

MINUTES OF THE MEETING  
EDUCATION COMMITTEE  
MONTANA STATE SENATE

March 17, 1977

The Twenty-seventh meeting of the Education Committee was called to order by Senator Chet Blaylock, Chairman, on the above date, in Room 402, of the State Capitol Building, at 11:00 O'clock, A.M.

ROLL CALL: All members of the committee were present.

CONSIDERATION OF HOUSE BILL NO. 349: An Act to Amend Section 75-6008, R.C.M., 1947, relating to the term of teacher certification.

Representative Joellen Estenson, Helena, Montana, House District No. 32, sponsor of the Bill, was called on to present her testimony. She stated that this bill addresses itself to the number of years for which Class 5, professional certificates are valid, and called on Dr. Voorhies, to further explain the bill.

Proponents of the Bill included:

John Voorhies, OSPI, submitted his written testimony to the Committee, a copy of which is attached, and is to the effect that after input by the OSPI the Board of Public Education established objectives regarding certification policies for Class 5 Certificates. Since classes of certificates are the results of legislative action, it is necessary to take the proposed changes to this legislative session. Clarification of requirements for a Class 5 teaching certificate, which was generally used to be termed, "a temporary certificate," in order to allow an individual to complete certain deficiencies, will be resolved by this bill.

Maurice Hickey, representing the MEA, also supported the intent of the Bill.

No witnesses appeared in opposition to the Bill.

In closing, Representative Estenson asked that this legislation pass in order to expedite handling of teacher certificates for teachers.

There being no further discussion of the Bill, Senator Ed Smith moved that House Bill No. 349 BE CONCURRED IN; the Motion was seconded and on roll call vote, carried by unanimous vote. Senator Smith will carry the Bill on the floor.

CONSIDERATION OF HOUSE BILL NO. 541: An Act to Expand the Classifications of Teacher Certificates to include School Specialists.

Representative Darryl Meyer, House District No. 42, Great Falls, Montana, Sponsor of the Bill, was called on to present his testimony. He stated this would expand the teacher classification system to include a classification for school specialists, and allowed the board to set up a policy covering this classification, which would enhance the overall quality of education and provide these professionals to school children, and submitted written amendments, which he proposed be included in the Bill, a copy of which is attached.

Proponents of the Bill included:

George Camp, School Psychologist, and member of the Montana Association of School Psychologists, Great Falls, Montana, who explained the present five classifications system of the teacher certificates. This would set up a new qualification, or Class 6, for School Specialists, who were different from regular psychologists, in that they would also have additional training for classroom work with children. His concern was for training of personnel, who work with children in schools, in other matters than those relating to school problems and academic endeavors, from the standpoint that they deal with emotional disturbances; and schools should be assured of getting competent, well trained and well qualified people. He further explained the basis for proposing the teacher tenure amendment, submitted by Representative Meyer. Credentialed school psychologists has been a large problem in the past, as presently, there are only 60 to 80 specialists in Montana, and previously, most of these people came from out of the state, and they are serving over 1500 students from all over the state.

John Voorhis, of the OSPI, presented written testimony, copy of which is attached, and is to the effect that previously, the OSPI objected to any expansion of classes of certificates, as prior to 1959 there were in excess of 25 different certificates. However, with growth of special education services, some type of formal state recognition for school specialists and school psychologists is required. His suggestion was to classify these personnel, not as being "specialists;" but to call it, "school support personnel," to lessen any confusion, which might arise from this new Class 6 designation.

There was no opposition to the Bill.

In closing, Representative Meyer's feeling was that this was a very desirable bill, which would look to the future for official designation of school psychologists and create the new classification to cover their situation.

The Chair opened the Hearing for discussion and questions by the Committee. Senator Smith expressed concern about this adding additional problems for smaller schools and creating a financial burden if small schools were required to hire special teachers for special services

to a small number of students. Mr. Voorhis replied that in the case of school psychologists, their funding is geared toward the special education area, that they are allowed to function under the special education rules and regulations, and therefore, come under a different U.S. amendment designation.

When questioned by the Committee, Mr. Camp responded that it would be up to the Superintendent of Public Education to consider who would come under this group definition, that personnel, such as speech pathologists, probably, would not; but that social workers might; and further explained the function of the school psychologists as necessary for certain placements of children with emotional problems, into special care facilities and that they must be involved in the evaluations of certain children, such as the retarded child. They are a member of the child study team, and that the study team is very important, to prevent just a single person from making the decision for child placement.

Mr. Camp further explained his concern for more qualifications for school psychologists; because of the difficulty to find personnel to serve in that capacity, and the great responsibility they have. Responding to Senator Boylan's suggestion about such a person having a minor degree along with the school specialist degree, that would enable him to teach academic subjects, in addition to the psychologist's responsibilities. Mr. Camp replied that teachers are trained for classroom environment, and that psychologists training required different skills. Replying to Senator Thomas's inquiry, Mr. Camp stated that a school psychologist must be able to take information and transform it into educational information that is used to evaluate the child's emotional problems. From this standpoint, a school psychologist must be well trained in educational skills, in addition to meeting standards for psychologists and that the primary purpose of the school specialist, or school psychologist, currently, is to work within the special education field. And, for that reason, proper certification of these people was desirable.

The Chair closed the Hearing on House Bill No. 541.

