

SENATE EDUCATION COMMITTEE

MARCH 7, 1979

The Senate Education Committee met Wednesday, March 7, in Room 402 of the Capitol Building. Senator Bob Brown, Chairman, called the meeting to order at 1:14 p.m. Committee members present were Senators Brown, O'Hara, Richard Smith, Anderson, Severson, Thomas, and Fasbender with Senator Ed Smith entering the meeting late and Senators McCallum and Blaylock excused.

The following bills were heard:

- House Bill 217
- House Bill 175
- House Bill 220
- House Bill 219

HOUSE BILL 217

Representative Hirsch, sponsor of the bill, stated the bill would exempt 3rd class school districts who do not maintain high schools from the audit requirement of the Department of Community Affairs. He stated that having to comply with the audit presents a severe financial hardship in many cases. There are 232 3rd class districts with no high schools that have had to comply with the audit by Department of Community Affairs. The Department does not have the staff to do all those audits and therefore private CPA's must be hired to do them at an average cost of about \$400. There then is a requirement that the audit comments must be published in the newspaper which runs anywhere from \$35-50. In some cases, the 3rd class district was paying more for its audit than for school-books.

PROPOSERS

Wayne Buchanan, representing the Montana School Boards Association, stated that out of 584 districts, 162 have total budgets of under \$50,000. In some cases, the total cost of the audit is \$800 which is an exorbitant percentage of the total budget. The Association supports the bill and urged favorable consideration of it by the committee.

Lyle Eggum, representing the Office of Public Instruction, said OPI supports the bill.

There were no further proposers and no opponents to the bill and the hearing was closed.

HOUSE BILL 175

Representative Bengston, sponsor of the bill, stated the bill provides for uniform age requirements for school attendance. She said the House had amended the date and made provision for exceptional circumstances.

She said there has been a disparity in age differences across the state with nine different dates from September 1 - October 31 being used. This has created problems in transferring students from a district with an October deadline to one with a September 1 deadline. It has been proven that students who are older when they enter school do better overall and therefore the September 1 date was chosen. Thirty-seven other states have uniform age requirements. The bill has a 1980 effective date to allow schools to make adjustments in their ANB.

PROPOSERS

John Fero, President of the Montana Association of Elementary School Principals, presented his written testimony in support of the bill to the committee (attachment #1).

Wayne Buchanan, representing the Montana School Boards Association, stated he agreed with the previous testimony and supports the bill in that it makes mandatory and uniform the age requirement for entry into school. He urged support for the bill.

Dave Sexton, representing the Montana Education Association, presented his written testimony in support of the bill to the committee (attachment #2).

Lyle Eggum, representing the Office of Public Instruction, urged support of the bill. He said it solves problems for the district and for the child and his parents if they move from one district to another.

There were no further proposers and no opponents to the bill and the hearing was closed.

HOUSE BILL 220

Representative Seifert, sponsor of the bill, said this is a simple bill which allows any school or community college to hire an attorney without the permission of the county attorney. The current law states the county attorney is the attorney for those schools and they must have his permission to seek an outside counsel. This bill leaves the decision up to the board of trustees to decide if further expertise in a certain field is warranted or if the county attorney is so busy that to expedite matters it would be advisable to hire another attorney. He said school boards should have the discretion to make those choices.

PROPOSERS

Wayne Buchanan, representing the Montana School Boards Association, stated the present law assigns the county attorney to the school

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boards and there have been problems with that. In once case a county attorney allowed the time for an appeal to expire despite repeated contacts from the school superintendent and the board of trustees. He did not give permission for the hiring of another lawyer until after the expiration date. In another instance, the county attorney looked at two cases of revocation of teaching certificates and decided he would only support one of the cases. The superintendent had to support the other teacher at the hearing. He cited the difficulty of asking the county attorney to get another lawyer as it is a reflection on the qualifications of the county attorney. He felt the districts are entitled to the best defense possible and they should have the choice. In this bill they do have that option as well as the option of having the county attorney handle the cases they choose. He felt it is a good bill and urged support of it.

John Fero, representing the School Administrators of Montana, said he agreed with Mr. Buchanan's testimony and urged support of the bill.

Lyle Eggum, representing the Office of Public Instruction, said OPI supports the bill and urged the committee to give the bill a do pass recommendation.

There being no further proponents and no opponents to the bill, the hearing was closed.

HOUSE BILL 219

Representative Seifert, sponsor of the bill, submitted written testimony on the bill to the committee (attachments #3 and #4). The bill provides for making the law requiring certain teachers to obtain instruction in American Indian studies permissive rather than mandatory.

PROPOSERS

Senator Graham stated he has two reservations in his district, the Crow and Cheyenne, and that he has lived there all his life and was educated there. He also supported the original Indian Studies bill when it was first introduced. He pointed out the hardships on school near or on the reservations when they must meet the harsh requirements of the original legislation. He was assured when he questioned this at the time, that the bill would do what this piece of legislation is doing - making the requirements permissive rather than mandatory. Instead, it

was written with these strict requirements. He pointed out that all tribes have different customs and in-service training utilizing on-reservation talent is the best way to go. He felt the best thing to do was to support this kind of legislation. Senator Graham talked to his schools the morning of the hearing and they all said they would provide in-service training if this bill passes and the teachers would be willing to take the training. Many of the teachers on the reservation know more about the subject than do the people currently teaching the courses. His poll of the Senate indicated the original legislation would not have passed if it had been known that these strict controls would be attached to it. He stated the intent of the Legislature in passing the original legislation was to have it just like House Bill 219 proposes. Senator Graham felt the quality of education in this area will better under the provisions of this bill than it is currently.

Dave Sexton, representing the Montana Education Association, presented his written testimony in support of the bill to the committee (attachment #5).

Wayne Buchanan, representing the Montana School Boards Association, stated his Association has had some difficulty with the bill. Two years ago they voted to oppose any changes in the bill but now there are obviously some real problems. They do feel the section which allows for district control of the classes is a necessary component. They polled 11 districts on or near the reservations and 9 of those districts said they would require credits or in-service training in American Indian culture as it is now; the other 2 districts said they would have some sort of in-service training probably not exactly as the current law mandates.

T. Carl Johnson, Executive Secretary of the School Administrators of Montana, stated they do not oppose Indian studies but do support the local control as stated in the bill.

OPPONENTS

Harriet Meloy, Chairperson of the Board of Public Education, presented her written testimony in opposition to the bill to the committee (attachment #6).

Edward Eschler, representing the Office of Public Instruction, presented his written testimony in opposition to the bill to the committee (attachment #7).

Bill Bronson, representing the Associated Students of the University of Montana, said he was appearing also representing several students who would be directly affected by passage of the bill. He stated he felt the bill exceeds the objections

of many who oppose the bill. He said if the major criticism of the course is content, then this bill oversteps the boundaries of the law. He felt there is no legitimate reason for changing the law of course content is the only problem. He said the intent is to bring the white population and the native American cultures closer together and the course content has been the main problem in creating the racism problems which have resulted. He also felt the bill will only complicate the already existant problems. He said the Montana Constitution has a committment to preservation of the heritage of the American Indians in the state. He felt if this bill passes, court cases could result which would abrogate the constitutional intent. He felt a case could be made for segregation by passing the permissive option. The course work not being mandatory could result in legal ramifications. He felt students will not know what requirements they will have to meet in their course work if this bill is tied up in the courts for 2 or 3 years. He said the melting pot theory includes all cultures but the American Indian culture is separate and distinct as all the other American cultures are Judeo-Christian in nature. He said we all need to be more aware of the native American culture.

Myrl Lucas, Coordinator of Indian Affairs, state of Montana, said the quality of the in-service training programs has been very high. As a result of a course in Frenchtown, his office has been inundated with inquiries from students regarding laws, customs, regulations and other information regarding the Indian. The said he has seen many effective programs and feels making the bill permissive would be bad and harmful to the future of Indian studies.

C. Adrian Heidenreich, Assistant Professor of Native American Studies, Eastern Montana College, presented his written testimony to the committee in opposition to the bill (attachment #8).

Michael Dahlem, representing the Associated Students of the University of Montana, stated when you discuss rights basic to all students, you don't make it optional. He felt the local control option was of concern to him; it is difficult to believe a school district will voluntarily adopt a course such as this if they have to pay for it. He urged consideration of an amendment which was defeated in the House which would exempt current teachers and require that all new teachers would take one three hour course in native American studies.

Phillip Powers, Chairman of the Social Justice Committee of St. Mary's Church, Helena, stated the opposition of that committee to the bill.

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Ward Lydel, representing the Great Falls Indian Action Council, presented his written testimony in opposition to the bill to the committee (attachment # 9).

