



# State-Tribal Relations Interim Committee

PO BOX 201706  
Helena, MT 59620-1706  
(406) 444-3064  
FAX (406) 444-3036

## 58th Montana Legislature

### SENATE MEMBERS

JOHN BOHLINGER--Chair  
EDWARD BUTCHER  
KEN HANSEN  
CAROLYN SQUIRES

### HOUSE MEMBERS

CAROL JUNEAU--Vice Chair  
BRUCE MALCOLM  
RICK RIPLEY  
JONATHAN WINDY BOY

### COMMITTEE STAFF

CONNIE ERICKSON, Research Analyst  
EDDYE MCCLURE, Staff Attorney  
DAWN FIELD, Secretary

# MINUTES

March 5, 2004

Room 137, State Capitol  
Helena, Montana

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed. Committee tapes are on file in the offices of the Legislative Services Division.

**Exhibits for this meeting are available upon request. Legislative Council policy requires a charge of 15 cents a page for copies of the document.**

### COMMITTEE MEMBERS PRESENT

SEN. JOHN BOHLINGER, Chair  
REP. CAROL JUNEAU, Vice Chair

SEN. EDWARD BUTCHER

REP. BRUCE MALCOLM  
REP. JONATHAN WINDY BOY

### COMMITTEE ABSENT

SEN. KEN HANSEN  
SEN. CAROLYN SQUIRES  
REP. RICK RIPLEY

### STAFF PRESENT

CONNIE ERICKSON, Research Analyst  
EDDYE MCCLURE, Staff Attorney  
DAWN FIELD, Secretary

### VISITORS' LIST & AGENDA

Visitors' list, Attachment #1  
Agenda, Attachment

## **COMMITTEE ACTION**

The Committee:

- approved the December 5, 2003 minutes as written.

## **CALL TO ORDER AND ROLL CALL**

SEN. BOHLINGER called the meeting to order at 10:10 a.m. The secretary noted the attendance, SEN. HANSEN, SEN. SQUIRES, and REP. RIPLEY were excused.

## **CRAIG THOMAS, EXECUTIVE DIRECTOR, MONTANA BOARD OF PARDONS AND PAROLE (MBPP).**

Mr. Thomas said he was appreciative of the opportunity to appear before the Committee and to discuss the MBPP's response to HB 211. He distributed and reviewed a report prepared by the MBPP for the Committee members (EXHIBIT #1). Mr. Thomas noted:

- that the MBPP is one of only three Boards that received national accreditation from the American Correctional Association;
- the makeup and qualifications of the Board members ; and
- that the MBPP is attached to the Department of Corrections (DOC) for administrative purposes only and is an autonomous body which makes its rules and decisions independent of the DOC.

Mr. Thomas went on to discuss the specific requirements of HB 211 and proposed rule changes regarding training of board members (Pages 7-9, EXHIBIT #1).

SEN. BOHLINGER asked Mr. Thomas what percentage of the prison population is Native American. Mr. Thomas said Native Americans make up approximately 17% of the total prison population and distributed a profile of the racial statistics from each prison facility in the state (EXHIBIT #2).

REP. JUNEAU clarified that the Native Americans in the state prison system have been convicted of crimes committed off-reservation and that Native Americans convicted of on-reservation crimes are placed in a federal prison. This additional information impacts Mr. Thomas' data because it does not take into account the Native American population in federal prison.

SEN. MALCOLM asked how soon the proposed rules would be implemented. Mr. Thomas said it was his hope to have the rules implemented by April.

REP. JUNEAU asked who will be providing the training. Mr. Thomas said each Board member will be evaluated to determine whether or not training is required and review what training is available. A detailed training curriculum has not yet been developed. REP. JUNEAU said once the rules are adopted, she would like a report of what training plans have been made and a copy of the evaluations of the current Board. Mr. Thomas said once the rule was adopted and a curriculum had been developed, the Committee would receive copies.

SEN. BUTCHER noted that there is a significant number of Blacks and Hispanics in the prison system and asked if this issue could have federal ramifications concerning racial discrimination. Mr. Thomas said this had been discussed and that no other minority population compares in size to the Native American population.

REP. JUNEAU asked if it would be possible to get a copy of the public comments received regarding the proposed rule changes. She also suggested that Nancy Wikle, Native American Liaison, DOC, would be a good resource to help with training needs. Mr. Thomas thanked REP. JUNEAU for the suggestion and said the DOC has also expressed interest in training for its staff as well. There will be an effort to coordinate training for staff. He said he would provide a copy of comments to the Committee.

