background check required under RCW 28A.410.010 and WAC 180_79A_150 (1) and (2);

- (iii) Written documentation that each designated teacher has completed a course on issues of abuse as required by RCW 28A.410.035 and WAC 180_79A_030(6);
 - (iv) Designation of which language(s), or dialects thereof, shall be listed on the Washington state first peoples' language/culture certificate;
- (c) After meeting the requirements of subsection (8)(b) of this section and receiving state board of education approval, the office of the superintendent of public instruction shall issue each teacher a Washington state first peoples' language/culture teaching certificate;
- (d) To support a positive impact on student learning, the local education agency in consultation with the sovereign tribal government's language/culture program is strongly encouraged to provide:
- (i) A minimum of one contact hour per day, five days a week;
 - (ii) Access to the same students from year to year, to the extent possible, so that students who receive instruction during the first year of the project can continue to receive instruction throughout the three years of the project;
 - (iii) A culturally sensitive environment as defined in subsection (4)(b) of this section; or
 - (iv) Some combination of (d)(i), (ii), and (iii) of this subsection which will allow a positive impact on student learning;
- (e) To support a positive impact on student learning, the sovereign tribal government's language/culture program will provide written documentation of how teaching the first peoples' language/culture has supported the promotion of continuous improvement of student achievement of the program learning goals as established by each sovereign tribal government's language/culture program;
- (f) To support a greater understanding of the government_to_government relationship, the professional development and certification committee of the state board of education and the professional educator standards board are strongly encouraged to make site visits and attend meetings with the local education agency and the sovereign tribal government's language/culture program;
- (g) Nothing in this section shall be interpreted as precluding any eligible tribe in consultation with the state or in consultation with any local education agency from entering into an inter_governmental agreement or compact related to the teaching of first peoples' languages and cultures in order to address unique issues related to individual sovereign tribal governments.

(8) assignment of teachers.

- (a) The holder of a Washington state first peoples' language/culture teacher certificate shall be deemed qualified to be a teacher of first peoples' language/culture with the ability to meet individual tribal competency criteria for language/culture, history, and English.
- (b) A Washington state first peoples' language/culture teacher certificate qualifies the holder to accept a teaching position in a public school district.
- (c) The holder of a Washington state first peoples' language/culture teacher certificate who does not also hold an initial or residency certificate shall be assigned to teach only the language(s)/culture(s) designated on the certificate, and no other subject.
- (d) The Washington state first peoples' language/culture teacher certificate is recognized by the state of Washington for as long as the teacher holds a valid language/culture certificate from a participating sovereign tribal government.

(e) A Washington state first peoples' language/culture teacher certificate will serve as the endorsement in first peoples' language/culture for anyone holding an initial or residency certificate.

(9) reports.

(a) Annually, for the duration of the pilot program, each participating tribe shall submit a report to the state board of education with documentation of how its particular project is having a positive impact on student learning.

(b) Not later than October 31, 2006, the professional development and certification committee of the state board of education, in consultation with the participating sovereign tribal governments and the professional educator standards board, shall create and submit a report to the state board of education with the following information:

(i) An end of program analysis of the positive impact on student learning of each pilot project;

(ii) An appraisal of the government_to_government relationships established under the program, at both the state and local levels; and

(iii) The report shall include a recommendation on whether to extend, modify or make permanent the Washington state first peoples' language/culture teacher certification pilot program.

16. WISCONSIN

a. Schools, Chapter 115, Department of Education, General Classifications and Definitions; Subchapter II, Department of Education.

§ 115.28. General duties.

The State Superintendent shall:

(17) American Indian language and culture education. (a) Establish by rule, in coordination with the American Indian language and culture education board, standards for certifying the abilities of teachers participating in American Indian language and culture education programs under subch. IV to read and write or speak an American Indian language and to possess knowledge of American Indian history and culture.

(b) Establish by rule, in coordination with the American Indian language and culture education board, standards for certifying the abilities of home school coordinators, counselors and aides participating in American Indian language and culture education programs under subch. IV to possess knowledge of American Indian history and culture.

(c) Promulgate rules, in coordination with the American Indian language and culture education board, which further define “American Indian” under s.115.71(2)(d).

(d) In coordination with the American Indian language and culture education board, develop a curriculum for grades 4 to 12 on the Chippewa Indians’ treaty-based, off-reservation rights to hunt, fish and gather.

b.. Schools, Chapter 118, General School Operations.

§ 118.19. Teacher certificates and licenses.

(3)(b) The state superintendent permanently certify any applicant to teach Wisconsin native American languages and culture who has successfully completed the university of Wisconsin-Milwaukee school of education approved Wisconsin native American languages and culture project certification program at any time between January 1, 1974, and December 31, 1977. School districts shall not assign individuals certified under this paragraph to teach courses other than Wisconsin native American languages and culture, unless they qualify under par.(a).

Administrative Code, Department of Public Instruction; Chapter PI 3, Licenses; Subchapter IX, Indian Language.

§ PI 34.34. Additional Licenses.

Licenses issued in the following categories do not require completion of an approved program or institutional endorsement from a college or university for issuance. Unless otherwise noted, licenses under this subchapter are issued for 5 years. Renewal requirements, if any, are specified under each license

(7) INDIAN HOME SCHOOL COORDINATOR, LANGUAGE AND CULTURE AIDE LICENSE.

- (a) A license to serve as an aide or home-school coordinator in an American Indian language and culture education program shall be issued as specified under s. 115.28 (17)(b), Stats., to an applicant who is recommended as competent to serve in the position by the employing school district administrator or the employing administrator of an alternative school and by the designee of the tribal council or by the designee of the local American Indian parent advisory committee described under s. 115.735, Stats.
- (b) The designee of the tribal council or the local American Indian parent advisory committee shall be competent in the target Indian language and knowledgeable about the history and culture of the target Indian population.
- (c) A license to serve as an aide in an American Indian language and culture program is not mandatory.

(8) INDIAN LANGUAGE, HISTORY AND CULTURE LICENSE.

(a)

1. A license to teach Indian language or to teach Indian history and culture in an American Indian language and culture education program may be issued as specified under s. 115.28 (17) (a), Stats., to an applicant who holds or is eligible for a teaching license and who is recommended by the employing school district administrator or the employing administrator of an alternative school and by the designee of the tribal council or by the designee of the local American Indian parent advisory committee described under s. 115.735, Stats., as possessing the following competencies and who provides the department with evidence of possessing the following competencies:

a. To teach Indian language, the applicant shall demonstrate the ability to read, speak, write English and the target Indian language with fluency and accuracy and the ability to teach the target Indian language.

b. To teach Indian history and culture, the applicant shall demonstrate knowledge and understanding of the history and culture of the target pupil population and the ability to teach the history and culture of the target pupil population.

2. The designee of the tribal council or of the local American Indian parent advisory committee shall be competent in the target Indian language and knowledgeable about the history and culture of the target Indian population.

(b)

1. A two-year license to teach Indian language or to teach Indian history and culture in an American Indian language and culture education program may be issued as specified under s. 115.28 (17) (a), Stats., to an applicant who does not meet the requirements of par. (a) 1. who is recommended by the employing school district administrator or the employing administrator of an alternative school and by the designee of the tribal council or by the designee of the local American Indian parent advisory committee as possessing the following competencies and who provides the department with evidence of possessing the following competencies:

a. To teach Indian language, the applicant shall demonstrate his or her ability to read, speak and write English and the target Indian language with fluency and accuracy and the ability to teach the target Indian language.

b. To teach Indian history and culture, the applicant shall demonstrate knowledge and understanding of the history and culture of the target pupil population, and the ability to teach the history and culture of the target pupil population.

2. The designee of the tribal council or of the local American Indian parent advisory committee shall be competent in the target Indian language and knowledgeable about the history and culture of the target Indian population.

(c)

1. A license under par. (a) may be issued upon verification of 2 years of successful teaching experience under par. (b) when recommended by the employing school or alternative school and by the designee of the tribal council or by the designee of the local American Indian parent advisory committee as possessing the following competencies:

a. To teach Indian language, the applicant shall demonstrate the ability to plan and organize instructional materials, units, and lessons designed to instruct pupils in the use of the target Indian language; the ability to analyze the sound systems, grammatical forms, and syntax of the target Indian language and English and to apply that knowledge to the process of teaching the target Indian language; the ability to develop drills and exercises that develop pupil awareness of the structure of both the target Indian language and English; the ability to guide pupils toward informal conversation in the target Indian language; knowledge of the principles and theories of child, young adolescent, or adolescent growth and development, as appropriate to the level or levels of licensure, and the relationship of that knowledge to teaching the target Indian language.

b. To teach Indian history and culture, the applicant shall demonstrate the ability to plan and organize instructional materials, units, and lessons designed to instruct pupils in the history and cultural traditions of the target Indian population; the ability to classify the principal ways in which the target Indian culture resembles and differs from that of the non-Indian culture of the United States; the ability to draw from personal experience in order to create a variety of learning situations which bring the reality of the target Indian culture closer to the pupil; the ability to devise teaching methods appropriate to the culture of the target Indian population; the ability to develop, encourage, and promote pupil participation in activities and events which reflect the contemporary ways of life of the target Indian culture; knowledge of the principles and theories of child, young adolescent, or adolescent growth and development, as appropriate to the level or levels of licensure, and the relationship of that knowledge to teaching the target Indian history and culture.

2. The designee of the tribal council or of the local American Indian parent advisory committee shall be competent in the target Indian language and knowledgeable about the history and culture of the target Indian population.

(9) INDIAN LANGUAGE AND CULTURE - SCHOOL COUNSELOR LICENSE. A license to serve as a school counselor in an American Indian language and culture program may be issued under s. 115.28 (17) (b), Stats., to an applicant who holds or is eligible for a license as a counselor and who is recommended by the employing school district administrator or the employing administrator of an alternative school and by the designee of the tribal council or by the designee of the local American Indian parent advisory committee and who provides the department with evidence of possessing knowledge and understanding of the culture and traditions of the target pupil population.

17. WYOMING

Title 21, Education; Chapter 2, Administration of the State System of Education at the State Level; Article 8, Wyoming Professional Teaching Standards Board.

§ 21-2-802. Powers and duties; teacher certification; suspension and revocation; certification fees; disposition of collected fees.

...

(ii) In addition to paragraph (a)(i) of this section, the board shall by rule and regulation provide for:

A. Certification of teachers of the Arapahoe and Shoshoni language and in its discretion, the board may make other exceptions as to both teachers and administrators it determines necessary and proper in special circumstances;

Administrative Rules and Regulations, Professional Teaching Standards Board; Chapter 13, Additional Endorsements.

§ 1. Native Language Endorsement.

(a) Arapahoe or Shoshoni. This endorsement is granted in compliance with W.S. 21-2-802 (a)(ii)(A) and is reserved for these languages

(b) Tribal Council approval. ...apply only to Arapahoe and Shoshoni Indian language instructors who have been approved by a committee of the Tribal Council which determines the applicant's proficiency and capability for teaching the language.

(i) A two year certificate may be issued to an applicant who has:

(A) been approved by Tribal Council Committee; or

(B) been employed by a school district to teach the Arapahoe and Shoshoni

(ii) certificate may be renewed by applicant who:

(A) receives the Tribal Council Committee's approval to renew; and

(B) is employed by a school district for the purpose of teaching the Arapaho and Shoshoni Language.

D. EDUCATION-RELATED COMMITTEES

Twenty-two (22) states have laws that create committees that address Indian education issues. Many states include education-related matters within the duties of Indian Affairs Commissions. Other states have created committees or other entities aimed directly at Indian education issues.

Arizona, California, Indiana, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nebraska, New Jersey, New Mexico, North Carolina, Oklahoma, Oregon, Tennessee, Utah, Virginia, Wisconsin, and Wyoming all have laws creating committees of various kinds related to Indian education.

1. ARIZONA

a. Title 41, State Government; Chapter 3, Administrative Boards and Commissions; Article 4, Indian Affairs Commission.

§ 41-541. Commission of Indian affairs; members; term; compensation; officers; meetings; duties.

A. The Arizona commission of Indian affairs shall consist of the governor, the superintendent of public instruction, the director of the department of health services, the director of the department of transportation, the attorney general and the director of the department of economic security, or their representatives, who shall be ex officio members, and nine members appointed by the governor, two at large who shall be non-Indian, and seven from among the Indian tribes. Each tribe or tribal council may submit the names of not to exceed two members of its tribe, and from the names so submitted, the governor shall appoint the seven Indian members.

§ 41-542. Powers and duties; information; report; director; appointment; personnel; limitation; fees; directory.

A. The commission shall assist and support state and federal agencies in assisting Indians and tribal councils in this state to develop mutual goals, to design projects for achieving goals and to implement their plans. The commission shall also:

4. Work for greater understanding and improved relationships between Indians and non-Indians by creating an awareness of the legal, social and economic needs of Indians in this state.

b. Title 41, State Government; Chapter 8, Agencies of the Legislative Department; Article 3, Arizona State Library, Archives and Public Records.

§ 41-1352. Historical Advisory Commission; membership; terms; expenses; duties. .

C. The commission shall:

4. Encourage, in cooperation with appropriate public and private agencies, the Indian nations and other persons, training and education in the field of the interpretation, research, writing and teaching of this state's history, heritage and historic preservation.

2. CALIFORNIA

Education Code, Title 3, Postsecondary Education; Division 14, Miscellaneous; Part 65, Miscellaneous; Chapter 3, Standardized Tests.

§ 99155. Report by commission; requirements.

By May 1, 1990, and every two years thereafter, the commission shall prepare and submit a biennial report regarding standardized tests of the state's test subjects to the Governor, the Legislature, the Regents of the University of California, the Board of Governors of the California Community Colleges, the Trustees of the California State University, and the Superintendent of Public Instruction. This report shall include a descriptive summary of existing data and information submitted to the commission pursuant to Section 99153, including all of the following:

- (a) The number of California students taking standardized tests.
- (b) The performance of California test subjects.
- (c) The number of California students, by ethnicity and gender, who participate in advance placement classes in secondary schools and take preliminary standardized college admission tests.
- (d) The predictive validity of test scores as specified in subdivision (i) of Section 99153.
- (e) A description of the information specified in subdivisions (a), (b), and (d) according to the sex and ethnicity of test subjects.
- (f) The revenues received by test sponsors, and the proportion of those revenues expended for test development and administration.

The commission shall also report on the progress in increasing the number of Hispanic, Black, and American Indian students who graduate from high school eligible to enroll in either the University of California or the California State University. The testing companies shall cooperate with the commission in the sharing of available information and the development of policy recommendations for strengthening the college preparatory curriculum and increasing the availability of test preparation activities for students from ethnic groups traditionally underrepresented in postsecondary education. The commission shall present specific recommendations on (1) methods to remove the inappropriate obstacles that standardized college admissions tests may provide in precluding some students from obtaining regular admission to public colleges and universities and (2) strategies to involve the testing companies in cooperative

actions with the schools, colleges, and universities to expand access to college for Hispanic, Black, and American Indian students.

3. INDIANA

Title 4, State Offices and Administration; Article 4, Lieutenant Governor; Department of Commerce; Chapter 31.4, Native American Indian Affairs Commission.

§4-4-31.4-8. Study of problems; recommendations.

Sec. 8. The commission shall study problems common to Native American residents of Indiana in the areas of employment, education, civil rights, health, and housing. The commission may make recommendations to appropriate federal, state, and local governmental agencies concerning the following:

- (3) Cultural barriers to the educational system, including barriers to higher education and opportunities for financial aid and minority scholarships;
- (4) Inaccurate information and stereotypes concerning Native American Indians, including the accuracy of educational curriculum

4. KENTUCKY

Title XIV, Libraries and Archives; Chapter 171, State Libraries; Librarians, State Archives and Records, Kentucky Native American Heritage Commission.

§ 171.820. Kentucky Native American Heritage Commission; members; officers; meetings; funding.

(1)The Kentucky Native American Heritage Commission is hereby established to promote, in partnership with the Education, Arts and Humanities Cabinet, awareness of significant Native American influences within the historical and cultural experiences of Kentucky.

§ 171.822. Duties of Kentucky Native American Heritage Commission.

The duties of the Kentucky Native American Heritage Commission shall be to:

- (1) Advise the Education, Arts and Humanities Cabinet, the Kentucky Heritage Council, and the Kentucky General Assembly on matters relating to Native American heritage;
- (2) Encourage other public and private agencies within the areas of the arts, humanities, and sciences to incorporate the Native American influence when developing programs on the history and heritage of Kentucky;
- (3) Represent a network of groups and individuals interested, or actively involved, in promoting awareness of Native American heritage in Kentucky;
- (4) Support the preservation, conservation, and interpretation of significant buildings, sites, structures, documents, artifacts, and lifestyles that represent and embody Native American heritage; and

- (5) Recognize and sanction projects that advance wider knowledge of Native Americans' contributions to, and influence and impact on, life in Kentucky.

5. **LOUISIANA**

a. **Title 46, Public Welfare and Assistance; Chapter 31, Governor's Office of Indian Affairs.**

§ 2301. Creation; personnel.

An agency of the state to be known as the "Governor's Office of Indian Affairs" is hereby created and established in the office of the governor. Said office shall exercise the powers and duties hereinafter set forth or otherwise provided by law. The office shall be administered by an executive director, who shall be appointed by the governor to serve at his pleasure. The executive director shall employ necessary staff to carry out the duties and functions of the office as otherwise provided in this Chapter, or as otherwise provided by law.

§ 2302. Powers, duties, functions.

