

# State of South Dakota

NINETY-FIRST SESSION  
LEGISLATIVE ASSEMBLY, 2016

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## SENATE BILL NO. 82

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 schools aimed at improving academic outcomes for Native American students.

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

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



- 1 proficiency in English language arts and mathematics;
- 2 (3) Serve a student population of which at least fifty percent is comprised of Native
- 3 American students;
- 4 (4) Demonstrate access to a physical facility that is adequate for implementation of the
- 5 project; and
- 6 (5) Demonstrate the ability to complete the project in accordance with all requirements
- 7 of this Act, state and federal laws and regulations, and policies of the department.

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

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

- 14 (1) Offering programming designed to lead to postsecondary readiness and work
- 15 readiness;
- 16 (2) Supporting the recruitment and retention of highly effective teachers and
- 17 administrators;
- 18 (3) Demonstrating commitment to the implementation of the Oceti Sakowin Essential
- 19 Understandings and Standards across the curriculum;
- 20 (4) Demonstrating a commitment to the implementation of courses offering instruction
- 21 in Dakota, Lakota, or Nakota languages;
- 22 (5) Maintaining a school environment that cultivates diversity of the student population
- 23 and promotes a sense of belonging;
- 24 (6) Forming partnerships with community organizations or governmental entities; and

1 (7) Planning for sustainability.

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

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

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

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

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

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

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

1 support all expenditures;

2 (5) Expenditures must be approved before the end of the grant period;

3 (6) A grant project must expend all funds provided through the grant within thirty-six  
4 months following grant approval; and

5 (7) No grant funds may be used for costs associated with writing the grant proposal,  
6 contractual obligations that became effective prior to the award period of the grant,  
7 purchases that become the property of any individual or organization other than the  
8 grant recipient, or purchases or services beyond the project outcomes or activities.

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

10 Each grant recipient shall submit grant status reports to the department on a quarterly basis,  
11 and a final grant report including data related to the implementation of the project. The  
12 department shall determine the details required in the reports and the deadlines for report  
13 submissions. Each grant recipient shall provide the department with reasonable access to  
14 facilities and records that may be necessary for the department to determine compliance with  
15 the terms of the grant and all the requirements of this Act.

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

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