

Carol Juneau – Speech
Montana School Board Association Conference on
Indian Education for All
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References used:

Montana Indian Education Association's Amicus Brief to District Court 2004; Transcript of the 1972 Montana Constitutional Convention; Montana's 1st District Court, Judge Sherlock's April 2004 Court Decisions on School funding; Montana Supreme Court Decision on School Funding November 2004; 1995 Legislative Study on Article X, 1 (2); "Even Start, A Report on Federal funds for Indian children in Public School districts, 1971; OPI's Report, "A History and Foundation of American Indian Education Policy;" December 1996 Legislative Report on Article X, 1 (2) per SJ 11; Indian Education for All Paper, D. Juneau; Schooling of Native American, 1978; 1995 Montana Forum for Effective Education of American Indian Students"

Good Morning – Thank you to the Montana School Board Association for organizing this conference and for asking me to be a part of it. It is very important that our state's public school leadership be an active partner in the implementation of Indian Education for All and for Closing the Achievement Gap for Montana's Indian students. Thank you for being here! Thank you for your service to Indian students in Montana.

I hope you have a few minutes this morning to work on my new ITBS test.. or "Indian Tests of Basic Skills" Education has been in a testing mood for many years so I thought it would be important for us to assess our knowledge of Indian history and activities here in Montana... You are welcome to collaborate with your neighbor in answering questions, you can guess if you want, and we will provide the answers to you later for self-scoring. Every question is worth 10 points.. If you score

90-100 – Advanced

70-80 – Proficient

50-60 Nearing Proficiency

0-40 Novice.

(Also, you do not need to share your results with anyone).

(Note: This was used only as a "tool" I developed to support my presentation – not a formal test used by any group)

I was organizing a list of milestones in Indian Education for the Celebration of the Montana Indian Education Association's 25th birthday later this month, and I thought I would share some of these important events in Indian Education with you – it is always good to reflect back and remember all the work that has been done by many different people over the years that has brought us to this point.

Also, in preparing for this speech, I've taken language from the Amicus Brief, from the Constitutional Delegates, from the courts, and other reports that have been written on Indian Education – I wish I could take credit for all of this, but I can't. Thank you to those of you who have said it well.

We are creating a new milestone in Indian Education in Montana today. We are finally talking about giving life to a 34 year old promise and really integrating all our state's public school's curriculum with lessons about American Indians and we are actually talking about real dollars that will be available to schools to do so..

It has been a long road that many people have traveled – a long road that has been filled full of smooth riding pavement sometime that gave us great expectations of a wonderful ride, but when we turned that corner or got over the hill, most of the Indian Education road in Montana has been full of chuck holes and very bumpy, we ran out of gas a few times and had to wait along the road, sometimes we got stuck in muddy ruts that took some time to get out of. *In fact, there were even a few places that we had to make our own road for a ways*

For those of you who traveled those Indian Education roads over the past 30 years or so, thank you so much for not giving up!

One of the things missing in this long journey is the action by the non-Indian leadership of Montana to prioritize this road by smoothing it out with policy and backing up that policy with real dollars!

Well, now we not only have the constitutional promise, we have state law in both HB 528 from 1999 and SB 152 in 2005, the supreme court decision of 1989 as well as another Supreme Court Decision of 2005. In addition, we have state policy and some funding to go with it... This new road contains lots of promise and expectations – let's hope this new journey will be a good one for all – our old cars may not make it anymore if we hit any bumps.

Before we take a further look at where we are today – it is important to remember our past and the events that have shaped our world today. Let's look back briefly on some of these milestones that have influenced Indian Education..

In the early 1800's Congress gave money to the Churches to help civilize and christianize Indians, then they turned to Government run Boarding Schools in the late 1800's in an continued effort to civilize Indians.