The office shall have the following powers and duties:

- (2) To collect facts and statistics and conduct special studies of conditions pertaining to the employment, health, education, financial status, recreation, social adjustment, or other conditions affecting the welfare of the Indian people.

b. **Title 17, Education; Chapter 8, Education of Exceptional Children; Part III, Childnet, Louisiana's Early Intervention Program for Infants and Toddlers with Special Needs and their Families.**

§ 1979. Louisiana State Interagency Coordinating Council for ChildNet, Louisiana's Early Intervention Program for Infants and Toddlers with Special Needs and Their Families.

(A)(10) The council may include other members selected by the governor, including a representative from the Governor's Office of Indian Affairs and/or a federally or state recognized tribe.

(D) The council shall have the following duties:

(1) To advise and assist the Louisiana Department of Education in the performance of the responsibilities under this Part, particularly the identification of the sources of fiscal and other support for services for early intervention programs, assignment of financial responsibility to the appropriate agency, and the promotion of the interagency agreements.

(2) To advise and assist the Louisiana Department of Education in the preparation of applications and amendments thereto.

(3) To advise and assist the state Department of Education regarding the transition of toddlers with special needs to service providers under Part B of the Individuals with Disabilities Education Act to the extent such services are appropriate.

(4) To prepare and submit an annual report to the governor and to the United States Secretary of Education on the status of early intervention programs for infants and toddlers with special needs and their families operated within the state of Louisiana.

6. MAINE

Title 30, Municipalities and Counties; Part 4, Indian Territories; Chapter 601, Maine Indian Claims Settlement.

§ 6214. Tribal School Committees.

The Passamaquoddy Tribe and the Penobscot Nation are authorized to create respective tribal school committees, in substitution for the committees heretofore provided for under the laws of the State. Such tribal school committees shall operate under the laws of the State applicable to school administrative units. The presently constituted tribal school committee of the respective tribe or nation shall continue in existence and shall exercise all the authority heretofore vested by law in it until such time as the respective tribe or nation creates the tribal school committee authorized by this section.

7. MASSACHUSETTS

Part I, Administration of the Government; Title II, Executive and Administrative Offices of the Commonwealth; Chapter 6A, Executive Offices, Executive Office of Communities and Development.

§ 8A. Commission on Indian Affairs.

There shall be in the executive office of communities and development a commission on Indian affairs, consisting of seven members who shall be appointed by the governor. All of the members shall be of American Indian descent and shall represent the major tribes of American Indian population located within the commonwealth. In the year nineteen hundred and ninety-three, three members shall be appointed for a term of three years, two members shall be appointed for a term of two years and two members shall be appointed for a term of one year. Thereafter, all appointments shall be for a three-year term.

...

Said commission shall investigate problems common to American Indians and persons of American Indian descent who are residents of the commonwealth. It shall assist tribal councils, Indian organizations and individuals in their relationship with agencies of state and local government, assist with social services, education, employment opportunities, health, housing problems, civil rights, legal aid, treaties, taking of a census of American Indian residents, and any other rights or services concerning American Indian residents of the commonwealth.

8. MICHIGAN

Chapter 16, Executive Organization, Indian Affairs Commission.

§ 16.711. Creation of commission; membership, qualifications, terms, vacancies.

Sec. 1. (1) Within the executive office of the governor an Indian affairs commission is created to consist of 11 members appointed by the governor. Nine members shall have not less than 1/4 quantum Indian blood, 2 of whom shall be from Indian reservations and recommended by the intertribal council, 5 of whom shall be appointed by the governor from geographic areas representative of Indian population, and 2 of whom shall be appointed by the governor from a city having a population greater than 1,000,000 and 2 members at large, not necessarily Indian.

§ 16.714. Investigation of problems; assistance.

Sec. 4. The commission shall investigate problems common to Indian residents of this state. The primary duty of the commission shall be to assist the tribal governments, Indian organizations and individuals with problems of education, employment, civil rights, health, housing, treaty rights and any other right or service due Indians of this state.

9. MINNESOTA

a. Chapter 3, Legislature, Indian Affairs Council.

§ 3.922. Indian Affairs Council.

Subd. 6. Duties. The primary duties of the council are to:

(6) assist in establishing Indian advisory councils in cooperation with state agencies that deliver services to the Indian community;

(7) assist state agencies in defining what groups, organizations, committees, councils, or individuals are eligible for delivery of their respective services;

(8) assist in providing resources, tribal and other, in the delivery of services to the statewide Indian community;

(9) act as a liaison between local, state, and national units of government in the delivery of services to the Indian population of Minnesota.

b. Education Code: Prekindergarten - Grade 12; Chapter 124D, Education Programs, School Desegregation and Integration.

§ 124D.892. Office of desegregation / integration.

Subdivision 1. Establishment. (a) An office of desegregation/integration is established in the department of children, families, and learning to coordinate and support activities related to student enrollment, student and staff recruitment and retention, transportation, and interdistrict cooperation among metropolitan school districts.

(b) At the request of a metropolitan school district involved in cooperative desegregation/integration efforts, the office shall perform any of the following activities:

- (1) assist districts with interdistrict student transfers, including student recruitment, counseling, placement, and transportation;
- (2) coordinate and disseminate information about schools and programs;
- (3) assist districts with new magnet schools and programs;
- (4) assist districts in providing staff development and in-service training; and
- (5) coordinate and administer staff exchanges.

(c) The office shall collect data on the efficacy of districts' desegregation/integration efforts and make recommendations based on the data. The office shall periodically consult with the metropolitan council to coordinate school desegregation/integration efforts with the housing, social, economic, and infrastructure needs of the metropolitan area. The office shall develop a process for resolving students' disputes and grievances about student transfers under a desegregation/integration plan.

Subd. 3. Advisory board. The commissioner shall establish an advisory board composed of:

(1) eight superintendents, each of whom shall be selected by the superintendents of the school districts located in whole or in part within each of the eight metropolitan districts established under section 473.123, subdivision 3c; and

(2) one person each selected by the Indian Affairs Council, the Asian-Pacific Minnesotans, the Council on Black Minnesotans, and the Spanish Speaking Affairs Council.

The advisory board shall advise the office on complying with the requirements under subdivision 1. The advisory board may solicit comments from teachers, parents, students, and interested community organizations and others.

c. Education Code: Prekindergarten - Grade 12; Chapter 124D, Education Programs, American Indian Education.

§ 124D.78. Parent and Community Participation.

Subdivision 1. Parent committee. School boards and American Indian schools shall provide for the maximum involvement of parents of children enrolled in education programs, including language and culture education programs, programs for elementary and secondary grades, special education programs, and support services. Accordingly, the school board of a school district in which there are ten or more American Indian children enrolled and each American Indian school shall establish a parent committee. If a committee whose membership consists of a majority of parents of American Indian children has been or is established according to federal, tribal, or other state law, that committee may serve as the committee required by this section and shall be subject to, at least, the requirements of this subdivision and subdivision 1a.

The parent committee shall develop its recommendations in consultation with the curriculum advisory committee required by section 126.666, subdivision 2. This committee shall afford parents the necessary information and the opportunity effectively to express their views concerning all aspects of American Indian education and the educational needs of the American Indian children enrolled in the school or program. The committee shall also address the need for adult education programs for American Indian people in the community. The school board or American Indian school shall ensure that programs are planned, operated, and evaluated with the involvement of and in consultation with parents of children served by the programs.

Subd. 1a. Resolution of concurrence. Each year by December 1, the school board or American Indian school shall submit to the department of children, families, and learning a copy of a resolution adopted by the parent committee. The copy must be signed by the chair of the committee and state whether the committee concurs with the educational programs for American Indian children offered by the school board or American Indian school. If the committee does not concur with the educational programs, the reasons for nonconcurrence and recommendations shall be submitted with the resolution. By resolution, the school board shall respond, in cases of nonconcurrence, to each recommendation made by the committee and state its reasons for not implementing the recommendations.

Subd. 2. Membership. The committee shall be composed of parents of children eligible to be enrolled in American Indian education programs; secondary students eligible to be served; American Indian language and culture education teachers and aides; American Indian teachers; counselors; adult American Indian people enrolled in educational programs; and representatives from community groups. A majority of each committee shall be parents of children enrolled or eligible to be enrolled in the programs. The number of parents of American Indian and non-American Indian children shall reflect approximately the proportion of children of those groups enrolled in the programs.

Subd. 4. Alternate committee. If the organizational membership of the board of directors of an American Indian school consists of parents of children attending the school, that membership or board may serve also as the parent committee.

d. Post-Secondary Education, Chapter 135A, Public Post-Secondary Education, Academics, Programs, Missions.

§ 135A.12. Unique needs and abilities of American Indian people.

Subdivision 1. Applicability. This section applies to each public post-secondary governing board and each public post-secondary institution.

Subd. 2. Programs and services. The board of each institution, at the request of ten or more full-time American Indian students, shall establish an advisory committee, in consultation with tribal designated representatives. The advisory committee shall recommend instructional programs and student services to meet the unique needs of American Indian people.

Subd. 3. American Indian languages. A student who is proficient in an American Indian language shall have the opportunity to be assessed, placed, or to receive credit for skills in that language in the same manner that a student is assessed, placed, or receives credit for skills in languages other than the English language.

Subd. 4. Qualifications for American Indian studies and services. American Indian individuals who understand and have demonstrated knowledge of American Indian language, history, or culture may be considered to be competent to provide instruction in American Indian language, history, or culture programs. Qualifications to provide noninstructional services at post-secondary institutions for American Indian people must take into consideration knowledge of and understanding of American Indian language, history, or culture.

10. MISSISSIPPI

Title 41, Public Health; Chapter 87, Early Intervention Act for Infants and Toddlers.

§ 41-87-7. State Interagency Coordinating Council.

(1) For the purposes of implementing this chapter, the Governor shall appoint a State Interagency Coordinating Council.

(2) The council shall be appointed by the Governor. In making the appointments to the council, the Governor shall ensure that the membership of the council reasonably represents the population of the state.

(a) The Governor shall designate a member of the council to serve as the chairperson of the council or shall require the council to so designate such a member. Any member of the council who is a representative of the lead agency may not serve as the chairperson of the council.

(b) The council shall be composed as follows:

(i) At least twenty percent (20%) of the members shall be parents, including minority parents, of infants or toddlers with disabilities or children with disabilities aged twelve (12) or younger, with knowledge of, or experience with, programs for infants and toddlers with disabilities. At least one (1) such member shall be a parent of an infant or toddler with a disability or a child with a disability aged six (6) or younger. Parental representatives shall not be employees of any agency or organization which provides early intervention services;

(ii) At least twenty percent (20%) of the members shall be public or private providers of early intervention services;

(iii) At least one (1) member shall be from the State Legislature;

(iv) At least one (1) member shall be involved in personnel preparation;

(v) At least one (1) member shall be from each of the state agencies involved in the provision of or payment for early intervention services to infants and toddlers with disabilities and their families and shall have sufficient authority to engage in policy planning and implementation on behalf of such agencies;

(vi) At least one (1) member shall be from the state educational agency responsible for preschool services to children with disabilities and shall have sufficient authority to engage in policy planning and implementation on behalf of such agency;

(vii) At least one (1) member shall be from the agency responsible for the state governance of insurance, especially in the area of health insurance;

(viii) At least one (1) member must be from a Head Start agency or program in the state;

(ix) At least one (1) member must be from a state agency responsible for child care;

(x) The council may include other members selected by the Governor, including a representative from the Bureau of Indian Affairs (BIA), or where there is no BIA operated or funded school, from the Indian Health Service or the tribe/tribal council.

11. MONTANA

Title 90, Planning, Research and Development; Chapter 11, Indian Affairs Planning and Coordination; Part 1, State Coordinator of Indian Affairs.

§ 90-11-101. Legislative policy.

The legislature finds and declares that:

(1) a considerable portion of the citizens of the state of Montana are American Indians;

(2) since statehood, Indian citizens of the state of Montana have lived on reservations set apart for those purposes by the United States of America, and by virtue of their isolation and supervision by the federal government, great problems of economic and social significance have arisen and presently exist;

- (3) the best interests of Montana Indian tribes will be served by engaging in government-to-government relationships designed to recognize the rights, duties, and privileges of full citizenship that Indians are entitled to as citizens of this state;
- (4) because the tribes are domestic dependent nations, agencies of the federal government retain jurisdiction and a fiduciary duty throughout the state of Montana for the administration of economic, social, health, education, and welfare programs for Indians;
- (5) unique differences exist between the tribes, their reservations, customs, and treaties, and their respective relationships with the federal government, all of which influence the relationships among tribes and between the tribes and the state;
- (6) there are sizeable numbers of off-reservation enrolled and unenrolled Indians residing in our state whose needs for social, environmental, educational, and economic assistance are borne in part by state and local agencies;
- (7) programs of the state of Montana should not duplicate those supported by agencies of the federal government or tribal governments with regard to jurisdiction of Indian people, because state responsibility includes off-reservation Indians and because those Indians require assistance to coordinate their affairs with various tribal groups and federal agencies where they have no official recognition;
- (8) the state and the tribes working together in a government-to-government relationship and engaging in compacts and other cooperative agreements for the benefit of Indian and non-Indian residents will promote economic development, environmental protection, education, social services support, and enduring good will;
- (9) to facilitate the discussion and resolution of issues and concerns that Indian tribes have in relation to the state, the federal government, and among themselves, the coordinator of Indian affairs shall:
 - (a) maintain effective tribal-state communications;
 - (b) assess tribal and individual Indian concerns and interests to seek ways and means of communicating these concerns and interests to relevant state agencies and to the legislature and actively assist in organizing these efforts; and
 - (c) act as a liaison for tribes and Indian people, whether the Indian people reside on or off reservations, whenever assistance is required;
- (10) the coordinator of Indian affairs shall endeavor to assist tribes to seek agreements between the state and tribes and to work toward a consensus among the tribes and other parties on shared goals and principles.

§ 90-11-102. Duties and assistance.

- (1) It is the duty of the state coordinator of Indian affairs to carry out the legislative policy set forth in 90-11-101.
- (2) The state coordinator shall:
 - (a) meet at least quarterly with tribal governments and become acquainted with the problems confronting the Indians of Montana;
 - (b) meet with executive branch directors on issues arising between Montana's Indian citizens, tribes, and state agency personnel and programs;
 - (c) report to the governor's cabinet meeting concerning issues confronting Indian people and tribal governments;
 - (d) advise the legislative and executive branches of the state of Montana of those problems and issues;

- (e) make recommendations for the alleviation of those problems and issues;
- (f) serve the Montana delegation in the federal congress as an adviser and intermediary in the field of Indian affairs;
- (g) act as a liaison for representative Indian organizations and groups, public and private, whenever the state coordinator's support is solicited by tribal governmental entities;
- (h) serve on the state-tribal economic development commission established in 90-1-131;
- (i) report in detail at every meeting of the interim committee of the legislature responsible for acting as a liaison between the legislature and the tribal governments those actions taken by the state-tribal economic development commission established by 90-1-131 to carry out its duties; and
- (j) hire, with the concurrence of the other members of the state-tribal economic development commission, a tribal business center coordinator and a federal grants coordinator, and subsequently provide administrative support for both positions.

(3) All executive and legislative agencies of state government may within the area of their expertise and authority provide assistance to tribal councils or their official designees requesting assistance on any matter relating to education, health, natural resources, and economic development on Indian reservation lands. (Terminates June 30, 2005--sec. 5, Ch. 69, L. 2001.)

12. NEBRASKA

Chapter 81, State Administrative Departments; Article 25, Commission on Indian Affairs.

§ 81-2501. Commission; members; qualifications; nomination; appointment; terms.

(1) There is hereby established the Commission on Indian Affairs. For purposes of sections 81-2501 to 81-2508, commission shall mean the Commission on Indian Affairs.

§ 81-2502. Commission; purpose.

The purpose of the commission shall be to join representatives of all Indians in Nebraska to do all things which it may determine to enhance the cause of Indian rights and to develop solutions to problems common to all Nebraska Indians.

§ 81-2504. Commission; functions.

The functions of the commission shall be to:

(2) Coordinate existing programs relating to the Indian community in such areas as housing, education, welfare, medical and dental care, employment, economic development, law and order, and related problems;

(3) Work with other state and federal government agencies and federal and state elected officials in the development of new programs in areas mentioned under subdivision (2) of this section;

(5) Provide the public with information and education relevant to Indian affairs in the State of Nebraska.

13. NEW JERSEY

Title 52, State Government, Departments and Officers; Subtitle 3, Executive and Administration Departments, Officers and Employees; Chapter 16A, Department of State.

§ 52:16A-53. New Jersey Commission on Native American Affairs established; members.

There is established in the Department of State the New Jersey Commission on Native American Affairs. The commission shall consist of nine members; the Secretary of State, serving ex officio, and eight public members, not more than four of whom shall be from the same political party. Two of the public members shall be members of the Nanticoke Lenni Lenape Indians, to be appointed by the Governor on the recommendation of the Confederation of the Nanticoke Lenni Lenape Tribes and with the advice and consent of the Senate. Two of the public members shall be members of the Ramapough Mountain Indians, to be appointed by the Governor on the recommendation of the Ramapough Mountain Indians and with the advice and consent of the Senate. Two of the public members shall be members of the Powhatan Renape Nation, to be appointed by the Governor on the recommendation of the Powhatan Renape Nation and with the advice and consent of the Senate. Two of the public members shall be members of the Intertribal People, to be appointed by the Governor on the recommendation of the Intertribal People and with the advice and consent of the Senate. "Intertribal People" means Native Americans who reside in New Jersey but are not members of the Nanticoke Lenni Lenape Indians, the Ramapough Mountain Indians, or the Powhatan Renape Nation, but are enrolled members of another tribe recognized by another state or the federal government.

§ 52:16A-56. Duties of commission.

