

## 1 HOUSE BILL NO. 394

2 INTRODUCED BY J. WINDY BOY

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4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO THE EDUCATION  
5 OF AMERICAN INDIAN CHILDREN AND THE GOVERNMENT-TO-GOVERNMENT RELATIONSHIP  
6 BETWEEN MONTANA AND THE TRIBAL NATIONS LOCATED IN MONTANA; ESTABLISHING A  
7 COLLABORATIVE EXPLORATION OF THE CREATION OF STATE-TRIBAL EDUCATION ACCORDS AND  
8 STATE-TRIBAL EDUCATION ACCORD SCHOOLS; PROVIDING DUTIES FOR THE BOARD OF PUBLIC  
9 EDUCATION AND A TIMELINE FOR THE PROJECT; ESTABLISHING REPORTING REQUIREMENTS;  
10 PROVIDING A DEFINITION; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION  
11 DATE."

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

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15 **NEW SECTION. Section 1. Collaborative exploration of state-tribal education accords and**  
16 **state-tribal education accord schools.** (1) In collaboration with federally recognized tribes and tribal  
17 organizations in the state, the board of public education shall explore the creation of state-tribal education  
18 accords to establish state-tribal education accord schools as described in this section. The purpose of the  
19 exploration is to determine how the creation of accords and accord schools would contribute to:

20 (a) better developing the educational potential of American Indian children;

21 (b) furthering the state's commitment in its educational goals to the preservation of American  
22 Indian cultural integrity; and

23 (c) enhancing the self-determination of the tribal nations located in the state.

24 (2) A governing body of a federally recognized tribe in in the state may initiate the exploration  
25 described in subsection (1) by submitting, no later than September 30, 2023, a resolution to the board that  
26 identifies the tribal organizations, if any, that will participate on behalf of or in conjunction with the federally  
27 recognized tribe. If the board does not receive a resolution by September 30, 2023, the board is under no  
28 obligation to continue the exploration.

1           (3)     (a) Not later than December 1, 2023, the board shall initiate meetings with the governing  
2 bodies of the federally recognized tribes that submitted a resolution under subsection (2) and any tribal  
3 organization identified in the resolution by the federally recognized tribe to discuss and develop a framework for  
4 state-tribal education accords. For each participating tribe, at least one school district likely to have a state-tribal  
5 education accord school located within the school district's boundaries must be invited to participate in the  
6 meetings, including:

7           (i)     the board of trustees of the school district; and

8           (ii)    a representative of the collective bargaining unit that represents the teachers of the school  
9 district.

10          (b)    The accord framework must address at least the following:

11          (i)     the duration and terms of accords;

12          (ii)    the governance of and flexibilities extended to accord schools;

13          (iii)   the funding of accord schools;

14          (iv)    accountability metrics for the performance of accord schools.

15          (4)    Not later than September 1, 2024, the board shall submit a report containing recommendations  
16 to the education interim committee and the state-tribal relations committee relating to its collaborative  
17 exploration of state-tribal education accords and state-tribal education accord schools. The board may include  
18 in the report recommendations for proposed legislation relating to state-tribal education accords and state-tribal  
19 education accord schools. The board shall consult with the federally recognized tribes and tribal organizations  
20 that participated in the exploration before submitting the report required under this subsection.

21          (5)    A state-tribal education accord for the operation of a state-tribal education accord school may  
22 be entered into only after enactment into law on or before July 1, 2025, of a bill authorizing the implementation  
23 of state-tribal education accords and state-tribal education accord schools.

24          (6)    For the purposes of this section, unless the context clearly indicates otherwise, the term  
25 "board" means the board of public education.  
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27           NEW SECTION. **Section 2. Notification to tribal governments.** The secretary of state shall send a  
28 copy of [this act] to each federally recognized tribal government in Montana.

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2            NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

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4            NEW SECTION. **Section 4. Termination.** [Section 1] terminates June 30, 2025.

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