



American Indian Education Aid Guidance Changes

Dear district, school and tribal leaders,

In response to several concerns that were brought to my attention from the field, I convened three listening sessions to learn more about the impacts of the American Indian Education Aid Guidance document that was issued by the Minnesota Department of Education's Office of Indian Education earlier this year. I also conducted a consultation with the Tribal Nations Education Committee where we discussed their thoughts on the guidance and the concerns raised by districts and schools.

In those listening sessions, I was made aware of several requirements in the guidance that I believe are inconsistent with statute and beyond my authority to require as commissioner. There were also several suggestions that would improve the plan submission progress for districts and schools. As a result, I have worked with my staff to revise the guidance to improve the plan approval process and better align with statutory requirements. Attached is updated guidance for you to review and consider as you work with MDE Office of Indian Education on your Indian Education Program Plans (IEPP).

This updated guidance contains the following changes from previous versions:

- The Office of Indian Education will approve plans no later than January 30, 2019; and
- Plans approved for the 2018-2019 school year will continue for the 2019-2020 school year (as long as the district or school remains eligible) and will not need to be reapproved by the Office of Indian Education. A district or school may submit a plan amendment for the 2019-2020 school year to amend plan goals, objectives, or projected expenditures. Districts or schools that are newly eligible in school year 2019-2020 will need to submit a plan.

The Frequently Asked Questions section of the guidance has been updated to clarify the following:

- To the extent it is economically feasible, a district or school may allow the voluntary enrollment of non-American Indian children in the instructional components of an American Indian education program in order for them to acquire an understanding of the cultural heritage of the American Indian children for whom the program is designed. However, American Indian children must be given priority in eligibility and enrollment;
- The American Indian Program and Aid statutes do not require proportional non-American Indian Education Aid expenditures if non-American Indian students participate in the program. However, districts and schools are encouraged to blend and braid funding sources to target the benefits of American Indian Aid to American Indian students; and
- The American Indian Program and Aid statutes do not place caps on the amount of American Indian Education Aid that can be expended on staffing.

January 2, 2019

- The list of allowable and unallowable expenditures has been removed. Districts and schools should rely on plan requirements in statute to guide their budget.

There were several proposals and suggested changes brought forward at the listening sessions which I have not acted on. Some of these proposals will require legislative changes or rulemaking. Some changes will have long term impacts and the next commissioner should have input on those changes. In the interest of transparency here are issues that were raised but have yet to be addressed:

- Clarifying allowable and unallowable expenditures
- Clarifying eligible pupils and participation of non-Native pupils
- Changing the timeline for plan submission and whether multi-year plans will be allowable going forward
- Clarifying whether the American Indian Parent Council is required to sign-off on the plan
- Clarifying the role of TNEC in local tribal consultation
- Clarifying whether the commissioner has responsibility for final approval of plans
- Clarifying the need for proportional funding if non-native pupils participate
- Providing more guidance about what is considered supplanting
- Creating the ability to carry funds from one fiscal year to another or across biennia

Sincerely,

Dr. Brenda Cassellius
Commissioner

January 2, 2019