SEN. BOHLINGER said he has long felt that the Montana education system has neglected educating its K-12 students of the Indian culture, tradition, and history and said Mr. Thomas is in a position to advocate for this type of education. Mr. Thomas agreed that this would be beneficial for Montana students.

Mr. Thomas discussed the portion of the report that addressed American Indian dispositions by the Parole Board and said there are several problems:

- There is not a definition of who is an American Indian. All of our information is based on self-reporting by the inmate population.
- HB 211 requires that the Board report on the reasons for approval and denial of parole for a period beginning January 1, 1999 through March 31, 2004. The reasons for parole and denial were not recorded in an automated system until July of 2003, when a new database was developed. It would be difficult, if not impossible, to report information from January 1999 through June of 2003. The Board can report of the number of Indians that appeared before it and if the request for parole was approved or denied but cannot report on the reason the parole request was approved or denied.

SEN. BOHLINGER asked Mr. Thomas to explain what a "risk score" is and how it is determined, as it pertains to an inmate requesting parole. Mr. Thomas said it is an assessment tool used to determine if the inmate would be able to successfully meet and complete parole requirements. Mr. Thomas said the risk assessment tool is used as one additional piece of information but that parole is still totally discretionary. It was not meant to be used as a rigid guideline because there are many other factors that must be considered when evaluating a parole request.

SEN. BUTCHER asked if the Board of Pardons and Parole has any control over a prisoner who has reached his release date. Mr. Thomas said if a prisoner completes his sentence, he is released, and the Parole Board has no authority over the offender.

Mr. Thomas said the new database is able to provide very detailed information on the inmate population, such as:

- ethnic and gender information for every offender in every facility in the Correctional system and related Board dispositions;
- the number of appearances before the Board;
- an annual review of inmates;
- medical parole requests, parole revocations, rescission hearings, and executive clemency;
- and

- the exact reason why each parole request was approved or denied for every offender that has appeared before the Board since July of 2003.

When making a decision on a parole request, significant factors considered by the Board are:

- the nature of the offense;
- how many crimes has the offender committed;
- if there is a pattern of similar offenses; and
- and if there has been a progression or improvement in behavior.

SEN. BUTCHER asked how many additional employees have been hired to help gather and compute all the additional data. Mr. Thomas said no additional employees have been hired and that the current staff has worked diligently to complete the task.

Mr. Thomas invited the Committee to attend a Parole Board hearing at any time in order to gain a full understanding of the parole process and how cases are handled.

**INGRID CHILDRESS, ADMINISTRATOR, WORKFORCE SERVICES, DEPARTMENT OF LABOR AND INDUSTRY (DOLI)**, provided the 2001 Local Estimate of Indian Service Population and Labor Market Information compiled by the Bureau of Indian Affairs (BIA) and demonstrated how to access this information on the State website (EXHIBIT #3). Information discussed by Ms. Childress included:

- the Tribe, and Reservation names;
- the tribal enrollment;
- the total eligible for services;
- the ages of workers;
- the number of workers either available or not available for work;
- the number of employed and unemployed workers;
- the number of unemployed as a total percentage of the workforce;
- public and private workforce numbers; and
- the number of employed workers whose earning fall below poverty level.

SEN. BUTCHER asked if the guidelines used to determine poverty on the reservations were different than those used for off-reservation calculations. Ms. Childress said the same guidelines were used and were based on family size and income.

Ms. Childress said this information is calculated every two years and that new data will be available in July of 2004. This information will be on the Department of Labor's website and noted that the Research and Analysis Bureau in the DOLI and the Census Bureau on the Department of Commerce website also have useful economic data. At this point in time there is no way to integrate information from the BIA employment data with the Bureau of Labor and Statistics. Ms. Childress said she was pursuing various avenues for disseminating this information such as newsletters, press releases, and web sites and that she welcomed additional suggestions from the Committee.

REP. WINDY BOY asked Ms. Childress if she had a copy of the census data. Ms. Childress said the census data could be accessed through the state website also. REP. WINDY BOY said his Tribe is challenging both the BIA and the Census Bureau data on the basis that seasonal employees such as firefighters are not included in the statistics and should be. Ms.

Childress said REP. WINDY BOY made a very good point and that those numbers definitely would make a difference in the statistics.

