



The Big Sky Country

EXHIBIT 1
DATE 4.15.05
SB 525

MONTANA HOUSE OF REPRESENTATIVES

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April 8, 2005

Representative Lindeen, Chair and members of
The House Select Committee on Education
House of Representatives
Helena, MT

RE: SB 525 – Quality Schools Interim Committee

Dear Chairwoman Lindeen and Members:

Thank you for your work on the definition of a quality education which is now state law. This definition is an important step toward meeting the constitutional promise made in 1972 in Article X, 1 (2) as well as the recent Supreme Court Order.

As the State Legislature continues in this process to do a study as well as develop a funding strategy for schools, Indian Education for All Montanans needs to be an integral part of the process developed by this Interim Committee outlined in SB 525.

The assessment of educational needs will need to include two components:

- How well are schools implementing Indian Education for All for all students in grades K-12 - are school policies in place, does the schools' curriculum have appropriate standards and benchmarks outlined for Indian Education for All across the curriculum, is professional development provided for all teachers to help them successfully integrate Indian Education for All in their lessons, are adequate resources available in the classrooms and libraries to support the curriculum for all students and teachers?
- As a separate component of the needs assessment, the disparity in educational achievement between the American Indian students in our state's K-12 schools and their non-Indian peers must be identified as well as the needs of schools to address this disparity. Most Montana students do quite well in our schools as evidenced by test scores, but there is a group of students, the American Indian students in our public schools who are being left behind.

In addition, on page 2, lines 27-29, the bill outlines groups that this committee will work closely with in implementing the educational needs and cost analysis in drafting a new funding formula including the Board of Public Education, the Office of Public Instruction, the Governor's Office, private organizations, professional educators, school trustees and members of the public. It is important for this committee to include representatives of Indian education as well. I have often found that if we are not specifically identified in legislation, we are often not included in the discussions. So, it would be important to consider an amendment to this bill to specifically include representatives of Indian education in Montana.

This interim committee will determine the costs of a basic system of free quality public elementary and secondary schools and what the state's share will be. This needs to include adequate funding for Indian Education for All as an integral part of the school funding formula that is developed by the State legislature both now and in the future. It is not a separate issue in school funding. We should not have to come to the legislature with separate bills and requests to implement Indian Education for All - it should have been and should become a normal part of the process of school funding both at the state levels and local levels.

The promise made 33 years ago in Montana's constitution will not be realized until our schools, our teachers and all students receive the adequate financial support to fully implement Indian Education for All Montanans.

Sincerely,


Carol C. Juneau

Article X, 1 (2) – Supreme Court Decision – Sherlock Decision

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, March 23, 2005: Issue 4:

34 *Whether the District Court erred in concluding that the State has violated Article X, Section 1 (2), by not recognizing the cultural heritage of American Indians in its educational goals.*

35 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 identify, as demanded by Article X, Section 1 (2). It relied on our opinion in *Helena Elementary*, when we held that the "provision establishes a special burden in Montana for the education of American Indian children which must be addressed as part of the school funding issues." *Helena Elementary*, 236 Mont. at 58, 769 P.2d at 693. The State does not contest these conclusions. "This Court will not endeavor to review a matter when appellant has directed no argument toward it." *Sands v Nestegard* (1982), 198 Mont. 421,428, 656 P.2d 1189, 1993. Therefore, we merely recognize that the findings and the conclusions of the District Court regarding Article X, Section 1 (2) of the Montana Constitution stand unchallenged.

EXCERPTS - SHERLOCK DECISION - APRIL 2004
Regarding ARTICLE X, 1 (2)

MONTANA FIRST JUDICIAL DISTRICT COURT, LEWIS AND CLARK COUNTY

FINDINGS OF FACT

174. In *Helena Elementary I*, the Montana Supreme Court addressed this subsection and held that "[T]he provision establishes a special burden in Montana for the education of American Indian children which must be addressed as part of the school funding

175. Despite this admonition by the supreme court, it would appear that nothing has been done to effectuate subsection (2) of Article X, Section 1 of the Montana Constitution....