CONSIDERATION OF HOUSE BILL NO. 546: An Act to Provide Notice to the Superintendent of Public Instruction, of the Year Ending Fund Balances in the County School Funds.

Representative Barrett, District No. 48, Lewistown, Montana, sponsor of the Bill, was called on to present his testimony. He explained the purpose of the Bill as that now, the county treasurer must notify the amount of money in each of the separate funds of the district, over which she has control, the county superintendent, upon request, and this adds, that the Superintendent of Public Instruction also be notified, which would help in the matter of funding the budget.

No further Proponents of the Bill appeared to testify, and there was no opposition to the Bill.

Senator Mathers inquired why the State Superintendent should be notified of county funds, when she has nothing to do with the local school districts' funding. To which, Representative Barrett replied, that it would be desirable for their records for the state.

Lloyd Markell, from the MEA, added that balances in the county school district funds are taken into consideration when working on the budget for state equalization funding; that matters such as payment of delinquent taxes make a difference, and money not needed for the current year is applied on the next year's budget; that this was for notification purposes, only, and the fund would not be controlled by the Superintendent.

To Senator Mathers' question, Representative Barrett responded that the county treasurer would be responsible for sending the information in to the State Superintendent.

Senator Bill Mathers moved that House Bill No. 546, BE CONCURRED IN; the Motion was seconded and carried by unanimous vote. Senator Mathers will carry the Bill on the floor.

CONSIDERATION OF HOUSE BILL NO. 652: an Act to Except Officials and Administrators in Certain Public Schools from State Nepotism Rules, and Provide that Tribal Nepotism Laws and Rules shall be enforced.

Representative Leo Kennerly, District No. 14, Sponsor of the Bill, was called on to present his testimony. He stated that although tribes are encouraged to govern themselves, and because Indians are in a unique situation, on most Reservations, of being related to each other, they have run into problems with state nepotism laws, in their school situations. But, it is felt, the best people to teach Indian children would be Indian teachers, but this creates a problem because of the limited number of educated Indians, and discourages qualified persons who could run for school boards because of having close relationships with other members of the tribe. He further stated another problem is the high unemployment rate among the Indians, and that schools are a major employer source. But, because of the nepotism laws, they are discouraged from working in the schools.

Proponents of the Bill, included:

Walter A. Denny, from the Rocky Boy Reservation, who presented written testimony, copy of which is attached, To the effect that Indians claim relationship with each other from a far time back, and respect such relationships. And, therefore, nepotism laws

hurt them in their school system.

Art Raining Bird, from the Rocky Boy Reservation, who stated that he had not been to school, so needed an interpreter, and spoke in his native tongue, while Mr. Walter Denny translated. His testimony was to the effect that the Indians were all related and need the nepotism laws changed in order for the schools to function better for the Indian children.

Harold E. Gray, Director of the Chippewa-Cree Research, at the Rocky Boy School, who submitted his testimony in writing, copy of which is attached, and was to the effect that the Rocky Boy School had received an inquiry from the Hill County Attorney, which, at the request of Gary Horn, Superintendent, at Box Elder, Montana, inquired into the relationship of the Rocky Boy School Board Trustees, which they felt was a political attempt, on the part of the Box Elder Superintendent of Schools, to disrupt functioning of the Rocky Boy School. Justice for Indian People would be better served by allowing tribal nepotism laws to govern indian schools.

Gerald J. Gray, Great Falls, Montana, representing the Montana United Scholarship Service, who stated they were concerned with helping the economically disadvantaged children throughout the state, and interested in protecting the rights of the native Americans. He read extensively from prepared testimony, and closed with the thought that this law also pertained to a number of schools throughout the state that were in small rural areas.

Bill Parker, from the Cheyenne Tribe, at Lame Deer, Montana, who testified that because of intertribal marriages by Indian people, that most tribes are related in one way, or another, and nepotism laws effect all of the Indian population and it is therefore, difficult to comply within reservation schools.

No witnesses appeared in opposition to the Bill.

When questioned by the Committee, Harold Gray replied that those tribes who did not want to adopt the Tribe's nepotism laws, would adhere to the state laws; but that this would give them a choice.

Senator Blaylock expressed concern about having relatives involved in a dominant group in a community, to the exclusion of all others, therefore, being in complete control of the school system. Mr. Gray responded that personnel, who are not performing their obligations, had been dismissed, and that because of the degree of relationship between members of the tribe, they were, in effect, in violation of the law presently; but, that in many cases, it is overlooked because of wanting to retain good people on the school boards and working in the schools. Representative Kennerly responded, that the law would

not be wiped out under this Bill, just reduced it a few steps, to apply to Indian Reservations, and suggested amendments to Page 3, Line 7, of the Bill. Senator Blaylock questioned if Indian Schools were not drawing their share of state equalization money, to which, Representative Kennerly replied in the affirmative; but that they would like the laws relaxed, as they relate to these small reservations. Senator Smith's question if this pertained to reservations, if it would not widen the gap and isolate the Indian more, from the white population. To which Mr. Kennerly replied, that this would be an elective thing, and pertained, also, to second and third class public school districts, and suggested adding the language, "with the approval of the OSPI," to alleviate some of the problems. Upon further questioning, Gerald Grey responded that eleven schools, out of 691, have boards which are made up of a majority of Indians and those are listed as: Browning, Heart Butte, Brockton, Frazier, Lodge Pole, Elmo, Prior, Lodge Grass, Wyola, and Lame Deer. That out of some 12,000 students, it would effect only about 3,000.