Barry Adams, Communication Coordinator, Student Action Center, University of Montana, presented his written testimony in opposition to the bill to the committee (attachment #10).

Jim Todd, Humanities Professor, University of Montana, presented his written testimony in opposition to the bill to the committee (attachment #11).

Carmen Taylor stated she agrees that local people know best what to offer in their own schools, however the present law does not preclude that. School districts have approval power regarding any consultants they hire. Another point is the student - we let the cultural aspects conform to student expectations. We must enhance and support these courses so the burden is on the course not the minority student.

There being no further time for opponents to present their testimony, Representative Seifert closed by saying there were five bills introduced regarding Indian studies, some of which repealed the existing legislation altogether. He did not agree with that attitude and therefore introduced this legislation. He felt originally that mandatory legislation would drive Indian and white apart and it did. The Constitution does mandate we will recognize other cultures, but no more Indian culture than any other. He said he was born and raised on an Indian reservation and some of his good friends are Indians. He felt as adults we must bring children together not give them the means to be driven further apart. Mr. Seifert said 15 years ago there wasn't this antagonism between Indian and white students but he has the letters to prove that the way the course is taught and the mandatory provisions of the legislation are now causing many difficulties.

There being no further business, the meeting was adjourned to reconvene, Friday, March 9, at 1:00 p.m.

Bob Brown
Senator Bob Brown, Chairman

Date 3/7/79

ROLL CALL

EDUCATION COMMITTEE

46th LEGISLATIVE SESSION - 1979

NAME	PRESENT	ABSENT	EXCUSED
Sen. Bob Brown, Chairman	X		
Sen. Ed Smith, Vice Chairman	X		
Sen. Jesse O'Hara	X		
Sen. George McCallum			X
Sen. Elmer Severson	X		
Sen. Mike Anderson	X		
Sen. Chet Blaylock			X
Sen. Larry Fasbender	X		
Sen. Richard Smith	X		
Sen. Bill Thomas	X		

Each Day Attach to Minutes.

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Opp
Lyle Eggman	Office of Pub. Int.	HB 175	✓	
David Sexton	MEA	HB 175	✓	
David Sexton	MEA	HB 219	✓	
John Ford	School Administrators	175	✓	
" "	" "	220	✓	
T. Carl Johnson	SAM	219	✓	
James H. C. O'Leary	BPL	219	✓	
Wayne Buchanan	MSBA	175, 217 220, 219	✓	
Philip Powers	St. Mary's Church, Helena	HB 219		
Philip Powers	St. Mary's Church, Helena	HB 219		
Carl Johnson	Montana Student Lobby			
Bill Bronson	Associated Students, U.M.	HB 219		
Mike Dufrenoy	Associated Students, U.M.	HB 219		
Carman Taylor	Self	HB 219		
Edward Eckler	Off. of Leg. of Pub. Int.			
John Kewiff	American Legion, Helena	HB 219		
Edna Herdreich	Eastern Montana College	HB 219		
Rick Reese	Board of Public Education	HB 219		
Walt Faircl	Billings Sch. Dist			
Shirley Rossberg	MSBA	175, 217 220, 219	✓	
Dorothy E. Dayton	Mont. University System	219		

SENATE EDUCATION COMMITTEE

March 7, 1979

HOUSE BILL 175 REPRESENTATIVE BENGSTON

House Bill 175 establishes uniform age requirements for entrance into Montana's public schools by redefining pupil and creating a new subsection in 20-5-101, MCA, granting school trustees authority to waive age requirements (page 6, lines 10 through 21). In existing law, the age requirement for pupils is six years or older up to 21 years. This requirement is changed to six years or older on or before September 10 of the year in which a child is to enroll in school. The trustees are granted authority to waive the age requirement under exceptional circumstances.

HOUSE BILL 217 REPRESENTATIVE HIRSCH

The proposed legislation clarifies the audit requirements of third class school districts that do not maintain a high school. The existing statute on audit requirements does not include third class school districts. The bill requires third class school districts that maintain high schools to meet the audit requirements of 2-7-503, and 20-9-203, MCA. Thus third class school districts that do not maintain a high school do not have to comply with the audit requirements in existing law.

HOUSE BILL ²¹⁹~~220~~ REPRESENTATIVE SEIFERT

House Bill 219 makes qualification in Indian studies a requirement for teacher employment on or in the vicinity of an Indian reservation permissive instead of mandatory. Currently, any teacher employed on or in the vicinity of an Indian reservation must have a minimum of six hours of instruction at an accredited University pertaining to history, traditions, customs, values, beliefs, ethics, and contemporary affairs of Montana and American Indians. The bill will make this requirement the responsibility of local school trustees to enforce and administer instead of a state requirement.

HOUSE BILL 220 REPRESENTATIVE SEIFERT

This bill allows a school district or community college to hire legal counsel to perform legal services in connection with school or community college board business. Schools and community colleges may hire legal counsel in the existing statute, however, they must have the consent of the county attorney.

NAME: Wayne Buchanan DATE: Mon. 8/7

ADDRESS: 501 N Sanders

PHONE: 442-2180

REPRESENTING WHOM? MSBA

APPEARING ON WHICH PROPOSAL: HB217

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: John Fero DATE: 3-7-79

ADDRESS: Central School Helena, MT

PHONE: 4425620

REPRESENTING WHOM? School Administrators of Montana

APPEARING ON WHICH PROPOSAL: HB 175

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: Comments attached

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

#1
MONTANA ASSOCIATION
ELEMENTARY SCHOOL
PRINCIPALS

JOHN R. FERRO, president
Central School
402 North Warren
Helena, Montana 59601
Phone: 442-5620



NAESP

SA

TO: The Montana Senate Education Committee

FROM: John R. Ferro, President
Montana Association of Elementary School Principals

Re: House Bill #175

DATE: March 7 1977

The Montana Association of Elementary School Principals is in favor of House Bill #175. In order to get a true feeling of the elementary principals around the state of Montana, the Montana Association of School Principals took a poll of its members and received results from this poll from over 140 of its members. The results of this survey showed overwhelming support of this bill.

In the survey there were five major reasons why we, the elementary principals, favor this bill:

1. At the present time there are nine cutoff dates used by elementary schools around the state of Montana. We feel that consistency throughout the state is one of the main reasons for our supporting this bill. It is not at all uncommon for the elementary principal to be placed in a position of making a determination of whether a child should enter a school after they have previously been enrolled in another district whose cutoff is later than their own. For example, school A has a cutoff date of November 15. A child enters either first grade or kindergarten, attends school for two months then moves to School B whose cutoff date is September 10. Because the district policy in school B indicates that no child shall be placed in either first grade or kindergarten unless they have achieved the appropriate age level before September 1 or the first day of school, the elementary principal is placed in the position of telling the parent that the child may not continue in that particular grade until the next school year. There are, however, some districts whose policy reads that if a child has previously been enrolled in another school that they will take them regardless of the cutoff date. We feel that having a consistent cutoff date throughout the state would alleviate these problems for both parents and educators.
2. It is a well known fact among the elementary principals that there are parents who will try to get around the policy regardless of whether the child is ready or is not ready for school. This is done all too often by the parent placing the child with a relative in a district whose cutoff date is later than the district that they live in for a month or two and then transfer them into their own home district. In addition there are parents that will move to a district whose cutoff date is later, for

House Bill #175 continued - - -

a month or two and commute to the town of employment and then after a month or two they will move back into the town and place their child in school. In some cases the parent firmly believes that their child is ready for school and wants them placed in school regardless of the cutoff date. In other cases both parents work and they would like to have their child placed in school so that they do not have to worry about having someone take care of the child during the working hours.

3. One of the major concerns of the elementary principals around the state is the maturity of the child at an early age. There were several principals who indicated that they would like to see the cutoff date of June 1 instead of September 10, however, we as elementary principals, question the pure validity of this concept. We feel that the chronological age of a child is not the sole determining factor, however, it is our experience in making determinations with these children who are young, that another year out would certainly help them in their overall success in school. Our experiences have shown that another year out of school for these children who have September, October and November birthdays will help insure more successful experience in their total school experience. Most principals around the state of Montana are placed in the position of counseling with parents both in the spring and summer and right before school starts in the fall, as to whether their child is in fact ready for school. It is always a most difficult decision for educators to make in helping parents determine whether their child should start school or stay out another year. Regardless of the age our general feeling is, if there is any doubt whatsoever, holding a child out will certainly benefit that child. Maturity of a young child is a most important factor in the success of a child during his years in school. In general we feel that those children that have birthdays from December to June generally find school easier to handle regardless of what level they work at.
4. Meeting success in school is one of the major concerns of all educators across the state. It is felt by all educators that meeting success is a most important criteria for learning. We feel that students who are the youngest in their class generally have the greatest amount of difficulty in coping with a total successful experience.
5. The bill as amended will provide for any gifted child and any student coming in from out of state that has a later cutoff date. We recognize that there are exceptions and this bill does allow for them.