REP. JUNEAU commented that she is pleased to see work going on to include better Indian statistics. Other states with significant Indian populations are likely experiencing the same problems and have similar statistics. If all of the reservation unemployment rates could be incorporated and the federal law was changed, the states would benefit from additional resources for job training, worker development, etc. Ms. Childress said there are several federal programs that are up for reauthorization which includes the TANF program, the Workforce Investment Act, and Carl Perkins. She said because it does take congressional action to change the methodology by which the federal dollars are spent, conversations held now with the congressional committees that are working on those federal bills would be very timely. The Committee agreed to work with DOLI on this issue.

### **PUBLIC COMMENT**

**Earl Old Person, Blackfeet Tribe**, said he attended the meeting to hear Mr. Thomas' perspective regarding parole officers and their role in the supervising of paroled inmates. He expressed his concern that parole officers sometimes do not provide adequate supervision or guidance to inmates and that occasionally inmates are even harassed into making a mistake, resulting in the inmate being returned to the prison system. Mr. Old Person said it was his opinion that a parole officer should be an advocate for a parolee and that he was glad to see a Native American presence on the MBPP. He said there should be a way to supervise parole officers to be certain they are fulfilling their required duties and responsibilities.

Mr. Old Person said, regarding the Indian labor situation, that the Indian people have pride and want to work. He said outside economic development assistance was needed to find real solutions to alleviate this problem.

### **APPROVAL OF THE MINUTES**

The Committee approved the December 5, 2003, minutes as written.

### **INDIAN EDUCATION**

**Lynn Hinch, Special and Discretionary Programs Unit Director, Office of Public Instruction (OPI)**, gave a brief report of the activities of the Indian Education For All (IEFA) Committee. The IEFA Committee is made up of four Public Education members: two from the Board of Regents and two from the Board of Public Education (BPE). The IEFA Committee has held two meetings via conference call and the focus of the meetings was to examine the implementation of 20-1-501, MCA, (Indian Education for All). The IEFA Committee began its work by looking at the current plans developed OPI, BPE, and the Office of the Commissioner of Higher Education (OCHE). The IEFA Committee identified five common elements in those three plans:

- policy;
- awareness regarding Indian Education for All;
- accountability;
- recruitment, and

- professional development.

The IEFA Committee intends use these to formulate a plan for analyzing the implementation of IEFA.

REP. JUNEAU asked if accountability requirements and consequences for noncompliance had been discussed by the IEFA Committee. Ms. Hinch said the issue of accountability is the heart of the matter and was discussed at the last meeting. The IEFA Committee discussed the need for a detailed description of how an institution must demonstrate its compliance or implementation. The IEFA Committee also discussed the annual report to the Board of Public Education (OPI's annual report to the BPE), a followup letter sent out by the OPI asking school districts what kind of activities were conducted on American Indian Day (the third Friday of September), a MACIE review of curriculum available for schools, and other issues.

REP. JUNEAU questioned whether or not schools are making a concerted effort to be in full compliance with the requirements of Indian Education for All and that the compliance survey questions were not as specific as they should be. More specific questions would give a better picture of what is actually taking place in Montana schools. Ms. Hinch agreed that more specific questions are in order and that there have been discussions with OPI to expand the questions on the compliance survey.

REP. JUNEAU said adequate funding had not been provided for Indian Education for All and asked if funding opportunities have been addressed or pursued by the IEFA Committee. Ms. Hinch said funding has been discussed at the meetings, and that the lack of funding has created a barrier to full implementation of the law.

SEN. BOHLINGER said there is no reference in public education to the Native American civilization that has existed in Montana. He said he thought it essential to have a curriculum be developed for the public schools that would make all Montanans aware of this culture and this history. Ms. Hinch said the IEFA Committee is aware of this need and will be addressing it. OPI received \$50,000 of federal funding that came to the state last summer to help implement IEFA and that funding has been earmarked for curriculum development.

REP. JUNEAU asked if OPI and OCHE budget planning for the next biennium include funding for IEFA implementation, not just for OPI but for the University System as well. Ms. Hinch said she wasn't sure of the exact breakdown for the request but that it was her understanding that the request was made. REP. JUNEAU said the budgeting process has begun and that she wanted to be certain that IEFA has been included in the budget requests. **Joe Lamson, OPI**, said OPI is just beginning to put together the budget request and that it is looking at a variety of different options to expand the IEFA beyond the proposal that has been made in the past. The original proposal was a good first step but to really implement this program it needs to go beyond that. A dollar figure should be available by the end of April.

