

Any unencumbered balance remaining at the end of the first fiscal year shall not cancel but shall be available for the second year of the biennium.

Approved May 27, 1977.

CHAPTER 312—S.F.No.455

[Coded]

An act relating to education; establishing pilot American Indian language and culture education programs; granting certain powers and duties to the state board of education; establishing a state American Indian language and culture education advisory task force; appropriating money; amending Minnesota Statutes 1976, Section 120.095, by adding a subdivision.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. [126.45] AMERICAN INDIAN LANGUAGE AND CULTURE EDUCATION ACT; CITATION. Sections 1 to 11 of this act may be cited as the American Indian language and culture education act.

Sec. 2. [126.46] DECLARATION OF POLICY. The legislature finds that a more adequate education is needed for American Indian pupils in the state of Minnesota. Therefore, pursuant to the policy of the state to ensure equal educational opportunity to every individual, it is the purpose of this act to provide for the establishment of American Indian language and culture education programs.

Sec. 3. [126.47] DEFINITIONS. Subdivision 1. For the purposes of sections 1 to 11 of this act, the words, phrases, and terms defined in this section shall have the meanings given to them.

Subd. 2. "American Indian child" means any child, living on or off a reservation, who is an enrolled member of a federally recognized tribe.

Subd. 3. "Advisory task force" means the state advisory task force on American Indian language and culture education programs.

Subd. 4. "Participating school" means any nonsectarian nonpublic, tribal, or alternative school offering a curriculum reflective of American Indian culture which is funded by and participates in the programs in sections 1 to 11 of this act.

Sec. 4. [126.48] AMERICAN INDIAN LANGUAGE AND CULTURE EDUCATION PROGRAMS. Subdivision 1. PROGRAM DESCRIBED. American Indian language and culture education programs shall be programs in elementary and secondary schools enrolling American Indian children designed:

(1) To make the curriculum more relevant to the needs, interests, and cultural changes or additions indicated by underline deletions by ~~strikeout~~

heritage of American Indian pupils;

(2) To provide positive reinforcement of the self-image of American Indian pupils;
and

(3) To develop intercultural awareness among pupils, parents, and staff. Program components may include: instruction in American Indian language, literature, history, and culture; development of support components for staff, including inservice training and technical assistance in methods of teaching American Indian pupils; research projects, including experimentation with and evaluation of methods of relating to American Indian pupils; provision of personal and vocational counseling to American Indian pupils; modification of curriculum, instructional methods, and administrative procedures to meet the needs of American Indian pupils; and establishment of cooperative liaisons with nonsectarian nonpublic, community, tribal or alternative schools offering curricula which reflect American Indian culture. Districts offering programs may make contracts for the provision of program components by nonsectarian nonpublic, community, tribal or alternative schools. These programs may also be provided as components of early childhood and family education 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 EXTRACURRICULAR ACTIVITIES. In predominantly nonverbal subjects, such as art, music, and physical education,

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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 extracurricular activities which relate to the cultural heritage of the American Indian children, or which are otherwise necessary to accomplish the objectives described in sections 1 to 11 of this act.

Sec. 5. [126.49] TEACHERS; LICENSES; EXEMPTIONS. Subdivision 1. AMERICAN INDIAN LANGUAGE AND CULTURE EDUCATION LICENSES. The board of teaching shall grant teaching licenses in American Indian language and culture education to persons who present satisfactory evidence that they:

(a) Possess competence in an American Indian language or possess unique qualifications relative to or knowledge and understanding of American Indian history and culture;

(b) 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 the 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 or a nonsectarian nonpublic, tribal, or alternative school offering a curriculum reflective of American Indian culture.

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. EMPLOYMENT OF TEACHERS. Teachers employed in an American Indian language and culture education program pursuant to sections 1 to 11 of this act shall not be employed to replace any presently employed teacher who otherwise would not be replaced.

Subd. 4. 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 state board of education.

