



Montana Legislation – Indian Education 1999- 2007

(compiled by Carol Juneau for NCNASL Educational Summit, Sept. 28-29, 2007)

- Page 2** **Indian Education for All (HB 528 – 1999)**
- Page 3-4** **Definition of a Quality Education (SB 152 – 2005 Regular Session)**
- Page 5-6** **Montana - School Funding Bill from 2005 Special Session and 2007 Special Session (SB 2):**
- At Risk Student Funding**
- Indian Education for All Funding**
- Closing the Achievement Gap Funding**
- Page 7** **Tribal College Bill (Non-Beneficiary Funding) – (HB 283 – 2007)**
- Page 8-9** **Native Language Revitalization Bill (did not pass) (HB 750 – 2007)**



Montana - Indian Education for All Statute (HB 528) – 1999

20-1-501. Recognition of American Indian cultural heritage -- legislative intent. (1) It is the constitutionally declared policy of this state to recognize the distinct and unique cultural heritage of American Indians and to be committed in its educational goals to the preservation of their cultural heritage.

(2) It is the intent of the legislature that in accordance with Article X, section 1(2), of the Montana constitution:

(a) every Montanan, whether Indian or non-Indian, be encouraged to learn about the distinct and unique heritage of American Indians in a culturally responsive manner; and

(b) every educational agency and all educational personnel will work cooperatively with Montana tribes or those tribes that are in close proximity, when providing instruction or when implementing an educational goal or adopting a rule related to the education of each Montana citizen, to include information specific to the cultural heritage and contemporary contributions of American Indians, with particular emphasis on Montana Indian tribal groups and governments.

(3) It is also the intent of this part, predicated on the belief that all school personnel should have an understanding and awareness of Indian tribes to help them relate effectively with Indian students and parents, that educational personnel provide means by which school personnel will gain an understanding of and appreciation for the American Indian people. **History:** En. Sec. 1, Ch. 527, L. 1999.

20-1-502. American Indian studies -- definitions. As used in this part, the following definitions apply:

(1) "American Indian studies" means instruction pertaining to the history, traditions, customs, values, beliefs, ethics, and contemporary affairs of American Indians, particularly Indian tribal groups in Montana.

(2) "Instruction" means:

(a) a formal course of study or class, developed with the advice and assistance of Indian people, that is offered separately or that is integrated into existing accreditation standards by a unit of the university system or by an accredited tribal community college located in Montana, including a teacher education program within the university system or a tribal community college located in Montana, or by the board of trustees of a school district;

(b) inservice training developed by the superintendent of public instruction in cooperation with educators of Indian descent and made available to school districts;

(c) inservice training provided by a local board of trustees of a school district, which is developed and conducted in cooperation with tribal education departments, tribal community colleges, or other recognized Indian education resource specialists; or

(d) inservice training developed by professional education organizations or associations in cooperation with educators of Indian descent and made available to all certified and classified personnel. **History:** En. Sec. 2, Ch. 527, L. 1999.

20-1-503. Qualification in Indian studies -- trustees and noncertified personnel. (1) The board of trustees for an elementary or secondary public school district may require that all of its certified personnel satisfy the requirements for instruction in American Indian studies. Pursuant to Article X, section 8, of the Montana constitution, this requirement may be a local school district requirement with enforcement and administration solely the responsibility of the local board of trustees.

(2) Members of boards of trustees and all noncertified personnel in public school districts are encouraged to satisfy the requirements for instruction in American Indian studies. **History:** En. Sec. 3, Ch. 527, L. 1999.



Montana “Quality Education Definition” Bill – SB 152 (2005 Session)

Note those in **BOLD** that are specific to Indian Education For All, for Limited English Proficient and for At Risk

20-9-309. Basic system of free quality public elementary and secondary schools defined -- identifying educationally relevant factors -- establishment of funding formula and budgetary structure -- legislative review. (1) Pursuant to Article X, section 1, of the Montana constitution, the legislature is required to provide a basic system of free quality public elementary and secondary schools throughout the state of Montana that will guarantee equality of educational opportunity to all.

