

SENATE BILL NO. 272

INTRODUCED BY J. WINDY BOY, B. HAMLETT, R. MEHLHOFF, S. STEWART-PEREGOY, F. THOMAS,
L. WHITFORD

A BILL FOR AN ACT ENTITLED: "AN ACT STRENGTHENING MONTANA'S COMMITMENT IN ITS
EDUCATIONAL GOALS TO THE PRESERVATION OF AMERICAN INDIAN CULTURAL INTEGRITY AS
STATED IN ARTICLE X, SECTION 1, OF THE MONTANA CONSTITUTION; ENCOURAGING SCHOOL
DISTRICTS TO CREATE INDIAN LANGUAGE IMMERSION ~~SCHOOLS AND~~ PROGRAMS; PROVIDING
FUNDING; PROVIDING AN APPROPRIATION; INCLUDING AMERICAN INDIAN LANGUAGE AND CULTURE
SPECIALISTS IN THE QUALITY EDUCATOR PAYMENT; AMENDING SECTION 20-9-327, MCA; AND
PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE."

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

NEW SECTION. **Section 1. Short title.** [Sections 1 through 4] may be cited as the "Cultural Integrity
Commitment Act".

NEW SECTION. **Section 2. Legislative findings -- purposes.** (1) The legislature finds that:
(a) language in the form of spoken, written, or sign language is foundational to cultural integrity;
(b) Montana tribal languages are in a time of crisis through the loss of native speakers, writers, and
signers;
(c) achievement gaps persist for Indian students, including higher dropout rates;
(d) Article X, section 1, of the Montana constitution established the educational goals of:
(i) establishing an education system that develops the full educational potential of each person; and
(ii) preserving Indian cultural integrity.

(2) The purpose of [sections 1 through 4] is to promote innovative, culturally relevant, Indian language
immersion programs for Indian and non-Indian students with the goal of raising student achievement,
strengthening families, and preserving and perpetuating Indian language and culture throughout Indian country
and Montana.

1 **NEW SECTION. Section 3. Definitions.** As used in [sections 1 through 4], the following definitions
 2 apply:

3 (1) "Eligible district" means a school district encompassing or adjacent to an Indian reservation or a
 4 school district that includes one or more schools with an Indian population of 10% or greater.

5 (2) "Immersion program" means a program of an eligible district in which:

6 (a) all participating students receive content area instruction in an Indian language at least 50% of the
 7 day;

8 (b) teachers are fully proficient in the languages they use for instruction; and

9 (c) the goal of the program is perpetuating cultural integrity and promoting bilingualism and biliteracy.

10 ~~(3) "Immersion school" means a school in which all students in attendance participate in an Indian
 11 language immersion program.~~

12 ~~(4)~~(3) "Indian language" means any of the languages of the tribes located on the seven Montana
 13 reservations and the Little Shell Chippewa tribe.

14
 15 **NEW SECTION. Section 4. Indian language immersion programs and schools -- funding --**

16 **flexibility.** (1) School districts are encouraged to create Indian language immersion programs ~~and schools~~ and
 17 in doing so:

18 (a) collaborate with other school districts, the Montana digital academy, tribal governments, and tribal
 19 colleges;

20 (b) utilize materials produced in the Montana Indian language preservation pilot program pursuant to
 21 section 1, Chapter 410, Laws of 2013;

22 (c) utilize American Indian language and culture specialists as teachers of language and culture; and

23 (d) look to existing native language schools in Montana and around the world for guidance and best
 24 practices.

25 (2) In acknowledgment of Article X, section 1, of the Montana constitution, the educationally relevant
 26 factors for the school funding formula under 20-9-309(3), and the increased costs associated with language
 27 immersion programs ~~and schools~~, a district creating an Indian language immersion program ~~or school~~ is entitled
 28 to the following in addition to the school funding formula in Title 20, chapter 9:

29 (a) (i) subject to ~~subsection (3)~~ SUBSECTIONS (3) AND (4), for every Indian student participating in an Indian
 30 language immersion program, an additional American Indian achievement gap payment, as calculated in

1 20-9-306, multiplied by 2; and

2 (ii) for every non-Indian student participating in an Indian language immersion program, an additional
3 Indian education for all payment, as calculated in 20-9-306, multiplied by 2;

4 ~~(b) for an Indian language immersion school, an additional, separate basic entitlement as calculated in~~
5 ~~20-9-306; and~~

6 ~~(c)(B)~~ for every full-time American Indian language and culture specialist teaching in an Indian language
7 immersion program, a quality educator payment as calculated in 20-9-306.