177. To have any meaning or effect, the Indian Education for All Act requires resources and programs, which, in turn, require funding....

178. 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.

CONCLUSIONS OF LAW AND ORDER

8. 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.

 **American Indian Education Data Fact Sheet**

- 6.2% of Montana's total population is American Indian. (2000 Census)
- 11% of Montana's K-12 public and state funded schools' population is American Indian (Montana Public School Enrollment Data, Fall 2003-04, OPI)

- During the 2003-2004 school year 69% of Montana's American Indian students were enrolled in a school located on or near an Indian reservation; 21% were enrolled in an "urban" school, defined as a school belonging to one of the state's seven largest school systems (Billings, Bozeman, Butte, Great Falls, Helena, Kalispell, and Missoula); and the remaining 10% were enrolled in non-urban/non-reservation schools.

- American Indian district superintendent Full Time Equivalent (FTE): 4.8% (6.5 of 136)
- American Indian school principal Full Time Equivalent (FTE): 3.5% (13.9 of 404.2)
- American Indian teacher Full Time Equivalent (FTE): 2.4% (245 of 10330) (2003-04 Annual Data Collection, OPI)

- 60% of students in schools on or near reservations are eligible for free/reduced lunch, as compared to the Montana rate for all students is 34.7% (MT School Nutrition Programs Free and Reduced Price Participation Data, 2003-04 School Year, OPI)

- The performance of Montana American Indian students has improved by one (1) average NCE on the Iowa tests since testing began in 2001.
 - (IRIS Assessment - Simple Search, OPI (Iowa Test))
 - 4th grade math scoring proficient and advanced: 55% American Indian, 80 % white
 - 8th grade math scoring proficient and advanced: 41% American Indian, 75% white
 - 11th grade math scoring proficient and advanced: 46% American Indian, 79% white
 - 4th grade reading scoring proficient and advanced: 55 % American Indian, 83 % white
 - 8th grade reading scoring proficient and advanced: 44% American Indian, 78% white
 - 11th grade reading scoring proficient and advanced: 48% American Indian, 82 % white

- Slightly more than half (52%) of all graduates took the ACT test for the school year 2002-2003., whereas 42% of graduating American Indian students were test takers.

- Nearly half (49%) of all schools on or near reservations did not make Adequate Yearly Progress (AYP) (School AYP Status for FY03, OPI)
 - Of the four elementary schools not making AYP on attendance last year, two (2) were on or near reservations
 - Of the thirteen (13) high schools not making AYP on graduation rate, seven (7) were on or near reservations.

Office of Public Instruction
State Superintendent Linda McCulloch

- When a school/district does not make AYP for 2 consecutive years, they are identified for improvement. (NCLB Report Card, OPI)
 - 37 of 40 (or 92 percent) of schools identified for improvement have high numbers of American Indian enrolled.
 - 24 of 26 (or 92 percent) of districts identified for improvement have high numbers of American Indians enrolled.

Montana Statewide Dropout and Graduate Report, 2004, OPI

- On average, American Indian students drop out of grades 7 & 8 at a rate more than 12 times that of white students; they drop out of high school at a rate three times greater than that of white students.

- The five-year dropout rate for grades 7 through 8 was considerably higher (3.2 percent) for schools located on or near a reservation than for urban (0.6 percent) and nonurban/non-reservation schools (0.5 percent). The five-year dropout rate for grades 9 through 12 was slightly higher for urban schools (10.9 percent) than for schools located on or near a reservation (10.1 percent) and non-urban/non-reservation schools (7.5 percent).

- For the 2002-2003 school year, the highest dropout rates for grades 7 through 8 are observed for school districts with enrollments between 401 to 850 students, which interestingly, have the highest percent American Indian enrollment at 21.3 percent on average at the high school level, smaller school districts have lower dropout rates than do larger districts, with the highest dropout rates being observed for school districts with enrollments between 401 to 1,250 students. This trend is not observed when data are disaggregated by race/ethnicity. Unlike the "White" race/ethnicity category, American Indian dropout rates at the high school level remain consistently high amongst the various district sizes.