Subd. 5. 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 language and culture education program in which the American Indian language or culture in which he is licensed is taught. A school district or participating school may prescribe only those additional

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qualifications for teachers licensed under this section as are approved by the board of teaching. Any school board or participating school 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 of education, create a hardship in the securing of the teachers.

Subd. 6. PERSONS SERVING UNDER EXEMPTIONS; LICENSURE; TENURE. An American Indian language and culture education teacher serving under an exemption as provided in subdivision 5 shall be granted a license as soon as that teacher achieves the qualifications for it. 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 Minnesota Statutes, Section 125.12 and not more than two years shall be credited for the purposes of section 125.17; 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. 7. 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. 8. 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, provided that nothing herein shall be construed to limit the school board's authority to hire and discharge personnel.

Sec. 6. [126.50] 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 1 to 11 of this act 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 1 to 11 of this act 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.

Sec. 7. [126.51] PARENT AND COMMUNITY PARTICIPATION. Subdivision 1. School boards and participating schools shall provide for the maximum involvement of parents of children enrolled in American Indian language and culture education programs pursuant to sections 1 to 11 of this act. Accordingly, before implementing a program, each

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school district and participating school shall establish a parent advisory committee for that program. This committee shall afford parents the necessary information and the opportunity effectively to express their views concerning all aspects of the American Indian language and culture education program and the educational needs of the American Indian children residing within the district's or school's attendance boundaries. The district or participating school shall ensure that the program is planned, operated, and evaluated with the involvement of and in consultation with parents of children eligible to be served by the program.

Subd. 2. The committees shall be composed solely of parents of children eligible to be enrolled in American Indian language and culture programs; secondary students eligible to be served; American Indian language and culture education teachers and aides; counselors; and representatives from community groups; provided, however, that a majority of each committee shall be parents of children enrolled or eligible to be enrolled in the corresponding program, and that 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 program.

Subd. 3. School principals and other administrators or teachers within the district or participating school shall be encouraged to participate and cooperate with the parent advisory committee.

Subd. 4. If the organizational membership or the board of directors of a participating school consists solely of parents of children attending the school whose children are eligible to be enrolled in American Indian language and culture education programs, that membership or board may serve also as the parent advisory committee.

Sec. 8. [126.52] STATE BOARD OF EDUCATION DUTIES. Subdivision 1. NEEDS ASSESSMENT. The state board of education shall conduct a statewide assessment of the need for American Indian language and culture education programs, which shall include information on:

(a) Numbers, ages, locations by school district, and tribal affiliation of American Indian children;

(b) Concentration of American Indian children in attendance areas within school districts by tribal affiliation;

(c) Placement rates of American Indian children in classes for handicapped pupils, in comparison with schoolwide and districtwide placement rates;

(d) Achievement test scores, mobility rates and dropout rates of American Indian children in comparison with average achievement test scores, mobility rates and dropout rates;

(e) Any other data deemed necessary to assessment of the need for American Indian language and culture education in the state. The procedures for gathering the information shall be designed to comply with provisions of state and federal law relating

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to privacy and student records.

Subd. 2. RESOURCE EVALUATION. The state board shall study, review, and evaluate all available resources and programs which, in whole or in part, are or could be directed toward meeting the educational needs of American Indian children, including information on:

(a) Numbers, location, and qualifications of teachers, aides, administrators, counselors, and potential post secondary education graduates from American Indian backgrounds who have an interest in working in American Indian language and culture education programs;

(b) Programs within the state designed for the preparation of American Indian language and culture education teachers;

(c) The effectiveness of existing programs for American Indian children within the state;

(d) Successful and innovative preservice and inservice programs for staffs of American Indian language and culture education programs; and

(e) Tests, criteria, identification instruments and procedures for identifying, testing, assessing and classifying American Indian children.

Subd. 3. PROGRAM MODELS. The state board shall gather information about the theory and practice of American Indian language and culture education and design program models appropriate for meeting the need for American Indian language and culture education in conjunction with the basic educational program in the state.