(2) As used in this section, a "basic system of free quality public elementary and secondary schools" means:

(a) the educational program specified by the accreditation standards provided for in 20-7-111, which represent the minimum standards upon which a basic system of free quality public elementary and secondary schools is built;

(b) educational programs to provide for students with special needs, such as:

(i) a child with a disability, as defined in 20-7-401;

(ii) an at-risk student;

(iii) a student with limited English proficiency;

(iv) a child who is qualified for services under 29 U.S.C. 794; and

(v) gifted and talented children, as defined in 20-7-901;

(c) educational programs to implement the provisions of Article X, section 1(2), of the Montana constitution and Title 20, chapter 1, part 5, through development of curricula designed to integrate the distinct and unique cultural heritage of American Indians into the curricula, with particular emphasis on Montana Indians;

(d) qualified and effective teachers or administrators and qualified staff to implement the programs in subsections (2)(a) through (2)(c);

(e) facilities and distance learning technologies associated with meeting the accreditation standards;

(f) transportation of students pursuant to Title 20, chapter 10;

(g) a procedure to assess and track student achievement in the programs established pursuant to subsections (2)(a) through (2)(c); and

(h) preservation of local control of schools in each district vested in a board of trustees pursuant to Article X, section 8, of the Montana constitution.

(3) In developing a mechanism to fund the basic system of free quality public elementary and secondary schools and in making adjustments to the funding formula, the legislature shall, at a minimum, consider the following educationally relevant factors:

(a) the number of students in a district;

(b) the needs of isolated schools with low population density;

(c) the needs of urban schools with high population density;

(d) the needs of students with special needs, such as a child with a disability, an at-risk student, a student with limited English proficiency, a child who is qualified for services under 29 U.S.C. 794, and gifted and talented children;

(e) the needs of American Indian students; and

(f) the ability of school districts to attract and retain qualified educators and other personnel.

(4) By July 1, 2007, the legislature shall:

(a) determine the costs of providing the basic system of free quality public elementary and secondary schools;

(b) establish a funding formula that:

(i) is based on the definition of a basic system of free quality public elementary and secondary schools and reflects the costs associated with providing that system as determined in subsection (4)(a);

(ii) allows the legislature to adjust the funding formula based on the educationally relevant factors identified in this section;

(iii) is self-executing and includes a mechanism for annual inflationary adjustments;

(iv) is based on state laws;

(v) is based on federal education laws consistent with Montana's constitution and laws; and

(vi) distributes to school districts in an equitable manner the state's share of the costs of the basic system of free quality public elementary and secondary schools; and

(c) consolidate the budgetary fund structure to create the number and types of funds necessary to provide school districts with the greatest budgetary flexibility while ensuring accountability and efficiency.

(5) At least every 10 years following April 7, 2005, the legislature shall:

(a) authorize a study to reassess the educational needs and costs related to the basic system of free quality public elementary and secondary schools; and

(b) if necessary, incorporate the results of those assessments into the state's funding formula.



Montana - School Funding Bill from Special Session 2005 and 2007 Special Session (SB 2)

20-9-328. At-risk student payment – see statute on next page.

\$5.0 million a year for K-12 provided in Special Session 2005 for the 2006-07 school year.

\$5.0 million a year for K-12 provided in the 2007 Special Session for the 2009 biennium.

20-9-329. Indian education for all payment – see statute on next page.

\$10.0 million funding for schools provided in 2005 Special Session for 2006-07 School Year at approximately \$68.00 per student K-12 including both on-going funding and one-time only funding.

\$4,561,489 funded in 2007 Special Session per year at approximately \$30.00 per student including both on-going funding and one-time only funding.

This does not include the funding that was provided to the Office of Public Instruction for implementation of Indian Education for All as well as the Tribal College History Projects to help support Indian Education for All curriculum.

20-9-330. American Indian achievement gap payment. (Montana has 16,466 Indian Students) – see statute on next page.

\$3,293,200 funding provided in the 2005 Special Session of \$200.00 per Indian student per year K-12.

\$3,293,200 funding provided in the 2007 Special Session at \$200.00 per Indian student per year K-12.

20-9-328. At-risk student payment. (1) The state shall provide an at-risk student payment to public school districts, as defined in [0](#) and [20-6-701](#), for at-risk students, as defined in [20-1-101](#) and referred to in [20-9-309](#).

