

1 HOUSE BILL NO. 395
2 INTRODUCED BY J. WINDY BOY

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4 A BILL FOR AN ACT ENTITLED: "AN ACT ENSURING THE OPPORTUNITY FOR TRIBAL CONSULTATION
5 TO ENHANCE THE EDUCATIONAL OPPORTUNITIES FOR AMERICAN INDIAN CHILDREN; REQUIRING
6 SCHOOL DISTRICTS SERVING SIGNIFICANT NUMBERS OF AMERICAN INDIAN CHILDREN TO
7 CONSULT WITH TRIBES; ESTABLISHING PARAMETERS FOR THE CONSULTATION; ESTABLISHING
8 REPORTING REQUIREMENTS; AND PROVIDING AN EFFECTIVE DATE."

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

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12 NEW SECTION. **Section 1. Consultation with tribes -- legislative findings -- requirements of**
13 **school districts.** (1) The legislature finds that ensuring meaningful consultation between school districts
14 serving significant numbers of American Indian children and tribal governments will contribute towards helping
15 create a more inclusive educational environment that supports:

- 16 (a) the long-term success for American Indian students; and
- 17 (b) fulfilling the state's commitment to the preservation of American Indian cultural integrity under
18 Article X, section 1(2), of the Montana constitution.

19 (2) A school district with an enrollment of 50% or more American Indian students shall annually
20 initiate consultation with the tribal government, or the tribal government's designee, of the tribe most closely
21 associated with the American Indian students of the district. The tribal government may decline consultation.
22 This section does not prevent a school district with an enrollment of less than 50% American Indian students
23 from initiating consultation with a tribal government if the school district determines that consultation would
24 benefit the educational outcomes of American Indian students.

- 25 (3) The tribal consultation under this section must address, at a minimum, the following:
 - 26 (a) the school district's plan to provide the tribe and parents of American Indian students with
27 meaningful and ongoing opportunities to review and make recommendations on the district's:
 - 28 (i) educational program and activities;

1 (ii) use of funding for Indian education for all under 20-9-329 and American Indian student
2 achievement under 20-9-330; and

3 (iii) efforts to ensure that American Indian children benefit from the educational program and
4 activities;

5 (b) the school district's plan to assess at least annually the extent to which American Indian
6 children participate on an equal basis with non-Indian children in the district's education program and activities
7 and the school district's plan to share the results of this assessment with the tribe and parents of American
8 Indian children;

9 (c) the school district's plan to modify and continually improve its plans under subsections (3)(a)
10 and (3)(b) with the input of the tribe and parents of American Indian children; and

11 (d) the school district's plan to clearly demonstrate that its plans under subsections (3)(a) and
12 (3)(b) incorporate the input of the tribe and parents of American Indian children.

13 (4) A school district that consults with a tribal government under this section shall document the
14 consultation and report to the superintendent of public instruction in a form prescribed by the superintendent.

15 (5) The superintendent of public instruction shall report, in accordance with 5-11-210, to the
16 education interim committee and the state-tribal relations committee on the consultation under this section.

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18 **NEW SECTION. Section 2. Notification to tribal governments.** The secretary of state shall send a
19 copy of [this act] to each federally recognized tribal government in Montana.

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21 **NEW SECTION. Section 3. Codification instruction.** [Section 1] is intended to be codified as an
22 integral part of Title 20, chapter 1, part 5, and the provisions of Title 20, chapter 1, part 5, apply to [section 1].

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

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