Subd. 4. EVALUATION OF PILOT PROGRAMS. The state board shall provide for comprehensive evaluation of pilot programs funded under sections 1 to 11 of this act. The state board may also provide for the comprehensive evaluation of existing educational programs offered by nonsectarian nonpublic, community, tribal, or alternative schools, provided that that school consents to the evaluation of its existing program. The evaluation shall include assessment of pupil achievement, processes and results of establishing quality programs, and attitudes of people involved in and affected by programs.

Subd. 5. COMMUNITY INVOLVEMENT. The state board shall provide for the maximum involvement of the state advisory task force on American Indian language and culture education, parents of American Indian children, secondary students eligible to be served, American Indian language and culture education teachers, teachers' aides, representatives of community groups, and persons knowledgeable in the field of American Indian language and culture education, in the formulation of policy and procedures relating to the administration of sections 1 to 11 of this act. The needs assessments and resource evaluations provided for in subdivisions 1 and 2 of this section shall be undertaken on Indian reservations only in connection with, or with the permission of, the respective tribal governments.

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Subd. 6. CONSULTATION. The state board shall consult with and make recommendations to other public departments and agencies in connection with the administration of sections 1 to 11 of this act.

Subd. 7. TEACHER LICENSURE. The state board shall provide to the board of teaching a report on its research and experience in American Indian language and culture education insofar as such research may have a bearing on the establishment of teacher licensure requirements by the board of teaching. The board of teaching shall submit its proposals to the state board for approval pursuant to the procedures in section 125.185, subdivision 4.

Subd. 8. TECHNICAL ASSISTANCE. The state board shall provide technical assistance to school districts, participating schools and post secondary institutions for preservice and inservice training for American Indian language and culture education teachers and teacher's aides, teaching methods, curriculum development, testing and testing mechanisms, and the development of materials for American Indian language and culture education programs.

Subd. 9. APPLICATION FOR FUNDS. The state board shall apply for grants or funds which are, or may become, available under federal programs for American Indian language and culture education, including funds for administration, demonstration projects, training, technical assistance, planning and evaluation.

Subd. 10. REPORT. The state board shall make a report to the legislature, the governor and the public on or before September 1, 1979. This report shall include the results of the needs assessment, including an evaluation of the pilot programs, and recommendations for legislation in the area of American Indian language and culture education.

Subd. 11. RULES AND REGULATIONS. The state board, upon the receipt of recommendations by the advisory task force, may promulgate rules providing for standards and procedures appropriate for the implementation of and within the limitations of sections 1 to 11 of this act.

Sec. 9. [126.53] ADVISORY TASK FORCE ON AMERICAN INDIAN LANGUAGE AND CULTURE EDUCATION PROGRAMS. Subdivision 1. ESTABLISHMENT. The state board of education shall appoint an advisory task force on American Indian language and culture education programs. Members shall include: representatives of community groups, parents of children eligible to be served by the programs, American Indian administrators and teachers, persons experienced in the training of teachers for American Indian language and culture education programs, persons involved in programs for American Indian children in nonsectarian nonpublic, community, tribal, or alternative schools, and persons knowledgeable in the field of American Indian language and culture education. Members shall be appointed so as to be representative of significant segments of the population of American Indians.

Subd. 2. DUTIES. The advisory task force on American Indian language and culture education programs shall be charged with the following duties:

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(a) To make recommendations to the state board concerning approval, modification, or disapproval of proposals for pilot programs and the amounts of grants to approved programs; and

(b) To advise the state board in the administration of its duties under sections 1 to 11 of this act.

Subd. 3. The advisory task force shall expire and the terms, compensation, and removal of members shall be as provided for in Minnesota Statutes, Section 15.059, Subdivision 6.

Sec. 10. [126.54] PILOT PROGRAMS. Subdivision 1. GRANTS; PROCEDURES. For fiscal years 1978 and 1979, as part of the needs assessment effort, the state board of education shall make grants to no fewer than six school year pilot American Indian language and culture education programs. At least three pilot 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 pilot 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 state board 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 1 to 11 of this act. Every program proposal shall be submitted to the state board not less than six months before the planned commencement of the program. 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.