- White students drop out at a much lower rate at every grade level than American Indian students. Peak dropout rates for whites are observed around the 11th and 12th grades, whereas, dropout rates for American Indians peak a year earlier in grade 10. Although, in general, males drop out of school at a higher rate than do females, this gender difference is not observed for the American Indian population. For the past five years, American Indian females have dropped out at the same, if not higher rate than males.
- American Indian students had a three-year average completion rate of 60.6 percent, noticeably lower than the white average of 86.4 percent

- The overall completion rate for the Class of 2003 was 84.9 percent. American Indian students had a three-year average completion rate of 60.6 percent.

Montana District-level CRT Results by Subgroup

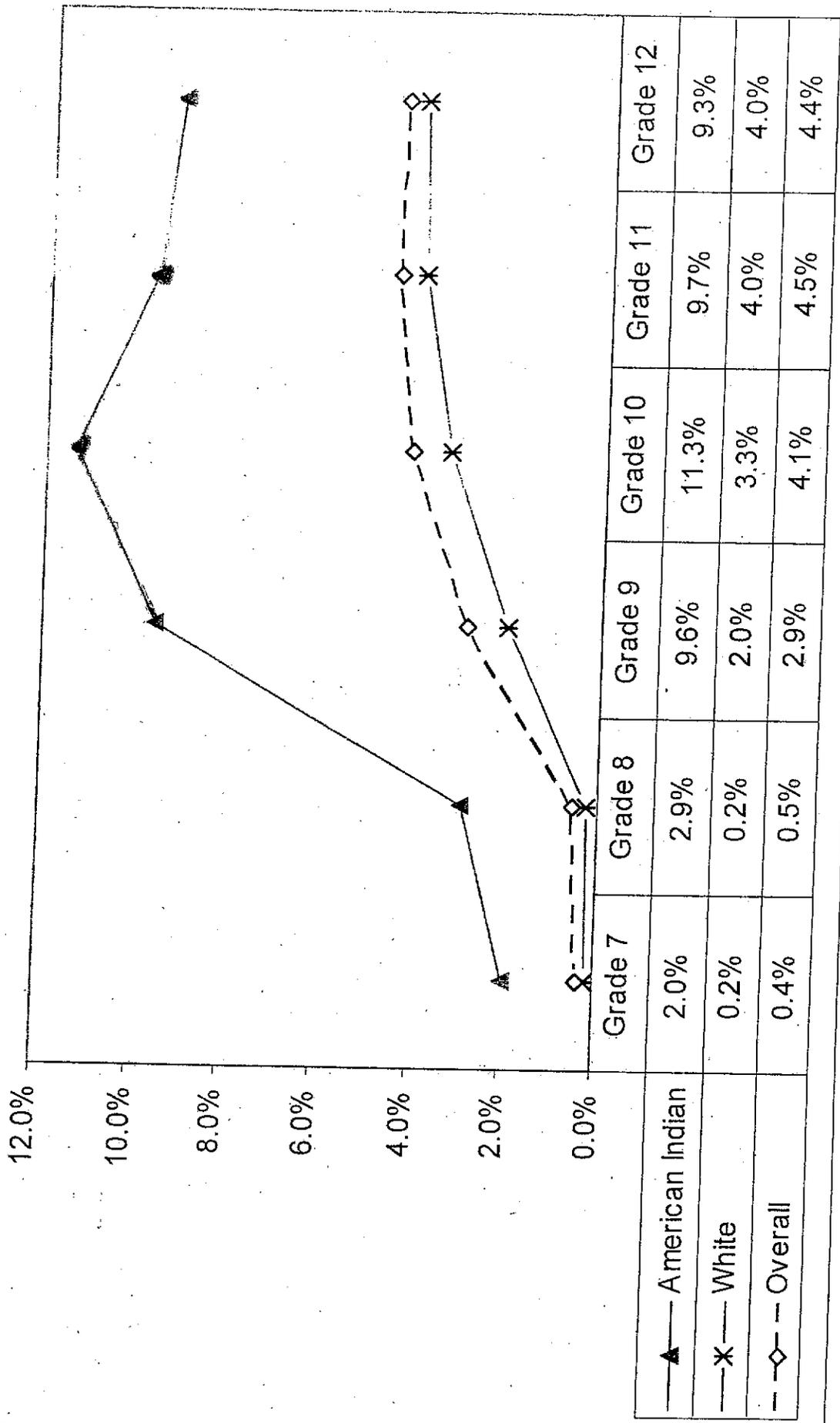
School Year 2003-04, Reported January 20, 2005