Perhaps one of the most heart breaking pictures I have seen is the picture of hundreds of Indian children standing in front of Carlisle Indian School in Pennsylvania – taken many, many miles from their homes and families -- all in government issued uniforms with their hair freshly and roughly cut – some look as old as 4 or 5. We need to remember that Colonel Pratt who organized Carlisle is known for his quote – “Kill the Indian and save the man”

This era of government run Indian education lasted almost 50 years - perhaps 3 generations of Indian children lost to their families.

A little over 70 years ago, in 1934 the Johnson O'Malley Act was passed – this provided funding to the states for the education of Indian children in Public Schools – it was the primary means of transferring federal responsibility of education of Indian children to states and another government plan for “civilization.” It was thought that through JOM, Indian students would have daily contact with white children in public schools and this would facilitate their civilization and though this contribute to the enlightenment of adult Indian parents.

(Page 11, “An Even Chance, A Report on Federal Funds for Indian Education,” 1971)

There have been a number of significant studies completed about Indian education over the years - perhaps the one that helped lead to the most progressive change in Indian education in the past 40 years was Robert Kennedy's Probe into the status of Indian Education in 1969 – It was called “A National Tragedy, A National Challenge”

This was the time of the Civil Rights movement in the nation, this was the time of the American Indian Movement as well – both of which helped create a climate of change and a conscience for America. These events of the late 60's and early 70's signaled a new era in Indian Education in the Nation – that of what we have called “Indian Control of Education” through the Indian Education Act of 1972, the organization of the National Indian Education association, The development of Tribal Colleges, and the Indian Self Determination and Education Assistance Act.

It was about this same time that 100 constitutional delegates gathered in Helena, Montana to work on revising Montana's Constitution –they created a new vision for Montana and their vision included Montana's Indian Nations. They wrote in Article X, 1 (2)

The state recognizes the distinct and unique cultural heritage of the American Indian and is committed in its educational goals to the preservation of their cultural integrity.”

This statement was celebrated by Indian people in 1972 and we thank the members of the Constitutional Convention for their vision and desire to see that American Indian history and culture would be a part of our educational system.

We have given this constitutional language its own special name, we now call it “Indian Education for All” as it is meant for all students in Montana from our smallest one room school house to our large city schools of Billings. It is meant for Indian students, non-Indian students, Asian students, Black students, and Hispanic students. And it is meant for all students grades P-20.

But, before I go any further, I have neglected to tell you a little about myself

I'm an enrolled member of the Hidatsa-Mandan Tribes from North Dakota. So, when we create curriculum about Lewis and Clark's trek through America, which we have been celebrating these past few years, it was my tribes who welcomed these travelers into their villages along the Missouri. In looking back perhaps we would have been wise to send them packing back downstream to St. Louis...who knows – you may still be sitting in “Indian Country” if we would have.

I come from the two cultures - One set of my grandparents were Indian – my grandfather Old Dog was a Hidatsa and my grandmother, Many Dances was Mandan. My other set of grandparents were Jesse Bartell and Sena Severson whose parents were immigrants from Norway. So, like many Indian people today, I have a heritage that is mixed. So, I am fortunate to have two family histories and stories to reflect on. Then I married Stan Juneau who is Blackfeet from his father and mother, Haida-Tlingit from his maternal grandmother, Oneida from his paternal grandmother, and a little English and French as well.... So, my children and grandchildren have all kinds of histories and stories they can relate to. A good math problem for Indian Education for All would be figuring out what degree of blood they are of each tribe and nationality.

I ended up attending a public school in a small farm community in North Dakota where I never saw an Indian teacher, never had any lessons on Indian history, and was effectively “disenfranchised” as an Indian. I was one of those Indians who went to the old western movies and cheered when the cavalry was coming over the hill to save the wagon train from the attacking Indians. I identified with the Lone Ranger and not Tonto –

But let's remember what Tonto said when he and the Lone Ranger came up against a great number of angry Indians – Tonto said “Hello my Relatives” to the Indians.. turned and looked at the Lone Ranger and said --- “who are you paleface?”