The Montana Association of Elementary School Principals know that this particular bill is a step in the right direction to helping insure a successful experience for the youth of Montana. It is the elementary principals who are placed in the position of helping determine the fate of all the children in our schools. Regardless of our decision, once a child hits a classroom it is the teacher that has to cope with whatever problems that may arise regardless of the child's age. We feel that this bill will help not only to create a consistency around the state but also help to insure the success of those students whose birthday falls in the later months of the year.

NAME: Quynh B. Nguyen DATE: March 7

ADDRESS: 501-7th Avenue

PHONE: 142-1782

REPRESENTING WHOM? NYA

APPEARING ON WHICH PROPOSAL: HB 175

DO YOU: SUPPORT? ☒ ~~AMEND~~ AMEND? ☐ OPPOSE? ☐

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: DAVID SEXTON DATE: 3/7/78

ADDRESS: 1232 E. 6TH, HELENA

PHONE: 442-4250

REPRESENTING WHOM? MONTANA EDUCATION ASSN.

APPEARING ON WHICH PROPOSAL: HB 175

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: The state needs a uniform entrance
date for school children. This will
eliminate many problems of transfer
between districts. The bill as amended
provides for special consideration ^{by the local trustee} for
exceptional children, so the ^{established} date is not
totally arbitrary where circumstances
require some flexibility.

NAME: Lyle Eggen DATE: 3-7-79

ADDRESS: Capital Building Helena

PHONE: 449-2418

REPRESENTING WHOM? Office of Public Education

APPEARING ON WHICH PROPOSAL: HR-175

DO YOU: SUPPORT? X AMEND? OPPOSE?

COMMENTS:

This bill provides a uniform enrollment
date. This will provide for parents and
children more efficient transfer from one school
to another.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

A Reader's Digest

REPRINT

Your Child May Be in the Wrong Grade at School

By FRANCES L. ILC & LOUISE BATES AMES



The Reader's Digest

PLEASANTVILLE, NEW YORK 10570

NAME: Wayne Buchanan DATE: Mon. 7

ADDRESS: 501 N. Sanders

PHONE: 442-2180

REPRESENTING WHOM? MSBA

APPEARING ON WHICH PROPOSAL: HB 220

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: John R Fero DATE: 3-7-79

ADDRESS: Central School

PHONE: 442 5620

REPRESENTING WHOM? School Administrators of Mt

APPEARING ON WHICH PROPOSAL: 220

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: This bill will allow the local
board to pay at their discretion

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

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FEBRUARY 11, 1979

MISTER CHAIRMAN, MEMBERS OF THE COMMITTEE:

I AM HERE TODAY TO PRESENT TO YOU HOUSE BILL 219, ON WHICH I AM THE SPONSOR. HB 219 IS AN ACT TO AMEND SECTION 20-4-213 MCA, TO MAKE THE LAW REQUIRING THAT CERTAIN TEACHERS OBTAIN INSTRUCTION IN AMERICAN INDIAN STUDIES PERMISSIVE RATHER THAN MANDATORY.

IT IS MY FEELING THAT THE PRESENT LAW WAS CARRIED FAR BEYOND THE INTENT OF THE ORIGINAL LEGISLATION THAT WAS ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA. MY AMENDMENTS TO THE BILL, WHICH IS PRESENTLY LAW, WOULD MAKE THESE STUDIES PERMISSIVE RATHER THAN MANDATORY. IT WOULD LEAVE THE STUDIES UP TO THE DISCRETION OF THE LOCAL BOARD OF TRUSTEES IN GIVEN AREAS. I WILL TRY TO POINT OUT AT THIS TIME SOME OF THE REASONS FOR INTRODUCING THIS PIECE OF LEGISLATION.

BASICALLY, THROUGHOUT THE STATE OF MONTANA WE HAVE MANY DIFFERENT SITUATIONS THAT WE ARE INVOLVED IN FROM EDUCATIONAL STANDPOINTS. IT IS MY FEELING THAT THE INDIAN STUDIES SHOULD BE A LOCAL DISTRICT OPTION. WHAT IS APPROPRIATE IN ONE SITUATION MAY NOT BE APPROPRIATE IN ANOTHER. AT THE PRESENT TIME, WE HAVE NO QUALITY CONTROL WITH OUR PRESENT LAWS. OUR PROGRAMS VARY WIDELY THROUGHOUT THE STATE. FOR EXAMPLE, I FEEL IT IS VERY UNFAIR TO REQUIRE BILLINGS TO MEET THE REQUIREMENT AND GREAT FALLS DOES NOT HAVE TO. LOCAL TRUSTEES SHOULD BE ALLOWED TO USE THEIR DISCRETION IN DETERMINING THE NECESSITY OF HAVING THE PROGRAM.

STATE MANDATED CURRICULUM FOR TEACHERS OR STUDENTS ELIMINATES THE LOCAL CONTROL DOCTRINE THAT HAS BEEN HELD SACRED FOR DECADES. I DO NOT FEEL THAT WE SHOULD HAVE A STATE MANDATED CURRICULUM. WE HAVE ELECTED LOCAL BOARDS OF TRUSTEES, LOCAL LEVIES, AND MANY OTHER ITEMS TOO NUMEROUS TO MENTION TO HANDLE THESE PROBLEMS. A LOCAL COMMUNITY MUST HAVE THE OPTION OF DETERMINING TO A GREAT DEGREE THE TYPE OF EDUCATION THAT THEY WANT. IT IS MY FEELING THAT THE LAW WAS MISINTERPRETED BY THE BOARD OF PUBLIC EDUCATION WHEN IT WENT INTO EFFECT. I FEEL THAT IT WAS THE INTENT OF THE LEGISLATORS THAT IT BE DISCRETIONARY AND NOT REQUIRED. THIS IS ANOTHER EXAMPLE OF A LAW BEING PASSED WHICH IS LITTLE INTERPRETED BY THE ADMINISTRATIVE BOARD IN THE MANNER IN WHICH THEY WOULD LIKE, WITH NO REGARD FOR THE ACTUAL INTENT OF THE LAW.

THE BENEFITS TO SOME SCHOOL DISTRICTS ARE ACTUALLY QUESTIONABLE. FROM MY VISITATION WITH TEACHERS, SUPERINTENDENTS AND ADMINISTRATORS, I HAVE THE FEELING THAT SOME OF THE COURSES THAT HAVE BEEN PRESENTED AT OUR COLLEGES HAVE CREATED MORE ANIMOSITY THAN UNDERSTANDING. AGAIN I WOULD LIKE TO POINT OUT THAT THE LOCAL BOARDS OF TRUSTEES WOULD HAVE BETTER CONTROL THAN THE STATE WOULD HAVE.

AT THIS POINT IN THE TESTIMONY I AM GOING TO REFER TO SOME TESTIMONY THAT WAS GIVEN AT A PUBLIC EDUCATIONAL HEARING. I WILL NOT GO INTO DETAIL, BUT I WILL TRY TO GIVE YOU SOME OF THE HIGHLIGHTS OF THAT TESTIMONY.

1. THE PRESENT RULES AND REGULATIONS EXCEED THE INTENT OF THE LEGISLATION. ASSUMING THAT 50 HOURS OF IN-SERVICE (50400) IS COMPARABLE TO 6 COLLEGE CREDITS, WE CAN THEN ASK--DID THE

LEGISLATURE INTEND FOR THIS TO BE THE AMOUNT OF TIME DEVOTED TO THIS STUDY? EVIDENCE INDICATES THAT THEY DID NOT. TRACING THE HISTORY OF H.B. 343 ONE FINDS THAT EARLY VERSIONS OF THE BILL CONTAINED THE SIX CREDIT PROVISION. THIS PROVISION, ACCORDING TO THE HOUSE JOURNAL, 2-3-73, WAS ELIMINATED BY AMENDMENT OF THE HOUSE. THE "TRIBUNE" MADE NOTE OF THIS IN AN ARTICLE PUBLISHED 2-3-73 AND I QUOTE:

"THE COMMITTEE THEN VOTED APPROVAL FOR AN AMENDED VERSION OF H.B. 343. AS ORIGINALLY INTRODUCED, THE BILL WOULD HAVE REQUIRED ALL TEACHERS AND ADMINISTRATORS WHO SECURE CONTRACTS TO WORK ON INDIAN RESERVATIONS IN MONTANA TO TAKE AT LEAST SIX COLLEGE CREDITS IN INDIAN CULTURE. AS AMENDED, THE BILL REQUIRES ALL BOARDS OF TRUSTEES FOR PUBLIC SCHOOLS BY JULY 1974 TO REQUIRE THAT CERTIFIED PERSONNEL SATISFY THE REQUIREMENTS FOR INSTRUCTION IN INDIAN STUDIES.