(2) The at-risk student payment must be distributed to public school districts by the office of public instruction in the same manner that the office of public instruction allocates the funds received under 20 U.S.C. 6332, et seq. The office of public instruction shall prorate payments to districts based upon the available appropriation.

(3) On or before September 15, 2010, the office of public instruction shall report to the governor and the legislature on the change in status of standardized test scores, graduation rates, and drop-out rates of at-risk students using fiscal year 2006 data as a baseline. **History:** En. Sec. 2, Ch. 4, Sp. L. December 2005.

20-9-329. Indian education for all payment. (1) The state shall provide an Indian education for all payment to public school districts, as defined in [20-6-101](#) and [20-6-701](#), to implement the provisions of Article X, section 1(2), of the Montana constitution and Title 20, chapter 1, part 5.

(2) The Indian education for all payment is calculated as provided in [20-9-306](#) and is a component of the BASE budget of the district.

(3) The district shall deposit the payment in the general fund of the district.

(4) A public school district that receives an Indian education for all payment may not divert the funds to any purpose other than curriculum development, providing curriculum and materials to students, and providing training to teachers about the curriculum and materials. A public school district shall file an annual report with the office of public instruction, in a form prescribed by the superintendent of public instruction, that specifies how the Indian education for all funds were expended. **History:** En. Sec. 3, Ch. 4, Sp. L. December 2005; amd. Sec. 17, Ch. 1, Sp. L. May 2007.

20-9-330. American Indian achievement gap payment. (1) The state shall provide an American Indian achievement gap payment to public school districts, as defined in [20-6-101](#) and [20-6-701](#), for the purpose of closing the educational achievement gap that exists between American Indian students and non-Indian students.

(2) (a) The American Indian achievement gap payment is calculated as provided in [20-9-306](#), using the number of American Indian students enrolled in the district based on the count of regularly enrolled students on the first Monday in October of the prior school year as reported to the office of public instruction.

(b) A school district may not require a student to disclose the student's race.

(3) The district shall deposit the payment in the general fund of the district.

(4) On or before September 15, 2010, the office of public instruction shall report to the governor and the legislature on the change in status of standardized test scores, graduation rates, and drop-out rates of American Indian students using fiscal year 2006 data as a baseline.

History: En. Sec. 4, Ch. 4, Sp. L. December 2005; and. Sec. 18, Ch. 1, Sp. L. May 2007.



Montana Tribal College Funding – HB 283 (Rep. Campbell) – 2007 Session

20-25-428. Financial assistance for resident nonbeneficiary students. (1) Subject to a line item appropriation for purposes of this section, the regents shall provide financial assistance to tribally controlled community colleges for enrolled resident nonbeneficiary students who, except as provided in subsection (8), are taking courses for which credit is transferable to another Montana college or university.

(2) Each tribal community college shall apply for this assistance to the regents. Except as provided in subsection (6), the money must be distributed on a prorated basis according to the eligible resident nonbeneficiary student enrollment in each tribal community college during the previous year. To qualify, a resident nonbeneficiary student must meet the residency requirements as prescribed for the system by the regents and, except as provided in subsection (8), must be enrolled in courses for which credit is transferable to another Montana college or university. The distribution for any student is limited to a maximum of \$3,024 each year for each full-time equivalent student.

(3) An expenditure is contingent upon the tribal community college:

(a) being accredited or being a candidate for accreditation by the northwest commission on colleges and universities;

(b) entering into a contract or a state-tribal cooperative agreement, pursuant to Title 18, chapter 11, with the regents to provide the regents with information relating to eligibility of resident nonbeneficiary students and documentation on the curriculum to ensure that the content and quality of courses offered by the tribal community college are consistent with the standards adopted by the system;

(c) providing the regents with documentation that credits for the courses in which the resident nonbeneficiary students are enrolled, except as provided in subsection (8), will be accepted at another Montana college or university; and

(d) filing with the regents evidence that the college's enrollment of Indian students is at least 51%, as required by the Tribally Controlled Community College Assistance Act of 1978, 25 U.S.C. 1804.

(4) If funding is available pursuant to subsection (1), the legislature intends that the money be an amount in addition to the system budget approved in the general appropriations act.

(5) All funds appropriated under subsection (1) that are unspent revert to the state general fund.

