

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
52nd LEGISLATURE - REGULAR SESSION**

COMMITTEE ON EDUCATION & CULTURAL RESOURCES

Call to Order: By Chairman Ted Schye, on February 1, 1991, at 3:00 p.m.

ROLL CALL

Members Present:

Ted Schye, Chairman (D)
Ervin Davis, Vice-Chairman (D)
Steve Benedict (R)
Ernest Bergsagel (R)
Robert Clark (R)
Vicki Cocchiarella (D)
Fred "Fritz" Daily (D)
Alvin Ellis, Jr. (R)
Gary Feland (R)
Gary Forrester (D)
Floyd "Bob" Gervais (D)
H.S. "Sonny" Hanson (R)
Dan Harrington (D)
Tom Kilpatrick (D)
Bea McCarthy (D)
Scott McCulloch (D)
Richard Simpkins (R)
Barry "Spook" Stang (D)
Norm Wallin (R)
Diana Wyatt (D)

Staff Present: Andrea Merrill, Legislative Council
Dianne McKittrick, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Announcements/Discussion: REP. KILPATRICK announced the subcommittee on HB 116 would meet again on February 11, 1991. REP. GERVAIS announced each committee member would find additional information regarding HB 125 on their committee notebooks. EXHIBITS 12,13,14,15

HEARING ON HB 317

Presentation and Opening Statement by Sponsor:

REPRESENTATIVE ERVIN DAVIS, House District 53, Charlo, submitted written testimony. EXHIBIT 1

Proponents' Testimony: None

Opponents' Testimony: None

Questions From Committee Members: None

Closing by Sponsor:

REP. DAVIS said objections come from large corporations who have to change computer times and people on medication. He has heard from dairy folks who say their cows object since they are not ready early in the morning or late at night for milking.

HEARING ON HB 431

Presentation and Opening Statement by Sponsor:

REPRESENTATIVE TED SCHYE, House District 18, Glasgow, said HB 431 was requested by the Teacher Certification Standards and Practices Advisory Council of the Board of Public Education.

Proponents' Testimony:

Lee Von Kuster, Professor of Education, University of Montana, presented written testimony. EXHIBIT 2

Eric Feaver, Montana Education Association, (MEA), said this is a very important proposal. The Certification Standards and Practices Advisory Council has served a vital function in education reform in Montana. It is a major component of teacher accountability and responsibility. This bill raises the license fee teachers and administrators pay by one dollar when they first certify or renew their certificates. For the first time in history, every dollar that teachers and administrators give to the state for purposes of their license will go to an educational component that services them in the classroom, in the school building and in the offices of administration. Professionals will be paying for professional research that directly affects and helps them. If the state has the opportunity to increase the license fees then the license fees should be used to aid that profession.

Opponents' Testimony: None

Questions From Committee Members:

REP. SIMPKINS asked Lee Von Kuster where the appropriations come from at the present time. Mr. Von Kuster answered that presently the money comes from appropriation to the Board of Public Education, which in turn puts it into a fund for the Certification Standards and Practices Advisory Council. That funds travel, a researcher, secretary and general operations of the Council. REP. SIMPKINS asked if any money comes from the

General Fund. Mr. Von Kuster answered no.

REP. BENEDICT asked REP. SCHYE if this legislation is turning the tables and asking for an additional tax burden on the already underpaid teachers in Montana. REP. SCHYE said yes they are underpaid, but the teachers are willing to pay this additional dollar since it will be better for education.

REP. SIMPKINS asked Mr. Von Kuster if the two dollars going into the General Fund is used to fund the State Board of Public Education. Mr. Von Kuster replied the money goes to the state General Fund but it is not earmarked specifically for the Board. Obviously the Board gets money from the General Fund, but there is no way of determining whether it is that exact dollar.

Closing by Sponsor:

REP. SCHYE said he will request a fiscal note before Executive Action and suggested a DO PASS for HB 431.

HEARING ON 363

Presentation and Opening Statement by Sponsor:

REPRESENTATIVE R. BUDD GOULD, House District 61, Missoula, said HB 363 is a local control issue and worthy of strong consideration.

Proponents' Testimony:

Bruce Moerer, Montana School Boards Association, (MSBA), said HB 363 is a bill from the School Board's Convention. The bill goes back to the old law prior to last session concerning the scheduling of PI and PIR days or non-scheduled days during the teachers' convention. Prior to last session, schools had the option that during the teacher's convention they could schedule professional development or they could not hold any school at all. If they scheduled professional development, the teachers were able to attend the convention and receive their average daily salary. If they scheduled nothing at all for the two days, it was just like any other break between terms and the teachers could attend the conventions if they wished; however, if they did chose to do so, they would not receive their average daily salary. After the last session the law changed and currently schools are required to hold professional development, PIR days, on those two days mandating that teachers be allowed to attend the convention and receive their daily salary. Mr. Moerer continued that school districts are accountable to the legislature for their state funding. By passing the legislation last session that mandates PIR days, the Legislature took that accountability away from the districts. The result is we can't use those two days for local purposes at the district level. If a district wants to schedule professional development on those

two days that requires the attendance of the entire staff it must repeat the information when those who attend the convention return.

Michael Kupilik, Board Chairman, Missoula Elementary, District 1, said this legislation is viewed as a matter of local control. The school districts are allowed seven PIR Days and the disposition of these days is best determined at the district level. This is not an anti-association issue and the trustees are somewhat puzzled by the reaction that it is such. Missoula Mayor, Dan Kemmis, contacted Mr. Kupilik and expressed his concern over school district support of this resolution claiming the association had threatened to pull the convention out of Missoula because of the support. The right to determine use of the PIR days is an educational issue, best locally determined.

Jacob Block, Superintendent, Missoula, District 1, submitted written testimony. EXHIBIT 3

Earl B. Lamb, Assistant Superintendent for Business in Great Falls, said in-service training for a school district is very important. Since the past Legislature removed the extra five student instruction days we are now back to 180 with seven PIR days totalling 187 days per year. Prior to 1990 Great Falls schools had a 190 day contract with the teaching staff, 185 being pupil instruction days, 5 for pupil instruction related days and 2 extra days outside the contract for which the staff was paid an extra amount of money as per their negotiated agreement. The two days were lost because the entire staff was at a convention that interfered with staff development training. We could do better having local control.

Jesse Long, School Administrators of Montana, (SAM), said the administrators are concerned with the PIR use as indicated by previous speakers. The SAM Executive Board has taken the position that districts need that time. This legislation is the answer to giving districts control at the local level.

Opponents' Testimony:

Eric Feaver, Montana Education Association, (MEA), said this is clearly an anti-association bill and a frontal assault on the MEA Convention, the largest and most successful professional development opportunity in Montana. MEA has been virtually accused of not professionally developing teachers. He distributed the MEA Convention Book as sent to every legislator over the last six years. EXHIBIT 4 The MEA is very proud of the convention and what has been done regarding PIR days and has worked since 1983 to significantly enhance the development of professional excellence in the classroom. The MEA brought to the Legislature in 1987 the creation of the Certification Standards and Practices Advisory Council to promote a greater standard of accountability and responsibility to the profession. The very first task of that Council was to adopt a code of ethics

for Montana educators. In 1989 the MEA brought to the Legislature HB 569, which this bill amends. REP. GOULD voted for HB 569 in the 1989 Session as did over 60% of the House and every Senator voting. The Legislature knew exactly what it was doing when it went into the statutes and directed school districts to close for purposes of professional development in October. If a teacher goes to the convention or anybody else who is providing professional development during those two days that teacher shall be paid. If a teacher does not seek out professional development during those two days the teacher shall not be paid. HB 569 mandated not only that there be three PIR Days for professional development but that teachers themselves must receive two days of professional development. Until HB 569 there was no requirement for a teacher individually to get professional development. HB 363 would eliminate that mandate. The MEA also now offers certificate renewal credit at the convention. This brings a higher level of accountability and responsibility not only for those receiving professional development offered at the convention but for those who deliver it. It is an opportunity for every teacher in Montana to participate with others and not be isolated in their own school building or school district. This promotes quality and excellence and there isn't one penny of public dollars going into the convention. There is no school district in the state that wants to absorb that approximate \$250,000 per year cost of the convention.