**Ellen Swaney, American Indian/Minority Achievement Director, Montana University System**, discussed her role at Montana University System and said her four main functions are to:

- analyze data;
- provide cultural diversity training;
- provide oversight responsibility for the diversity; and

- provide minority reports to the Board of Regents.
- She said she also serves as a liaison between that office and the Tribal Colleges and other minority groups and organizations in the state.

Ms. Swaney also discussed:

- The America Indian Fee Waiver program, saying it is a myth that American Indian students get a "free ride" in the University System. This brochure clarifies misconceptions about fee waivers for Native American students and explains the eligibility and application requirements (EXHIBIT #4).
- *A Different Place: The Intercultural Classroom* - a chart providing an overview of cultural differences and discussed the four main areas of cultural differences (EXHIBIT #5).
- *Montana University System Campus Diversity Reports, July 2003* and said it is available online. This report provides data from several sources and assesses how well the campuses of the Montana University System are responding to the Regents' mandate on minority and American Indian education (EXHIBIT #6). Ms. Swaney noted that American Indian student enrollment has remained at about 3% of the total student enrollment in spite of efforts by the University System. She recommended that the issues be examined more in depth to determine the roadblocks that are preventing Indian students from enrolling.
- *Demographics of Racial and Ethnic Distribution: by percentages* - a comparison of national and state statistics on race and ethnic distribution of students in Montana (EXHIBIT #7). The report contained detailed data on each college and university such as: enrollment numbers, degree completion rates, and a number of employees at each institution.

REP. JUNEAU asked if the employment numbers included just faculty or the entire workforce employed by the college or university. Ms. Swaney said the number included all of the people employed at the institution. Ms. Swaney noted that there are six tenured Native American faculty in the Montana University System.

SEN. BUTCHER wondered if there is too much emphasis by Indians to identify people by their race. If people don't identify themselves by race, obviously it is not an issue for them, and they do not feel deprived because they are Indian. There is a very racist attitude in the Indian community in that we must identify everyone genetically when most problems are more related to culture. If people don't identify their nationality, they obviously don't view themselves as having any handicaps because of nationality. He doesn't see nationality as a handicap but believes that Native Americans do see themselves as handicapped because of their race. He thinks it is very racist to categorize people in this manner.

Ms. Swaney responded that in identifying American Indian students there are two issues:

1. Indian students who do not identify themselves as Indian; and
2. students who do identify themselves as Indian but are not.

REP. JUNEAU took exception to SEN. BUTCHER'S questions to Ms. Swaney. He talks about a racist attitude coming from our Indian community, but his questions were racist in that he asked if the problems are related to genetics or culture. It is not fair to ask the presenter these questions. REP. JUNEAU said she was very uncomfortable with this line of questioning.

SEN. BUTCHER apologized for making REP. JUNEAU uncomfortable but said these are issues that need to be brought up and addressed. The presenter expressed concern that students were not identifying themselves as Indian. That is why we have to ask if these issues are a culturally-based concern. If there is a genetic issue, that is very different and you have to define this right up front. He, personally, does not see any genetic issues himself but believes it is a cultural concern. If people do not identify themselves by race or nationality, it is because they think of themselves as part of the mainstream American culture. If Native Americans are being culturally discriminated against that definitely needs to be addressed. That is the issue that he brought up and that needs to be looked at and defined. We are one nation, although some people want to divide us as a nation, and we need to function as one nation. We want students to get an education so they can work and function within the greater society. We have to be careful we don't get into racist issues on either side by trying to categorize people. We can't put people into boxes that retard their ability to move forward as individuals. The ultimate goal is getting everyone an equal education.

REP. JUNEAU agreed that we are one nation. However, in Montana, there are seven different tribal nations as well. It would be great if we were all equal, but we live in a society where we are not equal. Our presenter was trying to point out some of the problems that American Indian students have in our University System where they are not equal. REP. JUNEAU appreciated her efforts.

SEN. BOHLINGER thanked Ms. Swaney for her presentation, and said that the Committee was sorry for anything that might have been said that was considered hurtful. That was certainly not SEN. BUTCHER'S intent.

