



Jeff Mursau

STATE REPRESENTATIVE • 36TH ASSEMBLY DISTRICT

REMARKS OF REPRESENTATIVE JEFF MURSAU, CHAIR, JOINT LEGISLATIVE COUNCIL SPECIAL COMMITTEE ON STATE-TRIBAL RELATIONS, TO THE ASSEMBLY COMMITTEE ON EDUCATION

October 26, 2023

Good morning, members of the Assembly Committee on Education. During this past interim session, I again served as the chairperson of the Special Committee on State-Tribal Relations. I am here today to present four bills from the committee's work for your consideration.

The committee is required to be created every biennium to study issues relating to American Indian tribes and to develop legislative proposals. Membership of the study committee consisted of two Senators, five Representatives, and 10 public members representing the interests of the state's tribes. The study committee met four times from August to December 2022.

The committee discussed numerous policy options spanning an array of substantive areas of law. In concluding its work, the committee recommended a number of bill drafts for introduction by the Joint Legislative Council, four of which are before this committee today.

Assembly Bill 209 does the following three things:

- Requires that the state superintendent incorporate American Indian studies into the model academic standards.
- Requires that the Department of Public Instruction develop and provide informational materials related to a school board's legal obligation to provide instruction on American Indians.
- Modifies the American Indian studies requirement for teacher licensure.

Assembly Bill 210 provides that school boards and charter schools may not prohibit a pupil with certain tribal affiliation from wearing traditional tribal regalia at a graduation ceremony or school-sponsored event.

Assembly Bill 212 requires each school district to report the numbers, ages, and tribal affiliation of American Indian children attending the schools of the school district.

Assembly Bill 214 provides an option for a tribe to decide whether each individual applicant for a lifetime license to teach the American Indian language associated with the tribe in an American Indian language program is qualified to receive the lifetime license.

The special committee recommended introduction of all four bills by unanimous votes.

I am happy to answer any questions. Steve McCarthy and Ben Kranner from Legislative Council are here with me today to help answer any questions. Thank you for considering these bills.



October 26, 2023

Assembly Committee on Education

**Department of Public Instruction Testimony
2023 Assembly Bill 210**

I want to thank Chairman Kitchens and members of the committee for the opportunity to provide testimony on Assembly Bill 210 (AB 210). My name is Kevyn Radcliffe, Legislative Liaison for the Department of Public Instruction (DPI) and with me today is David O'Connor American Indian Studies Consultant. We would also like to acknowledge and thank the 2022 Special Committee on State-Tribal Relations for their collaboration with DPI on the development of these bills.

Each year, around times of special significance such as graduation or when an American Indian student is being recognized or honored, Indigenous students across the state are too often prohibited from wearing items of religious and cultural significance, such as eagle feathers. For many Indigenous students and their families, wearing cultural and religious items honors their nation, community, and heritage.

DPI believes that current law provides protections for Indigenous students. However, that protection requires the interpretation of two statutes that, when taken together, articulate those protection. [Wis. Stat. § 115.28 \(31\)](#) requires rules to provide for the reasonable accommodation of a pupil's sincerely held religious beliefs regarding all examinations and other academic requirements. School boards are required to develop policies providing for such accommodations [[Wis. Admin. Code § PI 41.04 \(1\)](#)]. Further, [Wis. Stat. § 118.13](#) provides that no student may be denied participation in, be denied the benefits of, or be discriminated against in any curricular, extracurricular, pupil services, recreational or other program or activity because of race, religion, national origin, ancestry, or creed.

DPI's current and past two superintendents have reached out to districts to remind them of these protections. Despite our efforts and the specific protections under Wisconsin law, the problem persists. Our department receives complaints from families and students telling us that their district is prohibiting them from wearing items of religious and cultural significance. AB 210 will provide clarification and guidance to school districts as to their responsibility to provide a welcoming, safe, and engaging place for all students, families, communities, and Indigenous nations each day across Wisconsin.

I'd like to turn it over to David to talk about harm caused by districts when they deny students their right to wear tribal regalia at school-sponsored events.

Eagle feathers are symbols in many Tribal Nations of the specific passage into adulthood. An American Indian student might be gifted an eagle feather at graduation that has been passed down for generations; to wear this eagle feather is an act of pride in an American Indian's culture and heritage.