Through education we can regain a lot of the knowledge of our history, our culture and our heritage. And, the non-Indian children can grow to understand and respect the significance of these issues in the lives of their Indian peers and neighbors. Do the children of Fort Benton learn about the history of the Baker Massacre that took place a little to the north of them and its tragic impacts on the Blackfeet Nation, do the children of the beautiful Bitterroot Valley learn about the history of Chief Charlo and his refusal to leave his homeland in the Bitterroot Valley for many years and what a terrible decision that he had to make to take his people and move north to the reservation.

Educators both in our schools and in our colleges need to learn and understand the efforts that took place toward the systematic destruction of not only the languages and culture but the break up of the family systems of our Indian tribes by the mission and Boarding schools. This is why it is so important for our educational systems to help in restoring a viable system that reflects the cultural heritage of American Indians – educational systems can be a part of the process to help rebuild what was taken away.

We are going to talk about the responsibility of State Government today in Indian Education - remember, the State eagerly took over the education of Indian children in 1934, under the Johnson O'Malley Act. In fact today almost all Indian children in Montana go to our public schools both on and off reservation.

We often use Article X, 1 (2) of the Constitution as our basis of discussion on Indian Education for All, but the constitution contains other important provisions that have a part to play in the state's responsibility to Indian Education...

In Article 1, the Compact with the United States, renews the state's commitment to the 1889 Enabling Act. This provision has been used by the Montana Supreme Court to hold that Federal Indian Law is consequently State law, and as such, Indians are not subject to the usual equal protection arguments.

Article II, Section 4, Individual Dignity includes amongst its protective groups – culture, particularly Indian culture. The delegates included “culture” to cover groups that are culturally distinct from mainstream Montana, especially, Indians.” Delegate Champoux, who drafted and submitted the dignity clause was deeply concerned about the degradation of native peoples in Montana due to discrimination, both by the government and by private persons and his intention in drafting the clause was to protect against any treatment which degraded any persons, but especially that which degraded women and Indians.

Another section of the Constitution is the one we know well... Article X - This article establishes a constitutional entitlement to an educational program consistent with the unique cultural needs and political status of Indian people of Montana. Further, it creates an obligation on the public education system to provide culturally appropriate and accurate information to all Montana students, both Indian and non-Indian.

But, we must not forget what Section 1 of Article X says as well and we should keep this in mind when we talk about the state's responsibility for Indian students.

"It is the goal of the people to establish a system of education which will develop the full educational potential of each person. Equality of educational opportunity is guaranteed to each person of the state."

An equal educational opportunity, as required by Article X, 1 (1), does not necessarily translate into a fair and equitable education for all students. In fact, the opportunity of education is denied to a great number of Indian dropouts every year and many Indian students who make up the achievement gap clearly demonstrate the disparities.

Closing the Achievement Gap for American Indian students in Montana's schools is an issue our school's leadership needs to discuss – perhaps in another forum like this.

We do have new state policy that was included in SB 152 as well as in the legislation from the Special Session that gave line item funding to At Risk Students and funding for Closing the Achievement Gap for Indian Students. Montana's state leadership did take action, now it is time for our school leadership to guide their schools in this.

One of the thing that we need to do when we try to understand what the various laws mean is to law is to look at the "intent" of the people who developed the law. The Constitutional Delegates were very clear on why they included Article X, 1 (2). I would like to share some of their voices with you... these are taken from the Constitutional Convention Proceedings:

Delegate Champoux said "the first day I came to this assembly, I looked around and wondered – why there were no Indians here as delegates. Later, as I left the door, I saw four Indian students – young college students from the University of Montana – standing there against the wall. And I thought to myself, how ironic. Here they are, typically standing outside the door while the Whiteman makes all the decisions for them inside. Isn't it ironic to see here today a Frenchman from Boston, without any Indian blood, standing at the Montana Constitutional Convention pleading for Indians, to preserve their cultural integrity?"

Delegate Champoux also said in his speech..