Dori Nielsen, Office of Public Instruction, (OPI), said HB 363 reduces the opportunity for teachers to participate in professional development activities. Ms. Nielsen said when she was a classroom teacher she worked with students who had a great variety of problems. Those students needed a teacher being the best she could be. She was given time by the Legislature, the local board and administrators in the fall and at the end of the year to meet with parents. Those were valuable times. Another valuable opportunity was to have professional development and interaction with people who encountered many of the same problems. In Montana, distances often keep educators separated from others doing the same things. Teachers need to hear about changes and what works for other professionals.

Mary Sheehy Moe, former MEA Member, current MFT member, said teachers in local districts make decisions about how they spend their PIR days. Teachers chose to spend money on the road going to get the type of professional development they need. If it were available locally they would stay in the local district.

Teresa Reardon, Montana Federation of Teachers, (MFT), said HB 363 limits opportunity for teachers and ultimately will affect the students in the classroom. This bill is unfair to teachers.

Questions From Committee Members:

REP. HARRINGTON asked Supt. Lamb if there is a nationwide move in education that the classroom teacher has more say in

administration of schools. Supt. Lamb answered yes. REP. HARRINGTON asked why the administrators feel they alone should decide what is a professional day for teachers. Supt. Lamb said they are not saying a teacher cannot go to the state teacher's convention but are saying let the districts have the option. With new accreditation standards, there will be a tremendous need for in-service training and professional development for that specific district. That particular district's needs can best be addressed by that district.

REP. ELLIS asked Mary Sheehy Moe if the teachers can chose to stay individually. She answered the district has to have provided some sort of professional development for those that do stay. This has resulted in a number of districts holding mini-conventions.

Closing by Sponsor:

REP. GOULD presented EXHIBIT 5 and said, although Eric Feaver has done an excellent job in turning around the MEA, he resorted to blackmail and pressure. He said he doesn't like any type of blackmail and this is about the most blatant blackmail he has seen.

HEARING ON HB 347

Presentation and Opening Statement by Sponsor:

REPRESENTATIVE BOB GERVAIS, House District 9, Browning, said HB 347 would revise the nepotism law to authorize school district trustees to appoint a relative as trustee. REP. GERVAIS also presented amendments. EXHIBIT 6 This bill was introduced by the Indian Affairs Committee and it doesn't cost any money. The reservations have difficulty in getting good people on the school boards due to present law. These are the people who are the most active in the community and probably the most concerned.

Proponents' Testimony:

Chip Erdmann, Montana Rural Education Association and also individual school districts across Montana, presented written testimony from these districts. EXHIBITS 7,8,9 In a number of small districts in Montana and particularly those districts on or near Indian Reservations there is real difficulty when dealing with family relationships. There are very extended families on the reservations that don't tend to move far from home and a number of people living in the community are related. The school districts are often the largest employer with many qualified people wanting to work for the school district who cannot do so. The last meeting of the Rural Education Association endorsed this bill and representatives from small districts said it is difficult in isolated areas of Montana to even hire a clerk who is not related to somebody on the school board. This bill is a

major response to the problem throughout rural Montana, particularly on Indian Reservations.

Kay McKenna, Montana Association of County School Superintendents, (MACSS), said this bill has safeguards. With all trustees having to vote, noticing ahead of time, and the trustee affected not being able to vote, any dynasty building would be safeguarded against.

Bruce Moerer, Montana School Boards Association, (MSBA), supports this bill with safeguards built in by the amendment.

Raymond "Jake" Parker, Jr., Board of Trustees, District 87-J presented written testimony. EXHIBIT 10

REP. BOB BACHINI stated support saying he is aware of the problems since one of the school districts is in his area.

Richard Hughes, Superintendent, Box Elder, said the five trustees of the Box Elder District have specifically asked him to represent them in this matter of extreme importance. The School Boards of both Box Elder and Rocky Boy have cooperatively worked toward introduction of new legislation which would amend the present legal requirements. The current law is to the detriment of the efficient operation of the school districts. The quality of instruction offered is no better than the quality of the employees. In the business of providing direction and guidance to young people one soon learns the support people such as the bus drivers, custodians and instruction aids have as great an impact on the students as anyone. It doesn't take long to see that as far as board members go at election time the cream comes to the top. These people are the best the community has to offer and the most prominent as recognized by the voters. The ones most able to gain support for the school and, yes, many times their relatives are of the same caliber...the ones to count on to get the job done. It is unfair and impractical to not take advantage of this resource pool. HB 347 would go a long way towards the smooth operation of many school districts and indirectly improve the program of instruction received by students.

Ivan Small, Acting Superintendent, School District 9, President, Indian Impact Schools of Montana, said both organizations support HB 347 as amended. The Browning Public Schools have a student population of 96% Native American and are striving to hire qualified personnel who are aware of issues confronting the students of the seven Indian Reservations and rural Montana.

Bum Stiffarm, Director of Tribal Education Programs of the Gros Ventre and Assiniboine Tribes, Fort Belknap, submitted written testimony. EXHIBIT 11

Opponents' Testimony: None

Questions From Committee Members:

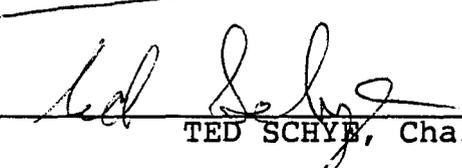
REP. WALLIN asked Ivan Small if there would be a problem with the appointment of the superintendent by a relative and would it be appropriate to amend the bill exempting the position of superintendent. Ivan Small said this would not really create a problem since it takes 100% of the existing board to vote for the superintendent. It would only take 2/3 vote, or a majority, to get rid of him/her.

Closing by Sponsor:

REP. GERVAIS said to remember this is for the children, to get and retain the best people possible on the boards to serve these children.

ADJOURNMENT

Adjournment: 5:30 p.m.