Numerous states have enacted laws that protect American Indian students' right to wear items of religious and cultural significance. For example, in Utah, a state statute specifically provides that American Indian students may wear "tribal regalia" at a graduation ceremony. Tribal regalia is defined as a tribe's "traditional dress" or "recognized objects of religious or cultural significance." Tribal regalia also specifically includes tribal symbols, beads, and feathers. Similar statutes exist in North Dakota and Arizona, both of which specify that this includes eagle feathers and eagle plumes.

Of note, this protection has been extended to all public events in Montana. "To help further the state's recognition of the distinct and unique cultural heritage of the American Indians and the state's commitment to preserving the American Indians' cultural integrity... [a] state agency or local government may not prohibit an individual from wearing traditional tribal regalia or objects of cultural significance at a public event." Montana's statute specifically includes award and graduation ceremonies in the definition of public event. [[Mont. Code. Ann. § 2-1-\(c\)315](#)].

Enacting AB 210 would statutorily ensure the reasonable accommodation of a pupil's sincerely held religious beliefs regarding all examinations and other academic requirements. Wisconsin would join a number of other states with laws already in place to protect American Indian students' right to wear items of religious and cultural significance. If you have questions or would like additional information, please contact Kevyn Radcliffe, Legislative Liaison, at kevyn.radcliffe@dpi.wi.gov or (608) 264-6716.



Oneida Nation
Oneida Business Committee
PO Box 365 • Oneida, WI 54155-0365
oneida-nsn.gov



To: Representative Joel Kitchens, Chair
Members of the Assembly Committee on Education

From: Lisa Liggins

Date: Thursday, October 26, 2023

Re: Support for Education Related Bills Recommended by the Special Committee on State-Tribal Relations: AB-209, AB-210, AB-212, and AB-214.

Good morning, Chairman Kitchens and members of the Assembly Committee on Education.

My name is Lisa Liggins, I am serving my second term on the Oneida Business Committee as the Oneida Nation's Secretary. I am currently serving on the Oneida Nation School Board and Oneida Youth Leadership Institute Board. I also serve on the State of Wisconsin Joint Legislative Council's Special Committee on State-Tribal Relations.

The Oneida Nation has over 17,000 tribal citizens worldwide and approximately 1,450 students attending public school in the State of Wisconsin. We are a Nation, like most tribes located in the State of Wisconsin, who have several other governmental jurisdictions located within our boundaries. For us that includes two counties, 5 cities and villages, and 6 school districts.

I would first like to thank Chairman Kitchens for scheduling a public hearing on the education related bills recommended by the Special Committee on State-Tribal Relations. I would also like to thank Representative Jeff Mursau, who chaired the Special Committee and the other legislators that served: former Sen. Janet Bewley, former Rep. Bowen, Rep. Edming, Sen. Jacque, Rep. Rozar, Rep. Tittl and Rep. Vining. I would also like to thank the Department of Public Instruction (DPI) Superintendent Jill Underly and Legislative Liaison Kevyn Radcliffe for attending and working with the Special Committee to come to mutual agreement on all the bills being heard today.

Please understand, the legislative bills before us are priorities identified by the eleven federally-recognized Tribes located in Wisconsin and worked on via the State Legislature's Special Committee on State-Tribal Relations.

With recognition of the long agenda and respect of your time today, the following testimony on behalf of the Oneida Nation is in support of all four of the Special Committee bills.

- **Assembly Bill 209:** Model academic standards related to American Indian studies, informational materials related to a school board's obligation to provide instruction on American Indians, and the American Indian studies requirement for teacher licensure.
- **Assembly Bill 210:** Pupils wearing traditional tribal regalia at a graduation ceremony or school-sponsored event.

A good mind. A good heart. A strong fire.

- **Assembly Bill 212:** Requiring school districts to report information related to American Indian children attending school in the school district.
- **Assembly Bill 214:** Lifetime license that authorizes an individual to teach an American Indian language in an American Indian language program and modifying rules promulgated by DPI.

Today, we are here to share the importance of recognizing our cultural heritage at graduation ceremonies; implementing contemporary and historic tribal sovereignty, culture and significant events regarding American Indians into the public school's curriculum; allowing tribes that choose to, to review and provide an endorsement for tier III Native American language applicants; and, ensuring information is reported related to American Indian children attending school in the school district.

We were the first people of this land and our contributions, both then and now, deserve to be known as part of the story that has gotten us all to the place we are today.

The Oneida Nation is proud of the progress we have made with local colleges and universities and some of the local school districts.