"Are we to tell the Indian people that their history has no place in our schools?...that their ways, their governments were wrong and that they must accept ours, because ours are better? Or, will we help them to retain their ethnic identity and make their adaptations as Americans? If there is ever to be a solution to the Indian problem in this county, it will come about when our educational system provides the knowledge which is needed to understand and respect the cultural differences between us and the state helps to preserve and protect their cultural integrity."

Delegate Blaylock, in his urging for the passage of this clause, said:

"Through the years, we have given the Indian a great many things that didn't prove to be too good for the Indians. We gave them treaties which we later broke.... We gave them smallpox-infected blankets so we could reduce their surplus population. We gave them alcohol. We gave them a religion which we didn't live up to ourselves and we gave them massacres....they were here first, they owned it, and we took it all from them. And, I think this is the least we can do."

Senator Dorothy Eck stated when she introduced the amendment to the Constitution Convention, "During one of our very early hearings in the Bill of Rights Committee, there appeared before us two young Indian students representing student groups of the Fort Peck Reservation. They

came asking what we could do, or what the Convention could do, to assure them that they would have the opportunity in their schools, to study their own culture, perhaps their own language, and to develop a real feeling of pride in themselves for their own heritage and culture also a hope that other students all over Montana would recognize the importance and the real dignity of American Indians in the life of Montana.”

Delegate Harbaugh proposed an amendment to Dorothy Eck’s amendment inserting the words “in its educational goals.”..This reflects the real intent of the delegates –that subsection 1 and subsection 2 of the education provision be read together. In fact, Harbough stated, “I used the word “goals” because I think this ties the statement in with the goals which are set forth in Subsection 1. Since this is going to be included in the Education Article, it would seem to me to be appropriate to use the word “goals” and to relate back to the goals which are mentioned – the broad goals for education in subsection 1.”

The amendment was adopted on a voice vote and the amended Eck proposal passed on a 83-1 roll call vote.

24 year later in 1996 the Committee on Indian Affairs in the State Legislature set out discover the amount of compliance with the Indian Cultural Clause in our Constitution within the education system. They interviewed a number of the Constitutional Delegates in this study to try to determine their “intent” in the educational language.

The delegates responded that the purpose of this provision was to recognize the value of American Indian Culture and traditions and to encourage the legislature and the public schools to develop appropriate policies and programs to keep that culture alive through education of both Indians and non-Indians.

The study also revealed that many school districts and schools including those adjacent to Montana’s seven Indian reservations did not have a policy, nor any information in their school curricular recognizing the cultural heritage of American Indians. In category after category of the 1995 survey, the districts revealed how little had been done to meet the constitutional mandate.

There had been one law passed in 1973 after the constitution passed, that mandated that all teachers take coursework on Indian studies. But, this did not last long due to the outcry of the education community that they shouldn’t be mandated to do so...so the Legislature made it discretionary— I believe only one or two districts in all of Montana still require their teachers to have inservice on American Indians as a part of their personnel policies. So, it is a law that is still on the books and sounds good, but not effective.

After this study was presented to the Committee on Indian Affairs, I am sorry to report that the only piece of legislation that was forwarded by the committee and successful in the Legislature was making American Indian Heritage Day on the 4th Friday in September a law required to be recognized by the public schools. One day out of 180 school days to recognize Indian people—I don’t think that is what Article X, 1 (2) meant. So, as my Friend, Mike Jetty, says...Much thunder, little rain.

The history of the state does reflect various attempts by State leadership to implement Indian Education for All.

In 1975– A Indian Culture Master plan was completed.

In 1975 – a Resolution passed the Legislature urging the Board of Regents to solve some of the problems of Indian Education through more relevant education programs and to fully implement Montana’s Constitution, Article X.

In 1984 the Board of Education issued a policy statement on American Indian Education and the Superintendent of Public Instruction also wrote a position paper on Indian Education.

In 1989, the accreditation standards were developed and includes language that directs schools to “nurture an understanding of the value and contributions of Montana’s Native Americans and the unique needs and abilities of Native American students and other minority groups.”

In 1990 – A State Plan for Indian Education was completed.