TED SCHYE, Chair



DIANNE MCKITTRICK, Secretary

TS/dMcK

HOUSE OF REPRESENTATIVES

EDUCATION AND CULTURAL RESOURCES COMMITTEE

ROLL CALL

DATE 2-1-91

NAME	PRESENT	ABSENT	EXCUSED
REP. TED SCHYE, CHAIRMAN	✓		
REP. ERVIN DAVIS, VICE-CHAIRMAN	✓		
REP. STEVE BENEDICT	✓		
REP. ERNEST BERGSAGEL	✓		
REP. ROBERT CLARK	✓		
REP. VICKI COCCHIARELLA	✓		
REP. FRED "FRITZ" DAILY	✓		
REP. ALVIN ELLIS, JR.	✓		
REP. GARY FELAND	✓		
REP. GARY FORRESTER	✓		
REP. FLOYD "BOB" GERVAIS	✓		
REP. H.S. "SONNY" HANSON	✓		
REP. DAN HARRINGTON	✓		
REP. TOM KILPATRICK	✓		
REP. BEA MCCARTHY	✓		
REP. SCOTT MCCULLOCH	✓		
REP. RICHARD SIMPKINS	✓		
REP. BARRY "SPOOK" STANG	✓		
REP. NORM WALLIN	✓		
REP. DIANA WYATT	✓		

EXHIBIT #1
DATE 2-1-90
HB 317

January 28, 1991

TESTIMONY HB317

Mr. Chairman, members of the committee; for the record, I am Ervin Davis, Representative HD 53, Lake County.

This little bill would allow Montana to remain on MST year-around.
(Or DST, which would PST, year-around.) Either way, the state would not be changing times both in the spring and again in the fall.

This bill is the result of concerns from constituents in my area who are on medication of one type or another or are in nursing/rest homes. Some are diabetics and have indicated that attempting to make adjustments to their medication in the springs (one hour earlier) and then again in the fall (one hour later) has been done, but these folks would rather remain on one time than change twice a year.

I'll attempt to answer any questions.

I have no idea of proponents or opponents, but would like to reserve the right to close.

EXHIBIT # 2
DATE 2-1-91
HB 431

WITNESS STATEMENT

NAME Lee N Jon Luster BILL NO. 431
ADDRESS 812 West Hallmark - Missoula MT DATE 1 Feb 91
WHOM DO YOU REPRESENT? Certificat students & Practition Advisory Council
SUPPORT OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

The Certification Standards and Practices Advisory Council was created by the 1987 Legislature. It is authorized to study and make recommendations to the Board of Public Education on certification issues. These include:

1. teacher, administrator, and specialist certification standards, including precertification training and education requirements and certification renewal requirements and procedures;
2. the status and efficacy of approved teacher education programs in Montana;
3. policies related to the denial, suspension, and revocation of teaching certification and the appeals process.

The Council consists of seven members appointed by a majority vote of the Board of Public Education. The membership must include four teachers engaged in classroom teaching in Montana; one faculty member from an approved teacher education program offered by an accredited teacher education institution in Montana; one person employed as a certified administrator in Montana; and one Montana school district trustee.

The Council is endorsed and supported by the state's educational community and its operation is made possible by teacher certification fees. Those fees are currently five dollars per year. [Certification is granted for five years so the teachers pay a total of twenty-five dollars to be certified.] The Council is now granted three dollars from the five dollar yearly fee for Council operating expenses. The other two dollars go to the general fund. The Council is asking you to place those two dollars, plus a one dollar increase in the certification fee, into a research fund that would be used by the Council for indepth research on certification issues. With this legislation, certification fees would be increased from \$5 to \$6. All of the fee would go to the Certification Council - three dollars for operating expenses and three dollars for research.

During the past three years that the Council has been in operation, it has covered a number of issues. A few of those issues are distance learning policies for the accreditation standards, a Code of Ethics for Montana educators, a mentorship program for beginning teachers, alternative certification, and special education endorsement needs. The Council has held two forums, one on the use of the National Teachers Exam and the other on renewal units for recertification.

In studying these issues and many others, the Council has found that its duties are complex and often require more comprehensive research than its small staff can provide. Currently, the Council has adopted a proposal to pilot a Beginning Teacher Assistance (Mentoring) Program. It has identified the need for further research on the National Teachers Exam. It may need to further research on alternative certification, early childhood education, special education endorsements, reciprocity with other states and suspension, revocation and denial of teachers' certification. All these projects will require funding beyond the Council's present budget.

At a time when educational professionals are being asked to respond quickly to modifications in our educational system, the Council offers educators the forum to examine these proposals with an eye to the whole system and not just a narrow segment of that system. The Council is asking this committee and the legislature to provide it with the tools to make reasoned and well researched recommendations for the teachers of Montana.

EXHIBIT 12
DATE 2-1-91
HB 431.

FISCAL NOTE

DESCRIPTION OF PROPOSED LEGISLATION

This bill creates a research fund to be used by the Certification Standards and Practices Advisory Council. The Council is advisory to the Board of Public Education on certification issues. The research fund would allow the Council to contract for indepth research on:

1. teacher, administrator, and specialist certification standards, including precertification training and education requirements and certification renewal requirements and procedures;
2. the status and efficacy of approved teacher education programs in Montana; and
3. policies related to the denial, suspension, and revocation of teaching certification and the appeals process.

ASSUMPTIONS:

1. Revenue is based on what \$3 per certificate per year brought to the Council in 1990.
2. The number of certificates issued and renewed will remain consistent with FY 90 level.
3. Currently \$2 of certification fees go to the general fund. These fees would go to the research fund rather than the general fund.

FISCAL IMPACT:

There would be a loss of \$48,612 per year to the general fund.
The state special revenue fund would receive an additional \$72,919.46 per year for research activities.

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES;

No change from the present.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

Will allow the Council to fulfill its legislative responsibilities.

MISSOULA ELEMENTARY SCHOOL DISTRICT #1

February 1, 1991

Testimony in Support of IIB 363

Chairman Schye and Members of the House Education and Cultural Resources Committee, for the record I am Jacob Block, Superintendent of Missoula School District #1.

According to Rule 10.55.714 of ARM "...each school district shall provide a minimum of three days of professional development annually for each certified employee." In fulfilling this condition the school district formulates a plan of professional development to include goals and objectives appropriate to staff needs, activities and an evaluation of the activities. This plan is developed by an advisory committee, a majority of which are teachers.

School District #1 supports this rule and believes a program of staff development is an essential element of effective schools. Staff development is absolutely necessary for teachers, regardless of years of experience or educational training.

During the past Legislative session Section 20-4-304 M.C.A. was amended to require schools close during days of annual instructional and professional development meetings usually held on Thursday and Friday the third week of October. Rule 10.65.101 further requires that staff professional development programs shall include annual instructional and professional development meetings and staff must attend these meetings or inservice provided by the District.

These statutory and regulatory requirements virtually assure that a school district cannot plan its inservice for a year much less implement the plan. Section 20-4-304 MCA and Rule 10.65.101 severely restrict quality staff development on a school district-wide level. The limitations revolve around the following factors:

1. A loss of district staff development focus.
2. An increased amount of preparation time for local in-services (sponsored by the local district).
3. A piecemeal rather than a comprehensive approach to staff development.
4. An inservice plan that is developed for an estimated number of participants.

The changes governing PIR days for staff development results in a loss of school district focus for staff development. This year, District #1 is only able to offer one day of school district-wide staff development training and a half day of building inservice compared to two days district-wide staff development and one day of building inservice offered in 1989-90. The result is that district-wide objectives for five District curriculum priorities are necessarily curtailed. Rather than having the opportunity to offer consistent in-service programs that reflect district aims, we are now forced to provide minimum opportunities in these areas.

The preparation time for our alternate or optional activities has significantly increased the workload in the District Curriculum Office. The District Curriculum Coordinator maintained a count of the approximate hours of preparation time to plan these additional activities. As well as increased staff time, we are left with the dilemma of not really knowing how many participants will attend these alternate programs. In a few cases this fall, there were inservice presenters who

EXHIBIT # 3
DATE 2-1-91
HB 363

were left with very few or even no participants.