THE BILL NO LONGER LISTS ANY REQUIREMENT FOR HOURS, BUT DEFINES INDIAN STUDIES AS INSTRUCTION IN THIS AREA BY A FORMAL COURSE OR IN-SERVICE TRAINING."

IT APPEARS RATHER OBVIOUS FROM THIS THAT THE LEGISLATURE INTENDED THAT DISCRETIONARY AUTHORITY FOR INSURING THAT TEACHERS BE PREPARED IN INDIAN CULTURE REMAIN WITH THE LOCAL BOARD OF TRUSTEES. HOUSE JOINT RESOLUTION 63 INDICATES, HOWEVER, THAT THE LEGISLATURE FELT IT NECESSARY FOR THE STATE TO HAVE A STATE-WIDE PLAN FOR IMPLEMENTATION AND THAT THIS BE ACCOMPLISHED IN

CONSULTATION WITH THE INDIAN PEOPLE. A COMMITTEE COMPOSED OF 45 CITIZENS OF THE STATE (41 WERE NATIVE AMERICANS) DEVISED THE INDIAN CULTURE MASTER PLAN. THE BOARD OF EDUCATION ADOPTED THE PLAN BASICALLY AS SUBMITTED AND FROM THIS PLAN CAME OUR RULES AND REGULATIONS.

THAT WHILE THE BEST OF INTENTIONS MOTIVATED THE INDIAN CULTURE MASTER PLAN THEIR STUDY AND RECOMMENDATIONS:

1) DID NOT REFLECT THE INTENT OF THE LEGISLATURE; AND 2) MAY BE LESS THAN TOTALLY OBJECTIVE ABOUT THE TASK AND THE METHODS OF ACCOMPLISHING THE TASK.

TO FURTHER SEARCH OUT THE INTENT OF THE LEGISLATURE, A COVER LETTER AND QUESTIONNAIRE WAS SENT TO 100 LEGISLATORS (REPRESENTATIVES AND SENATORS), WHO HAD VOTED FOR HB 343. OUT OF THESE QUESTIONNAIRES EIGHT WERE UNDELIVERABLE FOR VARIOUS REASONS. OF THE 100 QUESTIONNAIRES DELIVERED, 86 WERE RETURNED. THE RESULTS WERE AS FOLLOWS:

1. DO YOU FEEL THE INTENT OF THE LEGISLATION IS MET OR EXCEEDED BY THE RULES AND REGULATIONS?

MET (3) 18% EXCEEDED (35) 32%

2. WOULD YOU HAVE VOTED FOR OR AGAINST THIS LEGISLATION (H.B. 343) HAD YOU KNOWN THE REQUIREMENTS FOR COMPLIANCE WOULD BE AS INDICATED BY THE RULES AND REGULATIONS?

FOR (11) 32% AGAINST (37) 68%

3. DO YOU FEEL THE INTENT OF THE LEGISLATION COULD BE MET AS I INDICATED RATHER THAN AS REQUIRED BY THE BOARD OF EDUCATION RULES AND REGULATIONS?

YES (36) 62% NO (7) 18%

4. AFTER JULY 1, 1979 THE PRESENT LAW DOES NOT PROVIDE FOR A PERIOD OF TIME FOR NEW EMPLOYEES TO COMPLY, THUS ELIMINATING OUT OF STATE TEACHERS OR TEACHERS NOT RESIDING ON OR NEAR A RESERVATION FOR CONSIDERATION FOR POSITIONS. THIS SEVERELY LIMITS THE POPULATION FROM WHICH WE CAN RECRUIT TEACHERS. AFTER JULY 1, 1979 WOULD YOU FAVOR A ONE-YEAR GRACE PERIOD FOR NEW EMPLOYEES TO OBTAIN THE REQUIRED TRAINING?

Yes (38) 82% No (5) 18%

I FEEL THAT THE RESULT OF THESE QUESTIONNAIRES TELL US A GREAT DEAL AS TO THE INTENT OF THE ORIGINAL LEGISLATION. MY INTERPRETATION OF THIS INTENT IS THAT IT WOULD BE AN IN-SERVICE PROGRAM BY THE LOCAL BOARD OF TRUSTEES --- IMPLYING AS THEY DEEM APPROPRIATE FOR THEIR DISTRICTS. WE RELY UPON OUR LOCAL BOARDS TO CONTROL THE QUALITY OF READING AND MATH CURRICULUM; THEREFORE, I FEEL THAT WE SHOULD TRUST THEM TO IMPLEMENT APPROPRIATE TRAINING FOR TEACHERS.

MY FINAL FEELINGS IN BRINGING THIS BILL TO THE COMMITTEE IS THAT I BELIEVE IT AN UTTER DISSERVICE TO DISCRIMINATE FOR OR AGAINST ANY CLASS OR GROUP OF PEOPLE. I FEEL THAT H.B. 343, AS IT WAS PROGRAMMED, IS A DIS-SERVICE TO THE INDIAN PEOPLE AS WELL AS THE SCHOOL TEACHERS.

AT THE TIME WHEN THE LEGISLATION WAS CONSIDERED, I WAS A MEMBER OF THIS BODY AND I AM CONFIDENT THAT WE DID NOT REALIZE THE PROBLEMS THAT WERE BEING CREATED. I FEEL THAT THE LEGISLATION THAT WAS PASSED DOES NOTHING MORE THAN SEPARATE THE INDIAN PEOPLE AND THE GENERAL PUBLIC IN OUR SCHOOL SYSTEM, WHEN THROUGHOUT THE YEARS IT IS MY OPINION THAT WE HAVE BEEN TRYING TO WORK

PAGE 6

TOGETHER TO BRING ONE ANOTHER CLOSER RATHER THAN DRIVING US APART. I HAVE FELT THAT SINCE THIS LEGISLATION HAS BEEN IN EFFECT IT HAS IMPOSED A HARDSHIP ON GETTING TEACHERS.

I ALSO WOULD LIKE TO MENTION THAT I KNOW OF SEVERAL TEACHERS WHO WERE OUT OF WORK WHO COULD HAVE BEEN EMPLOYED IF IT HAD NOT BEEN FOR THE PRESENT PROGRAM.

IN CLOSING I WOULD ONLY POINT OUT TO YOU THAT H.B. 215 STRICTLY MAKES THE LAW IN AMERICAN INDIAN STUDIES PERMISSIVE RATHER THAN MANDATORY. I DO FEEL THAT IN SOME AREAS OF OUR STATE, IT CAN BE BENEFICIAL.

CARL A. SCIFERT

CH

174
MEDICINE LAKE SCHOOLS - FT. RITCHIE AREA

EDUCATION TRAINING TO MEET THE NEEDS OF F.B. 242

COURSE OUTLINE vs. COURSE CONTENT

JUNE 3, 1978 - AT MEDICINE LAKE SCHOOL

- A. HISTORY OF FORT PECK ASSINIBOINE/SIOUX TRIBES 12:00 - 12:30
DR. KENNETH MARTIN

"Dr." Martin has not been seen in this area of Montana since it was discovered in May that for several years he has claimed a doctorates degree from a California institution that has no record of his attendance. This fact was discovered after the "Dr." had conducted a three credit Indian Studies course in Medicine Lake under the sponsorship of FNC in April.

Gerald and Lenora Red Elk of Poplar were present. Mr. Red Elk gave a fairly interesting and accurate account of the history of the tribes.

- B. LANGUAGE OF FORT PECK ASSINIBOINE/SIOUX TRIBES. 1:30 - 4:00
STANLEY HOLLOMCHEN
EUNICE PERTWAIN
LAVINA PERRY

None of the scheduled consultants managed to be present. Mr. Red Elk and his wife ad libbed through a one hour presentation on the language, different dialects, and their origins.

JUNE 3, 1978 - AT MEDICINE LAKE SCHOOL 9:00 - 12:00

- A. MUSIC AND DANCE OF THE ASSINIBOINE/SIOUX
JAMES BLACK DOG
FT. KIPP SINGERS

Mr. Blackdog and the singers and dancers were not present at this morning session. Robert McAnally of Ft. Belk Community College was present at the appointed time and as we waited the morning away he continued to tell us how difficult and necessary this course was to us. Finally around 12:00 it was ascertained that the drummers, dancers, and singers had mistakenly thought they were supposed to appear at 12:00 not 9:00 A.M. We were assured they would come for the afternoon session.