The Seymour School District sends some of their staff to the DPI American Indian Studies Institute each summer. Seymour offers Oneida Language as part of the high school curriculum. Wisconsin Indian Studies are taught as part of the curriculum at 4th grade. Oneida's Youth Education Services middle school staff have assisted in providing information about Oneida

History in some of the classrooms. The middle school has a display case of Indigenous cultural material as well as a "13 Moons" mural in the commons area/lunch room of the school.

The Green Bay School District has Indian education Act 31 student learning outcomes that are written into CEDs (content essential documents aka curriculum). Starting in Kindergarten evidence outcomes are written into each grade level's social studies documents. The resources that are available to teachers (in addition to the DPI websites that compile resources) is "First Nations in Wisconsin" by author Patty Loew. All teachers have a copy in grades K-5. All classrooms have at least 10 books placed in the classroom libraries that feature Native American main characters, are written by Native American authors, and are recommended texts from DPI, as well as First Nations websites. Some classrooms have maps purchased from GLIFWC showing the First Nations in Wisconsin. Each building has an updated Hands on History Bin. This bin, originally donated by Oneida Nation, was updated last year to include additional texts for teachers to check out and use with students. Included in the bin are some lessons that teachers can use, as well as a large Wisconsin map.

The West De Pere High School has a Native American History class. The 1/2 credit class fulfills one of the social studies requirements. Students are required to take 1 credit of US History, 1 credit of Global History, and can choose two 1/2 credit classes to fulfill the rest. The instructor for the Native American History class collaborated with Dr. Lisa Poupart and Danielle Karl Tubby to develop the curriculum. West De Pere has offered several professional development

opportunities to their social studies team(s). They utilize Dr. Poupart in their professional development sessions.

However, not all schools in the State have the same resources or adhere to the same standards as our local schools. Therefore, the Oneida Nation feels it is necessary for our schools in the State of Wisconsin to have minimum standards and the correct resources when teaching about the first people of this land.

We have shared our resources with all our surrounding school districts. We have shared our knowledge, given tours, and invited your children to our museum and our Corn Husking Bee. We shared who we are through song and dance. We have participated in professional development days, so our teachers will have a better understanding of our culture, traditions, and way of life.

The Oneida Nation is a Nation of strong families built on Tsiyukwaliho t^h and a strong economy. We look forward to continuing to build partnerships with all the school districts, the Department of Public Instruction and the State Legislature with a good mind, a good heart and a strong fire.

Bill Summaries with Comments:

Assembly Bill 209

- *Model academic standards.*
 - The bill requires the state superintendent, in consultation with the Wisconsin Indian Education Association to incorporate American Indian studies into the model academic standards. These standards must address certain historical and contemporary information that pupils are expected to know. At a minimum, this information must include significant events, tribal sovereignty, and culture relating to the federally recognized tribes and bands located in Wisconsin.
 - **Oneida Nation Comment:** This provision is meant to focus what is already supposed to be occurring in Wisconsin schools. Further, while learning about the past is important – we also want to make sure students learn about our culture and how tribes exist and function today. This is important as eleven federally recognized tribal governments exist within the geographical borders of Wisconsin.
- *Informational materials related to a school board's obligation to provide instruction on American Indians.*
 - Current law already requires an instructional program that is designed to give pupils at all grade levels an understanding of human relations, particularly with regard to American Indians, Black Americans, and Hispanics.
 - Current law also requires as part of the social studies curriculum, instruction in the history, culture and tribal sovereignty of the federally recognized American Indian tribes and bands located in Wisconsin at least twice in the elementary grades and at least once in the high school grades.
 - AB-209 among other things, requires that the Department of Public Instruction (DPI) develop informational materials related to the requirements described above for distribution to school boards annually.

- **Oneida Nation Comment:** Educating our youth is important, but oftentimes it is just as important to ensure that the governing bodies and administrators overseeing our children's education are reminded of the materials our youth are learning. This legislation should be fairly easy for educational entities to meet – as the materials can be provided in a format of the local school district's choosing.
- *The American Indian studies requirement for teacher licensure.*
 - Subject to several exceptions, current law generally prohibits the state superintendent of public instruction from issuing a teaching license to a person unless that person has received instruction in minority group relations, including instruction in the history, culture, and tribal sovereignty of the federally recognized American Indian tribes and bands located in Wisconsin.
 - AB-209 modifies the instructional requirement, providing that a teacher license applicant must receive instruction in the culture, tribal sovereignty, and contemporary and historical significant events of the federally recognized American Indian tribes and bands located in Wisconsin.
 - **Oneida Nation Comment:** AB-209 replaces in this statutory section the word “history” and adds the language “Contemporary and historical significant events.” The point again, is that while learning about the past is important – Tribes want to make sure students learn about our culture and how tribes exist and function today.

