

Amendment - 2nd Reading/2nd House-tan - Requested by: Keith Regier - (S) Committee of Whole

68th Legislature

Drafter: Pad McCracken, 406-444-3595

HB0287.002.001

1 HOUSE BILL NO. 287
2 INTRODUCED BY J. WINDY BOY, D. BEDEY, M. WEATHERWAX, C. KEOGH, J. HAMILTON, J.
3 COHENOUR, T. RUNNING WOLF, E. KERR-CARPENTER, A. BUCKLEY, M. MARLER, L. BISHOP, D. FERN,
4 K. SULLIVAN, K. KORTUM, T. FRANCE, E. STAFMAN, M. CAFERRO, F. SMITH, L. JONES, T. BROCKMAN,
5 S. WEBBER, M. FOX, W. CURDY, J. SMALL, E. BOLDMAN, A. OLSEN, P. FLOWERS, D. SALOMON, P.
6 GREEN, J. ETCHART, K. ABBOTT, D. HARVEY, S. STEWART PEREGOY, Z. ZEPHYR, M. ROMANO, L.
7 SMITH, D. BAUM, E. MATTHEWS, S. HOWELL

8
9 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE MONTANA INDIAN LANGUAGE PRESERVATION
10 PROGRAM; EMPHASIZING THE PERPETUATION OF INDIAN LANGUAGES THROUGH PARTNERSHIPS
11 BETWEEN TRIBAL GOVERNMENTS AND SCHOOL DISTRICTS; MODIFYING THE PROGRAM
12 PARAMETERS AND APPLICATION REQUIREMENTS; EMPHASIZING THE ROLES OF TRIBAL
13 EDUCATION AND CULTURE DEPARTMENTS AND OF INDIAN LANGUAGE AND CULTURAL
14 SPECIALISTS; REVISING REPORTING REQUIREMENTS; AMENDING SECTION 20-9-537, MCA; AND
15 PROVIDING AN EFFECTIVE DATE."

16
17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

18
19 **Section 1.** Section 20-9-537, MCA, is amended to read:

20 **"20-9-537. Montana Indian language preservation program.** (1) There is a Montana Indian
21 language preservation program. The program is established to support efforts of Montana tribes and partnering
22 school districts to preserve and perpetuate Indian languages in the form of spoken, written, sung, or signed
23 language and to ~~assist in the preservation and curricular goals of Indian education for all pursuant to help meet~~
24 the state's educational goal of preserving the cultural integrity of American Indians under Article X, section 1(2),
25 ~~of the Montana constitution and Title 20, chapter 1, part 5.~~

26 (2) (a) The office of public instruction shall administer the program and, in collaboration with ~~the~~
27 ~~Montana historical society, the state director of Indian affairs, and each tribal government of a federally~~

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1 recognized Indian tribe in Montana, shall create program guidelines.

2 (b) The program guidelines must:

3 (i) describe the roles of tribal governments, of tribal education, culture, or language departments
4 or other recognized Indian education resource specialists, and of partnering school districts;

5 (ii) include definitions of language fluency in sufficient detail to allow measurement of progress
6 toward Indian language preservation; and

7 (iii) address performance and output standards, distribution of funds, accounting of funds, and use
8 of funds.

9 (3) (a) The office of public instruction shall equitably EQUALLY distribute funds to tribal governments
10 in a manner described in the program guidelines. A tribal government wishing to participate in the program shall
11 submit an application to the office of public instruction that includes at a minimum:

12 (i) statements of commitment from school districts with which the tribal government will partner
13 through the program;

14 (ii) a designation of a tribal entity to administer the program. The designation must be to the tribal
15 education department or equivalent or, if the tribe does not have an education department, to another entity
16 such as a tribal culture or language department or equivalent.

17 (iii) a description of the role of American Indian language and culture specialists in the program,
18 including the number of specialists currently employed by partnering districts;

19 (iv) a detailed description of proposed curriculum development, instruction, and professional
20 development activities, including the role of American Indian language and culture specialists;

21 (v) a description of how proposed activities support the tribal government's long-term strategy for
22 Indian language preservation, including:

23 (A) an estimate of the current number of fluent speakers; and

24 (B) any plans to build multigenerational fluency through:

25 (I) partner-partnerships with early learning providers; and

26 (II) adult education offerings; and

27 (vi) a proposed budget for the expenditure of funds received under the program and any other

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1 anticipated funding sources.