- B. ARTS AND CRAFTS OF THE ASSINIBOINE/SIOUX TRIBES 1:00 - 4:00
LISA VENTURA
GEORGIA RED EAGLE
(ALTERED TO INCLUDE ABOATED MORNING SESSION)

This combined session was probably one of the more hilarious in this educational endeavor. Beginning around 2:00, Mr. Blackdog and the singers and dancers, all over forty-five years old with very little instruction except that of singing and dancing, were on hand for the afternoon session. It was noted that the session was also profitable as we watched the white man's

greenbacks change hands before the drums were picked up and we could continue.

The second half of the afternoon session, art and crafts, was a little shorter than the first. Mrs. Ventura and Georgia gave approximately a five minute talk on the craft items they had on display and concluded with the statement that anything on the table was for sale if we wished to purchase. During a ten minute question session it was determined that neither of the ladies had any knowledge of the sacred symbols and designs Mr. Red Elk told us were so important to all Indians.

JUNE 7, 1973 - AT MEDICINE LAKE SCHOOL

- A. VALUES, CUSTOMS, AND TRADITIONS 9:00 - 12:00
GERALD RED ELK
LEWORE RED ELK

These two persons, through their Indian lineage, historical background, and love for all mankind gave an excellent presentation concerning values, ideals, and beliefs of different units of many different races.

- B. RELIGION (PAST/PRESENT) OF THE ASSINIBOINE/SIOUX 1:00-4:00
JEROME FOURSTAR
MATEL FOURSTAR
GERALD RED ELK
LEWORE RED ELK

The Fourstars were not present for the afternoon session. We were told that they were much, much, called to South Dakota, but the usually accurate person later said they refused to come unless they were paid \$1000 plus \$5.00 per hour for the time they left. After until the, Sunday.

The Red Elks, with their deep concern and sense of responsibility carried the afternoon to success with their vision on historical and present Indian religions.

JUNE 8, 1973 - AT TRIBAL HEADQUARTERS IN FOPLAR

- A. POLITICAL SYSTEMS OF THE TRIBES 8:00 - 12:00
NORMAN HOLLON
GALES SHIELDS
DR. HENRY MARTIN

We arrived in Foplar at the scheduled time and in wandering through tribal headquarters look for a place to lay down. Norman Hollon, Tribal Chairman. He was surprised to see us there and we were very happy to see him. We told that he had to lecture at that meeting. After regaining his composure he sent us over to the building known as Ft. Rich Community College where we had a coffee sitting until 10:30. At that time he told that Mr. Hollon said we were to be out of town and he had heard of a "Dr. Martin" since he was exposed as a fraud.

We spent the time from 10:00 to 12:00 on a walking tour of Poplar facilities including the new Indian clinic, the wooden shack where Indians have to pay for services, and the BIA headquarters.

At noon that day we were invited to an Indian lunch of corn soup, beef stew and delicious fry bread.

3. EDUCATION AND THE ASSINIBOINE/STONY 1:00 - 4:00
VINCE BIGHORN
CHUCK TRINDER
VINCE BIGHORN

At 1:00 we were informed that Mr. Trinder and Mr. Bighorn could not be present and that Mr. Bighorn would arrive around 3:00 P.M. from Wilds City. At that time we took an interesting tour of the AGS Industries facility, where federal contracts are held for the manufacturing of camouflage netting.

At 3:00 P.M. we were privileged to meet a very progressive Indian who in my opinion is an extreme exception in today's Indian world. This proud young person said he never had and never would take charity from anyone and that he was proud to earn money, pay taxes, and be off the reservation. He also stated that the Indian problem would end when reservations were abolished and excess federal monies were removed from the hands of people who could earn their own way.

WED 2. 1978 - AT POPLAR

1. SOCIAL PROBLEMS OF THE ASSINIBOINE/STONY 9:00 - 12:00
DENNIS LANCHE
BETSY RED BEAR
CHUCK TRINDER

As far as I can tell the people listed above may not ever exist. We drank coffee from 9:00 to 10:00 and from 10:00 to 12:00 participated in a very informative discussion with Joe Wendell, a social worker specializing in child abuse, and Pat Crawford and Philip Chandra from Hope River. We also have for dinner and abandoned Indian children.

All three of these people are of the Indian race and accomplished what he described as a job. The Indian is considered a "thing" and nothing, in the eyes of the white man and his government.

2. HISTORY OF THE ASSINIBOINE/STONY 1:00 - 4:00
VINCE BIGHORN
CHUCK TRINDER
VINCE BIGHORN
CHUCK TRINDER

At 1:00 Mr. Hollen welcomed us to the reservation and talked about the tribe and general and local history of the problem of Indians in the world.

Around 2:00 Mr. Chandra gave a presentation of the tribe to the people of the reservation.

FACTS OF INTEREST RELATED TO THE COURSE

- Out of the thirty planned hours of the course, approximately seventeen were spent following the course outline.
- Out of twenty-one persons listed on the course outline as presenters of material, only nine ever showed up. Of the nine, the Red Elks, were on time. Four persons out of the outline spoke to us during the course.
- The original cost of the course was estimated at \$400.00. The final cost was \$420.75 with only half of the scheduled teachers.

Fifteen teachers from five northwestern states spent 195 collective hours waiting for people to show up to present material. Those same fifteen teachers spent approximately sixty hours traveling to and from Taylor for presentations. 255 collective hours were spent in actual sessions during the course. Even at minimum wage the 195 collective hours of waiting time are worth \$316.75.

The cost to the teachers who participated in the course was \$2.05 per person.

The Office of the Superintendent of Public Instruction has presented each person who took the course and spent an additional sixty hours in independent study with a certificate stating they have fulfilled the requirements of S.P.I. 240.

1

INTRODUCED BY

House Bill NO. 775
Mark Sullivan

2

3

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW ATTORNEYS"

4

FEES TO A PERSON ALLEGED TO HAVE ENGAGED IN A DISCRIMINATORY

5

PRACTICE IF THE COMPLAINT IS DISMISSED; AMENDING SECTION

6

49-2-507, MCA."

7

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

8

Section 1. Section 49-2-507, MCA, is amended to read:

9

"49-2-507. Procedure upon failure to find

10

discrimination -- attorneys' fees. (1) If the commission

11

finds that a person against whom a complaint was filed has

12

not engaged in the discriminatory practice alleged in the

13

complaint, it shall issue and cause to be served on the

14

complainant an order dismissing the complaint.

15

(2) The person against whom the complaint was filed is

16

entitled to recover a reasonable attorneys' fee from the

17

person filing the complaint."

-End-

HB 775
INTRODUCED BILL

NAME: DAVID SEXTON DATE: 3-7-79

ADDRESS: 1232 E. 6TH, HELENA

PHONE: 442-4250

REPRESENTING WHOM? MONTANA EDUCATION ASSN.

APPEARING ON WHICH PROPOSAL: HB 219

DO YOU: SUPPORT? X AMEND? OPPOSE?

COMMENTS: MEA supports the basic intent + need
for teacher training in Indian studies +
the preservation + promotion of Indian culture
in the state. However the present law has
been unfair in its application; it is ^{not} applied
uniformly + equitably; it is not properly funded;
it has created a financial + compliance burden
on some teachers; + most important, it
threatens a sizeable number of our members
with termination of employment. By making it
a local responsibility we will be able to bargain
these requirements so

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY. They
are equitable to the
teachers while continuing
Indian studies, which + are

NAME: Wayne Buchanan DATE: March 7

ADDRESS: 501 N. Lincoln

PHONE: 442-2180

REPRESENTING WHOM? MPBA

APPEARING ON WHICH PROPOSAL: HB 219

DO YOU: 'SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Jack Simpson DATE: 1/15/71

ADDRESS: 412

PHONE: 442-2510

REPRESENTING WHOM? John Thompson, Jr. - Home

APPEARING ON WHICH PROPOSAL: 11 B 211

DO YOU: SUPPORT? Yes AMEND? OPPOSE?

COMMENTS: General meeting 1/15/71 5:00 PM

re Board's Guide in its method of

which suggest that more to be done

in the study of the Board's guide

re the fact that it is a

process that will be used to

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Laura C. Miley DATE: 7-1-79

ADDRESS: 1217-9th

PHONE: 442-8012

REPRESENTING WHOM? Broad Public Educ

APPEARING ON WHICH PROPOSAL: HB 7-19

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: Handwritten comment

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Board of Public Education

BOARD MEMBERS

March 7, 1979

EX OFFICIO MEMBERS:

Thomas L. Judge, Governor
Georgia Rice, Superintendent of
Public Instruction and Executive
Officer of Vocational Education
Lawrence K. Pettit, Commissioner
of Higher Education

APPOINTED MEMBERS:

Earl J. Barlow, Chairman
Groning
Butte
Allen D. Gunderson
Billings
George A. Johnson
Great Falls
Marjorie W. King
Winnett
Harriett C. Meloy, Vice Chairwoman
Helena
David O'Leary
Bozeman

RICHARD L. (RICK) REESE
MARILYN F. MILLER
ASSISTANTS TO THE BOARD

TESTIMONY ON HB-219

given by

Harriett C. Meloy
Chairperson
Board of Public Education

before the

Senate Education Committee

Board of Regents to devise a specific comprehensive plan. The resolution explicitly stated that the plan must provide for inservice training in Indian studies, a means by which all public school teachers in Montana may receive training in Indian studies, and a means by which teacher certification qualifications may include training in Indian studies.