Ms. Swaney said she understood the controversial nature of these issues. She distributed:

- EXHIBIT #8 - an American Council of Education report on the annual status of minorities in higher education;
- EXHIBIT #9 - an American Council of Education report on trends in college enrollment, graduation rates, employment in higher education, and other relevant information;
- EXHIBIT #10 - a current policy statement from the Board of Regents on American Indian Studies and its action plan;
- EXHIBIT #11 - a report from the Western Interstate Commission for Higher Education (*Knocking at the College Door: Projections of High School Graduates by State, Income, and Race/Ethnicity*) comparing Montana's data to national trends;
- EXHIBIT #12 - an Action Alert for State and Federal Officials on preparing students for success in college and other postsecondary programs, involving six core principles identified by the Pathways Network to guide educators and other stakeholders in efforts to improve college access and success.

SEN. MALCOLM recalled that when the Committee toured the Fort Belknap school in September of 2003, it was discussed that many of the students there pursuing a high school diploma were students who had previously dropped out. He asked Ms. Swaney if her high school graduation statistics included these types of students. Ms. Swaney said she did not believe her statistics included students who had dropped out and later returned to obtain their GED. She said information on GED and Adult Basic Education frequently is not included in the State's data collection and that she hoped this would not always be the case.

REP. MALCOLM said it was important to note how the different cultures perceive time. He said mainstream American culture is judging the Native American culture with its own standards and that he did not think that was right. If the Native American culture wants to postpone their education and do it later, that is their right and we ought to respect that decision.

SEN. BUTCHER commented that his best college students were usually the older students and that many of those were high school dropouts who had returned to complete their education. He asked Ms. Swaney if she was tracking this information. She responded that she did not have that data but that OPI did. SEN. BUTCHER said he would like that information added to the statistics because a large number of people are going back for their GED and secondary education because they have realized the need for a higher education.

REP. WINDY BOY referred back to the action plan/policy statement by the Board of Regents (EXHIBIT #10) and asked Ms. Swaney to elaborate on action item # 4: Tribal State cooperative agreements. Ms. Swaney said she had discovered that the wording of that item was legal terminology that is used between Tribal governments and the State. Because of that, she has recommended that the language be changed to reflect that this action item is not technically an agreement between State and Tribal governments.

REP. WINDY BOY said that Indian Education For All is a constitutional obligation for the state; it is unfair that it has not been funded. There are new laws (HB 608) that will help move things forward, even in higher education. We need to use these laws to the fullest extent. There are creative ways to do things even when there are money problems. He mentioned dual enrollment agreements between tribal colleges and the University System. Ms. Swaney said that tribal colleges are very interested in dual enrollment because it has positive implications for their students.

REP. JUNEAU asked if the University System had included funding for Indian Education For All implementation in its budget planning for the next biennium, as well as tribal colleges' nonbeneficiary students. Ms. Swaney said she did not know and would find out and report back to the Committee. REP. JUNEAU said she recommended including those items and not only look at an appropriation for nonbeneficiary students but also a line item or some type of support for implementation of Indian Education For All in the University System.

SEN. BUTCHER said an issue that has long concerned him is that the University System is not fully transferring credits. Students waste their time if they take a course at one institution and are not able to transfer it to another institution. He said he would like to see more focus on this issue. Ms. Swaney said the University System is working on that issue. Students can access the University System website and type in the courses to be transferred and immediately see whether or not the course will transfer. The transfer issue is frequently complicated because the student may not realize that the course work may not be accepted for credit because it simply doesn't apply to their chosen major and not because the University won't recognize it as a legitimate credit. Providing more career counseling to students would help alleviate this problem.

## **HOUSE JOINT RESOLUTION NO. 8 - UPDATE ON OPI DROPOUT PREVENTION GRANT**

**Lori Falcon, Indian Education Specialist, Office of Public Instruction (OPI)**, presented a brief overview of the Montana Indian Dropout Prevention Project (EXHIBIT #13). This project is funded by a \$300,000 annual grant and is distributed to six participating schools. Ms. Falcon explained the strategies for dropout prevention and the mechanisms for the sustainability for the project.

Ms. Falcon also discussed the results of a study of high school seniors as compiled and analyzed by Mr. Stan Juneau. Ms. Falcon said the study identified factors the students felt were critical to their successful completion of high school (*Indications of School Success and Student Retention : A Perspective from High School Seniors* - EXHIBIT #14).