2 (b) Tribal governments and partnering school districts shall report annually to the office of public
3 instruction in a format prescribed in the program guidelines. A tribal government failing to meet the reporting
4 requirements may not receive program funds until reporting requirements have been met.

5 (c) The office of public instruction shall report to the legislature, to the education interim committee,
6 and to the state-tribal relations committee in accordance with 5-11-210. The report must include:

7 (i) current program guidelines as required in subsection (2);

8 (ii) a summary of each participating tribal government's activities under the program; and

9 (iii) metrics that indicate how well activities funded under this program are promoting language

10 fluency.

11 ~~(c) The performance and output standards must include:~~

12 ~~(i) development of audio and visual recordings;~~

13 ~~(ii) creation of reference materials, which may be in audio, visual, electronic, or written format;~~

14 ~~(iii) creation and publication of curricula, which may include electronic curricula; and~~

15 ~~(iv) administration and maintenance of a long-term language preservation strategic plan.~~

16 ~~(d) The performance and output standards may include:~~

17 ~~(i) language classes;~~

18 ~~(ii) language immersion camps;~~

19 ~~(iii) storytelling;~~

20 ~~(iv) publication of literature; and~~

21 ~~(v) language programs, workshops, seminars, camps, and other presentations in formal or informal~~

22 ~~settings.~~

23 ~~(3) Any tangible goods produced under this section must be submitted within 1 year of production to~~
24 ~~the Montana historical society for the benefit of related language preservation efforts and for preservation and~~
25 ~~archival purposes.~~

26 ~~(4) Tribal governments or their designees receiving program funds may form local program advisory~~
27 ~~boards. Members of a local program advisory board may include but are not limited to representatives from any~~

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1 ~~of the entities listed in subsection (6).~~

2 ~~(5) (a) Each tribal government or designee shall provide reports on expenditures of grant funds,~~
3 ~~overall program progress, and other criteria required under the guidelines established pursuant to subsection~~
4 ~~(2)(a) to the office of public instruction.~~

5 ~~(b) The office of public instruction shall report any findings, comments, or recommendations regarding~~
6 ~~each local program and the Montana Indian language preservation program to the legislature and to the state-~~
7 ~~tribal relations committee as provided in 5-11-210.~~

8 ~~(6) Tribal governments and their designees are encouraged to maximize the impact of grant funds by~~
9 ~~forming partnerships among state and tribal entities and leveraging existing resources for the preservation of~~
10 ~~Indian languages and the education of all Montanans in a way that honors the cultural integrity of American~~
11 ~~Indians. Suggested partner entities include but are not limited to:~~

- 12 ~~(a) the governor's office of Indian affairs;~~
- 13 ~~(b) school districts located on reservations;~~
- 14 ~~(c) tribal colleges;~~
- 15 ~~(d) tribal historic preservation offices;~~
- 16 ~~(e) tribal language and cultural programs;~~
- 17 ~~(f) units of the Montana university system;~~
- 18 ~~(g) the Montana historical society;~~
- 19 ~~(h) the state tribal economic development commission;~~
- 20 ~~(i) Montana public television organizations;~~
- 21 ~~(j) school districts not located on reservations; and~~
- 22 ~~(k) the Montana state library.~~

23 ~~(7) State entities that operate film and video studios and equipment shall cooperate with each local~~
24 ~~tribal preservation program in the production of materials for preservation and archival purposes.~~

25 ~~(8)(4) Any cultural and intellectual property rights from program efforts belong to the tribe. Use of the~~
26 ~~cultural and intellectual property may be negotiated between the tribe and other partnering entities.~~

27 ~~(9)(5) A tribe may use payments received pursuant to this section as matching funds for federal or~~

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1 private fund sources to accomplish the purposes of this section."
2

3 NEW SECTION. Section 2. Transition. The legislature intends that the office of public instruction
4 collaborate with tribal governments to adopt program guidelines and solicit applications by October 1, 2023, so
5 that funds may be distributed in fiscal year 2024 no later than February 1, 2024.
6

7 NEW SECTION. Section 3. Notification to tribal governments. The secretary of state shall send a
8 copy of [this act] to each federally recognized tribal government in Montana.
9

10 NEW SECTION. Section 4. Effective date. [This act] is effective July 1, 2023.
11

- END -