

## American Indian Legislation Passed in 2023

All effective July 1, 2023 unless indicated otherwise.

### **Data Sharing with Tribal Nations (Minnesota Statutes, Section 13.32, Subdivision 3)**

Private data: when disclosure is permitted: Except as provided in subdivision 5, educational data is private data on individuals and shall not be disclosed except as follows:

(r) with federally recognized Tribal Nations about Tribally enrolled or descendant students to the extent necessary for the Tribal Nation and school district or charter school to support the educational attainment of the student.

### **Dedicated American Indian Education Coordinator (Minnesota Statutes, Section 124D.76)**

American Indian Education Program Coordinators, Paraprofessionals. Any district or participating school that conducts American Indian education programs pursuant to sections 124D.71 to 124D.82 must employ one or more full-time or part-time dedicated American Indian education program coordinators in a district with 100 or more state-identified American Indian students enrolled in the district. A dedicated American Indian education program coordinator must promote communication, understanding, and cooperation between the schools and the community and must visit the homes of children who are to be enrolled in an American Indian education program in order to convey information about the program.

### **American Indian Culture and Language Classes Required (Minnesota Statutes, 124D.74, Subdivision 7)**

A district or participating school that conducts American Indian education programs under sections 124D.71 to 124D.82 must provide American Indian culture and language classes if: (1) at least five percent of students are American Indian students; or (2) 100 or more students are American Indian students. (b) For purposes of this subdivision, "American Indian students" means students identified by the state count of American Indian students on October 1 of the previous school year.

### **Shared Time Enrollment (Minnesota Statutes, 124D.74, Subdivision 3)**

To the extent that the unique educational and culturally related academic needs of American Indian people are met and American Indian student accountability factors are the same or higher than their non-American Indian peers, a district or participating school may make provision for the voluntary enrollment of non-American Indian

children in the instructional components of an American Indian 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 must be given to American Indian children. American Indian children enrolled in an existing nonpublic school system may be enrolled on a shared time basis in American Indian education programs.

### **American Indian Education Aid (Minnesota Statutes 124D.81, Subdivision 2a) (Effective May 24, 2023 for FY24)**

The American Indian education aid for an eligible district, cooperative unit, or Tribal contract school equals the greater of (1) the sum of \$40,000 plus the product of \$500 times the difference between the number of American Indian students enrolled on October 1 of the previous school year and 20; or (2) if the district or school received a grant under this section for fiscal year 2015, the amount of the grant for fiscal year 2015.

### **Indigenous Peoples Day (Minnesota Statutes, Section 120A.42.) (Conduct of School on Certain Holidays)**

On Indigenous Peoples Day, at least one hour of the school program must be devoted to observance of the day. As part of its observance of Indigenous Peoples Day, a district may provide professional development to teachers and staff, or instruction to students, on the following topics:

- The history of treaties between the United States and Indigenous peoples
- The history of federal boarding schools for Indigenous children
- Indigenous languages
- Indigenous traditional medicines and cultural or spiritual practices
- The sovereignty of Tribal nations
- The contributions of Indigenous people to American culture, literature, and society
- Current issues affecting Indigenous communities

### **Indigenous Education For All Students (Minnesota Statutes, Section 120B.021, Subdivision 5)**

To support implementation of Indigenous education for all students, the commissioner must:

1. Provide historically accurate, Tribally endorsed, culturally relevant, community-based, contemporary, and developmentally appropriate resources. Resources to implement standards must include professional development and must demonstrate an awareness and understanding of the importance of accurate, high-quality materials about the histories, languages, cultures, and governments of local Tribes;
2. Provide resources to support all students learning about the histories, languages, cultures, governments, and experiences of their American Indian peers and neighbors. Resources to implement standards across content areas must be developed to authentically engage all students and support successful learning; and

3. Conduct a needs assessment by December 31, 2023. The needs assessment must fully inform the development of future resources for Indigenous education for all students by using information from American Indian Tribes and communities in Minnesota, including urban Indigenous communities, Minnesota's Tribal Nations Education Committee, schools and districts, students, and educational organizations. The commissioner must submit a report on the findings and recommendations from the needs assessment to the chairs and ranking minority members of legislative committees with jurisdiction over education; to the American Indian Tribes and communities in Minnesota, including urban Indigenous communities; and to all schools and districts in the state by February 1, 2024. Key Actions: Needs Assessment, Curricular Resource Development, Professional Development

