

1999 Montana Legislature

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HOUSE BILL NO. 528

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AN ACT IMPLEMENTING ARTICLE X, SECTION 1(2), OF THE MONTANA CONSTITUTION REGARDING THE STATE OF MONTANA'S RECOGNITION OF THE DISTINCT AND UNIQUE CULTURAL HERITAGE OF AMERICAN INDIANS AND THE STATE'S COMMITMENT TO ESTABLISH EDUCATIONAL GOALS THAT WILL PRESERVE THE CULTURAL INTEGRITY OF AMERICAN INDIANS; REPEALING SECTIONS 20-4-211, 20-4-212, 20-4-213, AND 20-4-214, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, as part of the state's educational guarantees, the people of Montana in 1972 included Article X, section 1(2), in the state constitution, recognizing the distinct and unique cultural heritage of American Indians and expressing the state's commitment to preserve that cultural integrity through education; and

WHEREAS, the Legislature recognizes that Article X, section 9(2), of the Montana Constitution provides the Board of Regents with full power, responsibility, and authority to supervise, coordinate, manage, and control the Montana University System; and

WHEREAS, the Legislature also recognizes that Article X, section 9(3), of the Montana Constitution provides the Board of Public Education with general supervision over the public school system and that Article X, section 8, of the Montana Constitution vests the supervision and control of the schools in each school district to the local board of trustees; and

WHEREAS, a 1995 study conducted by the Committee on Indian Affairs, pursuant to Senate Joint Resolution No. 11, revealed that despite the constitution's educational guarantees, many school districts and schools, including those adjacent to Montana's seven Indian reservations, had no policy or information in their school curricula recognizing the cultural heritage of American Indians and that the small number of Indian teachers and administrators in public schools resulted in Indian students with no role models and in a lack of cultural awareness and sensitivity among non-Indian students; and

WHEREAS, the Legislature recognizes that the history of Montana and the current problems of the state cannot be adequately understood and the problems cannot be addressed unless both Indians and non-Indians have an understanding of the history, culture, and contemporary contributions of Montana's Indian people.

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

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

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

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

(b) every educational agency and all educational personnel will work cooperatively with Montana tribes or those tribes that are in close proximity, when providing instruction or when implementing an educational goal or adopting a rule related to the education of each Montana citizen, to include information specific to the cultural heritage and contemporary contributions of American Indians, with particular emphasis on Montana Indian tribal groups and governments.

(3) It is also the intent of [sections 1 through 3], predicated on the belief that all school personnel should have an understanding and awareness of Indian tribes to help them relate effectively with Indian students and parents, that educational personnel provide means by which school personnel will gain an understanding of and appreciation for the American Indian people.

Section 2. American Indian studies -- definitions. As used in [sections 1 through 3], the following definitions apply:

(1) "American Indian studies" means instruction pertaining to the history, traditions, customs, values, beliefs, ethics, and contemporary affairs of American Indians, particularly Indian tribal groups in Montana.

(2) "Instruction" means:

(a) a formal course of study or class, developed with the advice and assistance of Indian people, that is offered separately or that is integrated into existing accreditation standards by a unit of the university system or by an accredited tribal community college located in Montana, including a teacher education program within the university system or a tribal community college located in Montana, or by the board of trustees of a school

district;

(b) inservice training developed by the superintendent of public instruction in cooperation with educators of Indian descent and made available to school districts;

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

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

Section 3. Qualification in Indian studies -- trustees and noncertified personnel. (1) The board of trustees for an elementary or secondary public school district may require that all of its certified personnel satisfy the requirements for instruction in American Indian studies. Pursuant to Article X, section 8, of the Montana constitution, this requirement may be a local school district requirement with enforcement and administration solely the responsibility of the local board of trustees.

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

Section 4. Repealer. Sections 20-4-211, 20-4-212, 20-4-213, and 20-4-214, MCA, are repealed.

Section 5. Notification to tribal governments, school districts, and university system. (1) The secretary of state shall send a copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell band of Chippewa.

(2) The secretary of state shall send a copy of [this act] to the superintendent of public instruction for dissemination to every public school district in Montana.

(3) The secretary of state shall send a copy of [this act] to the commissioner of higher education for dissemination to every unit of the Montana university system.

Section 6. Codification instruction. [Sections 1 through 3] are intended to be codified as an integral part of Title 20, chapter 1, and the provisions of Title 20, chapter 1, apply to [sections 1 through 3].

Section 7. Effective date. [This act] is effective on passage and approval.

- END -

Latest Version of HB 528 (*HB0528.ENR*)

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New language in a bill appears underlined, deleted material appears stricken.

Sponsor names are handwritten on introduced bills, hence do not appear on the bill until it is reprinted. See the [status of the bill](#) for the bill's primary sponsor.

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