

**Amendment - 1st Reading/2nd House-blue - Requested by: Shannon O'Brien - (S) Education and Cultural Resources**

68th Legislature

Drafter: Pad McCracken, 406-444-3595

HB0338.002.004

1 HOUSE BILL NO. 338  
2 INTRODUCED BY J. WINDY BOY, C. KEOGH, T. RUNNING WOLF, D. HAWK, E. KERR-CARPENTER, A.  
3 BUCKLEY, M. THANE, F. SMITH, M. HOPKINS, J. FITZPATRICK, K. ABBOTT, P. TUSS, S. STEWART  
4 PEREGOY, M. ROMANO, S. HOWELL

5  
6 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING INDIAN EDUCATION FOR ALL; PROVIDING A  
7 DEFINITION OF "EDUCATIONAL AGENCY"; REQUIRING SCHOOL DISTRICTS TO PROVIDE INDIAN  
8 EDUCATION FOR ALL; ~~REQUIRING ENCOURAGING~~ THE BOARD OF PUBLIC EDUCATION AND  
9 SUPERINTENDENT OF PUBLIC INSTRUCTION TO INCORPORATE THE DISTINCT AND UNIQUE  
10 CULTURAL HERITAGE OF MONTANA AMERICAN INDIANS INTO CONTENT STANDARDS WITH  
11 INVOLVEMENT FROM THE TRIBES; ENHANCING THE REPORTING REQUIREMENTS FOR INDIAN  
12 EDUCATION FOR ALL FUNDS DISTRIBUTED TO SCHOOL DISTRICTS; AMENDING SECTIONS 20-1-501,  
13 20-1-502, 20-1-503, AND 20-9-329, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY  
14 DATE."

15  
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

17  
18 **Section 1.** Section 20-1-501, MCA, is amended to read:

19 **"20-1-501. Recognition of American Indian cultural heritage -- legislative intent.** (1) It is the  
20 constitutionally declared policy of this state to recognize the distinct and unique cultural heritage of American  
21 Indians and to be committed in its educational goals to the preservation of their cultural heritage.

22 (2) It is the intent of the legislature that in accordance with Article X, section 1(2), of the Montana  
23 constitution:

24 (a) every Montanan, whether Indian or non-Indian, ~~be encouraged to~~ learn about the distinct and  
25 unique heritage of American Indians in a culturally responsive manner; and

26 (b) every educational agency ~~and all educational personnel will~~ work cooperatively with Montana  
27 tribes or those tribes that are in close proximity, when providing instruction or when implementing an

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1 educators of Indian descent and made available to school districts;

2 (c) inservice training provided by a local board of trustees of a school district, which is developed  
3 and conducted in cooperation with tribal education departments, tribal community colleges, or other recognized  
4 Indian education resource specialists; or

5 (d) inservice training developed by professional education organizations or associations in  
6 cooperation with educators of Indian descent and made available to all certified and classified personnel."

7

8 **Section 3.** Section 20-1-503, MCA, is amended to read:

9 **"20-1-503. Qualification in Indian studies -- trustees and noncertified personnel Indian**

10 **education for all.** (1) ~~The board of trustees for an elementary or secondary public school district may require~~  
11 ~~that all of its certified personnel satisfy the requirements for instruction in American Indian studies. Pursuant to~~  
12 ~~Article X, section 8, of the Montana constitution, this requirement may be a local school district requirement with~~  
13 ~~enforcement and administration solely the responsibility of the local board of trustees. Pursuant to this part and~~  
14 ~~20-9-329 and the definition of basic system of free quality public elementary and secondary schools under 20-~~  
15 ~~9-309, the board of trustees of a school district shall ensure~~ **REQUIRE** ~~that all certified personnel and all students~~  
16 ~~receive instruction in American Indian studies.~~

17 (2) Members of boards of trustees and all noncertified personnel in public school districts are  
18 encouraged to satisfy the requirements for instruction in American Indian studies.

