

2026 South Dakota Legislature

House Bill 1225**AMENDMENT 1225A
FOR THE INTRODUCED BILL**

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

1 **An Act to ~~enhance the future of education in South Dakota~~ transfer the Office of**
2 **Indian Education to the Department of Education.**

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

4 **Section 1. That a NEW SECTION be added to chapter 1-45:**

5 The Indian Education Advisory Council, established pursuant to § 1-54-11, shall
6 advise the secretary of the Department of Education regarding:

7 (1) The grant programs administered by the Office of Indian Education;

8 (2) The development and implementation of cultural education initiatives within public
9 schools;

10 (3) The coordination, consultation, and communication with tribal governments and
11 tribal education departments within the state;

12 (4) Strategies to improve student engagement, participation, and educational
13 outcomes for Native American students;

14 (5) Program evaluation and continuous improvement efforts of the Office of Indian
15 Education; and

16 (6) Compliance with statutory reporting requirements.

17 The council may review annual reports prior to submission and provide written
18 recommendations to the secretary of the department and the Legislature.

19 The members of the council serve without compensation but may receive
20 reimbursement for expenses as provided by law.

21 **Section 2. That a NEW SECTION be added to chapter 1-45:**

1 The Department of Education shall submit a report to the Governor, the Executive
2 Board of the Legislative Research Council, and the State-Tribal Relations Committee, on
3 or before October first of each year. The report must include:

- 4 (1) A summary of the activities, initiatives, and programs conducted by the Office of
5 Indian Education during the preceding fiscal year;
- 6 (2) A detailed accounting of grant awards, the name of each recipient, the amount of
7 each grant awarded, the purpose for which each grant was awarded, and the
8 performance outcomes of each grant awarded;
- 9 (3) An itemized statement of all expenditures, fund balances, and any federal, state,
10 or other funding sources supporting the office;
- 11 (4) Program participation data, disaggregated where practicable, with measurable
12 student achievement indicators or other outcome measures available to the
13 department;
- 14 (5) A summary of consultation, coordination, and engagement efforts with tribal
15 governments and tribal education entities; and
- 16 (6) Recommendations for statutory, regulatory, or administrative changes necessary
17 to improve program effectiveness or accountability.

18 The report must cover the fiscal year immediately preceding the submission of the
19 report. The department shall make the report publicly available on the department's
20 website.

21 **Section 3. That a NEW SECTION be added to chapter 1-45:**

22 Beginning in 2029, and at least every three years thereafter, the Department of
23 Education shall conduct a comprehensive performance review of the Office of Indian
24 Education. The review must evaluate the office's:

- 25 (1) Program effectiveness, as determined by using measurable outcomes and progress
26 toward stated objectives;
- 27 (2) Fiscal accountability and compliance with state financial management standards,
28 internal controls, and grant oversight procedures;
- 29 (3) Administrative efficiency, including staffing structure, resource allocation, and
30 coordination of the office within the department;
- 31 (4) Consultation, communication, and coordination efforts with tribal governments,
32 tribal education departments, and other relevant stakeholders; and
- 33 (5) Alignment of the office's activities with statutory duties and legislative intent.

1 The performance review shall include recommendations for structural,
 2 administrative, or statutory changes to improve efficiency, transparency, or effectiveness.
 3 The results of the review must be documented in writing and included with the report
 4 prepared pursuant to section 2 of this Act.

5 **Section 4. That a NEW SECTION be added to chapter 1-45:**

6 The secretary of the Department of Education shall promulgate rules, pursuant to
 7 chapter 1-26, to establish:
 8 (1) Reporting standards and documentation requirements for grant recipients and
 9 program participants;
 10 (2) The process by which:
 11 (a) A person may apply for a grant from the Office of Indian Education;
 12 (b) Grants are administered by the office; and
 13 (c) Grants are disbursed by the office;
 14 (3) Internal controls, required documentation for expenditures made by the office,
 15 audit compliance, and the process by which moneys are repaid to the office in the
 16 event of noncompliance;
 17 (4) Performance measures and evaluation criteria to assess program effectiveness;
 18 and
 19 (5) Standards for coordination and consultation with tribal governments and tribal
 20 education departments.

21 **Section 5. That § 1-54-11 be AMENDED:**

22 1-54-11. The Office of Indian Education is hereby established within the
 23 Department of Tribal Relations Education. The Office of Indian Education shall support
 24 initiatives in order that South Dakota's students and public school instructional staff
 25 become aware of and gain an appreciation of South Dakota's unique American Indian
 26 culture.

27 The secretary of the Department of ~~Tribal Relations~~ Education shall appoint an
 28 Indian Education Advisory Council. The council ~~shall consist of representatives of all~~
 29 consists of one representative from each of the nine tribes in South Dakota along with and
 30 Native American educators from all parts of the state. The nine representatives of the
 31 tribes ~~shall be~~ are appointed from nominations submitted by the tribal councils of each of
 32 the tribes. The council members ~~shall~~ serve for three-year terms. ~~The council shall make~~

1 ~~an annual report to the Governor and the State Tribal Relations Committee by January~~
2 ~~first each year.~~

3 **Section 6. That § 1-54-17 be AMENDED:**

4 ~~1-54-17. The department~~ Department of Education, with the assistance of a group
5 of reviewers designated by the secretary of ~~tribal relations~~ the Department of Education,
6 shall determine grant recipients and award amounts utilizing a competitive process. The
7 group of reviewers shall include three members of the Indian Education Advisory Council
8 established pursuant to § 1-54-11.

9 **Section 7. That § 1-54-12 be REPEALED.**

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

14 **Section 8.** The Office of Indian Education is hereby transferred to and continued within the
15 Department of Education. All employees, authorized full-time equivalent positions,
16 equipment, supplies, records, data, property, unexpended appropriations, contractual
17 obligations, and other assets associated with the office as of June 30, 2026, are transferred
18 to the department.

19 All existing contracts, grants, memoranda of understanding, and all other agreements entered
20 into by or on behalf of the Office of Indian Education remain in effect and are binding upon
21 the Department of Education.

22 Any employee transferred pursuant to this Act retains the employee's classification,
23 compensation, leave balances, and accrued benefits in accordance with state law and
24 applicable personnel policies. The secretary of the Department of Education shall assume
25 administrative supervision of the Office of Indian Education and its personnel and ensure
26 continuity of operations during the transition.

27 **Section 9.** Pursuant to § 2-16-9, the Code Commission and the code counsel of the
28 Legislative Research Council are to transfer the following sections to chapter 1-45, update the
29 cross-references, and amend the following sections by striking the "Department of Tribal
30 Relations" and inserting "Department of Education": § 1-54-11 to § 1-45-40; § 1-54-13 to

- 1 § 1-45-45; § 1-54-14 to § 1-45-46; § 1-54-15 to § 1-45-47; § 1-54-16 to § 1-45-48; § 1-
- 2 54-17 to § 1-45-49; § 1-54-18 to § 1-45-50; § 1-54-19 to § 1-45-51; and § 1-54-20 to § 1-
- 3 45-52.

AMENDED