For more Information, contact: [Indigenous.Education.For.All.MDE@state.mn.us](mailto:Indigenous.Education.For.All.MDE@state.mn.us)

### **American Indian Mascots Prohibited (Minnesota Statutes, Section 121A.041)**

Subd. 2. Starting September 1, 2025, a public school may not have or adopt a name, symbol, or image that depicts or refers to an American Indian Tribe, individual, custom, or tradition to be used as a mascot, nickname, logo, letterhead, or team name of the school, district, or school within the district, unless the school has obtained an exemption under subdivision 3. The prohibition does not apply to a public school located within the reservation of a federally recognized Tribal Nation in Minnesota, where at least 95 percent of students meet the state definition of American Indian student.

Subd. 3. Exemption. A public school may seek an exemption to subdivision 2 by submitting a request in writing to all 11 federally recognized Tribal Nations in Minnesota and to the Tribal Nations Education Committee by September 1, 2023. The exemption is denied if any of the 11 Tribal Nations or the Tribal Nations Education Committee oppose the exemption by December 15, 2023. A public school whose request for an exemption is denied must comply with subdivision 2 by September 1, 2025.

### **Tribal Regalia at Graduation Ceremonies (Minnesota Statutes, 124 Section 124D.792)**

A school district or charter school must not prohibit an American Indian student from wearing American Indian regalia, Tribal regalia, or objects of cultural significance at a graduation ceremony.

### **Sacred Tobacco Allowed (Minnesota Statutes, Section 144.4165)**

Nothing in this section shall prohibit the lighting of tobacco by an adult as a part of a traditional Indian spiritual or cultural ceremony. An American Indian student may carry a medicine pouch containing loose tobacco intended as observance of traditional spiritual or cultural practices. For purposes of this section, an Indian is a person who is a member of an Indian Tribe as defined in Minnesota Statutes, Section 260.755, subdivision 12.

### **Standards Development (Minnesota Statutes 120, Section 120B.021, Subdivision 2) (addition)**

The commissioner must consider advice from at least the following stakeholders in developing statewide rigorous core academic standards in language arts, mathematics, science, social studies, including history, geography, economics, government and citizenship, and the arts: (6) representatives from the Tribal Nations

Education Committee and Tribal Nations and communities in Minnesota, including both Anishinaabe and Dakota.

### **Embed Indigenous Education in Academic Standards, Ethnic Studies (Minnesota Statutes, Section 120.021, Subdivision 4)**

The commissioner must embed Indigenous education for all students consistent with recommendations from Tribal Nations and urban Indigenous communities in Minnesota regarding the contributions of American Indian Tribes and communities in Minnesota into the state's academic standards during the review and revision of the required academic standards. The recommendations to embed Indigenous education for all students includes but is not limited to American Indian experiences in Minnesota, including Tribal histories, Indigenous languages, sovereignty issues, cultures, treaty rights, governments, socioeconomic experiences, contemporary issues, and current events. (j) The commissioner of education must embed ethnic studies as related to the academic standards during the review and revision of the required academic standards.

Education Excellence (Minnesota Statutes, 120B.25)

"Ethnic studies" means the interdisciplinary study of race, ethnicity, and indigeneity with a focus on the experiences and perspectives of people of color within and beyond the United States. Ethnic studies analyzes the ways in which race and racism have been and continue to be social, cultural, and political forces, and the connection of race to the stratification of other groups, including stratification based on the protected classes under section 363A.13.

(Also see Sec. 14. [120B.251] ETHNIC STUDIES REQUIREMENTS. Also Subdivision 2 and Subdivision 3)

(Also see Sec. 15. [120B.252] HOLOCAUST, GENOCIDE OF INDIGENOUS PEOPLES, AND OTHER GENOCIDE EDUCATION. Subdivision 1. Definitions and Subdivision 2 Requirements.)

### **Minnesota Indian Teacher Training Program (MITTP) (effective June 3, 2024) (Minnesota Statutes, Section 122A.63, Subdivision 10)**

Minnesota Indian teacher training program account. (a) An account is established in the special revenue fund known as the "Minnesota Indian teacher training program account." (b) Funds appropriated for the Minnesota Indian teacher training program under this section must be transferred to the Minnesota Indian teacher training program account in the special revenue fund. (c) Money in the account is annually appropriated to the commissioner for the Minnesota Indian teacher training program under this section. Any returned funds are available to be regranted. Grant recipients may apply to use grant money over a period of up to 60 months. (d) Up to \$75,000 annually is appropriated to the commissioner for costs associated with administering and monitoring the program under this section.