On October 18, 19, 1990 there were 209 of the 384 District staff who attended the District sponsored inservice which represents 54% of all District certified staff. On November 8, 176 certificated staff attended District inservice and we anticipate the same number on April 4 when another half day of inservice is scheduled. The estimated additional planning time for organizing and arranging inservice this year is 162 hours.

Staff development is one of the most important functions a district can undertake. Research has shown that effective staff development is characterized by an introduction to knowledge, time to practice the new skill and time to review and discuss the new skill with colleagues. A district staff development plan should permit such an organizational approach that will extend from one priority activity to the next over a period of time. The restrictions invoked by Section 20-4-204 M.C.A. and Rule 10.65.101 deny the District the opportunity to implement a carefully planned and holistic program for teachers. This results in fewer opportunities for growth and therefore not as many optimal learning opportunities for children. Staff development is one of the most important functions a district can undertake. A professional staff requires that each Montana district have quality staff development programs to keep people in touch with current research practice. The current statute and rules do not promote such growth.

School District #1 is not opposed to a school district using two PIR days for instructional and professional development meetings to meet a district's staff development requirement; however, it should be the choice of each local educational agency. Also, there is no issue with the recertification credit offered by the MEA or any professional group for teachers who attend the conference. That is a matter to be determined by the Office of Public Instruction.

The law as it existed and was practiced prior to action by the 51st Legislature worked fine for all districts and most important allowed decisions to be made at the local level. The prior law met each district's needs without duplication of effort and competition for resources. For these and the foregoing reasons, I urge your support of HB 363.

Thank you for your time and attention.

20-1-304. (Temporary) Pupil-instruction-related day. A ^{pupil} ~~DATE~~ 2-1-91
 instruction-related day shall be a day of teacher activities devoted to improv- ~~HB~~ 363
 ing the quality of instruction. Such activities may include but are not limited
 to in-service training, attending state meetings of teacher organizations, and
 conducting parent conferences. A maximum of 7 pupil-instruction-related
 days may be conducted during a school year, provided that such days are
 approved by the superintendent of public instruction in accordance with the
 policy adopted by the board of public education. Such days shall not be
 included as a part of the required minimum of 180 days of pupil instruction.

20-1-304. (Effective July 1, 1990) Pupil-instruction-related day. A
 pupil-instruction-related day is a day of teacher activities devoted to improv-
 ing the quality of instruction. The activities may include but are not limited
 to in-service training, attending state meetings of teacher organizations, and
 conducting parent conferences. A maximum of 7 pupil-instruction-related
 days may be conducted during a school year, with a minimum of 3 of the days
 for instructional and professional development meetings or other appropriate
 in-service training, provided that the days are approved by the superintendent
 of public instruction in accordance with the policy adopted by the board of
 public education. The days may not be included as a part of the required min-
 imum of 180 days of pupil instruction.

History: En. 75-7405 by Sec. 369, Ch. 5, L. 1971; R.C.M. 1947, 75-7405; amd. Sec. 1, Ch. 638, L. 1989.

Compiler's Comments

1989 Amendment: In middle of third sentence inserted "with a minimum of 3 of the days for instructional and professional development meetings or other appropriate in-service training"; and made minor changes in phraseology. Amendment effective July 1, 1990.

Power of Superintendent of Public Instruction to approve school on pupil-instruction-related days, 20-3-106(22).

Attendance at state teachers' association annual session, 20-4-304.

Instructional assistance by Superintendent of Public Instruction, 20-7-114.

School closure by declaration of emergency, 20-9-806.

Cross-References

Duty of Board of Public Education to adopt policy on pupil-instruction-related days, 20-2-121(6).

20-4-304. (Temporary) Attendance at state teachers' association annual session. When the trustees of a school district close the schools of the district for the annual session of the state teachers' association, a teacher may attend the annual session without loss of salary or work at his school and perform duties related to his position of employment, as may be prescribed by the trustees, without loss of salary. If a teacher does neither, he shall not be paid.

20-4-304. (Effective July 1, 1990) Attendance at instructional and professional development meetings. The trustees of a school district shall close the schools of the district for the annual instructional and professional development meetings of teachers' organizations. A teacher may attend instructional and professional development meetings without loss of salary or attend other appropriate in-service training, as may be prescribed by the trustees, without loss of salary. If a teacher does neither, he must not be paid.

History: En. 75-6111 by Sec. 92, Ch. 5, L. 1971; amd. Sec. 1, Ch. 200, L. 1971; R.C.M. 1947, 75-6111; amd. Sec. 2, Ch. 638, L. 1989.

Compiler's Comments

1989 Amendment: Substituted first two sentences relating to closure of schools for teacher organization meetings and attendance of teachers at such meetings or other training sessions for former language that read: "When the trustees of a school district close the schools of the district for the annual session of the state teachers' association, a teacher may attend the annual session without loss of salary or work at

his school and perform duties related to his position of employment, as may be prescribed by the trustees, without loss of salary"; and made minor change in phraseology. Amendment effective July 1, 1990.

Cross-References

Traveling expenses of officers attending meetings, 20-1-211.

Pupil-instruction-related days, 20-1-304.

10.55.714 PROFESSIONAL DEVELOPMENT (1) As part of a continuous program for instructional and administrative improvement, each school district shall provide a minimum of three days of professional development annually for each certified employee. A day of professional development is defined as six hours of actual contact time. Professional development time may be divided into no less than two hour increments to facilitate delivery of professional development programs.

(2) By April 15 of each year, the school district shall formulate a professional development plan which includes:

(a) goals and objectives appropriate to the professional

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ACCREDITATION 10.55.714

development needs of teachers, administrators, school trustees, and all other school personnel;

(b) acceptable activities;

(c) evaluation methods required for each activity in the plan.

(3) The board of trustees shall establish an advisory committee to develop and evaluate the plan. The committee shall include but not be limited to teachers, administrative personnel, and trustees. A majority of the committee shall be teachers.

(4) The plan shall be on file in the school's administrative office or with the county superintendent. It shall be available to employees and the public. (EFF. 7/1/89) (History: Sec. 20-2-114 MCA; IMP, Sec. 20-2-121 MCA; NEW, 1989 MAR p. 342, Eff. 7/1/89.)

#3
2-1-91
363

BOARD OF PUBLIC EDUCATION

10.65.102 APPLICATION FOR AUTHORIZATION TO SCHEDULE PUPIL INSTRUCTION-RELATED DAYS

10.65.102 APPLICATION FOR AUTHORIZATION TO SCHEDULE PUPIL INSTRUCTION-RELATED DAYS (1) An application for authorization to schedule pupil instruction-related days must be submitted to the state superintendent of public instruction by May 1 of the year preceding the school year in which such days are desired to be included with pupil instruction days for the subsequent year's foundation program calculations. Days for which approval is not granted may not be included for foundation program calculations. (History: Sec. 20-2-121 MCA; IMP, Sec. 20-1-304 MCA; Eff. 7/1/62; ARM Pub. 11/26/77.)

10.65.103 PROGRAM OF APPROVED PUPIL INSTRUCTION-RELATED DAYS (1) A copy of the program planned and executed for each approved day (except the annual instructional and professional development meetings) must be kept on file in the office of the appropriate school official. Such program may be subject to review by the state superintendent of public instruction.

