



2022 South Dakota Legislature

Senate Bill 112

Introduced by: **Senator** Heinert

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

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

15 **1-54-12.** The Department of Education shall consult with the Indian Education
 16 Advisory Council ~~within the Department of Tribal Relations~~ to develop and review the Oceti
 17 Sakowin Essential Understandings. The consultation process ~~shall~~ must align with the
 18 standards revision cycle established by the Board of Education Standards pursuant to
 19 § 13-3-48.

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

21 **1-54-13.** There is hereby established the Native American achievement schools
 22 grant program to be administered by the Office of Indian Education ~~within the Department~~
 23 ~~of Tribal Relations~~. The purpose of the grant program is to fund the establishment of up

1 to three Native American achievement school projects aimed at improving academic
2 outcomes for Native American students.

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

4 **1-54-14.** An applicant seeking a grant from the Native American achievement
5 schools grant program shall:

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

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

19 **1-54-15.** In selecting grant recipients, the ~~department~~ Department of Education
20 shall give priority to projects that meet the requirements of this chapter and show
21 commitment to increasing student success through building cultural identities,
22 encouraging academic perseverance, supporting the development of the whole child, and
23 encouraging student leadership skills by demonstrating one or more of the following
24 characteristics:

- 25 (1) Offering programming designed to lead to postsecondary readiness and work
26 readiness;
- 27 (2) Supporting the recruitment and retention of highly effective teachers and
28 administrators;
- 29 (3) Demonstrating commitment to the implementation of the Oceti Sakowin Essential
30 Understandings and Standards across the curriculum;
- 31 (4) Demonstrating a commitment to the implementation of courses offering instruction
32 in Dakota, Lakota, or Nakota languages;

- 1 (5) Maintaining a school environment that cultivates diversity of the student population
- 2 and promotes a sense of belonging;
- 3 (6) Forming partnerships with community organizations or governmental entities; and
- 4 (7) Planning for sustainability.

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

6 **1-54-16.** The ~~department~~ Department of Education shall inform potential
7 applicants of the application and award period and of the amount of funding available for
8 the grants. The department shall also provide the application form and scoring rubric that
9 informs potential applicants of the weight to be assigned to each characteristic referenced
10 in ~~§ 1-54-15~~ section 5 of this Act within the selection process. Applicants ~~shall~~ must
11 complete the application form and provide any additional information requested by the
12 department. The application is not complete until all necessary information is submitted.

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

14 **1-54-17.** The ~~department~~ Department of Education, with the assistance of a group
15 of reviewers designated by the secretary of ~~tribal relations~~ education, shall determine
16 grant recipients and award amounts utilizing a competitive process. The group of
17 reviewers shall include three members of the Indian Education Advisory Council
18 established pursuant to ~~§ 1-54-11~~ section 1 of this Act.

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

20 **1-54-18.** In addition to complying with the requirements in ~~§ 1-54-16~~ section 6 of
21 this Act, and the additional requirements of chapter 13-14, all grant recipients will be
22 subject to the following conditions:

- 23 (1) The amount of a grant may not exceed the actual cost of the project as proposed
- 24 in the application;
- 25 (2) The grant ~~shall~~ must be paid on a reimbursement basis, following procedures and
- 26 requirements outlined by the ~~department~~ Department of Education;
- 27 (3) Any funds provided through the grant must be necessary and reasonable to
- 28 complete the project;
- 29 (4) Necessary documentation, as determined by the department, ~~shall~~ must be
- 30 submitted to support all expenditures;
- 31 (5) Expenditures must be approved before the end of the grant period;

- 1 (6) A grant project must expend all funds provided through the grant within thirty-six
2 months following grant approval; and
- 3 (7) No grant funds may be used for costs associated with writing the grant proposal,
4 contractual obligations that became effective prior to the award period of the grant,
5 purchases that become the property of any individual or organization other than
6 the grant recipient, or purchases or services beyond the project outcomes or
7 activities.

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

9 **1-54-19.** Each grant recipient shall submit grant status reports to the ~~department~~
10 Department of Education on a quarterly basis, and a final grant report including data
11 related to the implementation of the project. The department shall determine the details
12 required in the reports and the deadlines for report submissions. Each grant recipient shall
13 provide the department with reasonable access to facilities and records that may be
14 necessary for the department to determine compliance with the terms of the grant and all
15 the requirements of ~~§§ 1-54-13 to 1-54-20, sections 3 to 10, inclusive, of this Act.~~

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

17 **1-54-20.** The submission of false or misleading statements or information as part
18 of a grant application or the failure to comply with any requirement ~~shall be~~ is considered
19 a default upon the terms of a grant. In the event of a default, the ~~department~~ Department
20 of Education may require the grant recipient to repay any funds dispersed under the grant
21 to the department within thirty days of a written demand from the department. The
22 department may begin a civil action to recover any grant funds that a grant recipient is
23 required to repay under this section.

24 **Section 11.** The Code Commission, in future supplements and revisions of South Dakota
25 Codified Laws, shall transfer §§ 1-54-11 and 1-54-12 to chapter 1-45 and §§ 1-54-13 to 1-
26 54-20, inclusive, to chapter 13-14. The Code Commission is authorized and directed, pursuant
27 to § 2-16-9, to correct and integrate all provisions and associated cross references that have
28 been transferred pursuant to this section.