### **Minnesota Indian Teacher Training Program Grant Appropriations (Minnesota Statutes, 124D.81, Subdivision 3)**

- A. For joint grants to assist people who are American Indian to become teachers under Minnesota Statutes, section 122A.63:

\$	2,210,000	.....	2024
\$	600,000	.....	2025

- B. This appropriation is subject to the requirements under Minnesota Statutes, Section 122A.63, Subdivision 10.

### **American Indian Education Aid – Carry Forward of Funds**

\*\*The Office of American Indian Education is working collaboratively with the School Finance division to create a process for validation of expenditures for the carry-forward provision to be implemented during the 2024-2025 school year. The Minnesota Department of Education has reviewed the carry-over legislation, and has discovered that we are not able to implement an automated validation at this time. MDE will be requesting a change to the legislation, but if there is no change in law, MDE would have to implement a manual submission system for validation of carry-over funds. Please refer to the Office of American Indian Education’s webpage for updates regarding this new legislative item.

Minnesota Statutes, Section 124D.81, Subd. 2b.

Notwithstanding section 16A.28, if a school district or Tribal contract school does not expend the full amount of the American Indian education aid in accordance with the plan in the designated fiscal year, the school district or Tribal contract school may carry forward and expend up to half of the remaining funds in the first six months of the following fiscal year, and is not subject to an aid reduction if:

1. the district is otherwise following the plan submitted and approved under subdivision 2;
2. the American Indian Parent Advisory Committee for the school is aware of and has approved the carry forward and has concurred with the district's educational offerings extended to American Indian students under section 124D.78;
3. the funds carried over are used in accordance with section 124D.74, subdivision 1; and
4. by April 1, the district reports to the Department of Education American Indian education director the reason the aid was not expended in the designated fiscal year, and describes how the district intends to expend the funds in the following fiscal year. The district must report this information in the form and manner determined by the commissioner.

### **American Indian Student Definition (Minnesota Statutes, Section 124D.73, Subdivision 5)**

For the purposes of sections 124D.71 to 124D.82, the number of students who identify as American Indian or Alaska Native, as defined by the state of Minnesota on October 1 of the previous school year, will be used to determine the state-identified American Indian student counts for school districts, charter schools, and Tribal contract schools for the subsequent school year.

### **American Indian Education Aid Allowed Sites (Minnesota Statutes, Section 124D.74, Subdivision 4)**

American Indian education programs must be located in educational settings in which regular classes in a variety of subjects are offered on a daily basis. Programs may operate on an extended day or extended year basis, including school districts, charter schools, and Tribal contract schools that offer virtual learning environments.

## **American Indian Parent Advisory Committees (Minnesota Statutes, Section 124D.78)**

Subd. 1. School districts, charter schools, Tribal contract schools, and the respective school boards must provide for the maximum involvement of parents of American Indian children enrolled in American Indian education programs, programs for elementary and secondary grades, special education programs, and support services. Accordingly, school districts, charter schools, and Tribal contract schools in which there are ten or more state-identified American Indian students enrolled must establish an American Indian Parent Advisory 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 is subject to, at least, the requirements of this subdivision and subdivision 2.

The American Indian Parent Advisory Committee must develop its recommendations in consultation with the curriculum advisory committee required by section 120B.11, subdivision 3. This committee must 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. School districts, charter schools, and Tribal contract schools must ensure that programs are planned, operated, and evaluated with the involvement of and in consultation with parents of the American Indian students served by the programs.