(2) The program(s) for each approved day referred to in ARM 10.65.101 (1)(a)-(d) shall be planned and executed so as to require the participation of each professional staff member for a total of six hours for each approved PIR day. Professional development time may be divided into no less than two hour increments to facilitate delivery of professional development programs.

(3) Saturdays and holidays, while not pupil instruction days, may be approved for pupil instruction-related days noted in ARM 10.65.101 (1)(a)-(d), if requested. (History: Sec. 20-2-121 MCA; IMP, Sec. 20-1-304 MCA; Eff. 7/1/62; ARM Pub. 11/26/77; AMD, 1990 MAR P. 725, Eff. 4/13/90.)

HOURS AND DAYS OF INSTRUCTION

10.65.101

Sub-Chapter 1

Pupil Instruction-Related Days

10.65.101 POLICY GOVERNING PUPIL INSTRUCTION-RELATED DAYS APPROVED FOR FOUNDATION PROGRAM CALCULATIONS (1) A school which in any year was in session for at least 180 pupil instruction days may count for the year's foundation program a maximum of seven PIR days with a minimum of three of the days for instructional and professional development meetings or other appropriate in-service training. These seven PIR days in addition to the required 180 pupil instruction days may be counted provided that such additional days did not include any time counted for pupil instruction as provided in section 20-1-302 MCA and were used for one or more of the following purposes in accordance with the regulations hereby established: (a) Staff orientation held prior to the beginning of pupil instruction for the purpose of organization of the school year.

(b) Staff professional development programs scheduled during the year for the purpose of improving instruction (ARM 10.55.714) shall include annual instructional and professional development meetings. Staff may attend either the instructional and professional development meetings or attend the equivalent number of hours of other appropriate in-service training as prescribed by the board of trustees. The board of trustees shall not prescribe equivalent hours during time approved for PI funding.

(c) Parent-teacher conferences for the purpose of acquainting parents with the school and the progress of their children. This day may be divided into hourly increments so as to provide six (6) hours over two (2) days and may occur in addition to, but may not duplicate, a pupil instruction (PI) day.

(d) Post-school record and report completion at the end of the pupil instruction year. This day may be divided so as to provide one-half day at the end of each semester.

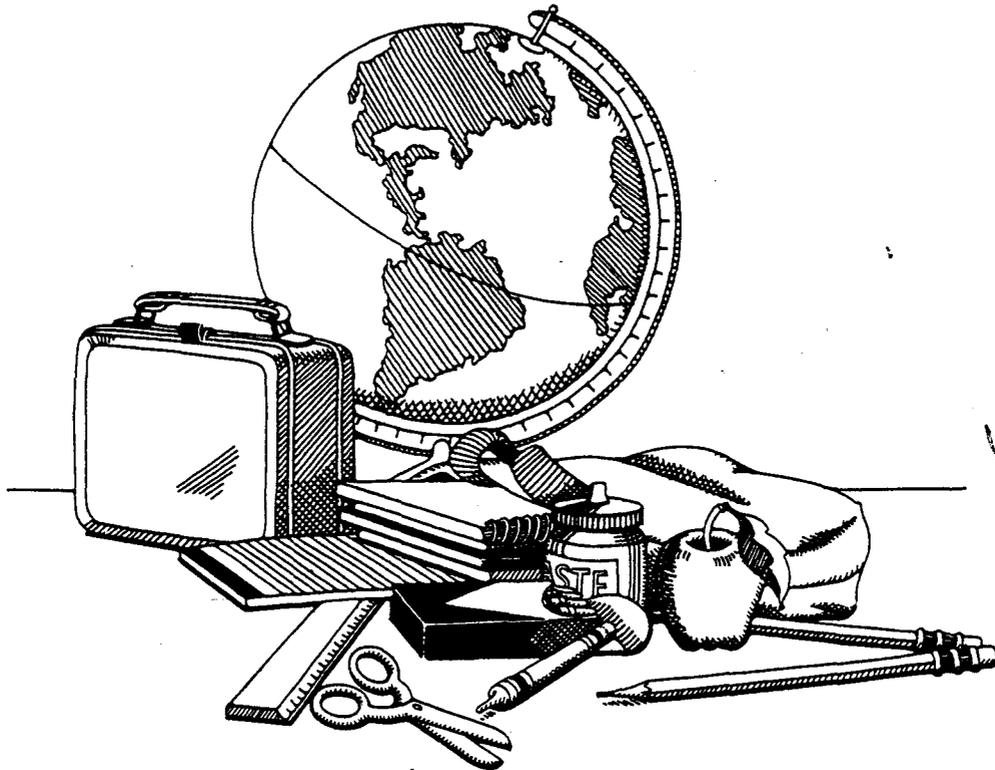
(e) A school district may count for the year's foundation program a total of not more than three and one-half days in addition to the required 90 pupil instruction days for kindergarten purposes, provided that such additional days were used for one or more of the above-named purposes and upon proper submission of the application to the state superintendent. (History: Sec. 20-2-121, 20-2-121(6) MCA; IMP, Sec. 20-1-304 MCA; Eff. 7/1/62; ARM Pub. 11/26/77; AMD, 1985 MAR P. 353, Eff. 9/1/86; AMD, 1987 MAR P. 102, Eff. 1/30/87; AMD, 1990 MAR P. 725, Eff. 4/13/90.)

This exhibit consists of a 132-page MEA Convention book. The original is available at the Montana Historical Society, 225 N. Roberts, Helena, MT. 59601 (Phone 406-444-4775)

EXHIBIT # 4
DATE 2-1-91
HB 363

The Future is in Our Hands

1990 IPD Convention



**Bozeman Senior High School
Bozeman Junior High School
Strand Union Ballroom, MSU Campus
Bozeman, Montana
October 18-19, 1990**



EXHIBIT #5
 DATE 2-1-91
 HB 363

Montana Education Association

1232 East Sixth Avenue • Helena, Montana 59601 • 406-442-4250

December 4, 1990

To: ~~Interested Parties~~
 From: ~~Eric Feaver~~, President, Montana Education Association
 Re: ~~Dates and Sites~~, October Educators Convention

After considerable discussion at MEA Delegate Assembly, MEA Board of Directors and with the various curriculum groups working with MEA in our annual October educators convention, I am about ready to propose to the January meeting of the MEA Board of Directors the following convention schedule changes through the year 2002!

YEAR (all dates third Thursday and Friday in October)	CURRENT SITE	PROPOSED SITE
1991	Billings	Billings
1992	Helena	Helena
1993	Great Falls	Great Falls
1994	Bozeman	Billings
1995	Billings	Missoula
1996	Helena	Bozeman
1997	Great Falls	Billings
1998	Bozeman	Helena
1999	Billings	Great Falls
2000		Billings
2001		Missoula
2002		Bozeman

The purpose of this proposal is to stimulate your response, hopefully positive, to the legitimate concerns of teachers west of the divide that the convention never happens there and the equally legitimate concerns of teachers east of Billings that west of the divide is about as close as Minneapolis, why not hold the convention there?

Specifically with this proposal, we will convene west of the divide in Missoula every six years balanced by a convention in Billings, our most eastern and largest city and arguable our best convention site, every three years. Meanwhile we will meet in Helena, Great Falls and Bozeman every six years.

I don't know if this is the best of all proposals, but I like it for the compromise it represents. The only hesitation I have is that the five communities - Billings,

Helena, Great Falls, Missoula and Bozeman - must dedicate themselves to the principal of two mandatory October PIR days for teacher designed and delivered professional development. If any one community, through its trustee and/or administrative leadership, seems determined to divest us of our authority to do what we are doing now, then I see no reason to schedule our convention in that location.

