

1                   **AMERICAN INDIAN-ALASKAN NATIVE EDUCATION**

2                                   **AMENDMENTS**

3   2015 GENERAL SESSION

4   STATE OF UTAH

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

6                                   Senate Sponsor: Kevin T. Van Tassell

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8   **LONG TITLE**

9   **Committee Note:**

10           The Native American Legislative Liaison Committee recommended this bill.

11   **General Description:**

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

13   **Highlighted Provisions:**

14           This bill:

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

16 Plan, including:

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

19 Liaison;

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

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

25           ▶ makes technical and conforming amendments.

26   **Money Appropriated in this Bill:**

27           None



28 **Other Special Clauses:**

29 This bill provides a special effective date.

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **9-9-104.6**, as last amended by Laws of Utah 2014, Chapter 387

33 ENACTS:

34 **53A-31-101**, Utah Code Annotated 1953

35 **53A-31-102**, Utah Code Annotated 1953

36 **53A-31-201**, Utah Code Annotated 1953

37 **53A-31-202**, Utah Code Annotated 1953

38 **53A-31-203**, Utah Code Annotated 1953

39 **53A-31-301**, Utah Code Annotated 1953

40 **53A-31-302**, Utah Code Annotated 1953

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

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

44 **9-9-104.6. Participation of state agencies in meetings with tribal leaders --**

45 **Contact information.**

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

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

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

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

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

55 (ii) if the American Indian-Alaskan Native Health Liaison is not appointed, a  
56 representative of the Department of Health appointed by the executive director of the  
57 Department of Health; [~~and~~]

58 (d) ~~the~~ ~~the~~ the American Indian-Alaskan Native Public Education Liaison  
58a appointed in

59 accordance with Section [53A-31-201](#); ~~H→ [or]~~ and

60 ~~[(ii) if the American Indian-Alaskan Native Public Education Liaison is not appointed, a~~  
 61 ~~representative of the State Office of Education appointed by the superintendent of public~~  
 62 ~~instruction; and]~~ ~~←H~~

63 ~~[(d)]~~ (e) a representative appointed by the chief administrative officer of the following:

64 (i) the Department of Human Services;

65 (ii) the Department of Natural Resources;

66 (iii) the Department of Workforce Services;

67 (iv) the Governor's Office of Economic Development; ~~H→ [and]~~ ~~←H~~

68 ~~[(v) the State Office of Education; and]~~ ~~H→~~ (v) the State Board of Education; and ~~←H~~

69 ~~[(vi)]~~ ~~H→~~ [(v)] (vi) ~~←H~~ the State Board of Regents.

70 (3) (a) The chief administrative officer of the agencies listed in Subsection (3)(b) shall:

71 (i) designate the name of a contact person for that agency that can assist in coordinating  
 72 the efforts of state and tribal governments in meeting the needs of the Native Americans  
 73 residing in the state; and

74 (ii) notify the division:

75 (A) who is the designated contact person described in Subsection (3)(a)(i); and

76 (B) of any change in who is the designated contact person described in Subsection

77 (3)(a)(i).

78 (b) This Subsection (3) applies to:

79 (i) the Department of Agriculture and Food;

80 (ii) the Department of Heritage and Arts;

81 (iii) the Department of Corrections;

82 (iv) the Department of Environmental Quality;

83 (v) the Department of Public Safety;

84 (vi) the Department of Transportation;

85 (vii) the Office of the Attorney General;

86 (viii) the State Tax Commission; and

87 (ix) any agency described in ~~[Subsection]~~ Subsections (2)(c) ~~[or-(d)]~~ through (e).

88 (c) At the request of the division, a contact person listed in Subsection (3)(b) may  
 89 participate in a meeting described in Subsection (1).

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

- 93 (i) Section [63A-3-106](#);
- 94 (ii) Section [63A-3-107](#); and
- 95 (iii) rules made by the Division of Finance according to Sections [63A-3-106](#) and  
96 [63A-3-107](#).

97 (b) Compensation and expenses of a participant who is a legislator are governed by  
98 Section [36-2-2](#) and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.  
99 Section 2. Section **53A-31-101** is enacted to read:

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

101 **EDUCATION STATE PLAN**

102 **Part 1. General Provisions**

103 **53A-31-101. Title.**

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

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

106 **53A-31-102. Definitions.**

107 As used in this chapter:

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

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

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

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

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

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

117 **Part 2. Liaison and Commission**

118 **53A-31-201. American Indian-Alaskan Native Public Education Liaison.**

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

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

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

125 (a) the liaison's activities; and

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

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

129 **53A-31-202. Commission created.**

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

132 (a) the superintendent;

133 (b) the liaison;

134 (c) two individuals appointed by the ~~H~~→ **[superintendent] State Board of Education** ←~~H~~  
 134a that are coordinators funded ~~H~~→ **in whole or in part** ←~~H~~ under  
 135 Title VII, Elementary and Secondary Education Act;

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

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

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

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

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

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

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

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

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

154 (m) an appointee from the governor.

155 (2) ~~H~~→ **Unless otherwise determined by the State Board of Education,** ~~[The] the~~ ←~~H~~  
 155a superintendent shall chair the commission.

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

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

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

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

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

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

164 (b) the frequency of meetings.

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

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

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

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

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

173 (7) The ~~H~~→ ~~[State Office of Education]~~ **staff of the State Board of Education** ←~~H~~  
 173a shall staff the commission.

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

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

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

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

180 (2) The proposed state plan shall:

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

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

184 ~~Ĥ→ [(c) include measures of relevant data;~~

185 ~~—— (d) focus on the specific needs of American Indian and Alaskan Native children;~~

186 ~~—— (e) include methods to use available resources as efficiently as possible to meet the~~  
 187 ~~needs of American Indian and Alaskan Native students;~~

188 ~~—— (f) list any programs, practices, materials, or equipment that the public school system~~  
 189 ~~would need to implement the proposed state plan to have a direct impact on the instruction of~~  
 190 ~~American Indian and Alaskan Native students and result in measurable increased student~~

191 ~~performance;] (c) be based on, and include, a summary of the best available evidence and most~~  
 191a ~~recent data;~~

191b (d) focus on specific actions;

191c (e) identify existing programs and resources;

191d (f) prioritize more efficient and better use of existing programs and resources to meet  
 191e the needs of American Indian and Alaskan Native students; ←Ĥ

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

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

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

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

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

199 **Part 3. State Plan**

200 **53A-31-301. Adoption of state plan.**

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

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

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

213 (3) The Native American Legislative Liaison Committee may prepare legislation to

214 implement the state plan adopted under this section.

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

216 **53A-31-302. Changes to state plan.**

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

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

226 Section 9. **Effective date.**

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

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**Legislative Review Note**  
**as of 11-20-14 3:26 PM**

**Office of Legislative Research and General Counsel**