Assembly Bill 210

- *Pupils wearing traditional tribal regalia at graduation ceremony or a school-sponsored event.*
 - *As summarized by the Legislative Council summary of the bill,* Wisconsin law contains some general protections for a pupil's religious beliefs, ancestry, creed, race, and national origin. Specifically, schools must provide for the reasonable accommodation of a pupil's sincerely held religious beliefs with regard to all examinations and other academic requirements. Additionally, no student may be denied participation in, be denied the benefits of, or be discriminated against in any curricular, extracurricular, pupil services, recreational, or other program or activity because of race, religion, national origin, ancestry or creed.
 - However, current law does not explicitly address an American Indian student's right to wear traditional tribal regalia at a graduation ceremony or school-sponsored event.
 - **Oneida Nation Comment:** Many Native Americans celebrate major life accomplishments by wearing tribal regalia, which are considered sacred traditions, symbols of achievement and connection to the Tribal community. This is meant to ensure that the protections afforded under current law clearly provide for Tribal regalia.

Assembly Bill 212

- Requiring school districts to report information related to American Indian children attending school in the school district.
 - *As summarized by the Legislative Council summary of the bill,* under current law, the State Superintendent of Public Instruction must conduct a statewide, biennial assessment of the need for American Indian language and culture education programs. Various information must be included in this assessment, including information on the numbers, ages, location, and tribal affiliation of American Indian pupils. While certain school

districts began voluntarily reporting tribal affiliation data to the Department of Public Instruction (DPI) during the 2021-2022 academic school year, current law does not explicitly require school districts to collect this information and report it to DPI.

- Current law also requires each school district to submit an annual school district report to DPI. This report must include various information related to the school district, including the number of children taught in the schools of the school district, the number of hours of direct pupil instruction provided in each school of the school district, and the names of all teachers employed by the school district during the school year.
- AB-212 expands the requirements of this report, requiring each school district to report the numbers, ages, and tribal affiliation of American Indian children attending the schools of the school district.
- **Oneida Nation Comment:** The intent of AB-212 is to ensure the district and the state is obtaining the data needed for accurately assessing American Indian language and culture education programing needs.

Thank you for the opportunity to testify and I am available to answer any questions you may have. Yaw^ko



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To: Representative Joel Kitchens, Chair
Members of the Assembly Committee on Education

From: Melinda Danforth

Date: Thursday, October 26, 2023

Re: **Support for Education Related Bills Recommended by the Special Committee on State-Tribal Relations: AB-209, AB-210, AB-212, and AB-214.**

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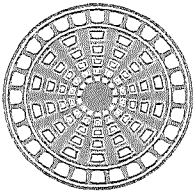
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Thank you for the opportunity to testify and I am available to answer any questions you may have. Yaw^ko



STATE REPRESENTATIVE
ROBYN VINING
14TH ASSEMBLY DISTRICT
WAUWATOSA • WEST ALLIS

October 26, 2023

Support for State-Tribal Relations Bills (Assembly Bills 209, 210, 212, and 214)

Chairman Kitchens and members of the Assembly Committee on Education, I am State Representative Robyn Vining, and I represent the 14th Assembly District, which includes the people of Wauwatosa and West Allis. I am honored to submit testimony today in support of four bills that were the product of the bipartisan Special Committee on State-Tribal Relations.

I was proud to serve on the Special Committee on State-Tribal Relations last year, and was incredibly honored to be part of this important, bipartisan legislative process that collaborated with community members, experts, legislators, and members of our tribal nations to identify and address issues facing Wisconsin's tribal communities.

After conducting four hearings, including a hearing and tour of the Menominee Nation reservation, the committee unanimously approved seven bills, which were also unanimously approved by the Joint Legislative Council earlier this year. These bills allow students to wear traditional tribal regalia at graduation ceremonies and school-sponsored events, to incorporate American Indian studies into the model academic standards, to collect more data on American Indian children attending schools, and to give Wisconsin's federally recognized tribes input on issuing lifetime licenses to teach their language, among others.

The members of our tribal nations deserve to see these bipartisan bills move through the legislature and onto Governor Evers' desk to be signed into law, and I thank you for your part in that work. **This is how we move Wisconsin forward, together.**

Forward together,

Robyn Vining
Wisconsin State Representative
14th Assembly District