I hope that you will explore this issue with your local school leadership and your local chamber of commerce. Let's get real here. Not only is our convention big professional development, it is big business, good for any community.

Let me know as soon as possible, but no later than January 21, 1991, what you think about this proposal.

Thanks.

EF/sc

Amendments to HB Bill No. 347
1st Reading Copy

EXHIBIT #6
DATE 2-1-91
HB 347

Requested by Rep. Gervais
For the House Committee on Education

Prepared by Andrea Merrill
January 28, 1991

1. Page 1, line 25.

Strike: "at least two-thirds"

Insert: "all"

2. Page 2, line 1.

Following: "trustees"

Insert: "present, with the exception of any trustee who is
related to the person being appointed and who must abstain
from voting for the appointment,"

OFFICE OF
GLACIER COUNTY ATTORNEY

14 EAST MAIN STREET
P. O. BOX 428
CUT BANK, MONTANA 59427

PHONE: 406-873-2278

EXHIBIT #1
DATE 2-1-91
HE 347

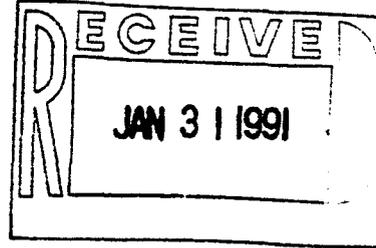
JAMES C. NELSON
COUNTY ATTORNEY

FAX: 406-873-2643

LARRY D. EPSTEIN
DEPUTY COUNTY ATTORNEY

January 30, 1991

Rep. Ted Schye, Chairman
House Education & Cultural
Resources Committee
Capitol Station
Helena, MT 59620



In Re: House Bill-347

Dear Chairman Schye and
Members of the Committee:

I am writing this letter in support of HB-347. I would have preferred to testify personally at the hearing on the bill Friday, February 1st, but a conflict prohibits me from coming to Helena.

I have served as the County Attorney for Glacier County, Montana, for the past twelve years. As you know, the Blackfeet Indian Reservation is located almost entirely within Glacier County. School District No. 9 takes in most of the Reservation. There are three other school districts in Glacier County, two on the reservation and one off the reservation.

During my years as County Attorney, I have been faced with numerous allegations of nepotism involving Glacier County school district boards and, in particular, the Browning School District. Generally, school districts within the County have problems with or questions about the nepotism laws at least annually. Those in School District No. 9 seem to be the most severe and most reoccurring, however. During the year 1989 and in the early part of 1990, for example, violations of the nepotism laws became so rampant in the Browning School District that four of the six trustees resigned following the issuance of an Attorney General's Opinion (43 AGO 23 (1989)) which held that the nepotism laws apply to school districts located within Indian reservations.

I do not believe that the affected trustees had any intention of violating the law -- most had faithfully served the District for a number of terms and had been re-elected by the community even though various relatives of the trustees were employed by the District. Nevertheless, they were caught between a rock and a hard place, and as a result the District lost some experienced, hard working people on the Board.

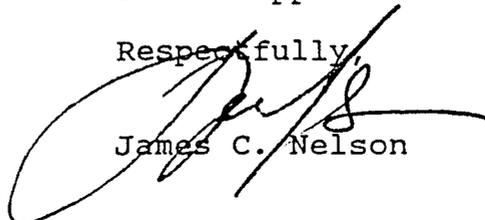
EXHIBIT #7
DATE 2-1-91
HB 347

Page Two
January 30, 1991

I am bringing these matters to your attention, not to criticize School District No. 9, but to emphasize the point that nepotism is a serious problem in rural school districts in general and in Indian reservation school districts in particular. Indian communities are homogeneous and family relationships tend to predominate even more than in non-Indian communities. It is often difficult, if sometimes not impossible, to find qualified people to run for school boards from rural communities and from Indian communities because candidates know that employment opportunities for their relatives -- which are already scarce -- may be even more limited by the nepotism statutes if the office seeker is elected. To make matters worse, the school district is likely one of the largest employers in small communities and on Indian reservations, and the school board is comprised of a greater number of elected officials than are other public bodies.

HB-347, as amended, represents a reasonable and well thought out approach to solve this problem. I urge your favorable consideration of HB-347, and request that this letter be included in the record in support of the bill.

Respectfully,



James C. Nelson

JCN:mjp

cc: Charles E. Erdmann
Sen. Del Gage
Rep. Bob Gervais

BLACKFEET NATION

P. O. BOX 850
BROWNING, MONTANA 59417
(406) 338-7179

EXHIBIT #8
DATE 2-1-91
HB 347
TRIBAL COUNCIL

EXECUTIVE COMMITTEE

TOM WHITFORD, SR., CHAIRMAN
BERNARD ST. GODDARD, VICE-CHAIRMAN
MARVIN WEATHERWAX, SECRETARY
LELAND GROUND, TREASURER

TOM WHITFORD, SR.
BERNARD ST. GODDARD
MARVIN WEATHERWAX
LELAND GROUND
CHARLES DEROCHE
ROGER SASSY RUNNING CRANE
LLOYD H. CURLY REEVIS
DARRYL GORDO HORN
DONALD P. LITTLE DOG

June 6, 1989

Mr. Marc Racicot, Attorney General
State of Montana
Department of Justice
215 North Sanders
Helena, MT 59620

Dear Mr Racicot:

We feel that the Nepotism Law, as it pertains to the School District in Browning, Montana, could impose a hardship on the community.

The School District is the largest employer on the Reservation of both professional and supportive personnel. When one considers the relatively small population base and the economic conditions of our community, it becomes apparent that Board Members will run afoul of the current law.

We have confidence in the elected officials of the Board of Trustees and feel that the community would not continue to elect those Board Members that they felt were abusing their position.

Sincerely,



TOM WHITFORD, SR., Chairman
Blackfeet Tribal Business Council

TW/bl:hlg

cc: Chrono File

EXHIBIT #9
DATE 2-1-91
HB 347

HARLEM PUBLIC SCHOOLS

SCHOOL DISTRICT NO. 12

Junior-Senior High Elementary
P.O. Box 339 P.O. Box 309
Harlem, Montana 59526

Date: February 1, 1991
From: Donald A. Wetzel
Superintendent School District #12
To: Legislative Hearing Committee H. B. 347

BOARD MEMBERS

BILL GREEN
Chairman

BILL STIFFARM
Vice Chairman

GAIL ADAMS
Board Member

GARRY McGUIRE
Board Member

DON RICHMAN
Board Member

The School trustees of District #12 support representative Gervais and H. B. 347. Revising the nepotism law to authorize school district trustees to appoint a relative to a position is a key element throughout Indian country. Not only does this affect native americans but all urban schools have difficulty with the nepotism law as it is written.

In many cases, as is the case for school district #12, a Native American Board member may have over 100 to 200 hundred relatives who would fall under the current nepotism laws. With unemployment running 50 - 70% on our reservations why compound the problem with the current nepotism laws. Again with high unemployment under the current system Native American businesses cannot get work in the District if a relative is a board member.

We must consider the human element, the need for work to address our unemployment situations in Indian Country. Being able to work and have jobs is a key to many things. When the head of the family is working family unity is improved. Self-esteem and self-worth rises and the threat of drug and alcohol problems decrease.