In 1990 the Board of Public Education passed a resolution reaffirming support of Article X, 1 (2) – they were even going to explore the potential of requiring one PIR day for Indian/Multicultural education.

In 1991, the Board of Education, Governor, Board of Regents, OPI and OCHE re-affirmed their constitutional commitment to the equality of educational opportunity for each person of the state and to preserving through the educational goals the cultural integrity of American Indians. Express commitment to work closely with tribal colleges, to increase graduation rates, etc.

In 1994, the top 5 entities again re-affirmed their constitutional commitment to the equality of education of each person in the state and pledged to support the infusion of gender and multicultural equity awareness through Montana’s teacher education programs.

Well, in 1999 we took what we thought was another step forward and tried again and introduced HB 528. I was fortunate to be the sponsor of this Legislation. After a rather tortured legislative history, it was passed by the Legislature and signed into law. I remember Norma Bixby sitting up in the Balcony (this was before she became a legislator). We cheered when it passed the House and then almost cried when it failed in the Senate on the first vote.. So Norma and others went to work and the bill was given some Legislative CPR and it came back to life and passed. It was codified into law as 20-1-501 and we now call it Indian Education for All.

We again celebrated and thought; well things are really going to start to happen now as we got a new law that outlines what the educational institutions should be doing. In the fall of 1999, the state mobilized its educational organizations and formed the Indian Education for All Committee of the Board of Education that has helped provide guidance to the Board of Public Education and the Board of Regents. OPI created an action plan, the Office of the Commissioner of Higher Education created an action plan; accreditation guidelines were reviewed and Indian Education for All standards was inserted in various curriculum areas. It seemed that an unmovable object had finally become mobile. That the Indian Education movement, finally, had taken off. But, even with all this work, no funding was provided to actually implement these plans. Tragically, the momentum and the promise of Indian Education for All, once again, ground to a halt.

There had been several attempts made at the State Legislature to in 2001 and 2003 to provide a token amount of funding for the office of Public Instruction to help them develop some curriculum, to help design some professional development programs that schools could use, but all failed. No money could be found.

We do not ask the math teachers, the English teachers, the art teachers, the science teachers to come to the legislature and beg for money for their programs –it is assumed that the state is supposed to fund them as it is a part of the accreditation standards. In fact, we do not see any of these subject areas outlined in the state’s constitution.....but Indian Education for All is and it was the only curriculum area not being funded.

In 2003, some Indian children from St. Labre Indian School, St. Charles and St. Xavier and Browning students did their own fund raising, and brought \$7,300 to Governor Martz to help fund Indian Education for All.

Well, we grew tired of waiting and our patience wore thin – remember that road I talked about earlier – well we decided to make our own road instead and – and the Montana Indian Education Association took Indian Education for All went to court!

We were fortunate to be able to join the Montana Quality Education Coalition in their lawsuit against the state on school funding, and the Montana Indian Education Association, of which I am the Chair, joined with an Amicus Brief on Indian Education for all and the lack of achievement for Indian students in our schools. MIEA’s Amicus Brief was supported by every tribal nation in Montana as well as many schools, parent committees, and other organizations.

The brief outlined the failure of the state to appropriate any funding for this constitutional commitment. Even though 15 years ago the Supreme Court in 1989 found that Article X, 1 (2) established a “special burden” in Montana for the education of Indian children which must be addressed as a part of the school funding issues.”

The importance of this lawsuit to those who are involved and concerned with Indian education in Montana cannot be overstated. There have been thousands of words spoken and written, long distances traveled and far too many hearings attended, in the thirty-four year effort to breath life into the constitutional promise that was adopted in 1972. This elegant language that was developed in 1972 was brimming with promise, but was stripped of its practical meaning and application by over three decades of neglect, and in some instances by outright hostility by the State’s legislature and executive branches.

We looked to the Court to provide the state with direction and the court system agreed that it is time to fulfill the original purpose of the language.