The commission shall:

- a. develop programs and projects relating to the cultural, educational and social development of New Jersey's Native American communities;
- b. develop programs and projects which further understanding of New Jersey's Native American history and culture;
- c. promote increased cooperation among all Native American communities in the State;
- d. serve as a Statewide reference and resource center to increase public knowledge of New Jersey's Native American heritage; and
- e. act as a liaison among Native American communities, the State and federal governments, and educational, social and cultural institutions.

14. NEW MEXICO

a. Chapter 9, Executive Department; Article 21, Indian Affairs Department Act.

§ 9-21-4. Department created.

The "Indian affairs department" is created in the executive branch. The department is a cabinet department and includes the following divisions:

- A. the administrative services division; and
- B. the program services division.

§ 9-21-7. Department; additional powers and duties.

A. The department is the coordinating agency for intergovernmental and interagency programs concerning tribal governments and the state.

B. The department shall:

- (1) investigate, study, consider and act upon the entire subject of Indian conditions and relations within New Mexico, including problems of health, economy and education and the effect of local, state and federal legislative, executive and judicial actions. The department shall collaborate with other state departments or agencies that have an interest or stake in the subject being investigated, studied or considered. In performing its functions, the department shall provide an opportunity for the presentation and exchange of ideas in respect to Indian affairs of the state by all interested persons; and
- (2) assist in setting the policy, and act as the clearinghouse, for all state programs affecting the Indian people of New Mexico.

C. The department may:

- (1) hold hearings, conduct meetings, make investigations and confer with officials of local, state and federal agencies to secure cooperation between the local, state, federal and Indian tribal governments in the promotion of the welfare of the Indian people of New Mexico;
- (2) contract with tribal governments, public agencies or private persons to provide services and facilities for promoting the welfare of the Indian people of New Mexico; and
- (3) solicit and accept gifts, grants, donations, bequests and devises.

b. § 9-21-13. Indian affairs commission created.

A. The "Indian affairs commission" is created. The commission shall consist of ten members who are residents of New Mexico appointed by the governor as follows:

- (1) three members shall be Pueblo Indians;
- (2) three members shall be Navajo Indians;
- (3) two members shall be Apache Indians;
- (4) one member shall be an urban Indian; and
- (6) one member shall be a non-Indian.

B. Indian members, except the urban Indian member, shall be appointed from lists of names submitted by the all Indian pueblo council, the Jicarilla and Mescalero tribal councils and the Navajo Nation.

C. Members serve at the pleasure of the governor. Vacancies shall be filled by appointment by the governor for the unexpired term.

D. The governor shall appoint the chairman and the commission may select such other officers as the commission deems necessary.

E. Members may receive per diem and mileage pursuant to the Per Diem and Mileage Act, but shall receive no other compensation, perquisite or allowance.

§ 9-21-14. Powers of the commission.

The commission shall:

A. conduct meetings to provide an opportunity for the presentation and exchange of ideas with respect to Indian affairs by any interested party that result in the promotion of the welfare of the Indian people;

B. receive and disseminate information on issues that significantly impact the welfare of the Indian people;

C. apprise the secretary of the conditions in Native American communities in New Mexico; and

D. advise the secretary on policy matters related to the department's powers and duties.

c. Chapter 9, Article 24, Public Education Department.

§ 9-24-4. Department created.

A. The "public education department" is created in the executive branch. The department is a cabinet department and includes the following divisions:

(4) the Indian education division

d. Chapter 21, State and Private Education Institutions; Article 30, Higher Education Department Act.

§ 21-30-10. Higher education advisory board; membership; terms; administrative attachment.

A. The "higher education advisory board" is created to advise the department and the governor on policy matters and perform other functions as provided by law. The board is administratively attached to the department, with administrative staff provided by the department.

B. The secretary shall appoint fourteen members giving due regard to geographic representation, cultural diversity and the composition of higher education institutions in New Mexico. Four members shall represent the four-year public post-secondary educational institutions, one of whom shall represent the university of New Mexico, one of whom shall represent New Mexico state university, one of whom shall represent New Mexico institute of mining and technology and one of whom shall represent either New Mexico highlands university, eastern New Mexico university or western New Mexico university; three members shall represent the two-year public post-secondary educational institutions; one member shall represent the accredited private post-secondary educational institutions; one member shall represent business; one member shall represent college and university faculty; one member shall represent college and university nonfaculty staff; one member shall be a college or university student; one representative of the tribal colleges in New Mexico; and one representative of the Indian nations, tribes and pueblos in New Mexico. The members representing the categories of post-secondary educational institutions shall be the chief executive officers of the institutions of those categories or the chief executive officers' designees. The members representing faculty and nonfaculty staff and the student member shall be the leaders of faculty, staff and student organizations at their respective institutions.

15. NORTH CAROLINA

Chapter 115C, Elementary and Secondary Education; Subchapter IV, Education Program; Article 13A, State Advisory Council on Indian Education.

§ 115C-210. Council established.

There is hereby established an advisory council to the State Board of Education to be known as the "State Advisory Council on Indian Education". (1987 (Reg. Sess., 1988), c. 1084, s. 1.)

§ 115C-210.4. Duties of the Council.

It shall be the duty of the Advisory Council:

- (1) To advise the State Board of Education on ways to meet more effectively the educational needs of Indian students;
- (2) To advocate meaningful programs to reduce and eventually eliminate low achievement and concurrent high attrition rates among American Indian students;
- (3) To prepare an annual report on a fiscal year basis on the status of Indian education, said report to be presented to the State Board of Education and to the various Indian tribal organizations at the statewide Indian Unity Conference;
- (4) To work closely with the Division of Indian Education in the Department of Public Instruction to improve coordination and communication between and among programs;
- (5) To advise the State Board of Education on any other aspect of Indian education when requested by the State Board to do so. (1987 (Reg. Sess., 1988), c. 1084, s. 1.)

16. OKLAHOMA

Title 74, State Government; Chapter 35, Oklahoma Indian Affairs Commission.

§ 1201. Creation.

A. There is hereby created the Oklahoma Indian Affairs Commission. The Commission shall consist of nineteen (19) members: nine appointed members and ten nonvoting, ex officio members. The appointed members shall be appointed by the Governor with the advice and consent of the Senate. Each appointed member shall be an enrolled member of one of the thirty-nine (39) tribal governments in Oklahoma. All commission members shall be residents of the State of Oklahoma at the time of their appointment. All appointments to the Commission shall be for terms of three (3) years. Members shall serve until their successors are appointed and confirmed. Failure of any appointed member to attend three consecutive regularly scheduled monthly meetings shall result in forfeiture of appointment. Provided, absences may be excused under extraordinary circumstances as determined by the Commission.

§ 1202. Purpose.

It shall be the purpose of the Oklahoma Indian Affairs Commission to work toward promoting unity, purpose and understanding among the Indian people of Oklahoma and the Commission shall serve as liaison between the Indian people of the state, Indian leaders of the state, tribal governments, private sector entities, the various federal and state agencies, and the executive and legislative branches of the state government, who share a concern for developing mutual goals beneficial to Indian affairs. In furtherance of such purpose, the Commission shall:

6. Develop and promote cooperative programs between tribal governments, state government and private entities in the areas of health, education, tourism and economic development.

Title 70, Schools; Division III, Other School Laws; Chapter 3, General Provisions.

§ 35e. Dropouts--Reports--Tabulation of statistics--Dissemination of information report to Legislature--Definition.

B. The Oklahoma State Board of Education shall cause these statistics of school dropouts to be tabulated by grade and school district. Information of school dropouts shall be made available to the Oklahoma Department of Career and Technology Education, the Oklahoma Indian Affairs Commission, the Bureau of Indian Affairs and the Department of Health, Education and Welfare.

17. OREGON

a. Title 17, State Legislative Department and Laws; Chapter 172, Commission on Uniform Laws, Commission on Indian Services.

§ 172.100. Legislative policy.

It is declared to be the policy and intent of the Legislative Assembly that:

(1) The State of Oregon shall establish a Commission on Indian Services for the purpose of improving services with American Indians in the State of Oregon.

§ 172.120. Duties and powers; report.

The Commission on Indian Services shall:

(1) Compile information relating to services available to Indians, including but not limited to education and training programs, work programs, housing programs, health programs, mental health programs, including alcohol and drug services, and welfare programs from local, state and federal sources and through private agencies.

b. Title 30, Education and Culture; Chapter 343, Special Education Services, Preschool Children With Disabilities.

§ 343.499. State Interagency Coordinating Council.

(2) The membership of the council shall be composed as follows:

(q) The council may include other members appointed by the Governor, including but not limited to one representative from the United States Bureau of Indian Affairs or, where there is no school operated or funded by the bureau, from the Indian Health Service or the tribe or tribal council.

(4) The State Interagency Coordinating Council shall:

(a) Advise the Superintendent of Public Instruction and the State Board of Education on unmet needs in the early childhood special education and early intervention programs for preschool children with disabilities, review and comment publicly on any rules proposed by the State Board of Education and the distribution of funds for the programs and assist the state in developing and reporting data on and evaluations of the programs and services.

(c) Advise and assist the Department of Education and other state agencies in the development and implementation of the policies that constitute the statewide system.

§ 343.507. Local early intervention interagency advisory council.

(2) Each local early intervention interagency advisory council shall include as members at least 20 percent parents of preschool children with disabilities, 20 percent providers of early childhood special education and early intervention services or other services to preschool children with disabilities, a representative of the State Commission on Children and Families and representatives from public and private agencies that serve young children and their families, including but not limited to Head Start and Oregon prekindergartens, community child care, local school districts, educational service districts, Department of Education regional special education programs, the Health Division, community Mental Health and Developmental Disability Services Division programs, the Children's Services Division, the Adult and Family Services Division, Indian education agencies, migrant programs serving young children and community colleges.

18. TENNESSEE

Title 4, State Government; Chapter 34, Commission of Indian Affairs; Part 1, General Provisions.

§ 4-34-101. Creation.

(a) There is hereby created and established the Tennessee commission of Indian affairs.

§ 4-34-102. Purposes.

The purposes of the commission are to:

- (5) Assist Indian communities in social and economic development; and
- (6) Promote recognition of, and the right of Indians to pursue, cultural and religious traditions considered by them to be sacred and meaningful to native Americans.

19. UTAH

Title 9, Community and Culture Development; Chapter 9, Utah Division of Indian Affairs; Part 1, Division of Indian Affairs.

§ 9-9-102. Utah Division of Indian Affairs created, Supervision by Department.

- (1) There is created within the department a Utah Division of Indian Affairs.
- (2) The division shall be under the administration and general supervision of the department.

§ 9-9-103. Purpose.

The division shall:

- (1) develop programs that will allow Indian citizens an opportunity to share in the progress of Utah;
- (2) promote an atmosphere in which Indian citizens are provided alternatives so that individual citizens may choose for themselves the kinds of lives they will live, both socially and economically; and
- (3) promote programs to help the tribes and Indian communities find and implement solutions to their community problems.

20. VIRGINIA

Title 2.2, Administration of Government; Subtitle I, Organization of State Government; Part D, State Authorities, Boards, Commissions, Councils, Foundations and Other Collegial Bodies; Chapter 26, Councils; Article 10, Council on Indians

§ 2.2-2629. Powers and duties of Council; acceptance of gifts and grants; reporting requirement.

A. The Council shall gather information on and make studies and conduct research concerning the Indians in the Commonwealth and advise the Governor on issues affecting the Virginia Indian communities. The Council shall be an advocate for education of the general public regarding the past and present Indians of Virginia.

21. WISCONSIN

a. Organization of State Government, Chapter 13, Legislative Branch; Subchapter IV, Legislative Service Agencies.

§ 13.83. Permanent Council Committees.

(3) Special Committee on state-tribal relations. (a) The joint legislative council shall, in each biennium, create a special committee on state-tribal relations. The special committee shall study issues related to American Indians and the American Indian tribes and bands in this state and develop specific recommendations and legislative proposals relating to these issues. The special committee shall, from time to time, report its findings and its legislative and other recommendations to the joint legislative council.

(f) The special committee shall be assisted by a technical advisory committee composed of 7 members representing the following:

5. The department of public instruction.

b. Organization of State Government, Chapter 15, Structure of the Executive Branch; Subchapter II, Departments.

§ 15.375. Attached boards.

(1) There is created an American Indian language and culture education board which is attached to the department of education under s. 15.03. The board shall consist of 13 members appointed by the governor for staggered 4-year terms from recommendations made by the various Indian tribes, bands and organizations in this state. The members shall include parents or guardians of American Indian children, American Indian teachers, school administrators, a school board member, persons involved in programs for American Indian children and persons experienced in the training of teachers for American Indian language and culture education programs. Members shall be appointed so as to be representative of all the American Indian tribes, bands and organizations in this state. In addition to its duties under subch. IV of ch. 115, the board shall advise the secretary of education, the board of regents of the university of Wisconsin system, the higher educational aids board and the technical college system board on all matters relating to the education of American Indians. The board does not have rule-making authority.

c. Schools, Chapter 115, Department of Education, General Classification and Definitions; Subchapter IV, American Indian Language and Culture Education Program.

§ 115.735. Parent Advisory Committee.

(1) Each school district and alternative school which establishes a program under this subchapter shall establish an American Indian parent advisory committee, appointed by the school board, to afford parents and educators of American Indian pupils the opportunity to advise the school board of their views and to ensure that a program is planned, operated and evaluated with their involvement and consultation. If there is a local tribal education authority, the school board shall appoint committee members from recommendations submitted by the authority.

(2) The committee shall be composed of parents or guardians of American Indian pupils enrolled in the program, teachers, aides and counselors involved in the program and representatives of local tribal education authorities, but a majority of the members of each committee shall be parents or guardians of American Indian pupils enrolled in the program.

(3) If an advisory committee exists which meets the requirements of sub. (2), it may serve as the parent advisory committee. If the school board consists solely of parents or guardians of American Indian pupils, it may serve as the parent advisory committee.

22. WYOMING

Title 9, Administration of the Government; Chapter 2, Agencies, Boards, Commissions and Departments Generally; Article 19, Wyoming Indian Affairs Council.

§ 9-2-1903. Council created; membership; meetings; expenses.

(a) There is created the Wyoming Indian Affairs Council. The council shall consist of seven (7) members appointed by the governor with the advice of the Joint Tribal Council.

§ 9-2-1904. Council powers and duties.

(a) The council shall:

(i) In formulating its work plan, focus attention on programs for cooperating with the Indian tribes living on the Wind River Indian Reservation in matters of common interest, including but not limited to:

(D) Educational matters.

NOTES _____

E. FINANCE AND FUNDING

Sixteen states have laws that address Indian education financial and funding matters. These range from specific state Indian education funds to calculation of federal Indian education funding in public school district appropriations and budgets and apportionment of various state education funds to Indians. Not all finance-related provisions that potentially affect Indian education are included here, but rather only the ones that deal primarily with finances and funding for Indian education.

Alaska, Arizona, California, Illinois, Iowa, Maine, Minnesota, Mississippi, Nebraska, Nevada, New Mexico, New York, Oklahoma, Oregon, South Dakota, and Washington all have Indian education laws related to finance and funding.

1. ALASKA

Title 44, State Government; Chapter 21, Department of Administration; Article 1, Department Functions.

§ 44.21.030. Contracting with United States.

The Department of Administration may contract with the United States for the education, medical activities, agricultural assistance and social welfare, and relief of distress of Indians and Eskimos, and spend money appropriated by Congress for these activities in accordance with the provisions of the Act of Congress approved April 16, 1934.

2. ARIZONA

a. Title 15, Education; Chapter 2, State Governance of Schools; Article 1, State Board of Education.

§ 15-205. Education of Indians in state schools; contracts with department of interior.

A. The state board of education may enter into contracts with the department of the interior for the welfare and education of Indians in schools of this state, in accordance with the act of congress approved April 16, 1934, as amended by the act of June 4, 1936. The board shall administer the expenditure of federal funds provided under such contracts.

§ 15-255. Annual report; contents; definition.

A. The superintendent of public instruction shall make a report to the governor and the legislature on or before January 15 each year. The report shall be in printed form.

B. The report shall contain:

(9) The amount of federal monies that was received during the previous year and that was specified for Indian education aid and emergency operational aid.

§ 15-385. Premiums of a bond or insurance for accommodation schools or federally owned buildings on Indian reservation.

A. When the provisions of an agreement entered into between the state, an officer or agency thereof or a school district of this state, and the government of the United States or an agency or officer thereof, for the use of school buildings on Indian reservations, whereby a school district is required to execute a bond in favor of the federal government or an officer or agency thereof, or to procure and pay for insurance for protection of federally owned buildings or equipment being used for school purposes, the bond or insurance may be executed by the governing board of the school district, and the district or governing board may procure and pay for the bond or insurance as is necessary for protection of the buildings or equipment. Premiums paid for a bond or insurance shall be a charge against the funds of the school district.

B. The provisions of this section shall apply also to accommodation schools under the jurisdiction of the county school superintendent and payment of premiums for a bond or insurance may be made by the county school superintendent from the county school reserve fund.

b. Title 15, Education; Chapter 9, School District Budgeting and Financial Assistance; Article 1, General Provisions for School District Budgets.

§ 15-903. Budget format, prohibited expenses.

(F) The special projects section shall include budgeted expenditures for state special projects, including special adult projects, career education, deficiencies correction fund projects, building renewal fund projects and new school facilities fund projects, such federal special projects as ESEA title programs, vocational education and title IV Indian education, and other special projects.

§ 15-905. School district budgets; notice; adoption; aggregate budget limit; summary; adjustments, definition.