Let's not compound our problem, support H.B. 347.

DONALD A. WETZEL
Superintendent
353-2287

KATHLEEN PEREZ
Business Manager
353-2287

JAY ESLICK
Jr./Sr. High Principal
353-2288

BILL ROBINSON
Elementary Principal
353-2258

Fax =
406) 453-267-

EXHIBIT #10
DATE 2-1-91
HB 347

PUBLIC TESTIMONY
IN SUPPORT OF H.B. 347

PRESENTED TO:

Montana House of Representatives
House Education Committee
February 1, 1991 - 3:00 p.m.
State Capitol
Helena, Montana

PRESENTED BY:

Raymond "Jake" Parker, Jr.
Board of Trustees
School District 87-J
Rocky Boy Elementary School - P.O. Box 620
Box Elder, Montana 59521
(406) 395-4291

EXHIBIT #10
DATE 2-1-91
HB 347

Good afternoon Mr. Chairman and members of the Montana House of Representative Education Committee. I am here today with Dr. Robert J. Swan, Rocky Boys Schools Federal Projects Coordinator, to testify on House Bill Number 347 that will exempt School Districts from the Nepotism Law.

My name is Raymond "Jake" Parker, Jr. and I am a member of the Board of Trustees for School District 87-J, Rocky Boy Elementary School. I am also a school board member for the Rocky Boy High School, a BIA Grant School that will become a public high school on July 1, 1991. Finally, I am a tribal councilman and serve on the Chippewa Cree Business Committee.

First, I would like to thank Representative Gervais and others for introducing this needed legislation. This legislation is greatly needed in rural areas and on Indian Reservations.

The current law states:

"...it is unlawful for any person or any member of any board, bureau, or commission or employee at the head of any department of this state or any political subdivision thereof to appoint to any position of trust or emolument any person related or connected by consanguinity within the fourth degree or by affinity within the second degree."

As many of you are aware, the unemployment rate on Indian reservations have varied from 35% to 75% during the past (10) years. For many of our people, to secure gainful employment is of utmost importance, even if the position is a custodian, bus driver or teacher assistant.

The Rocky Boy Schools is the major employer on the Rocky Boy Reservation. Between the elementary and high school, we employ

EXHIBIT #10
DATE 2-1-91
HB 347

nearly 100 personnel which includes classified employees such as janitors, secretaries, clerks, bus drivers, cooks to certified school personnel such as teachers, principals and the superintendent of schools.

Because we are a small rural community, we are faced with the current Nepotism Law at almost every monthly meeting because our classified employee turnover rate is high and we are limited when it comes to contractors on the reservation. For example, we have only one certified electrician, two qualified masons, and two qualified heavy equipment contractors. If one of the contractors is related to a board member, we must hire contractors as far away as Billings and Great Falls. Contractors from a long distance from Rocky Boy not only charge a higher rate, but mileage and per diem is also charged.

Another problem we encounter every month is hiring substitute teachers, temporary cooks, teacher aides and bus drivers. For bus drivers, this is extremely difficult because we have very few qualified bus drivers. Because of this problem, we often must have our transportation supervisor, home school coordinator and in some cases, teachers drive bus when two regular bus drivers are on sick leave.

We currently have few teachers of Chippewa-Cree descent working for the Rocky Boy Schools even though the demand for Indian teachers is very high. We are lucky to have two teacher training programs at Stone Child College that works in cooperation with Northern Montana College, Eastern Montana College and Montana State

EXHIBIT #10
DATE 2-1-91
HB 347

University. Sometimes in the near future these potential teachers will want to return to Rocky Boy to teach; however, if they are related to a school board member they will not be able to teach in their own community. This is not an unique problem to Rocky Boy or on Indian reservation, but a problem to all rural communities. A teacher from a rural community often wants to return to their "roots" and in many cases, the current Nepotism Law prevents this.

The proposed new section of Section 2-2-302 is being proposed to read as follows:

"(b) school district trustees if at least two - thirds of the trustees approve the appointment of a person related to a trustee;"

The Board of Trustees for School District 87-J supports this amendment. However, it is our understanding that the Browning School Board recently voted to support the bill only if the bill is amended to provide that the vote be unanimous when hiring a relative of a board member and that the board member involved must abstain from the voting. We concur with this proposed change and are recommending that "at least two-thirds of the trustees" be changed to:

(b) school district trustees if the trustees unanimously approve the appointment of a person related to a trustee and the trustee(s) related to the appointee abstain from voting;

Regarding the second change requiring a 15 day public notice, we have no problem with this change. However, it could pose a problem if a vacant position must be filled immediately. I would recommend that the public notice be left in. However, the Board of Trustees should be allowed to fill the position on a temporary

EXHIBIT #10
DATE 2-1-91
HB 347

basis, if needed. If the public does not question the Board of Trustees' appointment, the person appointed to the position should be able to assume the position after the 15 days has expired.

Mr. Chairman, Dr. Swan or myself will be more than willing to answer any of yours or Committee members questions.

In behalf of School District 87-J Board of Trustees, I would like to thank you very much for allowing me to speak in behalf of H.B. 347.

Respectfully Submitted: Raymond Jake Parker Jr 2-1-91
Raymond "Jake" Parker, Jr. Date

EXHIBIT #11
DATE 2-1-91
HB 347

Good afternoon Mr. Chairman and distinguished members of this committee. My name is Bum Stiffarm. I am the Director of Tribal Education Programs of the Gros Ventre and Assiniboine Tribes of Fort Belknap and am currently the President of the Montana Indian Education Association and 1st Vice-President of the National Indian Education Association.

I am before you today to speak on behalf of House Bill No. 347. This bill if passed would greatly enhance the educational efforts and achievements of Indian people in the State of Montana.

You have heard some excellent testimony today explaining the positive impact this bill would have on our Indian school districts. If you can bear with me for just a few moments please let me provide you with some insight on why this bill is so desperately needed for the students, parents and community members that live in these districts.

One of the leading factors in the success of students in their educational process is role models that students can identify with. People they can look up to. It is very important that Indian children just as well as Non-Indian children see teachers in the front of the classroom of their own kind. It is just as important to see Indian principals and superintendents in administrative positions in these schools. This builds the self esteem of the student and gives them the feeling that 'hey I can be one of these people one day too'.

We as Indian people are always telling our students who go on to college and become teachers to come back home and teach our children and help them make a better life for themselves. Show them that it

EXHIBIT #11
DATE 2-1-91
HB 347

can be done. We have many excellent Indian teachers in school districts across the state.

On the national level and within our state one of the most vital ingredients in the success of any student is parental involvement in a child's educational future. The parent plays a very important role in the development of the child's learning process. Traditions and lore have taught us that education is paramount in the Sacred Circle of Life in which we truly believe.

Unfortunately, as the current law exists it ties the parents hands and robs the students of motivational factors for educational success.

Indian people will not run for school district trustee positions as they know quite well that their brother, sister or relative cannot teach or serve as an administrator of that district. I am an example of the law as it exists. I wanted to run for a position on the school board in Harlem. As I filed for election the school administration informed me that my cousin would have to leave his job if I was elected to the board. How could I jeopardize his livelihood. The choice was simple. I was not going to get paid for the board seat and he had to feed his family. What would you choose? This is only my example. You have heard familiar stories that are very true of many Indian school districts across this state.