Up to this point, the Board of Public Education played no role in this matter; but, under legislative mandate we did participate in the formulation of the Indian Culture Master Plan which HJR 60 required us to do. After a year of study and drafting by a 45 member advisory committee, a series of recommendations were presented to the Joint Curriculum Committee of the Board of Public Education and the Board of Regents in May 1975. Finally, in December 1975, the joint State Board of Education adopted the Indian Culture Master Plan. The plan specifically provided that affected teachers be required to take either six college credits in Indian studies, or complete 30 hours of inservice training, or complete a combination of both.

The process I have just described was started over six years ago and was completed four years ago. It was a process specifically mandated by state law. The Board of Public Education did not enact the Indian Studies law. The Board of Public Education did not enact HJR 60. The Indian Culture Master Plan was not something which was hatched out of nowhere by the Board of Public Education.

Likewise, the confusion over how the 1973 law was to be implemented and enforced was not the result of any action by the Board of Public Education or the Board of Regents.

note that the only objection we received to the grace period came from the staff attorney of this legislature's Administrative Code Committee, who wrote to us in February 1978 and said that "While the grace period may represent administratively sound policy, it is not expressly authorized by statute" and he went on to say that the law is clear in mandating a July 1, 1979, deadline for compliance.

Ladies and gentlemen, the Board of Public Education, the Board of Regents, and the Office of Public Instruction have worked diligently to implement your Indian studies law. It has been a difficult and controversial process, but at the current time, about 80 percent of all affected teachers in the state have already fulfilled the requirements of the law. To change the rules of the game at this late date doesn't make sense to us. Neither is it fair to the vast majority of affected teachers who have already devoted a good deal of time and, in some cases their own money, to comply with the law.

For this reason, the Board of Public Education opposes HB-219 because we are satisfied that current law and the accompanying Board rule are finally workable, reasonable, and in close keeping with both the Constitutional and statutory provisions adopted during the past seven years.

NAME: Edward Eschler DATE: 7 March, 1979

ADDRESS: 1419 John E. Mine Road, Helena, MT 59601

PHONE: 458-5310 or 449-2543

REPRESENTING WHOM? Office of The Superintendent of Pub. Inst.

APPEARING ON WHICH PROPOSAL: HB 219

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE?

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Georgia Rice
Superintendent
Office of Public Instruction
Helena, Montana 59601

Article X, Section 1 (2) notes that, "The state recognizes the distinct and unique cultural heritage of the American Indians and is committed in its educational goals to the preservation of their cultural integrity." Such a constitutional provision is significant because it exemplifies the leadership demonstrated by the constitutional convention delegates when formulating the new constitution. The words in the document, however, would have been only symbolic if the legislators of the 1973 legislative session had not displayed further leadership by passing an Indian studies law which certainly confirmed the genuine commitment Montanans have in recognizing, "the distinct and unique cultural heritage . . ." of the American Indians in this state.

Since the Indian studies law has been in operation, numerous teachers, administrators and other concerned persons have received training and instruction in college and university courses and seminars and in local and regional inservice workshops. Some persons involved in the training and instruction have expressed disgruntlement in being required to take Indian studies. Others actively sought the opportunity for such studies. Many individuals noted that the sessions were meaningful, enlightening and useful. Such varied feelings and attitudes are not unique to Indian studies, and other required courses and inservice sessions have generated diverse reactions.

To date evidence exists that indicates the Indian studies law is working. Of the approximately 10,000 certified educational personnel working in Montana school districts, about 3,400 are under the requirements of the law. Current information discloses that approximately 2,039 certified personnel have completed or have partially completed Indian studies through inservice sessions conducted by the Office of Public Instruction. This number does not account for persons meeting the tenets of the law by taking on-campus courses or summer workshops. All these persons have given, grudgingly or willingly, time and money to fulfill the mandates of the law. Conceivably, a significant number of concerned persons will be in compliance with the law by the July 1, 1979 deadline--less than six months from now. Such compliance figures demonstrate that the law is viable.

Concern about Indian studies conducted so far has regarded whether the training addressed local needs and local organization. We agree that this is a valid concern; however, we should also like to point out that the law does provide for local needs and local organization. Item C of Subsection 1 of Section 2 of the law states that "inservice training provided by a local board of trustees which is developed and conducted with local Indian people" may be one means to address the law.

Other concern has regarded the type of presentations made and the format of the training sessions. Once again Item C of Subsection 1 of Section 2 of the law addresses such a concern.

Because such concerns are addressed by law; because the goals of the law are being met; because of the important educational and social leadership fostered by the law and especially because of the constitutional commitment made to a unique and distinct people, the Office of Public Instruction recommends the law be allowed to continue in its present form for the next two years for the outcomes then will show that the law does work. Therefore, we must oppose HB 219.

NAME: Bill Branson DATE: 3/7/79

ADDRESS: 2480 E. Broadway, Helena

PHONE: 442-4986

REPRESENTING WHOM? Associated Students UM

APPEARING ON WHICH PROPOSAL: HB 219

DO YOU: SUPPORT? _____ AMEND? ☒ OPPOSE? ☒
(in present form)

COMMENTS: _____

Oral testimony will be given.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.



Eastern Montana College

BILLINGS, MONTANA 59101

6 March 1979

Senate Education Committee
Montana State Legislature
Capitol, Room 402
Helena, Montana 59601

Dear Senators:

House Bill 219 purports to make the "Indian studies law" optional, but in effect greatly weakens it. Many school boards will not require background in American Indian studies because (1) it is a more simple expedient to not require such background, (2) they are hardly aware of Indians, or (3) they are aware of Indians but wish to ignore Indian-related information and issues. For various reasons certain voices are raised at this time against a state law which was passed 6 years ago.

I would speak against House Bill 219 for four major reasons:

1. It is contrary to the intent of the 1972 Montana Constitution--which makes recognition and preservation of Indian culture part of the educational policy of the state--and the 1973 House Bill 343--which encourages background in American Indian studies of all teaching personnel in the state.
2. It ignores the "whereas" points made in House Joint Resolution 60 (approved February 21, 1974)--especially the points relating to the general lack of understanding about Indian culture on the part of non-Indians.
3. It puts Montana--which has been a leader in certain areas of multi-cultural education--back many decades, at a time when the National Council for Accreditation of Teacher Education requires college teacher-training programs to have such courses (beginning in January 1979) in order to be accredited.
4. It reverses 6 years of state commitment, planning, and gearing up for the well-intentioned Indian studies law (House Bill 343), at a time when over half of the teachers in the state who come under that law already have complied with it and when student teachers now being educated can benefit most from this important area of inter-cultural exposure.

May I add that having to require teachers or students to have background in any area (Indian studies, alcohol and drug abuse, Montana history, etc.) is, in a certain sense, unfortunate because teachers and students should be interested in those areas. Yet we do so in various ways to insure a broad general education and an informed public. Many teachers and students who have taken college courses or in-service workshops agree that such background has opened important new understanding--whether they originally wanted to have it or not. To change the law by making it better or more reasonable is one thing; to gut it by making it "optional" is quite another.

Sincerely,

C. Adrian Heidenreich

C. Adrian Heidenreich, Assistant Professor

NAME: Michael Simon DATE: May 7, 1981

ADDRESS: 1834 Frontline

PHONE: 442-0032

REPRESENTING WHOM? A.S.U.M.

APPEARING ON WHICH PROPOSAL: HB 214

DO YOU: SUPPORT? AMEND? X OPPOSE? X

COMMENTS: This bill in its present form,

is an abomination! We oppose

any attempt to abolish the status

of the Southern Studies Assoc.

U

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Testimony to Senate Education Committee on HB 219 - March 7, 1979

Mr. Chairman and members of the committee, for the record my name is Michael Dahlem and I represent the Associated Students of the University of Montana. It is our position that HB 219 violates both the letter and the intent of the Montana Constitution to preserve Indian cultural heritage in this state. We also feel that problems which have arisen in regard to the implementation of the Indian Studies Law are not addressed in this bill.

First of all, we are not at all convinced that the problem is as serious as supporters of this measure contend. Already, fully 80% of those personnel affected have complied in full or in part with the requirements of the law. In the next several months additional teachers will come into compliance. Support for the law is very strong on the six campuses of the university system. As part of a legislative poll conducted this winter student opinion was sampled on the following statement.

