

## **Indian Education for All MCA 20-1-501**

At the end of the last legislative session, Indian Education was re-energized with the passage of House Bill 528 (HB528), which has become MCA 20-1-501. HB528 outlined the legislative intent of Article X, section 1(2) of the Montana Constitution that has been in place since 1972.

Article X, Section 1(2) of the Montana Constitution:

**“The state recognizes the distinct and unique cultural heritage of American Indians and is committed in its educational goals to the preservation of their cultural integrity.”**

Although this language was established and placed into the Montana Constitution 28 years ago, little has been done to fulfill this commitment and incorporate it into educational agencies, including public schools. Many programs and projects regarding the public school system have been implemented in order to improve our educational systems and assure students are receiving a quality education. However, a quality education does not necessarily translate into a fair and equitable education. This specific constitutional language outlining the inclusion of American Indian heritage in educational goals has not been turned into action. Indian students still attend schools where they do not see themselves present in classrooms, policies, or the curriculum. Non-Indian students still attend schools where they do not learn about their Indian peers with whom they will continue to live and work with.

In 1996, the Legislative Services Division published a report titled To Promote a Better Understanding: The 1995-96 Activities of the Committee on Indian Affairs. This report derived from a resolution requesting the Committee on Indian Affairs to study:

1. the degree to which Montana’s public schools are in compliance with Article X, section 1, subsection (2) of the Montana Constitution;
2. the role of American Indian studies in the overall curriculum of the Montana University System and other institutions of higher learning in the state, with special attention to the teacher education curriculum; and
3. the level of knowledge of the general public about historical and contemporary American Indian issues.

The report set out to discover the legislators’ intent in including this language in the constitution. The responses from the legislators indicated that the purpose of the provision was to recognize the value of the American Indian culture and traditions. It was also to encourage the legislature and public schools to develop appropriate policies and programs to keep that culture alive through the education of both Indians and non-Indians. It was placed into the education article because the legislators believed that it was in the education of the youth that Montana would begin to make positive differences in race relations.

The study revealed that despite the constitution’s educational guarantees, many school districts and schools, including those adjacent to Montana’s seven 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.

This past legislative session (1999), Article X, section 1, subsection (2) was again revisited, this time to outline the legislative intent and to implement the constitutional obligation. In HB528, which is now law (MCA 20-1-501), 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.

### **MCA 20-1-501**

#### *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 this part, 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.*

*History: En. Sec. 1, Ch. 527, L. 1999.*



**Linda McCulloch, Superintendent**  
**Montana Office of Public Instruction**  
**PO Box 202501**  
**Helena, MT 59620-2501**  
[www.opi.state.mt.us](http://www.opi.state.mt.us)