19 (3) (A) PURSUANT TO ARTICLE X, SECTION 1(2), OF THE MONTANA CONSTITUTION, 20-1-501, 20-7-101,  
20 AND 20-9-309, THE BOARD OF PUBLIC EDUCATION ~~SHALL IS ENCOURAGED TO~~ INCORPORATE THE DISTINCT AND UNIQUE  
21 CULTURAL HERITAGE OF MONTANA AMERICAN INDIANS IN THE CONTENT STANDARDS THAT SCHOOLS MUST IMPLEMENT  
22 AS A REQUIREMENT FOR SCHOOL ACCREDITATION.

23 (B) THE SUPERINTENDENT SHALL INCLUDE REPRESENTATIVES OF MONTANA INDIAN TRIBES ON  
24 NEGOTIATED RULEMAKING COMMITTEES FORMED PURSUANT TO 20-7-101 ADDRESSING THE DEVELOPMENT OR REVISION  
25 OF CONTENT STANDARDS UNDER SUBSECTION (3)(A)."

26

27 **Section 4.** Section 20-9-329, MCA, is amended to read:

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1           **"20-9-329. Indian education for all payment.** (1) ~~The~~ Except as provided in subsection (5), the state  
2 shall provide an Indian education for all payment to public school districts, as defined in 20-6-101 and 20-6-701,  
3 to implement the provisions of Article X, section 1(2), of the Montana constitution and Title 20, chapter 1, part 5.

4           (2) The Indian education for all payment is calculated as provided in 20-9-306 and is a component  
5 of the BASE budget of the district.

6           (3) The district shall deposit the payment in the general fund of the district.

7           (4) (a) A public school district that receives an Indian education for all payment may not divert the  
8 funds to any purpose other than curriculum development OF AN AMERICAN INDIAN STUDIES PROGRAM, providing  
9 curriculum and materials to students FOR THE PROGRAM, ~~and~~ providing training to teachers about the PROGRAM'S  
10 curriculum and materials, ~~and preparing and submitting reports as required under subsection (4)(b).~~

11           (b) A public school district shall file an annual report with the office of public instruction, ~~in a form~~  
12 ~~prescribed by the superintendent of public instruction,~~ IN A FORM AND BY A DATE PRESCRIBED BY THE  
13 SUPERINTENDENT OF PUBLIC INSTRUCTION, that specifies how the Indian education for all funds were expended IN  
14 THE PRIOR SCHOOL FISCAL YEAR IN SUFFICIENT DETAIL TO ENSURE THAT ALL THE FUNDS WERE PROPERLY SPENT FOR  
15 THE PURPOSES UNDER SUBSECTION (4)(A). In addition to the expenditure reporting, the report must include  
16 detailed descriptions of:

17           (i) the instruction provided to certified personnel and students as required under 20-1-503; and

18           (ii) how this instruction was developed cooperatively with the advice and assistance of Montana  
19 tribes pursuant to Title 20, chapter 1, part 5.

20           (5) (A) A school district that fails to file the annual report required under subsection (4) is ineligible  
21 for the funding under this section FOR SUBSEQUENT SCHOOL FISCAL YEARS until the report is filed.

22           (B) IF A SCHOOL DISTRICT FILES A REPORT FAILING TO SHOW THAT ALL FUNDS RECEIVED UNDER THIS  
23 SECTION WERE SPENT FOR THE PURPOSES OF SUBSECTION (4)(A), THE SCHOOL DISTRICT'S BASE BUDGET AND  
24 FUNDING UNDER THIS SECTION FOR THE SUBSEQUENT FISCAL YEAR MUST BE REDUCED BY THE AMOUNT OF FUNDING  
25 RECEIVED THAT WAS NOT SPENT FOR THE PURPOSES OF SUBSECTION (4)(A)."

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27           NEW SECTION. Section 5. Notification to tribal governments. The secretary of state shall send a

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1 copy of [this act] to each federally recognized tribal government in Montana.

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3 NEW SECTION. Section 6. Effective date. [This act] is effective July 1, 2023.

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5 NEW SECTION. Section 7. Applicability. The new reporting requirements under [section 4(4)] apply  
6 to Indian education for all funds distributed in fiscal years starting on or after July 1, 2023.

7

- END -

AMENDED