8 (3) For a district operating an Indian language immersion program that improves the district's graduation
9 rate for American Indians by 5 percentage points or more from the previous year as measured by the office of
10 public instruction, the multiplier in subsection (2)(a)(i) must be increased to 3.

11 (4) IF THE MONEY APPROPRIATED FOR INDIAN IMMERSION PROGRAMS IS INSUFFICIENT TO PROVIDE THE AMOUNTS
12 IN SUBSECTIONS (2) AND (3), THE OFFICE OF PUBLIC INSTRUCTION SHALL PRORATE THE PAYMENTS ACCORDINGLY.

13 ~~(4)(5)~~ The board of public education is encouraged to approve proposed variances to standards of
14 accreditation for Indian language immersion ~~schools and~~ programs when the board finds the proposal to be
15 educationally sound and in alignment with the purpose described in [section 2(2)].

16 ~~(5)(6)~~ The cultural and intellectual property rights from materials developed for an Indian language
17 immersion program belong to the tribe to which the materials relate. Use of the cultural and intellectual property
18 outside of the Indian language immersion program may be negotiated with the tribe.

19

20 **Section 5.** Section 20-9-327, MCA, is amended to read:

21 **"20-9-327. Quality educator payment.** (1) (a) The state shall provide a quality educator payment to:

22 (i) public school districts, as defined in 20-6-101 and 20-6-701;

23 (ii) special education cooperatives, as described in 20-7-451;

24 (iii) the Montana school for the deaf and blind, as described in 20-8-101;

25 (iv) state youth correctional facilities, as defined in 41-5-103; and

26 (v) the Montana youth challenge program.

27 (b) A special education cooperative that has not met the requirements of 20-7-454 may not be funded
28 under the provisions of this section except by approval of the superintendent of public instruction.

29 (2) (a) The quality educator payment for special education cooperatives must be distributed directly to
30 those entities by the superintendent of public instruction.

1 (b) The quality educator payment for the Montana school for the deaf and blind must be distributed to
2 the Montana school for the deaf and blind.

3 (c) The quality educator payment for Pine Hills and Riverside youth correctional facilities must be
4 distributed to those facilities by the department of corrections.

5 (d) The quality educator payment for the Montana youth challenge program must be distributed to that
6 program by the department of military affairs.

7 (3) The quality educator payment is calculated as provided in 20-9-306, using the number of full-time
8 equivalent educators, as reported to the superintendent of public instruction for accreditation purposes in the
9 previous school year, each of whom:

10 (a) holds a valid certificate under the provisions of 20-4-106 and is employed by an entity listed in
11 subsection (1) of this section in a position that requires an educator license in accordance with the administrative
12 rules adopted by the board of public education; ~~or~~

13 (b) (i) is a licensed professional under 37-8-405, 37-8-415, 37-11-301, 37-15-301, 37-17-302, 37-22-301,
14 37-23-201, 37-24-301, or 37-25-302; and

15 (ii) is employed by an entity listed in subsection (1) to provide services to students; or

16 (c) (i) holds an American Indian language and culture specialist license; and

17 (ii) is employed by an entity listed in subsection (1) to provide services to students in an Indian language
18 immersion program pursuant to [sections 1 through 4]."

19
20 NEW SECTION. SECTION 6. APPROPRIATION. THERE IS APPROPRIATED FROM THE GENERAL FUND TO THE
21 OFFICE OF PUBLIC INSTRUCTION \$45,000 FOR THE BIENNIUM BEGINNING JULY 1, 2015, AS A ONE-TIME-ONLY
22 APPROPRIATION FOR THE PURPOSES DESCRIBED IN [SECTIONS 1 THROUGH 4].

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24 NEW SECTION. Section 7. Codification instruction. [Sections 1 through 4] are intended to be codified
25 as an integral part of Title 20, chapter 7, and the provisions of Title 20, chapter 7, apply to [sections 1 through 4].

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27 NEW SECTION. Section 8. Notification to tribal governments. The secretary of state shall send a
28 copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell
29 Chippewa tribe.

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1 NEW SECTION. Section 9. Effective date. [This act] is effective on passage and approval.

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3 NEW SECTION. SECTION 10. TERMINATION. [THIS ACT] TERMINATES JUNE 30, 2019.

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