



2021 South Dakota Legislature

House Bill 1044

Introduced by: **Representatives** Bordeaux, Haugaard, Phil Jensen, Pourier, Randolph, and St. John and **Senators** Heinert, Foster, and V. J. Smith at the request of the Committee on State-Tribal Relations

1 **An Act to transfer the Office of Indian Education to the Department of Education.**

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 **Section 1.** That § 1-54-11 be AMENDED.

4 **1-54-11. Office of Indian Education established.**

5 The Office of Indian Education is hereby established within the Department of ~~Tribal~~
6 ~~Relations~~ Education. The Office of Indian Education shall support initiatives in order that
7 South Dakota's students and public school instructional staff become aware of and gain
8 an appreciation of South Dakota's unique American Indian culture. The secretary of ~~the~~
9 ~~Department of Tribal Relations~~ education shall appoint an Indian Education Advisory
10 Council. The council shall consist of representatives of all nine tribes in South Dakota along
11 with Native American educators from all parts of the state. The nine representatives of
12 the tribes shall be appointed from nominations submitted by the tribal councils of each of
13 the tribes. The council members shall serve for three-year terms.

14 **Section 2.** That § 1-54-12 be AMENDED.

15 **1-54-12. Indian Education Advisory Council to consult with Department of**
16 **Education regarding Oceti Sakowin Essential Understandings.**

17 The Department of Education shall consult with the Indian Education Advisory
18 Council ~~within the Department of Tribal Relations~~ to develop and review the Oceti Sakowin
19 Essential Understandings. The consultation process shall align with the standards revision
20 cycle established by the Board of Education Standards pursuant to § 13-3-48.

21 **Section 3.** That § 1-54-13 be AMENDED.

1 **1-54-13. Native American achievement schools grant program established.**

2 There is hereby established the Native American achievement schools grant
3 program to be administered by the Office of Indian Education ~~within the Department of~~
4 ~~Tribal Relations~~. The purpose of the grant program is to fund the establishment of up to
5 three Native American achievement school projects aimed at improving academic
6 outcomes for Native American students.

7 **Section 4.** That § 1-54-14 be AMENDED.

8 **1-54-14. Eligibility requirements for Native American achievement schools**
9 **grant applicants.**

10 An applicant seeking a grant from the Native American achievement schools grant
11 program shall:

- 12 (1) Be an accredited public school within the State of South Dakota;
13 (2) Serve a student population for which the school-level results for the 2014-15
14 academic year on the state academic assessment are below the statewide average
15 proficiency in English language arts and mathematics;
16 (3) Serve a student population of which at least fifty percent is comprised of Native
17 American students;
18 (4) Demonstrate access to a physical facility that is adequate for implementation of the
19 project; and
20 (5) Demonstrate the ability to complete the project in accordance with all requirements
21 of ~~§§ 1-54-13 to 1-54-20, inclusive,~~ sections 3 to 10, inclusive, of this Act, state
22 and federal laws and regulations, and policies of the ~~department~~ Department of
23 Education.

24 **Section 5.** That § 1-54-15 be AMENDED.

25 **1-54-15. Criteria for priority projects.**

26 In selecting grant recipients, the ~~department~~ Department of Education shall give
27 priority to projects that meet the requirements of this chapter and show commitment to
28 increasing student success through building cultural identities, encouraging academic
29 perseverance, supporting the development of the whole child, and encouraging student
30 leadership skills by demonstrating one or more of the following characteristics:

- 31 (1) Offering programming designed to lead to postsecondary readiness and work
32 readiness;

- 1 (2) Supporting the recruitment and retention of highly effective teachers and
 2 administrators;
- 3 (3) Demonstrating commitment to the implementation of the Oceti Sakowin Essential
 4 Understandings and Standards across the curriculum;
- 5 (4) Demonstrating a commitment to the implementation of courses offering instruction
 6 in Dakota, Lakota, or Nakota languages;
- 7 (5) Maintaining a school environment that cultivates diversity of the student population
 8 and promotes a sense of belonging;
- 9 (6) Forming partnerships with community organizations or governmental entities; and
 10 (7) Planning for sustainability.