Senator Fasbender asked if Representative Kennerly would object to amending the bill to allow for granting the change on nepotism laws, by the Superintendent, on a case by case basis. To which, Mr. Kennerly replied, he didn't think there would be any problem.

There being no further discussion, the Hearing was closed on House Bill No. 625.

There being no further business, the meeting was adjourned at 12:45 P.M.

  
Chet Blaylock, Chairman



## COMMITTEE

546 & 652

## VISITORS' REGISTER

1977

Please note bill no.

(check one)

**SUPPORT | OPPOSE**

Maurice J. Hickey	MSA	349	✓
Royd R. MacBell	MEA	349	✓
John E. Steneau	Legislation	349	✓
John Tooher	QPI	349-541	✓
Sandy Stoll			
Margo Perry			
Lucas Head			
Gordon Snider			
Bob Laumeyer			
Wesley Buchanan	NISBA		
George C. Camp	N Assoc. of School Psychol.	541	✓
Thomas C. Johnson	Nt. Assoc. of School Psych	541	✓
Bill Hanson	UKA		
Doug Lowmyer	self	observing proceedings	
Mary L. Bermentti	MAS P. West Assoc. Sch. Psych.	541	✓

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY



NAME Ryd Darryl Meyer

DATE: \_\_\_\_\_

ADDRESS: 738 5th ave Helena

PHONE: 442-5298

### REPRESENTING WHOM?

APPEARING ON WHICH PROPOSAL:

## SUPPORT?

2 ✓

**AMEND?**

**OPPOSE?**

COMMENTS :

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: George Camp DATE: 3-17-77

ADDRESS: Great Falls Public Schools

PHONE: 791-2276

REPRESENTING WHOM? Mont. Assoc. of School Psychol.

APPEARING ON WHICH PROPOSAL: HB 541

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: Needs amend to exclude Class 6  
from Tenure provisions of 75-6103

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Walter A. Denny DATE: 3/11/77

ADDRESS: Rocky Boy Reservation

PHONE: \_\_\_\_\_

REPRESENTING WHOM? Indian People

APPEARING ON WHICH PROPOSAL: H.B. 852

DO YOU: SUPPORT? ☒ AMEND? \_\_\_\_\_ OPPOSE? \_\_\_\_\_

COMMENTS: \_\_\_\_\_

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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Art Raining Bird

DATE: 3/17/71

ADDRESS: Reiley Boy Reservations

PHONE: \_\_\_\_\_

REPRESENTING WHOM? Tulsa People

APPEARING ON WHICH PROPOSAL: H. B. 652

DO YOU:    SUPPORT? ✓                      AMEND? \_\_\_\_\_                      OPPOSE? \_\_\_\_\_

COMMENTS: \_\_\_\_\_

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Harold E Gray DATE: 3/11/77

ADDRESS: Rocky Boy Montana

PHONE: 355-4270

REPRESENTING WHOM? Indian Educator

APPEARING ON WHICH PROPOSAL: H.B. 652

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: See testimony.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME:

Herald J Gray

DATE:

3/17/77

ADDRESS:

501 1st Ave N Great Falls, MT

PHONE:

(406) 761-8471

REPRESENTING WHOM?

Montana United Scholarships Service

APPEARING ON WHICH PROPOSAL:

H B 652

DO YOU:

SUPPORT?

X

AMEND?

OPPOSE?

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: DICK LARKE DATE: 3/18/88

ADDRESS: 4370 N. MONTE.

PHONE: 443-1876

REPRESENTING WHOM? *Self*

APPEARING ON WHICH PROPOSAL: *HB 652*

DO YOU: SUPPORT? X AMEND? \_\_\_\_\_ OPPOSE? \_\_\_\_\_

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Robert Laumeyer

DATE: \_\_\_\_\_

ADDRESS: Box 176 Boulder Mont.

PHONE: 225 3316

REPRESENTING WHOM? Boulder Public Sch.

APPEARING ON WHICH PROPOSAL: none

DO YOU: SUPPORT? \_\_\_\_\_

AMEND? \_\_\_\_\_

OPPOSE? \_\_\_\_\_

COMMENTS: Information on 349 and 652

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.



3-17-77

HB 349...

Mr. Chairman and members of the committee, my name is John Voorhis and I represent the Office of Public Instruction. We are supporting this piece of legislation.

When the Board of Public Education came into existence under the new constitution, one of their first tasks was to review Teacher Education and Certification. After considerable input, the Board of Public Education, on October 29, 1974, established some objectives to pursue. One of these objectives was to revise the certification policies and incorporate more discretion and flexibility into the procedures at the state level.

At that time, it was suggested the Class 5 be modified to make it consistent with other types of certificates and update its use. This suggestion, along with all the other changes, was sent by the Board of Public Education to educational organizations for their reaction. The changes were made in April of 1975. Because the classes of certificates are the result of legislative action, it was necessary to hold any action on the Class 5 until 1977 and take the proposed change to this session of the Legislature.

At the January meeting of the Board of Public Education, the Board reaffirmed this position and asked the Superintendent of Public Instruction to initiate this legislation.