"The present law requires competency in Native American Studies by teachers in or near a reservation be maintained."

<u>Unit</u>	<u>%Agree</u>	<u>%Disagree</u>	<u>%Undecided</u>
MSU	62.7	23.2	14.1
UM	65.6	17	17
EMC	32	36	16
NMC	41	35	23
TECH.	55.6	18.9	25.6
WMC	51.6	27.17	23.9
MUS Total	50.33	25.5	19.66

The sample size should result in an error of no more than five percent.

The chief argument being offered in support of HB 219 is that the local option will better guarantee courses of high quality which will be of greater benefit to Indian and non-Indian alike. This assertion does have some merit. We do acknowledge that many valid criticisms can be made against present course quality. However, our overriding concern is that the local option approach will reduce, not enhance the quality of instruction.

The preservation of Indian cultural heritage through education, as mandated in the

option. When the Congress passed laws guaranteeing voting rights to all citizens or when the Supreme Court ordered busing to eliminate school segregation they did not attach riders which permitted local authorities to comply with the law if they felt it was appropriate. Despite statements from the MEA, the School Board Association and the School Administrators Association there will be no guarantee that local in-service programs of high quality will be established. The MEA has already stated publicly that their chief concern with the present law is the cost involved. Through collective bargaining they hope to pass the cost of any program back to the local districts. At a time when property tax payers are already overburdened, we would expect a good deal of reluctance on the part of many trustees to fund any optional program. Aside from funding, it is clear that some teachers simply do not want to partake of any such course of instruction. Their opposition at a local level will also work against the establishment of any locally mandated program. For if the district chooses to require the studies of one employee, it must require them of all.

Over the past month a number of legislators, teachers, students and representatives of the Indian community and the Office of Public Instruction have met to work out a compromise which could satisfy the expressed intent of the Constitution while minimizing the expense and hostility generated by the present law. The amendment would essentially remove all teachers certified to teach in the state of Montana before July 1, 1979 from the requirements of the law. It would require the successful completion of one three credit course or a local in-service study before any teacher could receive recertification of an original teaching certificate or a Class 5 Provisional certificate issued after July 1, 1979. In this way, the vast majority of new teachers will satisfy the requirements of the law while they are still matriculating at an institution of higher education. One class is little to ask and something we're confident has the support of university students. A similar amendment was proposed in the House and came within three votes of passage. Should the Senate amend HB 219 in the above manner, a conference committee will surely reach agreement on this matter.

We urge your support of the proposed amendment. Should HB 219 pass the Senate in its present form, then the threat of recrimination and greater misunderstanding will persist

for many years to come.

Respectfully submitted

Proposed amendment to HB 219

Insert on page 2, line 11:

- 3) All teachers applying for first renewal of an original teaching certificate issued in Montana after July 1, 1979 or converting a Class 5 Provisional certificate issued in Montana after July 1, 1979 must satisfy the requirements in American Indian Studies as defined in 20-4-211 as a prerequisite to recertification. Three quarter credits will satisfy section (2) (a) of 20-4-211.

NAME:

Powers, Philip

DATE:

3/7/79

ADDRESS:

2001 8th Ave. Holy Spirit

PHONE:

443-5326

REPRESENTING WHOM?

St Mary's Church

APPEARING ON WHICH PROPOSAL:

HR 519

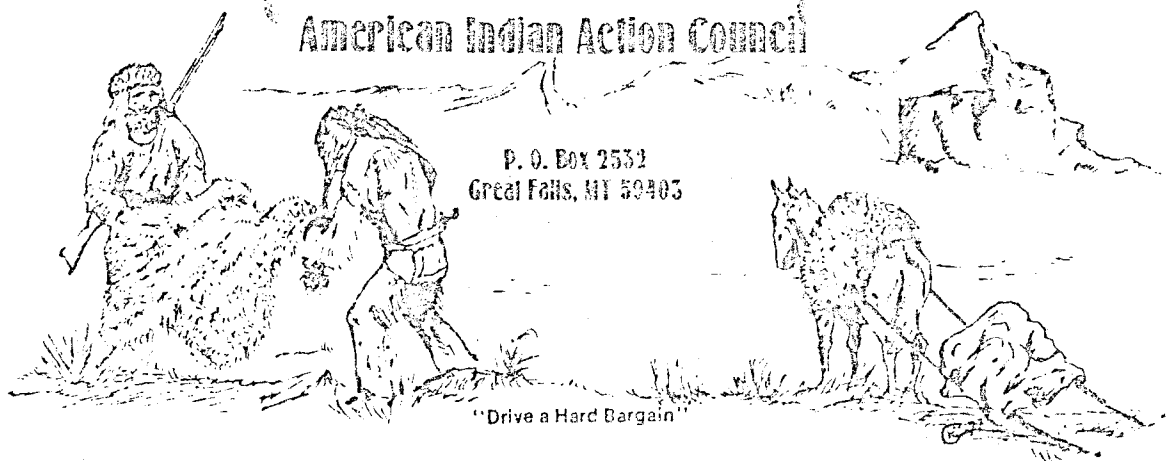
DO YOU: SUPPORT?

AMEND?

OPPOSE? ☒

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.



March 5, 1979

TO: MEMBERS OF THE MONTANA LEGISLATURE
FROM: THE GREAT FALLS INDIAN ACTION COUNCIL
RE: HOUSE BILL 219

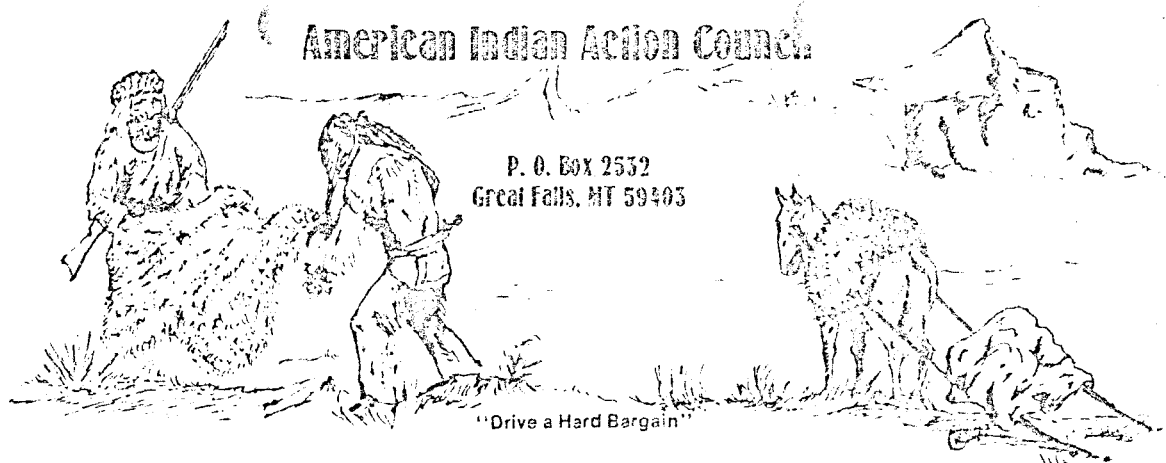
Our concern is the possible passage of House Bill 219. Our organization is concerned that if such an amendment is passed that irreparable damage to Indian Education, may be the consequence.

Part of the work being done in the Great Falls School system is to see that teachers become aware of the backgrounds and environment that children are exposed to before entering school each day. The dropout rate of our Indian students has been significantly reduced. We believe that much of it has been due to information provided to teachers, who then have been willing to modify their teaching techniques and expectations.

As you know, most dedicated teachers are quite willing to make adjustments in attitudes, methods and techniques, if given proper information. This feeling is, however, not unanimous. There are those teachers who feel that anyone can teach Indian children. The age old cliché, "I treat all my children alike", still persists. The adage is honorable, but not realistic. Many of these children need more. They need more attention, consideration, understanding, and most of all love. If teachers are not willing to provide this service, or are not aware that there are children who need this extra consideration, these children are doomed to failure. Many of the children in question, live on or near Indian Reservations, come to school each morning from an environment which is completely different from those of their teachers. If the schools do not understand a child, it is conceivable that he does not understand himself and the school is contributing to the negative self-fulfilling prophecy.

Schools and teachers can only become more effective and better informed about Indian children and Indian culture from inservice, orientation, college courses, etc. Unfortunately, a law had to be passed before many teachers would improve their knowledge about the Native Americans of our state. The concept, that teachers will automatically see the need for improving their backgrounds and by understanding about the Indian is ill conceived.

There has been some great strides in Indian Education since the passage of the Indian Studies Law. Not only in awareness and knowledge, but also in understanding and cooperation. It would seem to be such a waste to have all the accomplishments gained, lost because of the inconvenience caused by having to adhere to the mandates of the law.