11 **Section 6.** That § 1-54-16 be AMENDED.

12 **1-54-16. Application process.**

13 The ~~department~~ Department of Education shall inform potential applicants of the
 14 application and award period and of the amount of funding available for the grants. The
 15 department shall also provide the application form and scoring rubric that informs
 16 potential applicants of the weight to be assigned to each characteristic referenced in ~~§ 1-~~
 17 ~~54-15~~ section 5 of this Act within the selection process. Applicants shall complete the
 18 application form and provide any additional information requested by the department. The
 19 application is not complete until all necessary information is submitted.

20 **Section 7.** That § 1-54-17 be AMENDED.

21 **1-54-17. Determination of grant recipients and award amounts.**

22 The ~~department~~ Department of Education, with the assistance of a group of
 23 reviewers designated by the secretary of ~~tribal relations~~ education, shall determine grant
 24 recipients and award amounts utilizing a competitive process. The group of reviewers shall
 25 include three members of the Indian Education Advisory Council established pursuant to
 26 ~~§ 1-54-11~~ section 1 of this Act.

27 **Section 8.** That § 1-54-18 be AMENDED.

28 **1-54-18. Conditions applicable to grant recipients.**

29 In addition to complying with the requirements in ~~§ 1-54-16~~ section 6 of this Act
 30 and the additional requirements of chapter 13-14, all grant recipients will be subject to
 31 the following conditions:

- 1 (1) The amount of a grant may not exceed the actual cost of the project as proposed
 2 in the application;
- 3 (2) The grant shall be paid on a reimbursement basis, following procedures and
 4 requirements outlined by the ~~department~~ Department of Education;
- 5 (3) Any funds provided through the grant must be necessary and reasonable to
 6 complete the project;
- 7 (4) Necessary documentation, as determined by the department, shall be submitted to
 8 support all expenditures;
- 9 (5) Expenditures must be approved before the end of the grant period;
- 10 (6) A grant project must expend all funds provided through the grant within thirty-six
 11 months following grant approval; and
- 12 (7) No grant funds may be used for costs associated with writing the grant proposal,
 13 contractual obligations that became effective prior to the award period of the grant,
 14 purchases that become the property of any individual or organization other than
 15 the grant recipient, or purchases or services beyond the project outcomes or
 16 activities.

17 **Section 9.** That § 1-54-19 be AMENDED.

18 **1-54-19. Grant recipient reports--Access to facilities and records.**

19 Each grant recipient shall submit grant status reports to the ~~department~~
 20 Department of Education on a quarterly basis, and a final grant report including data
 21 related to the implementation of the project. The department shall determine the details
 22 required in the reports and the deadlines for report submissions. Each grant recipient shall
 23 provide the department with reasonable access to facilities and records that may be
 24 necessary for the department to determine compliance with the terms of the grant and all
 25 the requirements of ~~§§ 1-54-13 to 1-54-20, inclusive~~ sections 3 to 10, inclusive, of this
 26 Act.

27 **Section 10.** That § 1-54-20 be AMENDED.

28 **1-54-20. Default--Repayment--Civil action.**

29 The submission of false or misleading statements or information as part of a grant
 30 application or the failure to comply with any requirement shall be considered a default
 31 upon the terms of a grant. In the event of a default, the ~~department~~ Department of
 32 Education may require the grant recipient to repay any funds dispersed under the grant
 33 to the department within thirty days of a written demand from the department. The

1 department may begin a civil action to recover any grant funds that a grant recipient is
2 required to repay under this section.

3 **Section 11.** That §§ 1-54-11 and 1-54-12 be transferred to chapter 1-45.

4 **Section 12.** That §§ 1-54-13 to 1-54-20, inclusive, be transferred to chapter 13-14.