At the present time, certification requires a minimum of a BA. This was not the case when the Class 5 was originated. The purpose of it was to allow a person to enter the teaching profession with some college work and have 8 years to complete the degree requirements (2 years initially,

and 3 renewals) under the "temporary" provisions of the Class 5.

When the minimum requirements were raised to a BA, the Class 5 was generally used to "temporarily" certify an individual who needed to complete deficiencies such as"

(1) complete the 24 quarter hours in teacher training if an individual had at least 8 in education (minimum of 16 hours to complete)

(2) recency credits - to return to teaching if out for a few years - between 6 and 12 quarter hours

(3) reinstatement - to return to teaching if out over 15 years - 12 - 18 quarter hours

(4) moving from one level of certification to another (administrative - from principal to superintendent)

(5) for aliens.

To resolve the deficiencies in these categories I have described usually requires a person to renew this Class 5 at least once creating a bureaucratic burden on the individual. The individual follows the same procedure for renewing for two years as if he was renewing for 5 years. This bill will resolve this annoying process for the individual.

In addition, the flexibility has been built into this bill to allow the Board of Public Education, based on changing times and educational needs, to shorten the term of this temporary certificate by their future action.

We urge your favorable consideration of this bill.

8-17-12

SUGGESTED AMENDMENT TO HE 541

Amend the title as follows:

Line 6. add section 75-6103

Page 5

Add a new Section 3. 75-6103. Teacher tenure. Whenever a teacher has been elected by the offer and acceptance of a contract for the fourth consecutive year of employment by a district in a position requiring teacher certification except as a district superintendent or class 6 specialist, the teacher shall be deemed to be reelected from year to year thereafter as a tenure teacher at the same salary and in the same or a comparable position of employment as that provided by the last executed contract with such teacher, unless:

(1) the trustees resolve by majority vote of their membership to terminate the services of the teacher in accordance with the provisions of ~~section~~ 75-6104; or

(2) the teacher will attain the age of ~~sixty-five~~ (65) years before the ensuing first day of September and the trustees have notified the teacher in writing by the first day of April that his services will not be needed in the ensuing school fiscal year, except that the trustees may continue to employ such a teacher from year to year until the school fiscal year following his ~~seventieth~~ (70<sup>th</sup>) birthday.

*David Meyer*

Mr. Chairman, members of the committee, my name is John Voorhis and I represent the Office of Public Instruction.

Historically, we have opposed the unwarranted expansion of classes of certificates. Part of this reluctance to support legislation for new classes of certificates stems from a remembrance of the time prior to 1959 when the state had in excess of 25 different certificates. At that time, the certification system was so inflexible and bureaucratic that it was necessary to totally reorganize certification and bring in the present 5 classes of certificates.

Since 1959, and more specifically, since the growth of special service connected with Special Education, we have become increasingly aware that eventually some type of formal state recognition is going to be required for those people whose activities directly support the teachers.

Our suggestion is to allow the Class 6 now, and in the future, let each group that feels they qualify for a Class 6 demonstrate the need and support of the educational community to the Board of Public Education for a determination of appropriateness and the development of strict guidelines.

We support HB 541.

3-17-77

TO: House Education Committee

FROM: Rae Haas

RE: HB 652

As the nepotism statute applies to all boards, bureaus, commissions or agency heads, it touches the most citizens in regards to appointments by school boards.

Identified degrees of consanguinity are as follows:

1st degree - parent or child.

2nd degree - grandparents, grandchildren, brothers or sisters

3rd degree - great-grandparents or great-grandchildren,  
uncles, aunts, nieces or nephews.

4th degree - great great-grandparents or grandchildren,  
great aunts or uncles, grand nieces or  
nephews or first cousins.

Identified degrees of affinity are:

1st degree - husband or wife

2nd degree - brother- or sister-in-law

Section 2 of the bill clarifies and defines the amendment.

SUGGESTED AMENDMENTS TO HOUSE BILL 652

1. Amend page 2, section 1, subsection (2)(a), line 11.

Following: "attendants"

Strike: "or"

2. Amend page 2, section 1, subsection (2)(b), line 13.

Following: "reservations"

Strike: "."

Insert: "; or"

3. Amend page 2, section 1, subsection (2), following line 13.

Following: line 13

Insert: "(c) officials and administrators of second or third class public school districts."

4. Amend page 3, section 2, following line 9.

Following: line 9

Insert: "(3) Officials and administrators of second and third class public school districts may not appoint to any position of trust or employment any person related or connected by consanguinity within the second degree or by affinity within the second degree."

AS AMENDED

BE CONCURRED IN

My name is Leona Mitchell (Nomee) . I am related to many people on the Rocky Boy's Reservation where all people are related. I want ~~to~~ <sup>right now</sup> to thank the members of the Senate Committee on Education for permitting me to submit my testimony.

At the beginning of this 1976-77 school year a terrible scare occurred on the Rocky Boy's Reservation. We were told that the state nepotism law would have to be enforced. We have respect for the law, but the law pertaining to nepotism just cannot be enforced on our reservation. This has already been acknowledged by the federal and state governments where tribal projects are concerned on the Rocky Boy's.

So this was said to us and we met and wondered what to do. We hated very much even to think that we would have to give up control of our school, just like any of you people would not like to see a schoolboard in a neighboring town take over control of your children's school. We knew what this was like because in 1969 we followed the letter of the law of the State of MONTANA and got control of our school. This control had been given to the people of Havre when the Bureau of Indian Affairs went out of the elementary education business on our reservation in 1960.