(K) The governing board may include P.L. 81-874 assistance allocated for handicapped children, children with specific learning disabilities and children residing on Indian lands which is in addition to the basic assistance as provided in 20 United States Code § 238(d), 2, (C) and (D) when determining the general budget limit as prescribed in § 15-947, subsection C. The governing board may adjust before May 15 the budget for the current year based on any adjustments which result in increases over the amount estimated by the superintendent of public instruction for P.L. 81-874 assistance for such pupils for the fiscal year preceding the current year. The governing board shall adjust before May 15 the budget for the current year based on any adjustments which result in decreases in the amount estimated by the superintendent of public instruction for P.L. 81-874 assistance for such pupils for the fiscal year preceding the current year. Procedures for complying with the provisions of this subsection shall be as prescribed in the uniform system of financial records.

Title 15, Education; Chapter 9, School District Budgeting and Financial Assistance; Article 5, State and Local Assistance to School Districts and Accommodation Schools.

§ 15-973. Apportionment of funds; expenditure limitation.

C. Notwithstanding the provisions of subsection B of this section, if sufficient appropriated funds are available and on a showing by a school district that additional state monies are necessary for current expenses, an apportionment or part of an apportionment of state aid may be paid to the school district prior to the date set for such apportionment by subsection B of this section. After the first forty days in session of the current year a school district may request additional state monies to fund the increased state aid due to anticipated student growth through the first one hundred days or two hundred days in session, as applicable, of the current year as provided in § 15-948. In no event shall a school district have received more than three-fourths of its total apportionment before April 15 of the fiscal year. Early payments pursuant to this subsection must be approved by the state treasurer, the director of the department of administration and the superintendent of public instruction. If the computation of state aid for an accommodation school is based on P.L. 81-874 monies to be received in the current year pursuant to § 15-974, subsection A, paragraph 2, the maximum early payment to an accommodation school shall be determined using an estimate of the P.L. 81-874 monies to be received during the fiscal year.

D. Until June 30, 1999, at such time and as provided by federal law or regulation, state aid shall be reduced as follows:

1. The superintendent of public instruction shall compute the amount of monies which each school district is eligible to receive under P.L. 81-874, less P.L. 81-874 monies for children with disabilities, children with specific learning disabilities and children residing

on Indian lands which are in addition to the basic assistance as provided in 20 United States Code § 238(d)2(C) and (D), and for which monies have been appropriated.

2. The superintendent of public instruction shall deduct from state aid for each school district which is eligible to receive monies under P.L. 81-874 and for which monies are appropriated as provided in paragraph 1 of this subsection the lesser of:

(a) The maximum allowed by law or regulation.

(b) The amount computed as follows:

(i) For fiscal year 1982-1983, twenty-five per cent of the amount computed in paragraph 1 of this subsection.

(ii) For fiscal year 1983-1984, fifty per cent of the amount computed in paragraph 1 of this subsection.

(iii) For fiscal year 1984-1985, seventy-five per cent of the amount computed in paragraph 1 of this subsection.

(iv) Beginning with fiscal year 1985-1986, ninety-five per cent of the amount computed in paragraph 1 of this subsection.

3. The reduction in state aid shall be made from equalization assistance as prescribed in § 15-971 or from additional state aid as prescribed in § 15-972 during the fiscal year following the fiscal year in which the monies are received. The superintendent of public instruction shall make additional adjustments in state aid for allowable deductions which were not made in any previous fiscal year which is not more than five years earlier than the year in which the adjustments are made. The superintendent of public instruction shall give the school district prior notice of the intention to make the additional adjustments and may distribute the adjustments over more than one year after considering the effects of the adjustments on the school district.

E. The superintendent of public instruction shall not make application to the federal government to utilize P.L. 81-874 monies in determining the apportionment prescribed in this section.

F. If a school district which is eligible to receive monies pursuant to this article is unable to meet a scheduled payment on any lawfully incurred long-term obligation for debt service as provided in § 15-1022, the county treasurer shall use any amount distributed pursuant to this section to make the payment. The county treasurer shall keep a record of all the instances in which a payment is made pursuant to this subsection. Any monies subsequently collected by the district to make the scheduled payment shall be used to replace the amount diverted pursuant to this subsection. When determining the total amount to be funded by a levy of secondary taxes upon property within the school district for the following fiscal year, the county board of supervisors shall add to the amounts budgeted to be expended during the following fiscal year an amount equal to the total of all payments pursuant to this subsection during the current fiscal year which were not repaid during the current year.

G. The total amount of state monies that may be spent in any fiscal year by the state board of education for apportionment of state aid for education shall not exceed the amount appropriated or authorized by § 35-173 for that purpose. This section shall not be construed to impose a duty on an officer, agent or employee of this state to discharge a responsibility or to create any right in a person or group if the discharge or right would require an expenditure of

state monies in excess of the expenditure authorized by legislative appropriation for that specific purpose.

- c. **Title 15, Education; Chapter 10, School District Funds and Related Operations; Article 1, Revolving Funds, School Plant, Insurance Proceeds, Unemployment Compensation, Civic Center School and Permanent Teacherage Funds.**

§ 15-1106. Permanent teacherage fund; uses; definition.

(A) A school district governing board, or the superintendent or chief administrative officer with the approval of the governing board, may establish a permanent teacherage fund. Such fund shall be comprised of proceeds obtained from the lease of teacherages within the school district. Monies in such fund may be used for any of the following purposes:

- (3)Purchase of houses, including mobile or modular housing, to be used exclusively as teacherages for school districts located on Indian and federal lands.

3. CALIFORNIA

- a. **Education Code, Title 2, Elementary and Secondary Education; Division 4, Instruction and Service; Part 29, Programs for Disadvantaged Pupils; Chapter 1, Educationally Disadvantaged Youth Programs; Article 2, Economic Impact Aid.**

§ 54023. Determination of district share of state gross need.

For each eligible school district, the Superintendent of Public Instruction shall compute a share of the state gross need defined in Section 54022. To determine such shares he shall, for each district, compute the product of:

- (a)(1) A ratio of “potential impact of bilingual-bicultural pupils” determined by dividing the percent of pupils in the district with Spanish and Asian surnames, and Indian pupils, as determined by the most recent ethnic survey conducted by the Department of Education, by the statewide average percentage of such pupils for unified, elementary, or high school districts, as appropriate.

- b. **Education Code; Title 2, Elementary and Secondary Education; Division 4, Instruction and Services; Part 29, Programs for Disadvantaged Pupils; Chapter 9, Miscellaneous Programs; Article 9, Supplemental Grants.**

§ 54761. Calculation; Base Funding; Deposit; Use.

(B) State aid received by the district for categorical education programs from the General Fund for the current fiscal year, as specified in clauses (i) and (ii), including funds appropriated for categorical programs by the act that adds this article to the Education Code, as estimated by the superintendent at the time of the second principal apportionment for the current fiscal year.

(i) The categorical education programs referenced in paragraph (B) shall include the following:

(XIII) Native American Indian education.

4. ILLINOIS

Chapter 105, Schools, Common Schools; Act 5, School Code; Article 2, State Board of Education - Powers and Duties.

§ 5/2-3.106. State Urban Education Partnership Grants.

From state moneys appropriated specifically for purposes of this Section, the State Board of Education shall award State Urban Education Partnership Grants to qualifying attendance centers within school districts that meet the criteria specified in subparagraph (A) or subparagraph (B) below:

(B) The school district receives not less than \$100,000 in a fiscal year from funds allocated and distributed under Chapter 1 of Title I of the federal Elementary and Secondary Education Act of 1965, and not less than 10% of the students enrolled in the public schools of the school district are “minority students”, defined for purposes of this Section to mean a pupil who is Black (having origins in any of the black racial groups in Africa), Hispanic (of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean Islands, regardless of race), Asian American (having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands), or American Indian or Alaskan Native (having origins in any of the original peoples of North America).

5. IOWA

a. Title VII, Education and Cultural Affairs; Subtitle 1, Elementary and Secondary Education; Chapter 256, Department of Education; Subchapter I, General Provisions.

§ 256.30. Educational expenses for American Indians.

The department of education shall provide moneys to pay the expense of educating American Indian children residing in the Sac and Fox Indian settlement on land held in trust by the secretary of the interior of the United States in excess of federal moneys paid to the tribal council for educating the American Indian children when moneys are appropriated for that purpose. The tribal council shall administer the moneys distributed to it by the department and shall submit an annual report and other reports as required by the department to the department on the expenditure of the moneys.

The tribal council shall first use moneys distributed to it by the department of education for the purposes of this section to pay the additional costs of salaries for licensed instructional staff for educational attainment and full-time equivalent years of experience to equal the salaries listed on the proposed salary schedule for the school at the Sac and Fox Indian settlement for that school year, but the salary for a licensed instructional staff member employed on a full-time basis shall not be less than eighteen thousand dollars. The department of management shall approve allotments of moneys appropriated in this section when the department of education certifies to the department of management that the requirements of this section have been met.

b. Title VII, Education and Cultural Affairs; Subtitle 6, School Districts; Chapter 294A, Educational Excellence Program - Teachers; Division V, General Provisions.

§ 294A.25. Appropriation.

4. Commencing with the fiscal year beginning July 1, 1988, the amount of one hundred thousand dollars to be paid to the department of education for distribution to the tribal council of the Sac and Fox Indian settlement located on land held in trust by the secretary of the interior of the United States. Moneys allocated under this subsection shall be used for the purposes specified in section 256.30.

6. MAINE

a. Title 30, Municipalities and Counties; Part 4, Indian Territories; Chapter 601, Maine Indian Claims Settlement.

§ 6211. Eligibility of Indian Tribes and State Funding.

(2) Limitation on eligibility. In computing the extent to which either the Passamaquoddy Tribe or the Penobscot Nation is entitled to receive state funds under subsection 1, other than funds in support of education, any money received by the respective tribe or nation from the United States within substantially the same period for which state funds are provided, for a program or purpose substantially similar to that funded by the State, and in excess of any local share ordinarily required by state law as a condition of state funding, must be deducted in computing any payment to be made to the respective tribe or nation by the State. Unless otherwise provided by federal law, in computing the extent to which either the Passamaquoddy Tribe or the Penobscot Nation is entitled to receive state funds for education under subsection 1, the state payment must be reduced by 15% of the amount of federal funds for school operations received by the respective tribe or nation within substantially the same period for which state funds are provided, and in excess of any local share ordinarily required by state law as a condition of state funding. A reduction in state funding for secondary education may not be made under this section except as a result of federal funds received within substantially the same period and allocated or allocable to secondary education. This subsection is repealed June 30, 1998.

b. Title 20-A, Education; Part 7, School Finance; Chapter 606, School Finance Act of 1985.

§ 15602. Intent.

1. Contributions from General Fund. It is the intent of the Legislature to provide at least 55% of the cost of the total allocation from General Fund revenue sources or a percentage no less than that provided in the year prior to the year of allocation, whichever is greater.

The amount of the teacher recognition grants authorized in section 13503-A which are paid or deemed eligible to be paid on August 15, 1986, shall be added to the actual local operating costs expended by local units in 1986-87. The minimum amount of the cost of the total allocation from General Fund revenue sources for 1988-89 shall be increased by the total amount expended by the State in 1986-87 for teacher recognition grants in accordance with section 13503-A and block grants in accordance with section 13509. The resulting percentage shall be used to define the minimum percentage contribution from General Fund revenue sources in 1988-89 and subsequent years.

7. Fiscal year 1992-93. Notwithstanding any other provision of this Title, the following provisions apply to fiscal year 1992-93 general purpose subsidy for public schools.

A. For each unit, the total amount provided to the unit in fiscal year 1992-93 as state subsidy and as described in section 15610, subsection 1-C and sections 15612 and 15613 must be the same as the amount calculated for fiscal year 1991-92 for these purposes, including the calculations described in section 15602, subsections 5 and 6, except as described below.

(1) Debt service must be the costs attributable to fiscal year 1992-93.

(2) The Public Law 81-874 federal impact aid reduction must be calculated pursuant to federal requirements and section 15612, subsection 5.

(3) Reductions to the total amount provided to Maine Indian education schools must be in accordance with Title 30, section 6211, subsection 2.

7. MINNESOTA

a. Education Code: Prekindergarten-Grade 12; Chapter 124D, Education Programs, American Indian Education.

§ 124D.83. State Revenue for American Indian Tribal Contract or Grant Schools.

Subdivision 1. Authorization. (a) Each year each American Indian-controlled tribal contract or grant school authorized by the United States Code, title 25, section 450f, that is located on a reservation within the state is eligible to receive tribal contract or grant school aid subject to the requirements in this subdivision.

(b) The school must plan, conduct, and administer an education program that complies with the requirements of this chapter and chapters 120, 121, 122, 123, 124A, 124C, 125, 126, 129, and 268A.

(c) The school must comply with all other state statutes governing independent school districts.

(d) The state tribal contract or grant school aid must be used to supplement, and not to replace, the money for American Indian education programs provided by the federal government.

Subd. 2. Revenue amount. An American Indian-controlled tribal contract or grant school that is located on a reservation within the state and that complies with the requirements in subdivision 1 is eligible to receive tribal contract or grant school aid. The amount of aid is derived by:

(1) multiplying the formula allowance under section 124A.22, subdivision 2, times the difference between (a) the actual pupil units as defined in section 124A.02, subdivision 15, in average daily membership, excluding section 124.17, subdivision 2f, and (b) the number of pupils for the current school year, weighted according to section 124.17, subdivision 1, receiving benefits under section 123.933 or 123.935 or for which the school is receiving reimbursement under section 126.23;

(2) adding to the result in clause (1) an amount equal to the product of the formula allowance under Section 126C.10, Subdivision 2, less \$300 times the tribal contract compensation revenue pupil units;

(3) subtracting from the result in clause (1) the amount of money allotted to the school by the federal government through the Indian School Equalization Program of the Bureau of Indian Affairs, according to Code of Federal Regulations, title 25, part 39, subparts A to E, for the basic program as defined by section 39.11, paragraph (b), for the base rate as applied to kindergarten through twelfth grade, excluding small school adjustments and additional weighting, but not money allotted through subparts F to L for contingency funds, school board training, student training, interim maintenance and minor repair, interim administration cost, prekindergarten, and operation and maintenance, and the amount of money that is received according to section 126.23;

(4) dividing the result in clause (2) by the actual pupil units in average daily membership, excluding section 124.17, subdivision 2f; and

(5) multiplying the actual pupil units, including section 124.17, subdivision 2f, in average daily membership by the lesser of \$1,500 or the result in clause (3).

Subd. 3. Waiver. Notwithstanding subdivision 1, paragraphs (a) and (b), a tribal contract or grant school:

(1) is not subject to the Minnesota election law;

(2) has no authority under this section to levy for property taxes, issue and sell bonds, or incur debt; and

(3) may request through its managing tribal organization a recommendation of the state board of education, for consideration of the legislature, that a tribal contract or grant school not be subject to specified statutes related to independent school districts.

Subd. 4. Early childhood family education revenue. A school receiving aid under this section is eligible to receive early childhood family education revenue to provide early childhood family education programs for parents and children who are enrolled or eligible for enrollment in a federally recognized tribe. The revenue equals 1.5 times the statewide average expenditure per participant under section 124.2711, times the number of children and parents participating full time in the program. The program shall comply with section 121.882, except that the school is not required to provide a community education program or establish a community education advisory council. The program shall be designed to improve the skills of parents and promote American Indian history, language, and culture. The school shall make affirmative efforts to encourage participation by fathers. Admission may not be limited to those enrolled in or eligible for enrollment in a federally recognized tribe.

Subd. 5. Tribal contract pupil unites. Pupil unites for pupils enrolled in tribal contract schools shall be used only for the purpose of computing tribal contract aid according to this section.

b. Education Code: Prekindergarten - Grade 12; Chapter 124D, Education Programs, American Indian Education.

§ 124D.81. Continuation of Indian education grants.

Subdivision 1. Grants; procedures. Each fiscal year the state board of education shall make grants to no fewer than six American Indian language and culture education programs. At least three programs shall be in urban areas and at least three shall be on or near reservations. The board of a local district, a participating school or a group of boards may develop a proposal for grants in support of American Indian language and culture education programs. Proposals may provide for contracts for the provision of program components by nonsectarian nonpublic, community, tribal, or alternative schools. The commissioner shall prescribe the form and manner of application for grants, and no grant shall be made for a proposal not complying with the requirements of sections 126.45 to 126.55. The state board shall submit all proposals to the state advisory task force on American Indian language and culture education programs for its recommendations concerning approval, modification, or disapproval and the amounts of grants to approved programs.

8. MISSISSIPPI

Title 37, Education; Chapter 7, School Districts, Board of Trustees of School Districts; Article 7, Boards of Trustees, General Powers and Duties.

§ 37-7-329. Establishment and operation of schools exclusively for Indians.

In a school district where there are Indian children, or children of any race not otherwise provided for by law with educational advantages, sufficient to form a school, the school board may locate one or more schools exclusively for Indians, or children of such other race, and pay salaries of teachers for same, and provide for the transportation of the children, under rules and regulations prescribed by the State Board of Education. Special licenses may be provided by the director of the division of instruction for teachers of Indian schools and other schools mentioned in this section.

9. NEBRASKA

Chapter 79, Schools; Article 10, School Taxation, Finance and Facilities; (A) Tax Equity and Educational Opportunities Support Act.

§ 79-1007.01. Adjusted formula students for local system; calculation.

- (1) The adjusted formula students for each local system shall be calculated by:
 - (c) Adjusting the weighted formula students by adding the following demographic factors:
 - (i) the Indian land factor shall equal 0.25 times the average daily attendance of students who reside on Indian land as reported by the United States Department of Education in Calculating the local system's payment pursuant to 20 U.S.C. 7701 et seq., as such sections existed on April 12, 2002.

10. NEVADA

Title 34, Education; Chapter 392, Pupils, General Provisions.

§ 392.015. Admission of pupil from Indian reservation in school nearest pupil's residence; reimbursement for additional costs of transportation; exceptions.

