

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."

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.