But, we asked each other, what else could we do? We Indians value relationships and everybody is related to one another on our reservation. We always thought this was good until this terrible scare happened. Our conclusion was we would go to the Legislature of the State of Montana to ask for help. So here we are, supporting legislation that would allow us to substitute tribal law for state law. There has always been tribal law, and it is binding and respected. This far we have found a way out of this problem. When someone is being considered for hiring or termination, if a member of the

board is related to that person, he keeps quiet. When the matter is brought to vote he leaves the room.

But if this nepotism law is not changed then we will have to have teachers who do not know Indian ways---or else we would have to take a very large backward step. In that case outsiders would be the school trustees for Rocky Boy. It is a fact that Rocky Boy trustees have developed a very fine bilingual-bicultural school. Educators come from all over---Canada and the United States---just to see our school. We teach the children they should take the best from two cultures---the Indian and the non-Indian---to use in living their lives. The state's nepotism law as it now stands is not the best thing for us. I sincerely ask that you amend this law in line with what Mrs. Corcoran said at the outset of this hearing, so that the state's law can be workable wherever it is applied.



Testimony offered for Record into Hearing on House Bill 652

My name is Minnie Eagle Foot Watson, Mr. Chairman, and I want to thank you and the members of the Senate Committee on Education for the opportunity to appear before you on the hearing into House Bill 652.

I am a member of the Chippewa-Cree Tribe of the Rocky Boy's Reservation. I am also an elected trustee of School board # 87. This board administers the business of Rocky Boy Elementary School, the only school on our reservation. It is a small reservation in the Bear Paw Mountains. The Chippewa of Chief Rocky Boy and Cree of Chief Little Bear wandered in Montana many years before they finally got a reservation. Once they did, almost the first thing they did was to build a log schoolhouse with their own hands and materials so the Bureau of Indian Affairs would send a teacher. The BIA administered our school for 43 years. Then the BIA withdrew and the school was given to the Havre School District to administer. In 1970 the Chippewa-Cree followed the law of the State of Montana to gain control of the Rocky Boy School. Since that time a model' bilingual-bicultural school has been developed under the first all-Indian school board' in the State of Montana. Our school's enviable reputation is testimony to what our people can do, given the chance.

Now we ask a chance to run our school without fear of threat that something we cannot help will shut it down. That something we cannot help is the fact we are all related.

As you probably know Indian and non-Indian educators agree Indian children learn best when some of their teachers are Indian. Many of our young people and some not so young are going to college or have graduated from college so they can return to the Reservation. So they can teach my grandchildren, nřces, nephews and cousins.

However, if we are to respect the law as it is now on the books we cannot always hire the teacher whose hearts are with us, who can do the best job. Why?

Minnie Watson testimony

Because we are all related. So I am asking you to recommend to the Montana Senate that this law be re-written as suggested by the Indian people.

TESTIMONY OF HAROLD E. GRAY, ROCKY BOY SCHOOL, February 14, 1977 on HOUSE  
BILL 652

My name is Delelebe (Bear Chief) and I am the Director of the Chippewa-Cree Research at the Rocky Boy School. My English name is Harold Gray. While I am an enrolled member of the Blackfeet Tribe, I am also Cree because my fathers tribal affiliation is Cree. In the Indian way I have many, many relatives on both the Blackfeet Reservation and the Rocky Boy's Reservation here in Montana. My close relatives include cousins many times removed but who, according to Indian customs, I must count as relatives.

The Rocky Boy's Reservation was created in 1916 in part out of the old Fort Assiniboine Military Reserve. When the Reservation was created there was a total of 453 persons who were recognized by Federal Government as official members of the Chippewa-Cree Tribe. The leaders at the time were Chief Rocky Boy of the Chippewa's and Chief Little Bear of the Crees. Historically, these two bands were always made up of relatives. Over the years, despite marriage outside the membership of the Chippewas and Crees, there has continued to be a close relationship among the people.

This fall (1976) the Rocky Boy School Board received a list of names inquiring who was related to who on the list. The letter of inquiry was from Hill County Attorney, Ronald Smith at the request of Gary Holm, Superintendent at Box Elder, Montana. This was a political attempt on the part of Box Elder Superintendent of Schools, Gary Holm (a whiteman) to disrupt functioning of the Rocky Boy School Board of Trustees. This is because Holm and others were, and continue to search for a means of discrediting the people of the Rocky Boy's Reservation because we want a high school on the Reservation. The Holm group, composed only of whites, is opposed to our plans.

It would be a tragedy if the States Nepotism Law were used to unjustly accuse the Indian people of violating a law designed to serve the needs of white people, and, thereby prevent Indians as a group from ever being involved in the education of their children. For this reason we urge the members of the Montana House and the Senate to vote for the approval of House Bill 652.

A yes vote on House Bill 652 will insure that justice will be served, and, that the Indian people will continue to be able to manage and direct the education of their own children. House Bill 652 is in keeping with the Indian cultural integrity clause contained in the Montana Constitution.

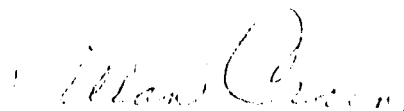
Harold E. Gray, Director  
Chippewa-Cree Research

TESTIMONY OFFERED FOR THE RECORD INTO HEARING ON HOUSE BILL 652

My name is Allan Crain and I wish to submit written testimony on House Bill 652.