SEN. BUTCHER said he thought the issues examined in the study are issues that affect all of the general student population and are not unique to American Indian students. He said some students are neither interested nor well-suited for college. He asked Ms. Falcon if there is a quantifiable difference between reservation students and the general student population and to identify anything that was markedly different between the two groups. Ms. Falcon said there are many differences between American Indian dropouts and the general population dropouts. She said the historical loss of tribal languages is one of the contributing factors because as the generations continued on, there wasn't a good command of the English language due to oppositional identity issues between the American Indian and the White people. There was also a loss of the native language, since it was not allowed or encouraged by the boarding schools and mission schools. That resulted in the following generations not having a good command of either language. Language and vocabulary development are critical issues in literacy so the young primary school Indian students are at a disadvantage. It becomes more apparent when the content in the text books become more advanced and difficult. Another difference is in the students themselves - honoring American Presidents for example, that the American Indian does not consider honorable. That creates a very real dissonance in the Indian child's mind of who they are as a Native people and what the school is telling them. The American Indian student begins to disengage at this point and the problems continue from there.

SEN. BUTCHER asked Ms. Falcon if her solution was to teach children in their tribal language all the way through school. Ms. Falcon said absolutely. SEN. BUTCHER said at some point in time, these kids will have to leave the Reservation and have to interact with the rest of society. Ms. Falcon said English should be taught as a second language and that being a bilingual person actually increases one's intellectual capacity.

SEN. BOHLINGER commented that it was his opinion that many young people drop out because they have been pointed in a career direction that holds little interest for them. He suggested that the education system be more inclusive of trade and technical school educations and present these opportunities as viable options for education.

REP. WINDY BOY spoke for several minutes in his native Cree language. He then spoke in English and said it was very important to him that he had the opportunity to learn his native tongue. He spoke of his grandfather's experiences as a child in the Mission School and said the American Indian child endured atrocities in those early boarding schools, including having a foreign language forced upon them and being forbidden to speak in their native language. He

stated that to understand the complexities of a native language entails much more than just understanding syllables and the literal meanings of words. He asked if the standards of the dropout project had similar requirements to the No Child Left Behind Act. Ms. Falcon said each of the participating communities have been given the freedom to identify its own priorities, to some extent. REP. WINDY BOY said his point was that cultural and traditional teachings should have a place in modern educational standards. He said he had observed a language immersion school in Hawaii and would like to see that same approach used in the Reservation schools. Ms. Falcon said the Montana American Indian Dropout Prevention Project (EXHIBIT #13, "Mechanisms for Sustainability of Project", second item -shared governance) will allow local school board, community, and family input in developing policy for each community. There are many barriers to education reform and cultural values and in order for integration to happen, it must be discussed by all involved.

SEN. BUTCHER said he thought it interesting that native language seemed to be a focal point and yet, Mr. Juneau's report indicates that the family situation seems to be the real issue. SEN. BUTCHER said the idea of teaching the Native American language seemed unusual to him because foreign countries such as China require English to be taught because it is the language that people have to know in order to do business in the real world. If you are willing to in effect, handicap these kids and assign them a life on the Reservation, then I can understand this point of view. But the real world is a world of the English language and the English culture. Look at the Asian culture who is at the top of the academics in the United States. People are coming out of a totally foreign culture and yet they are rising to the top of the academic ladder. The parents are not trying to handicap those kids. They are pushing those kids to excel within the dominant culture which they have to live and work within. This is where my concern is. I think it is great to have culture and important to have an understanding of your heritage and background. It is important to balance that with the ability to function in the society in which one lives. If you handicap this kid coming through the system where they don't get the education, how do you deal with this issue. When you get to dropouts, I don't see the correlation. None of the kids interviewed for this study said it was the culture and the language that caused them to drop out. Go back to parenting and family issues. Fetal Alcohol Syndrome is a serious issue on Reservations and I don't hear anyone talking about it.

Ms. Falcon said she had read recently a fetal alcohol syndrome comparison of the Indian culture with other cultures and that the Indians weren't significantly higher than other cultures. She said she also wanted to clarify that this study was done on students who were functioning well in the existing system to find out what in the existing systems are working well.

REP. WINDY BOY responded to SEN. BUTCHER'S comments by saying that he didn't think teaching Indian children their native language was handicapping them and that he felt fortunate that he was able to learn his native language. He said a bilingual learner has an advantage and a more flexible mind. He said as a Tribal Leader, he has found it very difficult to integrate tribal policy and public education policy. SEN. BUTCHER said he agreed that being a bilingual learner is important but his concern is that if it goes too far, the result can be an individual who is unprepared to function in the modern world.

