

Montana's Constitution - Article X ---Education and Public Lands

Section 1. **Educational Goals and Duties:** (1) 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.

(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

Supreme Court Decision – Nov. 9, 2004 – Unanimous Decision

"We affirm the District Court's conclusion that the current funding system violates Article X, Section 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 Indian Cultural identity."

Jeffery M. Sherlock, District Court Judge, Helena, April 19, 2004:

"This Court hereby rules that the current state funding system violates Article X, Section 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."

"To have any meaning or effect, the Indian Education for all Act requires resources and programs, which in turn, require funding..... In reality, the State appears to be defenseless on Plaintiffs claim that Article X, Section 1 (2) of the Montana Constitution has not been implemented by the State despite the constitution's direction to do so."

Helena School District v State, 769 P.2d 684 (S.Ct. Montana.1989).

The Montana Supreme Court held that Article X, 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."

(HB 528) – Indian Education for All (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.

Proposed Budget for Funding Indian Education for All Montanans

The following are proposed enhancements and additions to the Office of Public Instruction budget proposal. All funding flows through the Office of Public Instruction, accountability, alignment to existing Montana Standards, and maximum coordination of resources. Administration of grant programs will be the responsibility of one additional Indian Education Specialist above the two positions provided for in the Office of Public Instruction budget.

1)	2 year Grants for Curriculum Development	\$1,330,000
	Grants will be made for development of model curriculum aligned to Montana Standards, development of a clearinghouse for materials, CD/web and resource material production, and pilot testing of materials.	
2)	2 year Grants for Professional Development	\$3,700,000
	Grants will be made for two purposes: a) for development, testing, and implementation of professional development opportunities for Montana's K-12 schools to infuse "Best Practices" curriculum and b) grants available to local school districts for implementation of "Best Practices" in Indian Education for All Montanans curriculum.	
3)	Best Practices Conference	\$70,000
4)	Grants to 50 Model "Ready to Go" School Districts for 2 year implementation of Indian Education for All Montanans, demonstrating "Best Practices" for replication.	\$2,000,000
5)	1 FTE for Indian Education Specialist to administer grants program, including benefits and insurance for biennium	\$120,000
	Grant administration operating expenses	\$100,000
6)	Additional Travel for MT Advisory Council on Indian Education	\$25,000
7)	Public Education Campaign about Indian Education for All Montanans Provides funding for contract services for development and implementation of a public relations campaign to create awareness and support with the public about Indian Education for All Montanans.	\$50,000
8)	Half time accountant	\$60,000
9)	OPI Administrative/Indirect Cost (17.3%)	\$73,525
	Total	\$7,528,525

School Renewal Commission -Cultural Education-

The Commission supports state-funded Indian Education for All curriculums and policies/rules developed through partnerships led by the Office of Public Instruction, Board of Public Education, and legislature, including Indian educators, tribes, and others. These partnerships will develop and implement:

- Policies/rules that support and insure that all schools provide the necessary guidance to the school instructional staff and programs to include culturally appropriate instruction for all students.
- Professional development for all school personnel to insure they are adequately prepared to provide instruction and supportive services for all students, including Indian students.
- Curriculum development and supportive instructional resources necessary to meet state accreditation guidelines as well as local district standards to integrate culturally appropriate American/Montana Indian Lessons in all curricular areas in grades K-12 for all students.
- Assessments standards that incorporate measurements for the achievement of all students and are tied to the goals of Indian Education for All.

These partnerships will provide educational opportunities to eliminate the wide disparity in educational achievement that exists between the American Indian students in Montana's Public Schools and their non-Indian peers as clearly documented by educational achievement research and data.

Vote: August 16, 2004 - Consensus

OPI INDIAN EDUCATION SUMMIT "A CALL TO ACTION"

OCTOBER 15-16, 2004

---Excerpts---

INDIAN EDUCATION FOR ALL PRIORITIES

More detailed information is available on OPI's Website

- 1st..... **Ongoing funding for Indian Education for All, 20-1-501, MCA, must be included adequately and consistently in the State P-20 budget.**
- 2nd **Create and Implement a P-20 curriculum that fulfills Indian Education for All**
- 3rd..... **Develop and implement a comprehensive plan for professional development on Indian Education for All, 20-1-501, MCA.**
- 4th..... **Create and implement an accountability system for compliance with Indian Education for All, 20-1-501 MCA.**