April 2004 - District Court (Judge Sherlock) –rules in favor of MIEA Amicus Brief

“This court hereby rules that the current state funding system violates Article X, 1 (2) of the Montana Constitution in that the State has failed to recognize the distinct and unique cultural heritage of American Indians and has shown no commitment in its educational goals to the preservation of their cultural identity.”

November 2004, Montana Supreme Court in a unanimous decision affirms Sherlock Decision.

“The District Court concluded that the State has failed to recognize the distinct and unique cultural heritage of American Indians and that it has shown no commitment in its educational goals to the preservation of Indian cultural identity, as demanded by Article X, Section 1 (2).”

Well – with the court decision in place the State did take action.

Montana took some very significant steps in creating new educational law in the 2005 regular session and special session. The court required that the legislature define a quality education and this was done in SB 152. Included in this definition is Indian Education for All, At Risk Students, LEP students, and meeting the educational needs of Indian students.

In addition, the legislature in funding this new definition approved specific line items for Indian Education for All, for At Risk Students, and funding for Closing the Achievement Gap for Indian students.

I thank the Governor’s office for providing the leadership in funding these components and I thank Superintendent McCulloch for her advocacy in increasing both the At Risk Funding and Closing the Achievement Appropriation in the special session.

We now have funds that will go to every school in the State for Indian Education for All, for At Risk students, and for closing the Achievement Gap.

\$200.00 per Indian Student for Closing the Achievement Gap
\$67.40 per every student for Indian Ed. For All.

The funding levels are probably not enough to do what we need do in our schools. In fact the funding for Indian Education for All is a combination of both on-going and one-time only funding. (\$47.00 of the \$67.40 is one-time-only funding for 2006-07 – this leaves only \$20.00 for on-going funding for the 2007 Session)...This is not enough to support Indian Education for all in our schools – we will need your help when we go to the 2007 Session to advocate for additional dollars for Indian Education for All.

The guidelines for the use of these funds allow schools to deposit them in their general fund with no special tracking or accountability required. But, the law does require schools to report by 2010 on the change in status of standardized test scores, graduation rates, and dropout rate of American Indian students and At Risk Students using Fiscal year 2006 data as a baseline. Also, OPI is developing a Student Data Tracking System that should provide good data on the progress made for at risk students

and American Indian students. I ask for your support and leadership to insure that our schools maintain their own internal accountability system of what is being done with these funds and the outcomes.

As school board members you have a great deal of power as well as responsibility to insure that the promise of our constitution, the promise of our state laws are included as an integral part of your school.

Your voices as well as your votes on a school budget and curriculum that meets the needs of Indian students are needed.

So, as I speak to you this morning, Indian people are again hopeful that their history and culture will be respected by our educational systems. So that when an Indian student walks into any K-12 school or college in Montana they will be able to open a text book and see themselves reflected, that the impacts of Lewis and Clark on Indian people's land is reflected, that their chiefs and leaders are respected when the US presidents are discussed, that students recognize that treaties made with Indian nations are as valid as those made with foreign countries, that their contributions to science, astronomy, and medicines are included in the science curriculums, that their music is included in the school concerts, that the importance of their clan systems and societies are reflected, that their games are a part of the PE classes, that their status as part of a tribal nations is respected, that their language is being taught, that Owl Child's story as told by James Welch is an important part of the literature classes in school, that their teacher (Indian or non-Indian) is knowledgeable about who they are and their history, and that they know the school system reflects them and that they belong because of that respect.

In 1972, Diana Leuppe and Mavis Scott, 2 students from Poplar High School asked the Constitution Convention Delegates:

"We hereby request that the State of Montana to recognize the need for the inclusion and implementation of culturally sensitive curricula within the public education system...Most especially we request that the curricula shall be relevant and sensitive to Native peoples residing in the state of Montana. We would like very simply, our history, our culture, and our identity."

Montana's schools have responded.

Let's do some good work in our schools now so we can tell those two young students from Poplar (who are now probably grandpa's) that Montana has finally heard them and we are responding.