1. The board of trustees of a school district shall, upon application, allow any pupil who resides on an Indian reservation located in two or more counties to attend the school nearest to the pupil's residence, without regard to the school district in which the pupil's residence is located. For the purposes of apportionment of money, if such a pupil attends a school outside the county in which he resides, he must be counted as being enrolled in the district in which he attends school.

2. A pupil who is allowed to attend a school outside the school district in which his residence is located pursuant to this section must remain in that school for the full school year.

3. The school district which pays the additional costs of transporting a pupil pursuant to this section to a school outside the school district in which his residence is located is entitled to be reimbursed for those costs. Such additional costs must be paid from the state distributive school account in the state general fund.

4. The provisions of this section do not apply to a pupil who:

(a) Is ineligible to attend public school pursuant to NRS 392.4675; or

(b) Resides on an Indian reservation pursuant to an order issued by a court of competent jurisdiction in another state adjudging the pupil to be delinquent and committing him to the custody of a public or private institution or agency in this state.

11. NEW MEXICO

Chapter 22, Public Schools; Article 23A, Indian Education.

§ 22-23A-8. Fund created.

A. The "Indian education fund" is created in the state treasury. The fund consists of appropriations, gifts, grants and donations and income from investment of the fund. Money in the fund shall not revert to any other fund at the end of a fiscal year. The fund shall be administered by the department of education, and money in the fund is appropriated to the department to distribute awards to support the Indian Education Act.

B. The department of education shall develop procedures and rules for the award of money from the fund. Disbursement of the fund shall be made by warrant of the department of finance and administration pursuant to vouchers signed by the state superintendent.

12. NEW YORK

a. Education Law, Chapter 16; Title VI, Special Schools and Instruction; Article 83, Indian Schools.

§ 4103. Indian children not entitled to free tuition in public schools.

Indian children residing on a reservation are not entitled to free tuition in districts outside the reservation but may be received into the schools of such districts on the approval of the trustees thereof and the commissioner of education.

§ 4115. Apportionment.

1. If the education of Indian children of a reservation is being provided pursuant to the provisions of subdivision two of section forty-one hundred one of this article, such Indian children in attendance on the date construction is commenced shall be included in the computation of a building quota pursuant to section eighteen hundred six of this chapter for the school district providing such education. In the event that a district which has furnished instruction to Indian children shall cease to furnish such instruction, any building quota paid such district pursuant to the provisions of section eighteen hundred six of this chapter shall be recomputed to remove the Indian children from the computation of such building quota for such district.

2. a. Except as otherwise provided in this subdivision, if the education of Indian children of a reservation shall be provided pursuant to the provisions of subdivision two of section forty-one hundred one of this article, such Indian children shall be included in the pupils deemed in weighted averaged daily attendance and total aidable pupil units and total wealth pupil units for the school district providing such education and such Indian children shall be deemed to be resident pupils of the district for the purpose of the computation of the apportionment of public moneys to the school district providing such education.

b. During the first school year, beginning on or after July first, nineteen hundred fifty-six, in which Indian children are educated in the schools of a school district pursuant to the provisions of subdivision two of section forty-one hundred one of this article, there shall be apportioned and paid to each such school district the sum of:

(1) Three hundred thirty dollars for each Indian pupil in grades one through six in average daily attendance during the month of October, including kindergarten Indian children who attend for a full day. Where kindergarten Indian children attend but one-half day the district shall be entitled to one hundred sixty-five dollars for each such pupil.

(2) Four hundred twelve dollars and fifty cents for each Indian pupil in grades seven to twelve inclusive in average daily attendance during the month of October.

c. The provisions of paragraph b of this subdivision shall not apply in respect to an Indian child who was not educated in an Indian school maintained by the state of New York during a part of the school year immediately preceding the school year in which such payment is made, but shall apply to an Indian child who would have been educated in an Indian school maintained by the state of New York during a part of the school year in which such payment is made if the education of such Indian child had not been provided for pursuant to the provisions of subdivision two of section forty-one hundred one of this article.

d. In the event that a school district ceases to educate Indian children pursuant to the provisions of subdivision two of section forty-one hundred one of this article, any state aid received by such school district during the ensuing school year by reason of the attendance of Indian children during the last school year instruction was furnished such Indian children shall be reduced by the amount of any payment made such district during the first year Indian children were educated in the schools of such district pursuant to the provisions of subdivision two of section forty-one hundred one of this article by reason of the attendance of such Indian children.

3. All children at the Thomas Indian school, and all Indian children residing on any of the reservations of the state who are qualified to enter a secondary school and whose parents are unable to provide such education are eligible to appointment by the commissioner of education as state pupils and as such to receive transportation to and from a high school or vocational school on each day of attendance. Whenever such high school or vocational school shall be in a city or district other than one in which such pupils may have the legal right to attend without charge, and where a charge is imposed on non-resident pupils, the state shall also pay the required non-resident fee for tuition. The required non-resident fee for tuition shall not exceed the total cost to the school district of the education of such Indian children, less any public moneys received by the school district by reason of the attendance of such Indian children in regular day school, except any public moneys received by the district as a building quota pursuant to the provisions of section eighteen hundred six of this chapter. The commissioner of taxation and finance shall pay on the warrant of the comptroller bills approved by the commissioner of education from the appropriation for the common schools, out of such sum as may be appropriated for such support and education of Indian youth for the amounts necessary for the purposes set forth in this section.

§ 4117. Payment of cost of education of physically handicapped Indian children.

Any claims for providing home-teaching, transportation, scholarships in non-residence schools, tuition and maintenance for physically handicapped children which are, ultimately or in the first instance, made a charge against a county or a city having a special children's court act, pursuant to the provisions of article eighty-nine of this chapter, shall, if such home-teaching, transportation, scholarships, tuition and maintenance shall be provided for physically handicapped Indian children, be paid by the education department out of moneys appropriated therefor.

b. Education Law, Chapter 16; Title V, Taxation and Financial Administration; Article 73, Apportionment of Public Moneys; Part 1, General Provisions.

§ 3601-a. Apportionment of public moneys to school districts employing eight or more teachers.

Notwithstanding any other provisions of this chapter or any other provisions of law, each school district of the state employing eight or more teachers shall receive its apportionment of public money payable for the nineteen hundred sixty-two - sixty-three through nineteen hundred ninety-two - ninety-three school years pursuant to the provisions of this section and in lieu of any apportionments or payments otherwise payable under any other section of this chapter except any such apportionments or payments that may be payable to such district for school lunches, for services or programs provided by a board of cooperative educational services or by a county vocational education and extension board for such district, for the education of Indian children of a reservation under a contract with the state, by virtue of chapter six hundred thirty-five of the laws of nineteen hundred sixty-one, or for experimental or special programs in selected school districts.

(2)c. In any instance where a resident of another state or an Indian pupil of a reservation or a pupil living on federally owned land or property, such pupil's attendance shall be counted as part of the weighted average daily attendance of the school district in which such pupil is enrolled.

d. Resident weighted average daily attendance for purposes of determining the aid ratio of a school district for any school year shall be the weighted average daily attendance for the school year immediately preceding the base year, less the weighted average daily attendance of nonresident pupils attending public schools in the district for such school year, plus the weighted average daily attendance of pupils resident in the district but attending public schools in another district or state plus the weighted average daily attendance of pupils resident in the district but attending full-time a school operated by a board of cooperative educational services or a county vocational education and extension board for such school year. The attendance of nonresident pupils attending public school in the district and resident pupils attending such schools outside of the district shall be determined by applying to the number of such pupils registered during the school year in each case the ratio of aggregate days attendance to the possible aggregate days attendance of all pupils in attendance in the district. Indian pupils of a reservation attending public school, or pupils living on the United States military reservation at West Point attending public school, shall be deemed to be resident pupils of the district providing such school, for purposes of this paragraph. Where a school district has entered into a contract with state university pursuant to subdivision two of section three hundred fifty-five of this chapter under which the school district makes payments in the nature of tuition for the education of certain children residing in the district, such children for whom such tuition payments are made shall be deemed to be resident pupils of such district for the purposes of this paragraph.

2-a(c). In any instance where a pupil is a resident of another state or an Indian pupil of a reservation or a pupil living on federally owned land or property, such pupil's attendance shall be counted as part of the adjusted average daily attendance of the school district in which such pupil is enrolled.

2-b(a). For the school years commencing July first, nineteen hundred seventy-nine and thereafter total wealth pupil units will be computed using the adjusted average daily attendance for the year prior to the base year as computed in this section, plus the attendance of resident pupils attending public school elsewhere, less the attendance of nonresident pupils plus the attendance of resident pupils attending full-time in board of cooperative educational services (not otherwise specifically included), plus, for aid payable in the school year nineteen hundred eighty - nineteen hundred eighty-one the attendance of pupils with handicapping conditions for whom the district has contracted under the provisions of section forty-four hundred two of this chapter, plus the additional aidable pupil units as computed pursuant to subdivisions nine and nine-a of this section, excluding summer school pupils. The attendance of nonresident pupils attending public school in the district and resident pupils attending such schools outside of the district shall be determined by applying to the number of such pupils registered during the school year in each case the ratio of aggregate days attendance to the possible aggregate days attendance of all pupils in attendance in the district. Native American pupils of a reservation attending public school, or pupils living on the United States military reservation at West Point attending public school, shall be deemed to be resident pupils of the district providing such school, for purposes of this paragraph. Where a school district has entered into a contract with state university pursuant to

subdivision two of section three hundred fifty-five of this chapter under which the school district makes payment in the nature of tuition for the education of certain children residing in the district, such children for whom such tuition payments are made shall be deemed to be resident pupils of such district for the purposes of this paragraph.

6-a. Additional apportionments of building aid for school districts educating pupils residing on Indian reservations. In addition to the apportionments made to a school district under the provisions of subdivision six of this section, the commissioner is hereby authorized to apportion to any school district, which the commissioner deems to be providing educational services for a significant number of pupils residing on an Indian reservation, an amount calculated by the commissioner to represent the actual per pupil cost within the cost allowance assigned to Indian pupils as the contribution of the state on behalf of pupils residing on an Indian reservation. Such apportionment shall be payable after approval by the commissioner of final plans for a construction project approved by the commissioner for such purpose. Any such apportionment shall be made upon such terms and conditions as the commissioner shall approve.

c. Indian Law, Chapter 26; Article 2, General Provisions.

§ 14. Trust funds for Indians.

The departments of education and charities, respectively, for the purposes hereinafter specified, shall receive from any nation, tribe or band of Indians residing in the state, any sums of money which such Indians may wish to put in trust with the state of New York, upon condition that the interest or income thereof shall be paid over and applied, under the direction and in the discretion of the department of education, for the promotion of education among the Indians, and under the direction and in the discretion of the department of charities, for the encouragement of religion among the Indians, or for any other purpose of public interest, use and benefit, which is a proper subject of taxation. Such money shall be in the custody and under the immediate charge of the head of the division of finance in the department of taxation and finance and, under the direction of the department by which it was received as provided in this section, invested by the comptroller in safe securities or in bonds of the state bearing interest at the rate of five per centum, to be created and issued therefor, and called "The Indian loans."

13. OKLAHOMA

a. Title 70, Schools; Division I; Chapter 1; Article III, State Department of Education.

§ 3-104. State Board of Education--Powers and duties.

The control of the State Department of Education and the supervision of the public school system of Oklahoma shall be vested in the State Board of Education and, subject to limitations otherwise provided by law, the State Board of Education shall:

6. Submit to the Governor a departmental budget based upon major functions of the Department supported by detailed data on needs and proposed operations as partially determined by the budgetary needs of local school districts filed with the State Board of Education for the ensuing fiscal year. Appropriations therefor shall be made in lump-sum form for each major item in the budget as follows:

b. the supervision of all other functions of general and special education including general control, free textbooks, school lunch, Indian education and all other functions of the Board and an amount sufficient to adequately staff and administer these services, and

b. Title 70, Schools; Division I; Chapter 1, Article V, School Districts and Boards of Education.

§ 5-129. School activity fund -- Control -- Accounts -- Disbursements -- Petty cash accounts -- Custodian -- Bond -- Investment of funds -- Refund subaccount.

B. The board of education of each school district may designate that any of the following revenue be deposited for the use of specific school activity accounts, or to a general activity fund within the school activity fund:

7. Other income collected for use by school personnel and other school related adult functions.

14. OREGON

a. Title 30, Education and Culture; Chapter 328, Local Financing of Education.

§ 328.316. Negotiable impact aid revenue bonds.

(1) Pursuant to an agreement between a school district board and the governing body of an Indian tribe whose reservation is located partly or wholly within the district, a school district board, by resolution, may issue negotiable impact aid revenue bonds pursuant to this section.

(2)(a) As used in paragraph (b) of this subsection, the average amount of impact aid revenues that a school district receives equals the total amount of impact aid revenues received by the school district for the five years immediately preceding the year the bonds are issued, divided by five.

(b) The aggregate principal sum of impact aid revenue bonds that may be issued by a school district board may not exceed five times the average amount of impact aid revenues that the school district receives annually from the federal government.

(3) A school district may use bond proceeds from impact aid revenue bonds to:

(a) Pay the cost of school capital construction projects on the Indian reservation where the students reside for which the school district received impact aid revenues;

(b) Pay the cost of bond-related expenses incurred by the school district; and

(c) Fund any reserves or sinking accounts established by the resolution that authorized the issuance of the bonds.

§328.318. Impact aid revenue bond building fund; impact aid revenue bond debt service fund.

If a school district board issues impact aid revenue bonds under ORS 328.316, the board shall establish:

(1) An impact aid revenue bond building fund consisting of the net proceeds received from the sale of the bonds. The fund shall be a continuing fund that is not subject to reversion to another fund. The board may use moneys in the fund only for the purposes specified in ORS 328.316 (3).

(2) An impact aid revenue bond debt service fund consisting of moneys received by the school district as impact aid revenues. The board may use moneys in the fund only for the payment of debt service on impact aid revenue bonds. If any surplus remains after all interest and principal have been paid on all impact aid revenue bonds issued by the board then outstanding and unpaid, the board may transfer the surplus to another fund.

b. Title 30, Education and Culture; Chapter 351, Higher Education Generally, Finances.

§ 351.529. Portland State University Native American Center Account.

(1) There is established in the General Fund an account to be known as the Portland State University Native American Center Account. Funds in the account shall be used for construction of a Native American center at Portland State University.

(2) The account shall consist of federal and local government funds made available to and funds donated to the Oregon University System for the purpose of the Portland State University Native American Center project described in subsection (1) of this section. Interest earned on moneys in the account shall be credited to the account.

(3) Moneys in the account shall be considered to be General Fund moneys for purposes of section 1 (3), Article XI-G of the Oregon Constitution, and are continuously appropriated to the Department Higher Education for that purpose. The account may not be credited with more than \$1,200,000 in interest, donations and federal and local government funds for purposes of this subsection

15. SOUTH DAKOTA

Title 13, Education; Chapter 13-15, Intergovernmental Cooperation in Education.

§ 13-15-2. Contracts for education of Indian children -- Receipt and expenditure of federal grants.

The secretary of education and cultural affairs is hereby authorized to enter into contracts with the United States department of the interior for the education of Indian children, to receive grants of federal funds for that purpose, and to expend such funds under such rules as the South Dakota board of education may establish.

§ 13-15-3. School district contracts with federal agencies for education of children residing in district -- Tuition charges -- Sharing of costs -- Copy of contract to secretary.

The school board of any school district shall be authorized to enter into contracts with the United States bureau of Indian affairs or any other federal department or agencies or their authorized agents for the education of those children who are of legal school age and have school residence within the district and who are entitled to free public education. Such contractual agreement may be in the form of tuition charges mutually agreed upon, by the sharing of education operational costs and facilities, or by any other type of contractual agreement which will be of benefit to the school district. Any specific statute within the school code in compliance of which it would be necessary to defeat the purpose of this section is hereby waived to allow full compliance with the contractual agreement provided by this section. A copy of such contractual agreements shall be filed with the secretary of the department of education and cultural affairs.

16. WASHINGTON

Title 84, Property Taxes; Chapter 84.52, Levy of Taxes.

§ 84.52.0531. Levies by school districts -- Maximum dollar amount for maintenance and operation support -- Restrictions -- Maximum levy percentage -- Levy reduction funds -- Rules.

The maximum dollar amount which may be levied by or for any school district for maintenance and operation support under the provisions of RCW 84.52.053 shall be determined as follows:

(4) For excess levies for collection in calendar year 1993 and thereafter, a district's levy base shall be the sum of allocations in (a) through (c) of this subsection received by the district for the prior school year, including allocations for compensation increases, plus the sum of such allocations multiplied by the percent increase per full time equivalent student as stated in the state basic education appropriation section of the biennial budget between the prior school year and the current school year and divided by fifty-five percent. A district's levy base shall not include local school district property tax levies or other local revenues, or state and federal allocations not identified in (a) through (c) of this subsection.

(b) State and federal categorical allocations for the following programs:

(iv) Compensatory education, including but not limited to learning assistance, migrant education, Indian education, refugee programs, and bilingual education.

F. SCHOLARSHIPS/GRANTS/TUITION AND RECRUITMENT PROGRAMS

Twenty-four (24) states have enacted laws that provide for scholarships, tuition waivers, and grant programs to Native Americans who attend state universities, community colleges, and other state schools. These laws include tuition and scholarship provisions for minority persons, including American Indians, as well as Indian-specific tuition and scholarship provisions. Likewise, these laws include programs to recruit and educate minority educators and health professionals, including American Indians as well as teacher training programs specifically for American Indians.

Alaska, Arizona, California, Colorado, Florida, Idaho, Illinois, Iowa, Kansas, Maryland, Michigan, Minnesota, Montana, Nebraska, New Mexico, New York, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, Utah, Washington, and Wisconsin all have laws that pertain to higher education scholarships, grants, tuition and/or recruitment programs for Indian education.