It is hypocritical that a State Legislature, who just a short time ago decreed that the State of Montana recognize the unique cultural heritage of its Indian population, now suddenly decides that such a concept is no longer important. Or, that the law is no longer important because certain pressure groups find it inconvenient to attend a class or in-service session. This type of rationale is questionable at best.

Teachers play such an important role in holding the attitudes, values and understanding of our children. This role can not be abridged because of an inconvenience.

We would hope that those far sighted legislators, who genuinely are concerned with the welfare of children, would continue to see the merit of the Indian Studies Law and not be persuaded by the short-range selfishness that has prompted the Anti-H.B. 343 motives.

Your wisdom, insight and impartial leadership is certainly solicited on this matter. We implore that whatever decision you render, that you use as your yardstick, the welfare and general benefits of children, for they are our most precious resource. They are more important than money, materials, curriculum or school personnel. They are the essence of life. Their future, attitudes, values and prejudices depend on the information that we provide for them. It is the right of all children to learn about other groups from information which is unbiased, accurate and not misleading. This ideal is a must if we are going to continue to improve the communication between the Indian and the Non-Indian.

Sincerely,

Darryl M. Gray
Chairman
Great Falls Indian Action Council

Composition of the Council is as follows:

Darryl M. Gray, Chairman
Robert Van Gunten, Vice-Chairman
J. Fred Bourdeau, County Attorney
Jack Anderson, Chief of Police



Chris Cherches, City Manager
Hugh Spall, City Commissioner
Franklin Steyaert, County Commissioner
Joel Roth, Judge
Sandra Watts, Attorney
Father Anthony Gregori, Professor, CGF
Dr. Harold Wenaas, Superintendent of Public Schools - Great Falls
William Cady, Director, Montana Job Service
Glenn Osborne, County Sheriff
Harold McLaughlin, Director, Welfare Department
Dr. Murton McCluskey, Director Indian Studies
Bob Wright, Assistant Professor, CGF
Reverend Jake Beck, A.C.L.U.
Carl Gladue, Administrator, Opportunities Inc.
Ed LaMere, Director, Indian Education Center
Irene Smith, Community Development Coordinator
Geraldine Travis, U.S. Civil Rights Commission
Grace Fairhurst
Ken Gingras
Don Smith
Greg Hirst
Janet Evans
Tammy Gardipee

NAME: Barry Elias / Immigration Coordinator DATE: 4/10

ADDRESS: Student Action Center - 10015 University Blvd - Suite 100

PHONE: 243-2451

REPRESENTING WHOM? Student Action Center

APPEARING ON WHICH PROPOSAL: 25214

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: Feeling that teachers, as well as the
living of children, must have a multiple knowledge
of the people in the community they teach. Knowing
how their charges relate to life & very important
that they understand these young people's, perspective.
I held a class where out of 100 students
80-85% of the men - Indians, all with an overwhelming
interest in native American history, especially young
people. Children upon hearing that the Indians
are extinct at the time this book is written.
Established
the movement in between 1960-1970 that the Indians

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.
Give the opportunity for societal relationship, cross-racial
integration - for tolerance - understanding is the key.

NAME: John T. Hall DATE: _____

ADDRESS: 447-13th Avenue - Minneapolis

PHONE: 543-7645

REPRESENTING WHOM? Myself

APPEARING ON WHICH PROPOSAL: _____

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? ✓

COMMENTS: The bill as now written will
have a serious negative impact on
all industrial techniques (metal, etc.)
which are still in the process of being
developed as well as the 50th anniversary
of the fact that the world and nations are
interconnected right now.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME:

Carmen Taylor

DATE:

3/7/78

ADDRESS:

216 Hallen - Helena

PHONE:

443-3029

REPRESENTING WHOM?

Self

APPEARING ON WHICH PROPOSAL:

HB 219

DO YOU: SUPPORT?

AMEND?

OPPOSE?

COMMENTS:

In its present form, HB 219 is too drastic. That school districts will not choose to require Indian studies if their teachers are not where there is a significant population of Indian students. If the existing law, HB 343, must be changed before it can become effective, then a compromise bill would make 219 more acceptable. HB 880 would have been a better bill.

(See proposed statement)

NOTE: NO PREPARED STATEMENT GIVEN TO COMMITTEE SECRETARY

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

gld

NAME: Lee Lindell DATE: 7-7-77

ADDRESS: 4604 Carol Dr. Little Rock, AR 72205

PHONE: 761-8471

REPRESENTING WHOM? American Indian Action Council

APPEARING ON WHICH PROPOSAL: H.R. 214

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? X

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Jim Weinberg DATE: March 7, 1977

ADDRESS: Box 444

PHONE: 258-6435

REPRESENTING WHOM? Central Bank, American Bankers Assn

APPEARING ON WHICH PROPOSAL: HB 519

DO YOU: SUPPORT? AMEND? X OPPOSE? X

COMMENTS: For the time at least I oppose the
the House American Student Loan Act. By
a vote to limit its funding we are
be vehemently opposed to the bill.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Richard C. Otter DATE: 2-7-79

ADDRESS: Box 9203 Missoula, MT 59707

PHONE: 728-4535

REPRESENTING WHOM? Survival of American Indians Association (National)

APPEARING ON WHICH PROPOSAL: HB 219

DO YOU: SUPPORT? ☐ AMEND? ☐ OPPOSE? ☒

COMMENTS: I would think as here that Teachers of
this state (who are interested with the education
of our young) would jump at the opportunity to
gain more insight on the Native Americans in the
State as well as the country.

The Native Americans have already given a
great deal to the building of this state.

Let's not ignore them and show their
historic part in the making of this state.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: James M. Smith DATE: 7/1/68

ADDRESS: P.O. Box 484, Pocatello, Idaho

PHONE: 235-6435

REPRESENTING WHOM? White Memorial Fund, c/o Mr. J. M. Smith

APPEARING ON WHICH PROPOSAL: HR 219

DO YOU: SUPPORT? AMEND? OPPOSE? X

COMMENTS: As a white scholar, I read the book "The
Two Faces of America" which described the opportunity to
expose myself to the knowledge contained in the other side of
the coin.

As a white scholar, I was intensely
fascinated by the "Native Americans". My curiosity and interest
were not matched with knowledge of Native Americans.
Following my teacher's path, I saw a picture of a Native
Aboriginal picture of a red man in a field, holding a bow and
arrow, and thinking "Native Americans" and "Indian" and
thinking that all Indians were like that.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.
celebrity, director, writer, and producer, and
at Pocatello.

NAME: Roger Punsone DATE: _____

ADDRESS: Univ. A. Ventura; Humanities Dept.

PHONE: _____

REPRESENTING WHOM? _____

APPEARING ON WHICH PROPOSAL: HR 219

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? X

COMMENTS: - See testimony -

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Indian Education Statement.

This statement is in regards to the requirements for teachers in Montana to take at least three credits of Native American Studies. As a teacher at the University of Montana, I find that most non-Indians from this state are either ignorant of or grossly misinformed about the culture of Native Americans and about their current situation. Many Native American students also are poorly informed about or out of touch with their own heritage. I find that it is difficult for non-Indian and Indian alike to discuss their differences because of this ignorance and misinformation, and because of racial stereotypes. It is extremely difficult to correct this sad and disgraceful situation at the university level. By the time individuals come here they are racially set in their social and racial attitudes. If the citizens of this state are to recognize the unique heritage of its sincere Native American minority and to respond to the specific problems that 200 years of racism and ethnic

have created for them, it is imperative that public school teachers at all levels of our educational system begin to get at least a minimal acquaintance with Indian culture and history. Education of the young is the primary tool through which to change social/racial attitudes that work to the detriment of segments of a society. Is the people of this state, through their duly elected representatives, are unwilling to support the credit minimum training ^{in NA} for their teachers that will be an indication to all Montanans that we are indifferent to the legacy of racism that divides. It is with these considerations in mind that I urge this committee to maintain the ~~the~~ ^{SIX} credit minimum requirement in NA mandated by the 1976(?) legislature. It is my fear that failure to do this will lead to further polarization and conflict between Indian and non-Indian interests in Montana.

Respectfully submitted,
Roger J. Jernigan, Assist. Prof.
University of Montana

SAINT MARY'S RECTORY

1700 MISSOULA AVENUE

HELENA, MONTANA

February 22, 1979

SENATE: Chairman of Education Committee:

As a spokesman for the St. Mary's Parish Social Justice Project, which includes a Native Americans in Montana, Program, we fully support the mandatory six credit hour bill.

We feel that the culture and history of the Native Americans, must be taught in our Montana school system. We oppose SB 219.

Sincerely yours,

Kene Pasini