Montana Statewide CRT Results

Legal Entity	SUBGROUP	--- Reading Performance Level ---					--- Math Performance Level ---						
		Student Count	% Novice	% Nearing	% Proficient	% Advanced	% At or Above Proficient	Student Count	% Novice	% Nearing	% Proficient	% Advanced	% At or Above Proficient
All Students Combined		35,014	21.6%	16.2%	34.0%	28.2%	62.2%	35,014	18.0%	25.1%	40.0%	16.8%	56.8%
Students with disabilities		4,046	61.0%	16.5%	16.5%	6.0%	22.5%	4,046	49.3%	30.5%	16.2%	4.0%	20.2%
Female		16,972	16.8%	15.6%	34.6%	33.0%	67.6%	16,972	17.4%	25.5%	41.4%	15.7%	57.1%
Male		18,042	26.2%	16.7%	33.4%	23.7%	57.1%	18,042	18.5%	24.8%	38.7%	17.9%	56.6%
American Indian/Alaskan Native		3,825	48.6%	19.5%	23.0%	8.8%	31.8%	3,825	41.2%	33.8%	21.0%	4.1%	25.0%
Asian American		333	15.0%	15.3%	38.4%	31.2%	69.7%	333	12.9%	19.2%	43.8%	24.0%	67.9%
Hispanic or Latino		693	26.7%	22.7%	32.5%	18.2%	50.6%	693	25.7%	29.6%	35.5%	9.2%	44.7%
Black or African American		237	27.4%	23.6%	33.3%	15.6%	48.9%	237	29.1%	35.4%	29.5%	5.9%	35.4%
White, Non-Hispanic		29,872	18.1%	15.6%	35.4%	31.0%	66.3%	29,872	14.8%	23.9%	42.6%	18.7%	61.2%
Native Hawaiian or Pacific Islander		54	20.4%	13.0%	38.9%	27.8%	66.7%	54	29.6%	20.4%	37.0%	13.0%	50.0%
Participates In Free/Reduced Lunch		10,806	34.0%	20.1%	30.1%	15.8%	46.0%	10,806	30.1%	29.6%	32.1%	8.2%	40.3%
Limited English Proficiency		1,166	66.8%	18.0%	11.9%	3.4%	15.4%	1,166	55.1%	29.3%	13.0%	2.5%	15.5%
Grade 04		10,744	16.7%	17.7%	39.4%	26.3%	65.7%	10,744	34.1%	20.7%	31.0%	14.2%	45.2%
Grade 08		12,255	24.5%	17.3%	31.1%	27.2%	58.3%	12,255	11.0%	25.0%	45.8%	18.2%	64.0%
Grade 10		12,015	23.2%	13.8%	32.1%	30.9%	63.0%	12,015	10.8%	29.3%	42.1%	17.8%	59.9%
Regular Assessment		34,747	21.7%	16.2%	33.9%	28.1%	62.1%	34,748	18.0%	25.2%	40.0%	16.8%	56.8%
Alternate Assessment		267	10.5%	16.5%	37.8%	35.2%	73.0%	266	22.9%	13.2%	37.2%	26.7%	63.9%

Montana Office of Public Instruction
Linda McCulloch, Superintendent

Five-Year Dropout Rates by Grade for Select Race/Ethnicity Categories 1998-99 to 2002-03



Source: Montana Statewide Dropout and Graduate Report - 2002-03 School Year, Office Of Public Instruction, May 2004