1. ALASKA

Title 14, Education, Libraries, and Museums; Chapter 43, Financial Aid Programs for Postsecondary Students; Article 2, University of Alaska Scholarships for Natives.

§ 14.43.050. Purpose of scholarships.

Because of the language difficulty and economic conditions of the Native peoples of the state, and the necessity for integrating the Native cultures with the state economy, it is the purpose of the legislature to provide assistance to Natives who wish to pursue a higher education beyond the attainments possible in the free public schools system.

§ 14.43.055. Scholarships.

The Board of Regents of the University of Alaska shall offer not more than 15 new scholarships for each academic year to Alaska Natives desiring to attend the University of Alaska. The board shall give preference to Natives residing in the rural areas of the state who desire to receive training in the field of education. If there are more than 15 applications the board shall award 15 scholarships to those applicants who have the highest scholastic record or who the board determines are the most qualified among the applicants and who are financially unable to obtain a higher education without assistance. The University of Alaska shall provide such minimum financial assistance to these students as is necessary in each individual case, but not exceeding fees, board and room.

§ 14.43.060. Continuation of scholarships.

The award of free room and board shall be made from any funds available to the University of Alaska. Each Native who receives a scholarship under AS 14.43.050 - 14.43.075 is entitled to retain the scholarship and to receive free room and board during attendance at the University of Alaska as long as the student maintains a grade average equivalent to a "C" or better. However, no Native is entitled to the scholarship for more than four years, or for more than the number of years necessary to receive a bachelor's degree.

§ 14.43.065. Scholarships in addition to other scholarships.

The scholarships under AS 14.43.050 - 14.43.075 are supplemental and in addition to any other scholarship to which an applicant is entitled or may receive.

§ 14.43.075. Definition of Native.

In AS 14.43.050 - 14.43.075, "Native" means a person between the ages of 17 and 25 who is a descendant of a member of the aboriginal races inhabiting the state when annexed to the United States, or who is a descendant of an Indian or Eskimo who, since the year 1867 and prior to June 30, 1952, migrated into the state from Canada, and who is a descendant having at least one-quarter blood derived from these ancestors.

§ 14.43.600. Findings and Intent.

(a) The legislature finds that there is a wide and unacceptable disparity between the distribution of Native teachers and Native students in rural elementary and secondary schools in the state. Many rural schools have virtually no Native teachers and no non-Native students. The undesirable effects of this disparity include the following:

- (1) there is a serious weakness in the ability of teaching staffs in rural schools to foster a sense of Native traditions and cultures in Native students;
- (2) many rural students are forced to exist in two entirely separate situations: the essentially traditional atmosphere of many Native homes, and the essentially modern atmosphere of the classroom;
- (3) almost no Native students return to rural schools to teach, continuing the imbalance and exacerbating its effects; and
- (3) there is an annual turnover of 40 percent among teachers in regional educational attendance areas in the state.

(b) The legislature further finds that existing programs have failed to increase the proportion of Natives teaching in rural schools. Therefore, it is the intent of the legislature to establish the teacher education loan program to encourage rural high school graduates to return to rural schools as teachers and relieve the conditions described in this section.

2. ARIZONA

Title 15, Education; Chapter 14, Provisions Relating to Both Community Colleges and Universities; Article 5, Commission for Postsecondary Education.

§ 15-1854. Private postsecondary education student financial assistance program; private postsecondary education student financial assistance fund; definition.

A. A private postsecondary education student financial assistance program is established. The commission shall develop, implement and administer the program. A student who obtains an associate degree from a community college district or from a community college under the jurisdiction of an Indian tribe in this state that meets the same accreditation standards as a community college district and who registers for enrollment as a full-time student in a baccalaureate program at a private, nationally or regionally accredited four year degree granting college or university chartered in this state is eligible to submit an application to the commission for participation in the program

3. CALIFORNIA

a. Education Code, Title 3, Postsecondary Education; Division 5, General Provisions; Part 41, Uniform Student Residency Requirements; Chapter 1, Student Residency Requirements; Article 6, Exceptions to Residence Determination.

§ 68077. Graduate of California school operated by the United States Bureau of Indian Affairs; resident classification.

Notwithstanding Section 68062, a student who is a graduate of any school located in California that is operated by the United States Bureau of Indian Affairs, including, but not limited to, the Sherman Indian High School, shall be entitled to resident classification. This exception shall continue so long as continuous attendance is maintained by the student at an institution.

b. Health and Safety Code, Division 107, Statewide Health Planning and Development; Part 3, Health Professions Development; Chapter 5, Health Professions Education Foundation Programs; Article 1, Health Professions Education Foundation

§ 128345. Powers of foundation

The Health Professions Education Foundation may do any of the following:

(a) Solicit and receive funds from business, industry, foundations, and other private or public sources for the purpose of providing financial assistance in the form of scholarships or loans to African-American students, Native American students, Hispanic-American students, and other students from underrepresented groups. These funds shall be expended by the office after transfer to the Health Professions Education Fund, created pursuant to Section 128355.

4. COLORADO

- a. Title 23, Higher Education and Vocational Training, State Universities and Colleges; Article 52, Fort Lewis College, Grand Junction School; Part 1, Fort Lewis College.**

§ 23-52-105. Tuition fees, Indians.

(1) On and after September 1, 2002, the board of trustees shall fix tuition in accordance with the level of cash fund appropriations set by the general assembly for the college pursuant to section 23-1-103.5, subject to the restriction that all qualified Indian pupils shall at all times be admitted to such college free of charge for tuition and on terms of equality with other pupils. The general assembly shall appropriate from the state general fund one hundred percent of the moneys required for tuition for such qualified Indian pupils.

(2) Special programs may also be offered to assist Indian pupils to prepare for, begin, or continue their college education at Fort Lewis college. Indian pupils shall not be charged tuition for such programs. The size of any special programs offered pursuant to this subsection (2) shall be limited by the facilities and revenues available and by the level of appropriations set therefor by the general assembly.

- b. Title 42, Vehicles and Traffic, Taxation; Article 3, Registration, Taxation, and License Plates; Part 2, License Plates.**

§ 42-3-217. Special plates--Colorado commission of Indian affairs.

(1) The department shall issue one or more sets of special license plates to applicants under this section for passenger cars, motorcycles, or trucks that do not exceed sixteen thousand pounds empty weight. The American Indian special license plate shall not be issued for motorcycles until January 1, 2007.

(2)(a) There is hereby established the American Indian special license plate. The department may begin issuance of such special license plate when the Rocky Mountain Indian chamber of commerce has commitments for special license plate purchases for at least two thousand special license plates and provides a list of the names and addresses of persons purchasing such plates to the department.

(b) The Rocky Mountain Indian chamber of commerce is responsible for the costs of designing the special license plate and shall pay such costs before the license plate is produced. The design for the special license plate shall conform with standards established by the department.

(3)(a) A person may apply for an American Indian special license plate for a motor vehicle if the person pays the taxes and fees required under this section and provides a certificate issued by the Rocky Mountain Indian chamber of commerce confirming that such person meets the qualifications for the license plate established pursuant to this subsection (3).

(b) The Colorado commission of Indian affairs shall establish a specific level of contribution to a scholarship fund that qualifies a person to obtain special license plates under this section and shall set appropriate qualifications in order for an applicant to receive a scholarship. The scholarship fund shall be administered by a nonprofit organization, association, or corporation selected and supervised by the Colorado commission of Indian affairs. Such scholarship shall not be awarded to an applicant unless the applicant can demonstrate that he or she is a Colorado resident and such scholarship will be used to attend an institution of higher education within Colorado. Such nonprofit organization shall issue a report to the Colorado commission of Indian affairs accounting for revenues and expenditures at least every other year.

5. FLORIDA

Title XLVIII, K-20 Education Code; Chapter 1009, Educational Scholarships, Fees, and Financial Assistance; Part III, Financial Assistance; B, Scholarships, Grants, and Other Aid.

§ 1009.56. Seminole and Miccosukee Indian scholarships.

(1) There is created a Seminole and Miccosukee Indian Scholarship Program to be administered by the Department of Education in accordance with rules established by the State Board of Education. The Seminole Tribe of Florida and the Miccosukee Tribe of Indians of Florida shall act in an advisory capacity in the development of the rules.

(2) Scholarships shall be awarded by the department to students who:

(a) Have graduated from high school, have earned an equivalency diploma issued by the Department of Education pursuant to s. 229.814, have earned an equivalency diploma issued by the United States Armed Forces Institute, or have been accepted through an early admission program;

(b) Are enrolled at a state university or community college authorized by Florida law; a nursing diploma school approved by the Board of Nursing; any Florida college, university, or community college which is accredited by a member of the Commission on Recognition of Postsecondary Accreditation; or any Florida institution the credits of which are acceptable for transfer to state universities;

(c) Are enrolled as either full-time or part-time undergraduate or graduate students and make satisfactory academic progress as defined by the college or university;

(d) Have been recommended by the Seminole Tribe of Florida or the Miccosukee Tribe of Indians of Florida; and

(e) Meet the general requirements for student eligibility as provided in s. 240.404, except as otherwise provided in this section.

(3) Recommendation by the Seminole Tribe of Florida or the Miccosukee Tribe of Indians of Florida shall:

(a) Be based upon established standards of financial need as determined by the respective tribe and the department;

(b) Be based upon such other eligibility requirements for student financial assistance as are adopted by the respective tribe; and

(c) Include certification of membership or eligibility for membership in the Seminole Tribe of Florida or the Miccosukee Tribe of Indians of Florida.

(4) The amount of the scholarship shall be determined by the Seminole Tribe of Florida or the Miccosukee Tribe of Indians of Florida, for its respective applicants, within the amount of funds appropriated for this purpose. The amount shall be prorated accordingly for part-time students. At the beginning of each semester or quarter, the department shall certify the name of each scholarship holder eligible to receive funds for that registration period to the Comptroller, who shall draw a warrant in favor of each scholarship recipient. Each recipient shall be eligible to have the scholarship renewed from year to year, provided all academic and other requirements of the college or university and rules established by the State Board of Education are met.

(5) The Commissioner of Education shall include amounts sufficient for continuation of this program in the legislative budget requests of the department.

§ 1009.60. Minority teacher education scholars program.

There is created the minority teacher education scholars program, which is a collaborative performance-based scholarship program for African-American, Hispanic-American, Asian-American, and Native American students. The participants in the program include Florida's community colleges and its public and private universities that have teacher education programs.

6. IDAHO

Title 33, Education; Chapter 37, Miscellaneous Provisions Relating to State Institutions of Learning.

§ 33-3717B. Residency requirements.

(1)(h)(i) A student who is a member of any of the following Idaho Native American Indian tribes, regardless of current domicile, shall be considered an Idaho state resident for purposes of tuition at institutions of higher education: Members of the following Idaho Native American Indian tribes, whose traditional and customary tribal boundaries included portions of the state of Idaho, or whose Indian tribe was granted reserved lands within the state of Idaho: (i) Coeur d'Alene tribe; (ii) Shoshone-Paiute tribes; (iii) Nez Perce tribe; (iv) Shoshone-Bannock tribes; (v) Kootenai tribe.

Title 33, Education; Chapter 46, Idaho Minority and "At-Risk" Student Scholarship Act.

§ 33-4604 Definitions.

As used in this chapter:

(1) "At-risk person" means any Idaho resident who meets three (3) or more of the following five (5) criteria:

(d) Is a minority person as defined in this chapter; or

(7) "Minority person" means any Idaho resident who is a member of an ethnic group whose members historically have participated in postsecondary education at a rate lower than their occurrence in the population of the United States including, but not limited to, persons of native American, Afro-American, and Hispanic-American descent.

7. ILLINOIS

a. Chapter 110, Higher Education, Board of Higher Education; Act 205, Board of Higher Education Act.

§ 205/9.16. Underrepresentation of certain groups in higher education.

Underrepresentation of certain groups in higher education. To require public institutions of higher education to develop and implement methods and strategies to increase the participation of minorities, women and handicapped individuals who are traditionally underrepresented in education programs and activities. For the purpose of this Section, minorities shall mean persons who are citizens of the United States or lawful permanent resident aliens of the United States and who are: (a) Black (a person having origins in any of the black racial groups in Africa); (b) Hispanic (a person of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean, regardless of race); (c) Asian American (a person having origins in any of the original people of the Far East, Southeast Asia, the Indian Subcontinent or the Pacific Islands); or (d) American Indian or Alaskan Native (a person having origins in any of the original people of North America).

b. Chapter 110, Higher Education, Student Assistance; Act 947, Higher Education Student Assistance Act.

§ 947/50. Minority Teachers of Illinois scholarship program.

(a) As used in this Section:

"Eligible applicant" means a minority student who has graduated from high school or has received a General Educational Development Certification and has maintained a cumulative grade point average at the postsecondary level of no less than 2.5 on a 4.0 scale, and who by reason thereof is entitled to apply for scholarships to be awarded under this Section.

“Minority student” means a student who is either (i) Black (a person having origins in any of the black racial groups in Africa); (ii) Hispanic (a person of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean islands, regardless of race); (iii) Asian American (a person with origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, including Pakistan, and the Pacific Islands, including, among others, Hawaii, Melanesia, Micronesia and Polynesia); or (iv) Native American (a person who is a member of a federally or state recognized Indian tribe, or whose parents or grandparents have such membership) and to include the native people of Alaska.

§ 947/65.30. Equal opportunity scholarships.

(a) The Commission may annually award a number of scholarships to students who are interested in pursuing studies in educational administration. Such scholarships shall be issued to students who make application to the Commission and who agree to take courses at qualified institutions of higher learning that will allow them to complete a degree in educational administration.

(h) For purposes of this Section:

(2) “Racial minority” means a

(iv) American Indian or Alaskan Native (a person having origins in any of the original peoples of North America).

8. IOWA

Title VII, Education and Cultural Affairs; Subtitle 2, Community Colleges; Chapter 260C, Community Colleges, Governance, Financing, and Programs.

§ 260C.29. Academic incentives for minorities program, mission.

1. The mission of the career opportunity program established in this section is to encourage collaborative efforts by a community college, the institutions under the control of the state board of regents, and business and industry to enhance the educational opportunities and provide for job creation and career advancement for Iowa’s minority persons by providing assistance to minority persons who major in fields or subject areas where minorities are currently underrepresented or underutilized.

2. A career opportunity program is established to be administered by the community college located in a county with a population in excess of three hundred thousand. The community college shall provide office space for the efficient operation of the program. The community college shall employ a director for the program. The director of the program shall employ necessary support staff. The director and staff shall be employees of the community college.

6. For purposes of this section, “minority person” means a person who is Black, Hispanic, Asian, or a Pacific Islander, American Indian, or an Alaskan Native American.

9. KANSAS

- a. Chapter 74, State Boards, Commissions and Authorities; Article 32, higher Education Coordination, State Board of Regents.**

§ 74-3284. Kansas ethnic minority scholarship program; definitions.

As used in this act:

(a) “Kansas ethnic minority scholarship program” means a program under which the state, in response to growing concerns over loss of scholastically talented ethnic minority students to colleges and universities in other states and the barriers to ethnic minority student enrollment at Kansas colleges and universities and for the purposes of enabling and encouraging scholastically talented ethnic minority students to remain in Kansas for the attainment of educational goals and fulfillment of career aspirations, provides financial assistance through the award of Kansas ethnic minority scholarships to Kansas ethnic minority scholars.

(e) “Ethnic minority group” means a group of persons categorized as: (1) American Indian or Alaskan Native; (2) Asian or Pacific Islander; (3) Black, non-Hispanic; or (4) Hispanic.

(f) “American Indian or Alaskan Native” means a person having origins in any of the original peoples of North America and who maintains cultural identification through tribal affiliation or community recognition.

- b. Chapter 76, State Institutions and Agencies; Historical Property; Article 7, State Educational Institutions, Management, and Operation.**

§ 76-731. Certain American Indians deemed residents of state for purposes of tuition and fees.

Any person who is attending or who has attended Haskell Indian Junior College and who is enrolled as an American Indian on a tribal membership roll maintained by the bureau of Indian affairs of the United States department of the interior shall be deemed to be a resident of this state for the purpose of tuition and fees for attendance at any state educational institution under the state board of regents.

10. MARYLAND

Education, Division III, Higher Education; Title 16. Community Colleges; Subtitle 3. Fiscal Matters.

§ 16-305. Senator John A. Cade Funding Formula for community colleges.

(e)(1)(i) Beginning in fiscal year 1996, a grant in the amount provided in paragraph (2) of this subsection shall be distributed to each board in order to provide instruction and services to students enrolled in an English for Speakers of Other Languages ("ESOL") program.

(ii) To qualify for a grant under this subsection, each participant in the program shall be a student:

1. Born outside of the United States or whose native language is not English;
2. Who comes from an environment where a language other than English is dominant; or
3. Who is an American Indian or Alaskan native and comes from an environment where a language other than English has had a significant impact on the student's level of English language proficiency.

Education, Division III, Higher Education; Title 16. Community Colleges; Subtitle 5. Baltimore City Community College.

§ 16-508. English for speakers of other languages program.

(a)(1) Beginning with fiscal year 1996, the Governor shall include in the annual budget submission a General Fund appropriation for Baltimore City Community College in the amount provided in subsection (b) of this section to provide instruction and services to students enrolled in an English for Speakers of Other Languages ("ESOL") program.

(2) To qualify for a grant under this section, each participant in the program shall be a student:

- (i) Born outside of the United States or whose native language is not English;
- (ii) Who comes from an environment where a language other than English is dominant; or
- (iii) Who is an American Indian or Alaskan native and comes from an environment where a language other than English has had a significant impact on the student's level of English language proficiency.