I have had a long and varied career in Indian education and wish to state that over the years the Indian people have requested a voice in their destiny with little results. Now they are asking for local control of their schools. House Bill 652 would give them more control if tribal nepotism laws would be practiced in reference to hiring in reservation schools.

Indian relationships are far wide and complicated. Non-Indians do not seem to understand these relationships. Having married into the Chippewa-Cree Tribe I consider to be and am related to very many Chippewa-Crees. If tribal nepotism laws were made applicable instead of the present one a more fair and understanding system could be developed concerning reservation schools. It seems that each local system should be able to develop their own laws to fit under the umbrella of state and national ordinances. This is what has been implied in House Bill 652. We of Rocky Boy are asking for its support and passage. Thank you.



Allan Crain  
Superintendent Rocky Boy School

Mr. Chairman and members of the Senate Committee on Education. My name is Cecelia Corcoran. First, I want to thank you for giving me the opportunity to appear before you as a concerned citizen.

I think I should tell you that while my name is Cecelia Corcoran that I am Chippewa-Cree and my Indian name is  $\Delta \cdot \Delta \cdot 19 \setminus 6 \cdot \wedge \Delta \cdot ^{\circ} \setminus$   
That translates to Sitting White Spotted Eagle.

I am now employed on the Rocky Boy's Reservation, but for many years--- eight to be exact---I did volunteer work before I could find a paying job. I still do Volunteer work and am a 4-H leader. I am one of the two officers still serving since we first organized the Chippewa-Cree Crafts 10 years ago. Chippewa-Cree Crafts is an organization that finds markets for our women's beadwork. One of my volunteer jobs years ago was to teach Indian children to read and write the Cree language, so it would not die. I was the first teacher of the Cree language in the Rocky Boy School that at that time was run by the Havre School District and I did my teaching as a volunteer. I was not paid for that work. At the present I am a Tribal Home-Ec. agent employed by the Chippewa-Cree Tribal Projects.

I am telling you this so you will know that I have had experience and the trust of my people and I know the problems we face because I was a member of the Rocky Boy School Board for three years and I was the third and last women elected to the Chippewa-Cree Tribal Council. I also have served during General, State and County and Tribal elections as an election judge.

Let me tell you about something that came up recently during our tribal election. My son was a candidate for a place on the council and all the other judges had a brother, a son, an uncle or a nephew. But no one could be found to replace any of us on the election board because every one who might have replaced one of us also was related to one or more of the

candidates. The tribal council years ago had to ask the state and federal governments to waive the nepotism laws. They were working a hardship and the people who needed work the most couldn't be hired.

While I was serving on the school board we had a policy of dealing with these relationships this way: When it came to hiring or other personnel matters at the school the one board member who was related had to excuse themselves when it came time to make a decision. If you knew anything good or bad about a person you couldn't even bring it out. Which sometimes hurt the qualified person.

So you see this nepotism law as it is now in the law books just can't be made to work on reservations. And some people tell me it works a hardship off the reservations where in the small towns people are related. Believe me we will be very careful to follow the law if it is changed to meet our needs---to substitute tribal law. As a former member of the council I can assure you our tribal council supports the best education possible for our children and we think as parents, like all other people, can provide the best education for our own children. The nepotism law--as it has been stated--threatens the very existence of our school continuing under Indian administration.

TESTIMONY OFFERED FOR THE RECORD INTO HEARING ON HOUSE BILL 652

MY NAME IS ALFRED NAULT, JR. AND I AM HERE TO TESTIFY ON HOUSE BILL 652. FIRST, I WANT TO SAY THANK YOU TO THE CHAIRMAN AND MEMBERS OF THIS COMMITTEE WHO HAVE CALLED A HEARING ON THIS BILL.

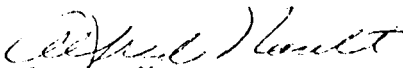
I AM PRESENTLY EMPLOYED BY THE ROCKY BOY SCHOOL AS ASSISTANT DIRECTOR OF THE RESEARCH PROGRAM UNDER WHICH CURRICULUM MATERIALS ARE DEVELOPED. BEFORE THAT I WORKED FOR THE INDIAN PUBLIC HEALTH SERVICE (HEW) AND ONE YEAR I RAN FOR A POSITION ON THE ROCKY BOY SCHOOL BOARD AND WAS ELECTED. HOWEVER, WHEN I WENT INTO HAVRE TO FILE MY CERTIFICATE OF ELECTION I WAS TOLD THAT I COULD NOT SERVE IF MY SISTER WAS GOING TO CONTINUE TO BE EMPLOYED AS THE SCHOOL CLERK. EITHER THAT OR SHE WOULD HAVE TO GIVE UP HER POSITION. OF COURSE, I DID NOT FILE MY CERTIFICATE BECAUSE I DID NOT WANT MY SISTER TO HAVE TO GIVE UP HER JOB.