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

(a) Identify the measures to be used to meet the requirements of sections 1 to 11 of this act;

(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 1 to 11 are to be achieved;

(d) Demonstrate that required and elective courses as structured do not have a discriminatory effect within the meaning of section 4, subdivision 5;

(e) Describe how each school program will be organized, staffed, coordinated, and monitored; and

(f) Project expenditures for programs under sections 1 to 11 of this act.

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Subd. 3. ADDITIONAL REQUIREMENTS. Each school district receiving a grant under this section shall 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 language and culture education program; and classify the American Indian children by grade, level of educational attainment, age and achievement. This count may be part of the school census required pursuant to section 120.095. Participating schools shall 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 shall be selected and administered so as not to be racially or culturally discriminatory and shall be valid for the purpose of identifying, testing, assessing, and classifying American Indian children.

Subd. 5. RECORDS. Participating schools and school districts shall keep records and afford access to them as the commissioner finds necessary to ensure that American Indian language and culture education programs are implemented in conformity with sections 1 to 11 of this act. Each school district or participating school shall keep an accurate, detailed, and separate account of all money received and paid out by it for pilot American Indian language and culture education programs funded under this section.

Subd. 6. FUNDS FROM OTHER SOURCES. A school district or participating school providing American Indian language and culture education programs shall be eligible to receive funds for these programs from other government agencies and from private sources when the funds are available.

Subd. 7. Nothing in sections 1 to 11 shall be construed as prohibiting a district or school from implementing an American Indian language and culture education program which is not in compliance with sections 1 to 11 of this act if the proposal and plan for that program is not funded pursuant to this section.

Sec. 11. [126.55] OTHER STATUTES. Nothing in the provisions of sections 1 to 11 of this act shall be construed to violate the provisions of Minnesota Statutes, Section 127.08 or Chapter 363. Programs and activities pursuant to sections 1 to 11 of this act shall be deemed to be positive action programs to combat discrimination.

Sec. 12. Minnesota Statutes 1976, Section 120.095, is amended by adding a subdivision to read:

Subd. 7. The school census shall include an enumeration of American Indian children resident within the district. In making this census the school board shall seek the assistance and cooperation of agencies, organizations or community groups, public or private, which might have information about American Indian children residing in the school district.

Sec. 13. APPROPRIATION. There is appropriated to the state board of education

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from the general fund the sum of \$600,000 for the biennium ending June 30, 1979, to be expended for grants to pilot American Indian language and culture education programs pursuant to sections 1 to 11 of this act.

Approved May 27, 1977.

CHAPTER 313—S.F.No.472

An act relating to retirement; additional employer contributions to amortize the deficit in the teachers' retirement fund; amending Minnesota Statutes 1976, Section 354.42, Subdivision 5.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1976, Section 354.42, Subdivision 5, is amended to read:

Subd. 5. **TEACHERS RETIREMENT; ADDITIONAL EMPLOYER CONTRIBUTION.** ~~Prior to July 1, 1975 an additional employer contribution shall be made in the amount of two percent of the salary of each member for the purpose of amortizing the deficit in the fund. Effective July 1, 1975~~ An additional employer contribution shall be made in the amount of ~~two and one half~~ three percent of the salary of each member for the purpose of amortizing the deficit in the fund. This contribution shall be made in the manner provided in section 354.43.

Sec. 2. This act is effective July 1, 1977.

Approved May 27, 1977.

CHAPTER 314—S.F.No.514

[Coded in Part]

An act relating to victims of crime; directing the commissioner of corrections to establish crime victim crisis centers; appropriating money.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **[241.55] CRIME VICTIM CRISIS CENTER.** Subdivision 1. For the purposes of this act, "center" means a crime victim crisis center providing services to victims of crime.

Subd. 2. The commissioner of corrections, not later than January 1, 1978, shall establish at least two operational centers. The commissioner of corrections may contract

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