11. MICHIGAN

Chapter 390, Universities and Colleges, Waiver of Tuition for State Resident North American Indians.

§ 390.1251. Waiver of tuition; federal tribally controlled community college participation.

Sec. 1. (1) A Michigan public community college or public university or a federal tribally controlled community college described in subsection (2) shall waive tuition for any North American Indian who qualifies for admission as a full-time, part-time, or summer school student, and is a legal resident of the state for not less than 12 consecutive months.

(2) A federal tribally controlled community college may participate in the tuition waiver program under this act and be eligible for reimbursement under section 2a if it meets all of the following:

(a) Is recognized under the tribally controlled community college assistance act of 1978, Public Law 95-471, 92 Stat. 1325.

(b) Is determined by the department of education to meet the requirements for accreditation by a recognized regional accrediting body.

§ 390.1252. North American Indian; definition.

Sec. 2. For the purposes of this act, “North American Indian” means a person who is not less than 1/4 quantum blood Indian as certified by the person’s tribal association and verified by the Michigan commission on Indian Affairs.

§ 390.1252a. Reimbursement for tuition waived; report.

Sec. 2a. The Michigan commission on Indian Affairs shall annually, upon application therefore, reimburse each institution for the total amount of tuition waived during the prior fiscal year under section 1 of this act. The commission shall report to the legislature annually the number of American Indians for whom tuition has been waived at each institution and the total amounts to be paid under this act.

12. MINNESOTA

a. Education Code: Prekindergarten - Grade 12; Chapter 122A, Teachers and other Educators, Teacher Education and Training, Staff Development.

§ 122A.63. Grants to Prepare Indian Teachers.

Subdivision 1. Establishment. A grant program is established to assist American Indian people to become teachers and to provide additional education for American Indian teachers. The state board may award a joint grant to each of the following:

(1) the Duluth campus of the University of Minnesota and independent school district No. 709, Duluth;

(2) Bemdji state university and independent school district No. 38, Red Lake;

(3) Moorhead state university and one of the school districts located within the White Earth reservation; and

(4) Augsburg college, independent school district No. 625, St. Paul, and special school district No. 1, Minneapolis.

Subd. 6. Eligibility for scholarships and loans. The following Indian people are eligible for scholarships:

(1) a student, including a teacher aide employed by a district receiving a joint grant, who intends to become a teacher and who is enrolled in a post-secondary institution receiving a joint grant;

(2) a licensed employee of a district receiving a joint grant, who is enrolled in a master of education program; and

(3) a student who, after applying for federal and state financial aid and an Indian scholarship according to section 124.48, has financial needs that remain unmet. Financial need shall be determined according to the congressional methodology for needs determination or as otherwise set in federal law.

A person who has actual living expenses in addition to those addressed by the congressional methodology for needs determination, or as otherwise set in federal law, may receive a loan according to criteria established by the state board. A contract shall be executed between the state and the student for the amount and terms of the loan.

Subd. 8. Revolving fund. The Indian teacher preparation loan repayment revolving account is established in the state treasury. Any amounts repaid or contributed by a teacher who received a scholarship or loan under this program shall be deposited in the account. All money in the account is annually appropriated to the state board of education and shall be used to enable Indian students to participate in the program.

b. Education Code: Prekindergarten - Grade 12; Chapter 124D, Education Programs, American Indian Education.

§ 124D.84. Indian scholarships.

Subdivision 1. Awards. The commissioner may award scholarships to any Minnesota resident student who is of one-fourth or more Indian ancestry, who has applied for other existing state and federal scholarship and grant programs, and who, in the opinion of the board, has the capabilities to benefit from further education. Scholarships shall be for advanced or specialized education in accredited or approved colleges or in business, technical or vocational schools. Scholarships shall be used to defray the total cost of education including tuition, incidental fees, books, supplies, transportation, other related school costs and the cost of board and room and shall be paid directly to the college or school concerned. The total cost of education includes all tuition and fees for each student enrolling in a public institution and the portion of tuition and fees for each student enrolling in a private institution that does not exceed the tuition and fees at a comparable public institution. Each student shall be awarded a scholarship based on the total cost of the student's education and a standardized need analysis.

When an Indian student satisfactorily completes the work required by a certain college or school in a school year the student is eligible for additional scholarships, if additional training is necessary to reach the student's educational and vocational objective. Scholarships may not be given to any Indian student for more than five years of study.

Subd. 3. Indian scholarship committee. The Minnesota Indian scholarship committee is established. Members shall be appointed by the state board with the assistance of the Indian affairs council as provided in section 3.922, subdivision 6. Members shall be reimbursed for expenses as provided in section 15.059, subdivision 6. The state board shall determine the membership terms and duration of the committee, which expires no later than June 30, 1997. The committee shall provide advice to the state board in awarding scholarships to eligible American Indian students and in administering the state board's duties regarding awarding of American Indian post-secondary preparation grants to school districts.

c. Postsecondary Education; Chapter 137, University of Minnesota.

§ 137.16. Morris branch; admission of Indians.

Subdivision 1. Admission. The University of Minnesota, Morris branch, situated in whole or in part on the lands described in Laws 1909, chapter 184, shall admit Indian pupils qualified for admission at all times free of charge for tuition and on terms of equality with white pupils.

Subd. 2. Substitute. Subdivision 1 is a substitute for the provisions of Laws 1909, chapter 184, section 2, which reads: The said lands and buildings described in section 1 hereof shall be held and maintained by the state of Minnesota as an agricultural school, and Indian pupils shall at all times be admitted to said school free of charge for tuition and on terms of equality with white pupils.

13. MONTANA

Title 20, Education; Chapter 25, University System; Part 4, Miscellaneous Finance.

§ 20-25-421. Charges for tuition -- waivers.

(2)The regents may:

(c) waive tuition and fees for:

(i) persons of one-fourth Indian blood or more who have been bona fide residents of Montana for at least 1 year prior to enrollment in the Montana university system.

§ 20-25-428. Financial assistance for resident nonbeneficiary students.

(1) Subject to a line item appropriation for purposes of this section, the regents shall provide financial assistance to tribally controlled community colleges for enrolled resident nonbeneficiary students.

(2)Each tribal community college shall apply for this assistance to the regents. Except as provided in subsection (6), the money must be distributed on a prorated basis according to the resident nonbeneficiary student enrollment in each tribal community college during the previous year. To qualify, a resident nonbeneficiary student shall meet the residency requirements as prescribed for the system by the regents. The distribution for any student is limited to a maximum of \$1,500 each year for each full-time equivalent student.

(3) An expenditure is contingent upon the tribal community college:

(a) being accredited or being a candidate for accreditation by the northwest association of schools and colleges;

(b) entering into a contract or a state-tribal cooperative agreement, pursuant to Title 18, chapter 11, with the regents to provide the regents with information relating to eligibility of resident nonbeneficiary students and documentation on the curriculum to ensure that the content and quality of courses offered by the tribal community college are consistent with the standards adopted by the system; and

(c) filing with the regents evidence that the college's enrollment of Indian students is at least 51%, as required by the Tribally Controlled Community College Assistance Act of 1978, 25 U.S.C. 1804.

(4) If funding is available pursuant to subsection (1), the legislature intends that the money be an amount in addition to the system budget approved in the general appropriations act.

(5)All funds appropriated under subsection (1) that are unspent revert to the state general fund.

(6) Prior to receiving money pursuant to subsection (1), each tribal community college shall:

(a) grant to resident nonbeneficiary students who meet the residency requirements, as prescribed for the system by the regents, fee waivers in the same percentage as the number of Indian students who are receiving fee waivers to attend a unit of the system bears to the total enrollment in the system; and

(b) subtract the costs of resident nonbeneficiary fee waivers granted under subsection (6)(a) from the total amount of prorated money to be distributed.

(7) The calculation in subsection (6) is not intended to allow the university system to retain the calculated amount of funds. Waivers must be given to eligible students.

14. NEBRASKA

Chapter 85, State University, State Colleges and Postsecondary Education; Article 9, Postsecondary Education; (M), Minority Scholarship Program.

§ 85-9,178. Legislative findings and intent.

(1) The Legislature finds that the State of Nebraska has a compelling interest to provide access to the University of Nebraska, state colleges, and the community colleges for Black, American Indian, and Hispanic minority students and that the financial requirements of postsecondary education often represent major obstacles to such students because of the lack of financial resources available to them.

(2) It is the intent of the Legislature:

(a) To appropriate funds to support a minority scholarship program to serve as a temporary measure for the purpose of eliminating the statistical disparity between the representation of full-time Black, American Indian, and Hispanic minority students in the undergraduate population of the University of Nebraska, the state colleges, and the community colleges and the representation of such minority students in the student population of the primary and secondary schools of this state and for the purpose of developing a more racially diverse student body at such public institutions;

(b) That Black, American Indian, and Hispanic minority students attending the University of Nebraska, a state college, or a community college will be eligible to participate in the scholarship program supported pursuant to the Minority Scholarship Program Act; and

(c) That all funds appropriated by the Legislature for minority scholarships at the University of Nebraska, the state colleges, and the community colleges shall be used in coordination with private donations for such scholarships and in consultation with the major donors thereof and in coordination with federal grant funds available to minority students at such institutions so as to maximize the level of benefits and accomplish the purposes of the act.

§ 85-9,179. Endowed Scholarship Funds; use; purpose.

(1) All funds appropriated by the Legislature for the Minority Scholarship Program Act shall be used to support endowed scholarship funds which shall be held, managed, and invested as authorized by section 72-1246 with only the income therefrom expended for scholarships.

(2) The purpose of such endowed scholarship funds is to provide total or partial undergraduate scholarships for tuition, fees, board and room, and books at all campuses of the University of Nebraska, the state colleges, and the community colleges to full-time undergraduate students from Black, American Indian, and Hispanic minority groups which are underrepresented in the student population of such public institutions and who cannot afford such educational expenses due to lack of financial resources available to them.

15. NEW MEXICO

Chapter 21, State and Private Education Institutions; Article 1, General Provisions Relating To State Educational Institutions.

§ 21-1-3. State educational institutions; resident students.

A. For the purpose of tuition payment at the resident student rates at state educational institutions, as defined in Article 12, Section 11 of the constitution of New Mexico, "resident student" includes:

(1) any person not otherwise entitled to claim residence who is a member of the armed forces of the United States or armed forces of a foreign country assigned to active duty within the exterior boundaries of this state; and

(2) the spouse or dependent child of any person who qualifies under Paragraph (1) of this subsection.

B. Assignment to active duty within the exterior boundaries of this state may be established by a certificate of assignment from the commanding officer of the person so assigned.

C. For the purpose of tuition payment at resident student rates at New Mexico highlands university, "resident student" may include any person who is a Native American and a citizen of the United States.

D. For the purposes of tuition payment and budget and revenue calculations, the board of regents of any post-secondary, state educational institution, as defined in Article 12, Section 11 of the constitution of New Mexico, may determine that "resident student" includes any Texas resident who resides within a one hundred thirty-five mile radius of that institution.

E. For the purpose of tuition payment and budget and revenue calculations, "resident student" includes any student receiving an athletic scholarship from a post-secondary educational institution set forth in Article 12, Section 11 of the constitution of New Mexico.

16. NEW YORK

Education Law; Chapter 16, Title VI - Special Schools and Instruction; Article 83, Indian Schools.

§ 4118. Attendance at post-secondary institutions by Native American students.

1. The education department shall select students for attendance at post-secondary institutions from the several Indian tribes located within this state. In making such selection, due regard shall be had to a just participation in the privileges of this section by each of such several tribes. If practicable, reference shall also be had to the population of each of such tribes in determining such selection. Eligibility for selection shall not be limited to Native Americans residing on reservations.

2. No such student may attend a post-secondary institution outside this state, nor one that has not been approved by the New York state board of regents, nor may he be supported or educated at such institutions for a period exceeding four years unless he is enrolled in a program normally requiring five years of training.

3. Such sum as may be appropriated for the support and education of Native American students in such institutions shall be paid from the treasury, upon the audit and warrant of the comptroller, on vouchers approved by the education department.

17. NORTH DAKOTA

Title 15, Education; Chapter 15-63, Indian Scholarships.

§ 15-63-01. State board for Indian scholarships.

There is hereby established a state board for Indian scholarships consisting of an Indian appointed by the governor, the executive director of the state Indian affairs commission, and the commissioner of higher education or the commissioner's designee. The commissioner of higher education or the commissioner's designee shall serve as chairman and the executive director of the state Indian affairs commission shall serve as secretary of the board for Indian scholarships. The state board of higher education shall request scholarship funds and staff to administer the Indian scholarship program in the board's biennial budget request.

§ 15-63-02. Duties of board.

The state board for Indian scholarships shall:

1. Award scholarship grants as provided in this chapter.
2. Make necessary rules and regulations and establish standards, requirements, and procedures for the administration of this chapter.
3. Encourage persons of Indian blood to attend and be graduated from any institution of higher learning or state vocational education program within North Dakota, and to make application for scholarships.

§ 15-63-03. Number and nature of scholarships.

The state board for Indian scholarships shall provide scholarships each year for resident persons of at least one-fourth degree of Indian blood or for enrolled members of tribes now resident in North Dakota to entitle persons so selected to enter and attend any institution of higher learning or state vocational education program within North Dakota upon compliance with all requirements for admission and to pursue any course or courses offered in such institutions or programs.

§ 15-63-04. Eligibility of candidates, Determination.

The initial and continuing scholarship eligibility of resident persons of one-fourth degree of Indian blood or enrolled members of tribes now resident in North Dakota must be determined by the state board for Indian scholarships after the candidate has gained admission to any institution of higher learning or state vocational education program within North Dakota and has had this fact certified to the board. Factors to be considered in the award of these scholarships are the candidate's health, character, financial need, and probable and continuing success as a student.

18. OKLAHOMA

Title 74, State Government; Chapter 35B, Native American Cultural and Educational Authority of Oklahoma.

§ 1226.14. Endowment fund, Scholarships, Expenditure limitations.

The Authority is hereby authorized to create an endowment fund for the purpose of providing educational or vocational scholarships to members of federally recognized Indian tribes located in the State of Oklahoma. No more than sixty percent (60%) of all revenues in excess of any amounts needed to satisfy the provisions of Section 7 of this act may be expended to fund such endowment.

19. SOUTH DAKOTA

Title 13, Education; Chapter 13-55, Scholarships and Free Tuition at State Institutions.

§ 13-55-14. Indian scholarship program, Board of regents to determine eligibility.

Because financial aid to qualified resident students in education beyond high school in South Dakota is in the public interest, there is hereby established a scholarship program for any person who is a resident of this state and who is an enrolled member of a federally recognized Indian tribe whose reservation is located in this state. The eligibility of a person for this scholarship is determined by the board of regents.

20. TENNESSEE

Title 4, State Government; Chapter 34, Commission of Indian Affairs; Part 2, Native American Indian Rights.

§ 4-34-202. Educational benefits, eligibility.

Notwithstanding any other provision of law to the contrary, a Native American or an African-American is eligible to receive scholarships, grants or any other benefit afforded to minorities from the University of Tennessee system, the board of regents system, or any Tennessee school system. As used in this section, "Native American" means an individual recognized as Native American by a federally recognized tribe or state.

21. TEXAS

Education Code, Title 3, Higher Education; Subtitle A, Higher Education in General; Chapter 56, Student Financial Assistance; Subchapter E, Texas College Work-Study Program.

§ 56.071. Program Name.

The student financial assistance program authorized by this subchapter shall be known as the Texas educational opportunity grant program, and individual grants awarded under this subchapter may be known as Texas educational opportunity grants.

§ 56.072. Purpose.

The purpose of this subchapter is to provide to eligible students grants of money to enable those students to attend eligible institutions of higher education in Texas.

§ 56.073. Administrative Authority.

(a)The Texas Higher Education Coordinating Board shall administer the Texas college work-study program. The coordinating board shall work with eligible institutions and employers to provide eligible students with part-time jobs funded in part by the state.

(b)State support for this program may not exceed the amount specified by appropriation.

§ 56.076. Payment of Grant; Amount.

(d) The coordinating board shall give highest priority in the awarding of grants to:

(1) students who demonstrate the most financial need; and

(2) minority group members including:

(A) black Americans;

(B) Mexican-Americans or other Americans of Hispanic origin;

(C) American Indians, Eskimos, and Aleuts; and

(D) Americans of Asian and Pacific Island origin.

22. UTAH

Title 53B, State System of Higher Education; Chapter 8, Tuition Waiver and Scholarships.

§ 53B-8-102. Definition of resident student.

(6) Any American Indian who is enrolled on the tribal rolls of a tribe whose reservation or trust lands lie partly or wholly within Utah or whose border is at any point contiguous with the border of Utah, and any American Indian who is a member of a federally recognized or known Utah tribe and who has graduated from a high school in Utah, is entitled to resident student status.

23. WASHINGTON

a. Title 28B, Higher Education; Chapter 28B.15, College and University Fees.

§ 28B.15.0131. Resident tuition rates, American Indian students.

For the purposes of determining resident tuition rates, resident students shall include American Indian students who meet two conditions. First, for a period of one year immediately prior to enrollment at a state institution of higher education as defined in RCW 28B.10.016, the student must have been domiciled in one or a combination of the following states: Idaho; Montana; Oregon; or Washington. Second, the students must be members of one of the federally recognized Indian tribes whose traditional and customary tribal boundaries included portions of the state of Washington, or whose tribe was granted reserved lands within the state of Washington. Federal recognition of an Indian tribe shall be as determined under 25 C.F.R. by the United States Bureau of Indian Affairs.