Subd. 2. Annual Compliance. American Indian Parent Advisory Committee must meet to discuss whether or not they concur with the educational offerings that have been extended by the district to American Indian students. If the committee finds that the district, charter school, Tribal contract school, and the school board have been meeting the needs of American Indian students, they issue a vote and resolution of concurrence. If they find that the needs of American Indian students are not being met, they issue a vote and resolution of nonconcurrence. The vote and resolution must be presented to the school board by one or more members of the American Indian Parent Advisory Committee. The vote is formally reflected on documentation provided by the Department of Education and must be submitted annually on March 1. If the vote is one of nonconcurrence, the committee must provide written recommendations for improvement to the school board at the time of the presentation. In the case of nonconcurrence, the school board is given 60 days in which to respond, in writing, to the committee's recommendations. The board response must be signed by the entire school board and submitted to both the American Indian Parent Advisory Committee and to the Department of Education. The resolution must be accompanied by Parent Advisory Committee meeting minutes that show they have been appraised by the district on the goals of the Indian Education Program Plan and the measurement of progress toward those goals.

Subd. 3. Membership. The American Indian Parent Advisory Committee must be composed of parents or guardians of American Indian children eligible to be enrolled in American Indian education programs; American Indian secondary students; American Indian family members of students eligible to be enrolled in American Indian education programs; American Indian language and culture education teachers and paraprofessionals; American Indian teachers; American Indian district employees; American Indian counselors; adult American Indian people enrolled in educational programs; and American Indian community members. The majority of each committee must be the parents or guardians of the American Indian children enrolled or eligible to be enrolled in the programs.

## **MDE Using State Count of American Indian Students (Minnesota Statutes, Section 124D.78, Subdivision 5)**

For the purposes of sections 124D.71 to 124D.82, the number of students who identify as American Indian or Alaska Native, as defined by the state of Minnesota on October 1 of the previous school year, will be used to determine the state-identified American Indian student counts for school districts, charter schools, and Tribal contract schools for the subsequent school year.

## **Bureau Indian Education (BIE) students access online learning (Minnesota Statutes, Section 126C.05, Subdivision 19)**

(a) The average daily membership for a public school pupil or a pupil enrolled in a school authorized to receive Tribal contract or grant aid under section 124D.83 generating online learning average daily membership according to section 124D.094, subdivision 7, paragraph (b), equals the sum of: (1) the ratio of the sum of the number of instructional hours the pupil is enrolled in a regular classroom setting at the enrolling school to the actual number of instructional hours in the school year at the enrolling school, plus (2) .12 times the initial online learning average daily membership according to section 124D.094, subdivision 7, paragraph (b).

**This is effective the day following final enactment for aid for fiscal year 2024 and later.**

## **American Indian History and Culture Licensure Renewal (Minnesota Statutes, Section 122A.187, Subdivision 7)**

The Professional Educator Licensing and Standards Board must adopt rules that require all licensed teachers renewing their license under sections 122A.181 to 122A.184 to include in the renewal requirements professional development in the cultural heritage and contemporary contributions of American Indians, with particular emphasis on Minnesota Tribal Nations.

## **American Indian Education Aid Appropriations (Minnesota Statutes, Section 21, Subdivision 2)**

- A. For American Indian education aid under Minnesota Statutes, section 124D.81, subdivision 2a:
  - \$ 17,949,000 ..... 2024
  - \$ 19,266,000 ..... 2025
- B. The 2024 appropriation includes \$1,159,000 for 2023 and \$16,790,000 for 2024.
- C. The 2025 appropriation includes \$1,865,000 for 2024 and \$17,401,000 for 2025.

## **Native Language Revitalization Grants (Minnesota Statutes, Section 23, Subdivision 3)**

\*\*MDE is in the process of building these grants and the process to administer them.

- A. For grants to school districts and charter schools to offer language instruction in Dakota and Anishinaabe languages or another language indigenous to the United States or Canada:
  - \$ 7,500,000 ..... 2024

\$ 7,500,000 ..... 2025

- B. Grant amounts are to be determined based upon the number of schools within a district implementing language courses. Eligible expenses include costs for teachers, program supplies, and curricular resources.
- C. Up to five percent of the grant amount is available for grant administration and monitoring.
- D. Up to \$300,000 each year is for administrative and programmatic capacity at the Department of Education.
- E. Any balance in the first year does not cancel but is available in the second year.

### **American Indian History and Culture Licensure Renewal for Teachers (Minnesota Statutes, Section 42, Subdivision 7)**

The Professional Educator Licensing and Standards Board must adopt rules that require all licensed teachers renewing their license under sections 122A.181 to 122A.184 to include in the renewal requirements professional development in the cultural heritage and contemporary contributions of American Indians, with particular emphasis on Minnesota Tribal Nations.