(6) Prior to receiving money pursuant to subsection (1), each tribal community college shall grant to eligible resident nonbeneficiary students who meet the residency requirements, as prescribed for the system by the regents, fee waivers in the same percentage as the number of Indian students who are receiving fee waivers to attend a unit of the system bears to the total enrollment in the system.

(7) The calculation in subsection (6) is not intended to allow the university system to retain the calculated amount of funds. Waivers must be given to eligible students.

(8) The limit of financial assistance to nonbeneficiary students is limited to students enrolled in courses for which credit is transferable to another Montana college or university.

History: En. Sec. 1, Ch. 362, L. 1997; amd. Sec. 1, Ch. 147, L. 2005; amd. Sec. 1, Ch. 255, L. 2007.



**2007 Montana Legislature – for Revitalization of Native Languages
Introduced –Tabled in the House Education Committee**

HOUSE BILL NO. 750 (Rep. Franke Wilmer)

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING GRANTS FOR TRIBAL LANGUAGE IMMERSION PROGRAMS FOR THE PRESERVATION AND REVITALIZATION OF MONTANA TRIBAL LANGUAGES; REQUIRING A CONSULTATIVE APPROACH FOR DEVELOPING THE GRANT PROGRAM; PROVIDING AN APPROPRIATION; AND PROVIDING AN EFFECTIVE DATE."

WHEREAS, because of the escalating loss of heritage language and the shift toward the use of English in native communities, only 34% of the 210 native languages used in North America are still being taught to children as a first language; and

WHEREAS, given the rapid deterioration of native languages, native communities across the country are making language recovery and preservation one of their highest priorities; and

WHEREAS, schools were once a major force in attempting to eradicate native languages in this country; and

WHEREAS, a native language immersion program is a proved and effective way to create fluent speakers in native languages, stem the loss of native languages, and produce native students who perform substantially better academically than native students who have not gone through an immersion program; and

WHEREAS, native American "code talkers" contributed to the creation of unbreakable codes that protected our troops' communications during the last two world wars, and native Americans should be honored for this role; and

WHEREAS, native language immersion programs can help bring many native languages and traditions back from the brink of extinction and provide Indian students in Montana the cognitive and psychological benefits of knowing their native language; and

WHEREAS, Article X, section 1(2), of the Montana Constitution recognizes the distinct and unique cultural heritage of American Indians, and state law cites the importance of this heritage in its provisions for achieving a basic system of free quality public schools and in providing Indian education for all; and

WHEREAS, the Montana Supreme Court held in 1989 that Article X, section 1(2), "establishes a special burden in Montana for the education of American Indian children which must be addressed as a part of the school funding issues"; and

WHEREAS, the Montana Supreme Court observed in 2005 that the State of Montana did not challenge a District Court finding 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" the Montana Constitution; and

WHEREAS, Montana now has tribal language immersion school programs operating on the Blackfeet Reservation for the Blackfeet language, the Flathead Reservation for the Salish language, and the Fort Belknap Reservation for the White Clay, Gros Ventre, language; and

WHEREAS, these reservations, which serve a total of 100 students, have organized to help restore and maintain the languages of their respective tribal communities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Tribal language immersion program grants -- guidelines. (1) A native American language preservation and revitalization grant program is established within the office of public instruction for the purpose of allocating grant money to eligible tribal language immersion programs.

(2) The office of public instruction shall, in consultation with all Montana tribes, plan and develop an approach for administering tribal language immersion program grants that supports the preservation and revitalization of Montana's native American languages. Demonstration project grants must be provided for the fiscal year beginning July 1, 2008, to illustrate applicable structures, methods, and staffing for tribal language immersion programs.

(3) A tribal language immersion program receiving a grant under this program must meet grant guidelines established by the office of public instruction.

NEW SECTION. Section 2. Appropriation. There is an appropriation of \$500,000 from the general fund to the office of public instruction to establish a native American language preservation and revitalization grant program. This funding is available in the fiscal year beginning July 1, 2007, for the purposes outlined in [section 1].

NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 20, chapter 7, and the provisions of Title 20, chapter 7, apply to [section 1].

NEW SECTION. Section 4. Notification to tribal governments. The secretary of state shall send a copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell Chippewa tribe.

NEW SECTION. Section 5. Effective date. [This act] is effective July 1, 2007.