Any student enrolled at a state institution of higher education as defined in RCW 28B.10.016 who is paying resident tuition under this section, and who has not established domicile in the state of Washington at least one year before enrollment, shall not be included in any calculation of state-funded enrollment for budgeting purposes, and no state general fund moneys shall be appropriated to a state institution of higher education for the support of such student.

b. Title 28B, Higher Education; Chapter 28B.108, American Indian Endowed Scholarship Program.

§ 28B.108.005. Findings.

The legislature recognizes the benefit to our state and nation of providing equal educational opportunities for all races and nationalities. The legislature finds that American Indian students are underrepresented in Washington's colleges and universities. The legislature also finds that past discriminatory practices have resulted in this underrepresentation. Creating an endowed scholarship program to help American Indian students obtain a higher education will help to rectify past discrimination by providing a means and an incentive for American Indian students to pursue a higher education. The state will benefit from contributions made by American Indians who participate in a program of higher education.

§ 28B.108.020. Program created, Duties of the higher education coordinating board-Screening committee.

The American Indian endowed scholarship program is created. The program shall be administered by the higher education coordinating board. In administering the program, the board's powers and duties shall include but not be limited to:

(1) Selecting students to receive scholarships, with the assistance of a screening committee composed of persons involved in helping American Indian students to obtain a higher education. The membership of the committee may include, but is not limited to representatives of: Indian tribes, urban Indians, the governor's office of Indian affairs, the Washington state Indian education association, and institutions of higher education;

§ 28B.108.030. Advisory committee.

The higher education coordinating board shall establish an advisory committee to assist in program design and to develop criteria for the screening and selection of scholarship recipients. The committee shall be composed of representatives of the same groups as the screening committee described in RCW 28B.108.020. The criteria shall assess the student's social and cultural ties to an American Indian community within the state. The criteria shall include a priority for upper-division or graduate students. The criteria may include a priority for students who are majoring in program areas in which expertise is needed by the state's American Indians.

§ 28B.108.050. Scholarship trust fund established.

The American Indian endowed scholarship trust fund is established. The trust fund shall be administered by the state treasurer. Funds appropriated by the legislature for the trust fund shall be deposited into the fund. At the request of the higher education coordinating board, and when conditions set forth in RCW 28B.108.070 are met, the treasurer shall deposit state matching moneys in the trust fund into the American Indian endowment fund. No appropriation is required for expenditures from the trust fund.

§ 28B.108.060. Scholarship endowment fund established.

The American Indian scholarship endowment fund is established. The endowment fund shall be administered by the state treasurer.

(1) Moneys received from the higher education coordinating board, private donations, state matching moneys, and funds received from any other source may be deposited into the endowment fund. Private moneys received as a gift subject to conditions may be deposited into the fund.

(2) At the request of the higher education coordinating board, the treasurer shall release earnings from the endowment fund to the board for scholarships. No appropriation is required for expenditures from the endowment fund.

(3) When notified by the higher education coordinating board or by court order that a condition attached to a gift of private moneys in the fund has failed, the treasurer shall release those moneys to the donors according to the terms of the conditional gift.

(4) The principal of the endowment fund shall not be invaded. The release of moneys under subsection (3) of this section shall not constitute an invasion of corpus.

(5) The earnings on the fund shall be used solely for the purposes set forth in RCW 28B.108.040, except when the terms of a conditional gift of private moneys in the fund require that a portion of earnings on such moneys be reinvested in the fund.

§ 28B.108.070. State matching funds.

The higher education coordinating board may request that the treasurer deposit fifty thousand dollars of state matching funds into the American Indian scholarship endowment fund when the board can match the state funds with an equal amount of private cash donations, including conditional gifts. Private cash donations means moneys from nonstate sources that include, but are not limited to, federal moneys, tribal moneys, and assessments by commodity commissions authorized to conduct research activities, including but not limited to research studies authorized under RCW 15.66.030 and 15.65.040.

24. WISCONSIN

a. Higher Education, Chapter 36, University of Wisconsin System.

§ 36.25. Special Programs.

(14) Graduate student financial aid. The board shall establish a grant program for minority and disadvantaged graduate students enrolled in the system. The grants shall be awarded from the appropriation under § 20.285(4)(b). The board shall give preference in awarding grants under this subsection to residents of this state. The board may not make a grant under this subsection to a person if it receives a certification under s. 49.855(7) that the person is delinquent in child support or maintenance payments or owes past support, medical expenses or birth expenses.

(m) Minority and disadvantaged programs. (a) The board shall allocate funds under s. 20.285(4)(a) to fund programs for recruiting minority and disadvantaged students and to fund programs for minority and disadvantaged students enrolled in the system. The funding under s. 20.285(4)(a) for these programs is in addition to any other funding provided by law.

(b) By April 15, 1992, and annually thereafter, the board shall adopt a precollege, recruitment and retention plan for minority and disadvantaged students enrolled in the system. The plan shall include allocations from the appropriation under s. 20.285(4)(a).

(c) By April 15, 1992, and annually thereafter by April 15, the board shall submit a report to the governor and to the chief clerk of each house of the legislature for distribution to the appropriate standing committees under s. 13.172(3). The report shall include all of the following:

1. The plan adopted under par. (b).
2. All financial aid distributed to students, categorized by ethnic group, class level and dependency status. The report shall include information on financial need, percentage of need satisfied by loan, percentage of need satisfied by grant and the percentage remaining unsatisfied.

b. Higher Education, Chapter 36, University of Wisconsin System.

§ 36.34. Minority student programs.

(1) Ben R. Lawton minority undergraduate grant program.

(a) In this subsection “minority undergraduate” means an undergraduate student who:

1. Is a Black American.
2. Is an American Indian.
3. Is a Hispanic, as defined in s. 560.036(1)(d).
4. Is a person who is admitted to the United States after December 31, 1975, and who either is a former citizen of Laos, Vietnam or Cambodia or whose ancestor was or is a citizen of Laos, Vietnam or Cambodia.

(b) The board shall establish a grant program for minority undergraduates enrolled in the system. The board shall designate all grants under this subsection as Lawton grants. Grants shall be awarded from the appropriation under s. 20.285(4)(dd). The board may not make a grant under this subsection to a person if it receives a certification under s. 46.255(7) that the person is delinquent in child support or maintenance payments.

(2) Pilot minority student tuition award program.

(a) In this subsection, “minority pupil” means a pupil who:

1. Is a Black American.
2. Is an American Indian.
3. Is a Hispanic, as defined in s.560.036(1)(d).
4. Is a person who is admitted to the United States after December 31, 1975, and who either is a former citizen of Laos, Vietnam or Cambodia or whose ancestor was or is a citizen of Laos, Vietnam or Cambodia.

(b) The board shall establish a pilot minority student tuition award program for minority pupils who meet academic criteria specified by the board, who need financial assistance and who are enrolled in high schools selected by the board. The board may select a high school only if it has an enrollment of at least 50% minority pupils. The board shall select at least 3 high schools in school districts organized under ch. 119. Awards shall be made from the appropriation under s.20.285(4)(de).

(c) The board shall provide an evaluation of the program under par. (am) to the governor and the joint committee on finance on October 1, 1991.

(d) No award may be made under par. (am) for periods beginning after June 30, 1995.

c. Higher Education, Chapter 39, Higher Educational Agencies and Education Compacts; Subchapter III, Higher Educational Aid Board.

§ 39.38. Indian student assistance.

(1) There is established, to be administered by the department, a grant program to assist those Indian students who are residents of this state to receive a higher education.

(2) Grants under this section shall be based on financial need, as determined by the department. The maximum grant shall not exceed \$2,200 per year, of which not more than \$1,100 may be from the appropriation under s. 20.235(1)(fb). State aid from this appropriation may be matched by a contribution from a federally recognized American Indian tribe or band that is deposited in the general fund and credited to the appropriation account under s. 20.235(1)(gm). Grants shall be awarded to students for full-time or part-time attendance at any accredited institution of higher education in this state. The board may not make a grant under this section to a student whose name appears on the statewide support lien docket under [s. 49.854\(2\)\(b\)](#), unless the student provides to the board a payment agreement that has been approved by the county child support agency under [s. 59.53\(5\)](#) and that is consistent with rules promulgated under [s. 49.858\(2\)\(a\)](#). Grants shall be renewable for up to 5 years if a recipient remains in good academic standing at the institution that he or she is attending.

§ 39.40. Minority teacher loan program.

(1) In this section “minority student” means a student who is any of the following:

(a) A Black American.

(b) An American Indian.

(c) A Hispanic, as defined in s. 560.036(1)(d).

(d) A person admitted to the United States after December 31, 1975, who is either a former citizen of Laos, Vietnam or Cambodia or whose ancestor was or is a citizen of Laos, Vietnam or Cambodia.

(2) The department shall establish a loan program for minority students who meet all of the following requirements:

(a) Are registered as juniors or seniors, or hold a bachelor’s degree and are registered as special students, in the University of Wisconsin Systems or in an accredited, private institution of higher education located in this state.

(b) Are enrolled in programs of study leading to licensure as a teacher and are not currently licensed as teachers.

(c) Meet academic criteria specified by the department.

(d) Agree to teach in a school district located in this state in which minority students constitute at least 29% of the membership or in a school district participating in the interdistrict pupil transfer program under s. 121.85. In this paragraph, “membership” has the meaning given in s. 121.004(5).

§ 39.44. Minority undergraduate grants.

(1)(a) In this section “minority undergraduate” means an undergraduate student who:

1. Is a Black American.
2. Is an American Indian.
3. Is a Hispanic, as defined in s. 560.036(1)(d).
4. Is a person who is admitted to the United States after December 31, 1975, and who either is a former citizen of Laos, Vietnam or Cambodia or whose ancestor was or is a citizen of Laos, Vietnam or Cambodia.

(b) There is established, to be administered by the department, the minority undergraduate retention grant program for minority undergraduates enrolled in private, nonprofit higher educational institutions in this state or in technical schools in this state.

(2) Funds for the grants under this section shall be distributed from the appropriation under s.20.235(1)(fg), with 50% distributed to the eligible private institutions and 50% distributed to the eligible technical colleges, except as provided in 1995 Wisconsin Act 27, section 9127(let). The department shall audit the enrollment statistics annually.

d. Schools, Chapter 115, State Superintendent, General Classifications and Definitions, Children with Disabilities; Subchapter II, State Superintendent of Public Instruction.

§ 115.43. Minority group pupil scholarships.

(1) Definition. In this section, “minority group pupil” means a pupil who is Black American, an American Indian, a Spanish-surnamed American or an Oriental American.

(2) Scholarships. The department shall:

- (a) Annually set goals relating to increasing the percentages of minority group pupils who graduate from high school and are prepared for postsecondary school education.
- (b) From the appropriation under s. 20.255(1)(fz), award precollege scholarships, on a competitive basis, to minority group pupils who enroll in college or university classes or programs designed to improve academic skills that are essential for success in postsecondary school education. The department shall give preference to minority group pupils who are inadequately represented in the technical college and university of Wisconsin systems.
- (c) In consultation with postsecondary educational institutions, promulgate rules establishing criteria for the review and approval of applications for scholarships under par.(b).

G. OTHER

The few laws under this Part did not fit well under any of the other subject areas identified for this compilation. These laws include provisions to collect and report statistical data on student enrollment figures for minority students, including American Indians, and a secondary school minority career counseling program.

1. CALIFORNIA

Education Code, Postsecondary Education Standardized Tests.

§ 99153. Annual submittal of certain data and information by test sponsor to commission; requirements.

On or before November 15 of each year, the test sponsor shall submit to the [California Postsecondary Education] commission all of the following data and information:

(1) The test sponsor shall also supply to the commission any other information mutually identified by the commission and the test sponsor that will be reasonably available and helpful in either (1) assessing the state's progress in increasing the number of Hispanic, Black, or American Indian students who graduate from high school eligible to enroll in either the University of California or the California State University or (2) developing strategies to involve the testing companies in cooperative actions with schools, colleges, and universities to expand access to college for Hispanic, Black, and American Indian students.

§ 99155. Report by commission; requirements.

By May 1, 1990, and every two years thereafter, the commission shall prepare and submit a biennial report regarding standardized tests of the state's test subjects to the Governor, the Legislature, the Regents of the University of California, the Board of Governors of the California Community Colleges, the Trustees of the California State University, and the Superintendent of Public Instruction. This report shall include a descriptive summary of existing data and information submitted to the commission pursuant to Section 99153, including all of the following:

The commission shall also report on the progress in increasing the number of Hispanic, Black, and American Indian students who graduate from high school eligible to enroll in either the University of California or the California State University. The testing companies shall cooperate with the commission in the sharing of available information and the development of policy recommendations for strengthening the college preparatory curriculum and increasing the availability of test preparation activities for students from ethnic groups traditionally underrepresented in postsecondary education. The commission shall present specific recommendations on (1) methods to remove the inappropriate obstacles that standardized college admissions tests may provide in precluding some students from obtaining regular admission to public colleges and universities and (2) strategies to involve the testing companies in cooperative actions with the schools, colleges, and universities to expand access to college for Hispanic, Black, and American Indian students.

2. CONNECTICUT

Title 10, Education and Culture; Chapter 170, Boards of Education.

§ 10-226a. Pupils of racial minorities.

(a) Each local or regional board of education shall annually submit to the State Board of Education at such time and in such manner as said board may prescribe such data as said board may require in order to determine the total number of pupils of racial minorities in the schools under the jurisdiction of each board and, in such cases as said board shall determine, the number of such pupils in each school and in each grade.

(b) As used in sections 10-226a to 10-226e, inclusive, “pupils of racial minorities” means those whose racial ancestry, in whole or in part, is Negro, Mongolian or Malay and students whose ancestry, in whole or in part, is Puerto Rican, Mexican American or American Indian.

3. ILLINOIS

Chapter 105, Schools, Common Schools; Act 5, School Code; Article 34, Cities of over 500,000 Inhabitants - Board of Education.

§ 5/34-18. Powers of the board.

Powers of the Board. The board shall exercise general supervision and jurisdiction over the public education and the public school system of the city, and, except as otherwise provided by this Article, shall have power:

21. To make available to students vocational and career counseling and to establish 5 special career counseling days for students and parents. On these days representatives of local businesses and industries shall be invited to the school campus and shall inform students of career opportunities available to them in the various businesses and industries. Special consideration shall be given to counseling minority students as to career opportunities available to them in various fields. For the purposes of this paragraph, minority student means a person who is:

- (a) Black (a person having origins in any of the black racial groups in Africa);
- (b) Hispanic (a person of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean islands, regardless of race);
- (c) Asian American (a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent or the Pacific Islands); or
- (d) American Indian or Alaskan Native (a person having origins in any of the original peoples of North America).

Counseling days shall not be in lieu of regular school days.

APPENDIX

STATES' INDIAN EDUCATION LAWS (2005)

	COOP AGREE- MENTS	CURRIC- ULA	STAFF	COMMIT- TEES	FINANCE	SCHOLAR- SHIPS
<i>ALASKA</i>		✓	✓		✓	✓
<i>ARIZONA</i>	✓	✓	✓	✓	✓	✓
<i>CALIFORNIA</i>		✓		✓	✓	✓
<i>COLORADO</i>	✓	✓				✓
<i>CONNECTI- CUT</i>		✓	✓			
<i>FLORIDA</i>	✓					✓
<i>HAWAII</i>		✓				

STATES' INDIAN EDUCATION LAWS (2005)

	COOP AGREE- MENTS	CURRIC- ULA	STAFF	COMMIT- TEES	FINANCE	SCHOLAR- SHIPS
<i>IDAHO</i>		✓	✓			✓
<i>ILLINOIS</i>					✓	✓
<i>INDIANA</i>				✓		
<i>IOWA</i>						✓
<i>KANSAS</i>						✓
<i>KENTUCKY</i>		✓	✓	✓		
<i>LOUISIANA</i>				✓		
<i>MAINE</i>		✓		✓	✓	

STATES' INDIAN EDUCATION LAWS (2005)

	COOP AGREE- MENTS	CURRIC- ULA	STAFF	COMMIT- TEES	FINANCE	SCHOLAR- SHIPS
<i>MARYLAND</i>						✓
<i>MASSACHU- SETTES</i>				✓		
<i>MICHIGAN</i>				✓		✓
<i>MINNESOTA</i>	✓	✓	✓	✓	✓	✓
<i>MISSISSIPPI</i>		✓		✓	✓	
<i>MONTANA</i>	✓	✓	✓	✓		✓
<i>NEBRASKA</i>	✓	✓	✓	✓	✓	✓
<i>NEVADA</i>		✓	✓		✓	

STATES' INDIAN EDUCATION LAWS (2005)

	COOP AGREE- MENTS	CURRIC- ULA	STAFF	COMMIT- TEES	FINANCE	SCHOLAR- SHIPS
<i>NEW JERSEY</i>				✓		
<i>NEW MEXICO</i>	✓	✓	✓	✓	✓	✓
<i>NEW YORK</i>	✓	✓	✓		✓	✓
<i>NORTH CAROLINA</i>		✓		✓		
<i>NORTH DAKOTA</i>	✓	✓	✓			✓
<i>OHIO</i>		✓				
<i>OKLAHOMA</i>		✓		✓	✓	✓
<i>OREGON</i>	✓	✓	✓	✓	✓	

STATES' INDIAN EDUCATION LAWS (2005)

	COOP AGREE- MENTS	CURRIC- ULA	STAFF	COMMIT- TEES	FINANCE	SCHOLAR- SHIPS
<i>SOUTH DAKOTA</i>		✓	✓		✓	✓
<i>TENNESSEE</i>		✓		✓		✓
<i>TEXAS</i>						✓
<i>UTAH</i>				✓		✓
<i>VIRGINIA</i>				✓		
<i>WASHING- TON</i>		✓	✓		✓	✓
<i>WISCONSIN</i>		✓	✓	✓		✓
<i>WYOMING</i>	✓	✓	✓	✓		