I MENTION THIS BECAUSE IT IS ONLY ONE PROBLEM THAT WE CHIPPEWA-CREE HAVE ENCOUNTERED IN TRYING TO ABIDE BY THE LAW OF THE STATE OF MONTANA. SPECIFICALLY, THE NEPOTISM LAW. IT WAS VERY BAD FOR SCHOOL MORALE WHEN WE WERE THREATENED WITH HAVING TO CLOSE THE SCHOOL OR HAND OVER CONTROL OF THE SCHOOL TO OUTSIDERS. THIS HAPPENED AT THE BEGINNING OF THE SCHOOL YEAR. WE WHO WORK AT THE SCHOOL WERE HAPPY TO LEARN THAT THE SCHOOL BOARD, INSTEAD OF RESIGNING, INSTEAD OF GIVING CONTROL TO OUTSIDERS, INSTEAD OF FIRING EVERYONE THEY WERE RELATED TO---WHICH WAS ALMOST EVERYONE---DECIDED TO WAIT AND COME TO THE LEGISLATURE FOR HELP.

AS A MEMBER OF THE CHIPPEWA-CREE TRIBE MY WIFE AND I ARE RELATED IN SOME WAY TO ALMOST EVERYONE ON THE RESERVATION. OUR ONLY CHILD, FOR INSTANCE, IS A DESCENDANT OF CHIEF LITTLE BEAR WHO LED THE CREE ON THE



LONG WANDERING OF MONTANA AND FINALLY LED THEM TO THE ROCKY BOY'S  
RESERVATION. MY SON IS ALSO A DESCENDANT OF NAPOLEAN NAULT, A  
LIEUTENANT OF LOUIS DAVID RIEL. THIS IS TO SAY WE HAVE PRIDE IN OUR  
RELATIONSHIPS. BECAUSE THESE RELATIONSHIPS ARE EVERYWHERE ON THE  
CHIPPEWA-CREE RESERVATION AND ON THE OTHER SEVEN RESERVATIONS WE  
INDIANS LONG AGO FOUND A WAY TO DEAL WITH THEM FAIRLY. SO, I WOULD  
LIKE TO ASSURE YOU THAT IF YOU ALLOW TRIBAL LAW TO PREVAIL IT WILL  
BE A FAIR LAW AND FAIRLY ADMINISTERED.

  
ALFRED NAULT

Testimony offered on Senate Hearing into House Bill 652

Thank you, Mr. Chairman, and members of the Senate Education Committee for making it possible for me to submit my testimony. My testimony is on behalf of my people, the Chippewa-Cree of the Rocky Boy's Reservation, and the people of the six other reservations of Montana, who very much need to see the state nepotism law amended. I am Dorothy Small. My Indian name is *P<sup>o</sup>z<sup>o</sup>ab<sup>o</sup>da<sup>o</sup> ag<sup>o</sup>*, It translates to End of Earth Woman in English.

Ever since the Rocky Boy's got control of the only school on our small reservation---that was seven years ago---I have been either chairperson or vice-chairperson of the School Board of School District # 87. So because I am also a member of the Chippewa-Cree Tribe of the Rocky Boy's Reservation I know very well the problems adherence to the state's nepotism law has brought us. I am also the parent of a small boy who attends Rocky Boy Elementary School.

On our small reservation everyone is related. We don't stop at the fourth-degree like non-Indians. Our relationships continue even to the 13th degree. Our relationships are strong and close. When our reservation was formed 450 people settled it. Many of them were related. Now that one thousand-528 people live on the reservation there are even closer blood ties.

On our reservation respect is taught to everyone. From the time a child is ver small through his lifetime he is taught to respect himself, other people, everything around him, the laws of his tribe and of his state and country. But this nepotism law-- it is impossible for us of our small reservation to respect it the way we would like to. It is a very difficult law for us of our small reservation to respect because everyone is related or inter-related.

- Dorothy Small testimony

Our children are now going to college, many of them to become teachers. But under this law they will have to leave the reservation---their home which means so much to them. They have to leave because they are related to the school trustees. It doesn't matter who is elected to be a trustee, they are related. This makes it very hard for everyone.

The Hill County attorney said to me, "Why don't your college graduates go to another reservation to teach?" What he did not know is that other tribes make resolutions---people of no other tribes are hired first. Although they are certified they cannot find jobs away from the reservation. Non-Indian schoolboards in Montana do not like Indian teachers. I hate to say it but that is the way it is. They have to come back to their reservation to teach---or for any other jobs. They have to come home if they want to teach.

This nepotism law almost made us fold up not very long ago. But we decided we would wait and come to the legislature of the State of Montana, seeking help. So here we are, asking you for help and asking you to amend the nepotism law so that Indian tribes can substitute tribal nepotism law for the state law. I can assure you we will respect the amended law as we respect all school laws.

# THE CHIPPEWA CREE TRIBE OF THE ROCKY BOY'S RESERVATION

PHONE 395-4478

ROCKY BOY ROUTE

BOX ELDER, MONTANA 59521

Raymond Parker

Testimony offered before House Education Committee on House Bill 652

Mr. Chairman, members of the Senate Committee, I am a member of our tribes Education Committee. This Committee is a cooperative effort between the Tribe and The Rocky Boy School. The Rocky Boy Board of Trustees and 3 members of the Council make up the Tribal Education Committee. We are all members of the Chippewa-Cree Tribe. My presence is to let you know the Chippewa-Cree Tribe fully supports H.B. 652 as it is written.

We are just practicing self-determination on our Reservation and we would like to handle this relationship problem our own way. It will be a fair way. We will continue to hire the best qualified person for the job, be he Indian or non-Indian.