**Connie Erickson, Research Analyst, LSD,** reviewed her report prepared for the Committee (*The Story of Joey: Why America Can No Longer Afford To Ignore It's At-Risk Students* - EXHIBIT #15). Ms. Erickson said it was important to remember that just because a child exhibits

some of the risk factors, it doesn't mean that he will become a drop out. Rather the factors should be viewed simply as predictors of what could happen. The risk factors can be grouped into four different areas:

- student-related factors;
- school-related factors;
- family-related factors; and
- community-related factors.

Ms. Erickson said the risk factors are then used to develop and design intervention strategies. Ms. Erickson discussed examples of programmatic and systemic intervention strategies and said in order to be successful, strategies must match with what is going on in the community. She also said that dropout prevention strategies should begin as soon as possible.

Ms. Erickson provided additional materials for the Committee's consideration:

- a Washington Post article that appeared in the Great Falls Tribune regarding graduation rates (EXHIBIT #16);
- a press release from Harvard University outlining the results of a study on minority high school graduation rates called *The Civil Rights Project* (EXHIBIT #17); and
- a Pittsburgh Post-Gazette article on minority high school graduation rates (EXHIBIT #18).

SEN. BOHLINGER identified the need to account for different learning styles and to encourage study of local issues as important to the success of a dropout intervention program..

### **PUBLIC COMMENT**

**Stan Juneau, Browning,** said he had additional statistical information available on the student success factor study (EXHIBIT #14).

**Judy Edwards, Montana Consensus Council,** said the Consumer Council is statutorily attached to the Department of Administration and acts as a facilitator and mediator in public policy issues. Ms. Edwards offered the services of the Consensus Council to assist with State and Tribal Relations work and said the Council is very interested in helping with the implementation of HB 608.

### **COMMITTEE DISCUSSION**

Ms. Erickson reported the following to the Committee:

- revision of the State-Tribal Handbook. Ms. Erickson said she planned to visit with Sarah Bond of the Attorney General's Office and will continue work on the revision process. She said she would like to distribute the Handbook at the Legislative Orientation in November, 2004.
- A letter has been received from the Department of Fish, Wildlife, and Parks in response to the Committee's letter regarding issues raised at Fort Belknap.
- Jobs for Montana Graduates has asked to appear on the July agenda and will present detailed information on the Harlem Middle School pilot project.
- Dave Gibson, Governor's Office of Economic Development will be contacted and asked to present at the July 30, meeting.

- The Committee is tentatively scheduled to visit the Northern Cheyenne Reservation in May. Ms. Erickson said she would contact the Tribe to finalize dates and make the arrangements.
- The final meeting of the interim is scheduled for July 30, 2004. Committee members informed Ms. Erickson there were already several conflicts with that date and it was agreed to change the date to Friday, August 6, 2004.
- Any suggested legislation should be presented soon in order to allow Ms. Erickson or Ms. McClure adequate time to draft the bill. Ms. McClure suggested submitting bill draft requests as soon as possible. Ms. Erickson said time would be allowed for reviewing bill drafts on the August agenda.

REP. JUNEAU asked if there was a need for Committee action to have the Department of Labor and Industry to move forward with encouraging the federal government to make changes regarding the inclusion of Tribal and Bureau of Indian Affairs labor force data in calculating unemployment statistics. Ms. McClure suggested writing a letter of support to the congressional delegation in conjunction with the Department of Labor and Industry on exactly the language that needs to be in it and to have the DOLI Director Keating to sign it also. The Committee agreed that this should be done.

SEN. BOHLINGER suggested sending a letter of sympathy to the Confederate Salish and Kootenai Tribes for the two young boys who recently died from alcohol poisoning. REP. JUNEAU asked to include the Ronan School District where the boys attended school.

REP. WINDY BOY asked if the issues and concerns raised by the Fort Belknap Tribal Council members and citizens have been addressed. Ms Erickson said most issues have been responded to. She said the appropriate state agencies have been notified of the concerns and action has been taken where possible.

REP. JUNEAU reminded the members that the second public hearing on HJR 8 will be held in Missoula on Saturday, April 3, 2004 and provided a flyer containing the specific information (EXHIBIT #19).

#### **ADJOURNMENT**

With no further business before it, the Committee adjourned at 3:55 p.m.

CI0429 4114dfxb.