

State of South Dakota

NINETY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2016

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HOUSE EDUCATION ENGROSSED NO. **SB 82** - 03/02/2016

Introduced by: Senators Heinert, Bradford, Brown, Frerichs, Hunhoff (Bernie), Peters, Sutton, and Tieszen and Representatives Bordeaux, Haggar (Don), Hawks, Killer, Schoenfish, Verchio, and Wollmann

1 FOR AN ACT ENTITLED, An Act to establish the Native American achievement schools grant
2 program.

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

4 Section 1. That chapter 13-14 be amended by adding a NEW SECTION to read:

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

10 Section 2. That chapter 13-14 be amended by adding a NEW SECTION to read:

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

13 (1) Be an accredited public school within the State of South Dakota;

14 (2) Serve a student population for which the school-level results for the 2014-15



1 academic year on the state academic assessment are below the statewide average
2 proficiency in English language arts and mathematics;

3 (3) Serve a student population of which at least fifty percent is comprised of Native
4 American students;

5 (4) Demonstrate access to a physical facility that is adequate for implementation of the
6 project; and

7 (5) Demonstrate the ability to complete the project in accordance with all requirements
8 of this Act, state and federal laws and regulations, and policies of the department.

9 Section 3. That chapter 13-14 be amended by adding a NEW SECTION to read:

10 In selecting grant recipients, the department shall give priority to projects that meet the
11 requirements of this chapter and show commitment to increasing student success through
12 building cultural identities, encouraging academic perseverance, supporting the development
13 of the whole child, and encouraging student leadership skills by demonstrating one or more of
14 the following characteristics:

15 (1) Offering programming designed to lead to postsecondary readiness and work
16 readiness;

17 (2) Supporting the recruitment and retention of highly effective teachers and
18 administrators;

19 (3) Demonstrating commitment to the implementation of the Oceti Sakowin Essential
20 Understandings and Standards across the curriculum;

21 (4) Demonstrating a commitment to the implementation of courses offering instruction
22 in Dakota, Lakota, or Nakota languages;

23 (5) Maintaining a school environment that cultivates diversity of the student population
24 and promotes a sense of belonging;

- 1 (6) Forming partnerships with community organizations or governmental entities; and
- 2 (7) Planning for sustainability.

3 Section 4. That chapter 13-14 be amended by adding a NEW SECTION to read:

4 The department shall inform potential applicants of the application and award period and
5 of the amount of funding available for the grants. The department shall also provide the
6 application form and scoring rubric that informs potential applicants of the weight to be
7 assigned to each characteristic referenced in section 3 of this Act within the selection process.
8 Applicants shall complete the application form and provide any additional information
9 requested by the department. The application is not complete until all necessary information is
10 submitted.

11 Section 5. That chapter 13-14 be amended by adding a NEW SECTION to read:

12 The department, with the assistance of a group of reviewers designated by the secretary of
13 education, shall determine grant recipients and award amounts utilizing a competitive process.
14 The group of reviewers shall include three members of the Indian Education Advisory Council
15 established pursuant to § 13-1-47.

16 Section 6. That chapter 13-14 be amended by adding a NEW SECTION to read:

17 In addition to complying with the requirements in section 4 of this Act and the additional
18 requirements of this chapter, all grant recipients will be subject to the following conditions:

- 19 (1) The amount of a grant may not exceed the actual cost of the project as proposed in
20 the application;
- 21 (2) The grant shall be paid on a reimbursement basis, following procedures and
22 requirements outlined by the department;
- 23 (3) Any funds provided through the grant must be necessary and reasonable to complete
24 the project;

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

10 Section 7. That chapter 13-14 be amended by adding a NEW SECTION to read:

11 Each grant recipient shall submit grant status reports to the department on a quarterly basis,

12 and a final grant report including data related to the implementation of the project. The

13 department shall determine the details required in the reports and the deadlines for report

14 submissions. Each grant recipient shall provide the department with reasonable access to

15 facilities and records that may be necessary for the department to determine compliance with

16 the terms of the grant and all the requirements of this Act.

17 Section 8. That chapter 13-14 be amended by adding a NEW SECTION to read:

18 The submission of false or misleading statements or information as part of a grant

19 application or the failure to comply with any requirement shall be considered a default upon the

20 terms of a grant. In the event of a default, the department may require the grant recipient to

21 repay any funds dispersed under the grant to the department within thirty days of a written

22 demand from the department. The department may begin a civil action to recover any grant

23 funds that a grant recipient is required to repay under this section.