As a member of the Rocky Boy's Tribal Council we are confronted with this nepotism problem every day, I say "problem" but it isn't really a problem because we are so accustomed to the relationships among our people that we know how to deal with this circumstance. Even before the Chippewa and the Cree were finally allowed to claim our reservation people were related to each other, It was considered a good thing---to have lots of relatives.

I have five children going to the Rocky Boy School and I do not want this school to close because of some such thing as a law that was written to deal with a problem that is a problem to the whiteman but not to the Indian. I don't want to see strangers come in to run our school, the way it was once. It is a better school now because it is administered by Indian people who recognize the way to meet the unique needs of Indian children.

I respectfully request that you pass legislation that will permit Indian people to follow tribal law.

One last thing: one of our tribal elders has asked us to tell you that long ago there was nothing like a nepotism law among Indians because it was not needed.

Thank you,

*Raymond Parker*

Chief Rocky Boy

I WANT TO TELL YOU ABOUT RELATIONSHIPS ON THE RESERVATION OF OUR PEOPLE, THE CHIPPEWA-CREE OF THE ROCKY BOY'S RESERVATION. THE INDIANS OF ROCKY BOY'S RESERVATION ARE DIFFERENT FROM THE NON-INDIANS IN BEING RELATED. LIKE I'LL SAY UP TO THE SECOND COUSIN. THEN FROM THERE ON THE NON-INDIANS DON'T CLAIM RELATIONSHIP TO THE THIRD OR FOURTH COUSINS. THEY KNOW THEY ARE RELATED FROM A DISTANCE, BUT THEY DON'T CLAIM RELATIONSHIP.

THAT'S WHERE I SAY INDIANS ARE DIFFERENT FROM THE WHITEMAN BECAUSE INDIANS RESPECT RELATIONSHIPS FROM WAY BACK, MAYBE OVER A HUNDRED YEARS BACK. AS THEIR PARENTS TELL THEM, "WE ARE RELATED TO SO AND SO FROM WAY BACK." THE YOUNG PEOPLE ALWAYS RESPECTED WHAT THE OLD PEOPLE TOLD THEM.

A LOT OF THESE PEOPLE HERE IN ROCKY BOY ARE RELATED FROM WAY BACK---SOME MAYBE TO THIRD COUSINS---TO MAYBE THIRTIETHY COUSINS.

ACCORDING TO OUR OLD PEOPLE, ON A SMALL RESERVATION LIKE ROCKY BOY'S EVERYONE IS RELATED. THEREFORE I BELIEVE THAT NEPOTISM LAW SHOULD NOT BE APPLIED TO INDIANS ON RESERVATIONS BECAUSE AS I SAID EVERYONE IS RELATED, THE INDIAN NEVER KNEW THE WORD NEPOTISM AMONGST OUR PEOPLE.

WALTER A. DENNY

SENATE COMMITTEE EDUCATION

Date March 17, 1977 HOUSE Bill No. 546 Time 4:15

NAME	YES	NO
Senator Chet Blaylock, Chairman	✓	
Senator Ed Smith, Vice Chairman	✓	
Senator George McCallum	✓	
Senator Bill Mathers	✓	
Senator William E. Murray	✓	
Senator Frank Dunkle	✓	
Senator Paul Boylan	✓	
Senator Larry Fasbender	✓	
Senator Bill Thomas	✓	
Senator Margaret Warden	✓	

Jennie Lind  
Secretary

Chet Blaylock  
Chairman

Motion: Senator Bill Mathers moved that House Bill No. 546  
BE CONCURRED IN; motion was seconded and carried by unanimous  
vote.

Senator Mathers will carry on the floor.

(include enough information on motion--put with yellow copy of committee report.)

# STANDING COMMITTEE REPORT

March 17, 1977

MR. President,

We, your committee on **EDUCATION**

having had under consideration **HOUSE** Bill No. **349**,

Respectfully report as follows: That **HOUSE** Bill No. **349**,

**Third Reading,**

**BE CONCURRED IN**

~~DO NOT WRITE~~

**Chet Blaylock**

Chairman.

SENATE COMMITTEE EDUCATION

Date March 17, 1977 HOUSE Bill No. 349 Time \_\_\_\_\_

NAME	YES	NO
Senator Chet Blaylock, Chairman	✓	
Senator Ed Smith, Vice Chairman	✓	
Senator George McCallum	✓	
Senator Bill Mathers	✓	
Senator William E. Murray	✓	
Senator Frank Dunkle	✓	
Senator Paul Boylan	✓	
Senator Larry Fasbender	✓	
Senator Bill Thomas	✓	
Senator Margaret Warden	✓	

Jennie Lind  
Secretary

Chet Blaylock  
Chairman

Motion: Senator Ed Smith moved that House Bill No. 349

BE CONCURRED IN; motion was seconded and carried by  
unanimous vote.

Senator Thomas will carry on the floor.

(include enough information on motion--put with yellow copy of committee report.)



# STANDING COMMITTEE REPORT

March 17 1977

MR. President,

We, your committee on **EDUCATION**

having had under consideration **HOUSE** Bill No. **546**,

Respectfully report as follows: That **HOUSE** Bill No. **546**,

**Third Reading,**

~~DO PASS~~

BE CONCURRED IN