The stories of Browning and Rocky Boy are very true. In this state for the year 1989-90, the Office of Public Instruction reports that in 16 school districts, Indian students compose 95-100% of the student population. In 13 other districts Indian students compose 50-75% of

EXHIBIT #11
DATE 2-1-91
HB 347

the school population. In 20 other districts Indian students compose 25-50% of the student population. (Office of Public Instruction Report, January 1990)

This only demonstrates the high number of Indian students in these schools that so desperately need role models as teachers and administrators. But if our Indian population is so high then too we have a large number of Indian parents that want to serve on the school boards that govern the districts. On each reservation there are many, many qualified Indian people who would do an excellent job as school board trustees. The only problem is THEY CAN'T. As the current law stands THEY CAN'T.

Let us have the opportunity to run in a free election for positions on any school board within any district. The bill before you as drafted still protects the district any form of favoritism that could possibly exist. Our schools and people are professional enough not to run rampant with these new and expanded possibilities. Who knows we may even set an example for the rest of the country to follow.

The Fort Belknap Community Council and Montana Indian Education Association stand firmly in support of this bill as presented. Please give us your support on this very important issue.

Thank you.

EXHIBIT #12
DATE 2-1-91
HB 125

PROPOSED BUDGET

Office of the Commissioner of Higher Education
Director of American Indian/Minority Achievement

Personnel

Director	\$35,000
Secretary	\$14,674
Computer Technician (1/2)	\$12,000
Fringe Benefits (+Insurance)	<u>\$14,650</u>

TOTAL PERSONNEL \$76,324

Travel — *Task Force + Campus visits.* \$ 7,000

Operations
(Communications, Copying, Printing)
annual report \$ 2,500

Capital Outlay — *desk, chair, filing cabinet, etc.* \$ 2,000

TOTAL \$87,824

Grantee: THE MONTANA UNIVERSITY SYSTEM
Beneficiary: Office of the Commissioner of Higher Education
Grant Title: Montana "Tracks" Project

Grant #: 89-110
Duration: 1 year
Amount: \$72,000

GRANT EXPENDITURE BUDGET (REVISED)

EXHIBIT #12
DATE 2-1-91
HB 125

PROJECTED BUDGET--MARCH 1990 THROUGH FEBRUARY 1991

I. Personnel

Project Director.....\$32,500.00
Half Time Secretary.....\$ 7,337.00
Computer Technician (temporary).....\$13,897.45

*Fringe Benefits @ 15% + \$4,875 + \$1,100.55...\$ 5,975.55
Insurance @ \$150/mo x 12 mo for two employees.\$ 3,600.00
\$ 9,575.55

Subtotal.....\$63,310.00

II. Travel.....\$ 5,000.00

@ .21/mile and lodging & per diem rates @ \$38.50
maximum.

Note: Travel for staff and Task Force members
unable to fund their own travel.

III. Printing and Copying.....\$ 1,190.00

IV. Hardware - Computer and Printer.....\$ 2,500.00

Total Cost of the Project.....\$72,000.00

*Fringe Benefits are closer to 22%

Revised August 22, 1990



THE MONTANA UNIVERSITY SYSTEM

33 SOUTH LAST CHANCE GULCH
HELENA, MONTANA 59620-2602

(406) 444-6570

EXHIBIT #12
DATE 2-1-91
HB 125

COMMISSIONER OF HIGHER EDUCATION

MONTANA TRACKS PROJECT: American Indians in Education Revised Project Budget

Salary and Benefits	\$26,150.00
Secretarial Services	500.00
Computer Processing/Storage	300.00
Duplicating	200.00
Supplies	350.00
Postage	1,000.00
Telephone	2,000.00
Travel (Project Staff and Task Force)	10,300.00
Consultants/Technical Assistance	1,500.00
Printing	<u>4,000.00</u>
	\$46,300.00

UPDATE
AMERICAN INDIAN/MINORITY ACHIEVEMENT

EXHIBIT #13
DATE 2-1-91
HB 125

Proposed 2-Year Budget

- Personnel - increase salary of Director/possible Ph.D. position
- increase Secretary to full time
- continue Computer Technician services
- Travel - increase travel -
- addition of 5 Vo-Tech centers to the project
- Operations - communications - telephone, FAX
- copying - mailings to Task Force
- printing - update brochures and yearly status report based on recommendations
- capital outlay - desks, chairs, file cabinets, etc.

Note: Computer provided 1990-91 via Northwest Area Foundation

TRACKS Project

- design and implementation of a comprehensive data base K-postsecondary
- development of tracking and reporting mechanism to provide a statistical profile of the American Indian student
- formation of local, reservation, urban, and campus follow-up committees to identify transfer and drop-out issues, using existing mechanisms and organizations
- publication of a state report on status and recommendations

Montana University System - Minority Education Attainment Campus Plans

- The Minority Achievement policy adopted by the Board of Regents directs the individual units to have plans ready for implementation in September of 1992.

Liaison with Tribal Governments and Tribal Colleges

- All tribal colleges are at present either fully accredited or candidates for accreditation by Northwest.
- We are working with the 7 tribal colleges on core curriculum ensuring that maximum transfer of tribal college courses is easily achieved.

We found out: - January 1990 count at OPI-

- 13,611 AI students
 - 9.2% of total students
 - 1.9% of teachers AI
 - 1.7% of administrators AI
 - Montana University System-
 - "estimate" of IPEDS Fall 1990 Enrollment Summary
 - AI Students by Racial/Ethnic Status
- | | |
|-----------------|-----------|
| Big 6 | 803 |
| CC's | 67 |
| TC's | 1,689 |
| Private Schools | 89 |
| Vo-Techs | <u>87</u> |

2,735 of 39,823 students = .07%

(includes part- and full-time, undergrad and grad students)

- According to 1989 EEO-6 reports -
- 41 of the employees at the Big 6 were AI or .01% of the total
- only 12 of that number were full-time faculty
- BIA Higher Education program (FY90) was unable to fund 701 eligible Montana AI students who applied because of lack of funds.
- Tribal colleges served 318 non-Indian or non-enrolled Indian students this fall.

EXHIBIT #14
DATE 2-1-91
HB 125

Building Coalitions _____ for Minority Success _____

SHEEO

STATE HIGHER EDUCATION EXECUTIVE OFFICERS

State Profiles: Montana

MONTANA "TRACKS": A STATE'S COMMITMENT TO AMERICAN INDIAN EDUCATION

American Indians are the only significant minority group in Montana.

- In the state's population of 800,000, there are approximately 50,000 American Indians with a median age of 19 as compared to 29 years for the non-Indian population.
- According to the 1980 census, approximately 80% of the state's non-Indian students complete high school, but only 50% of the Indian student population completes high school.
- Total student enrollment in the state's four-year institutions during the academic year 1986-87 was 30,661. Only 768 students were American Indians — a mere 2.5%.
- Of the baccalaureate degrees awarded in 1986-87, only 1.6% were awarded to American Indians.

In 1972, Montana's constitution was redrafted to include a provision for American Indians:

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 (Article X, Section 1(2)).

Redrafting the constitution was an act of enlightenment in education by the Montana legislature. Another act of enlightenment occurred in 1973. Legislation passed specified that by 1979 only certified personnel with training in American Indian studies could be employed in schools with a significant Indian population. Furthermore, in 1974 the legislature directed the Board of Public Education and the Board of Regents to "develop a master plan for enriching the background of all public school teachers in

American Indian culture." And in 1975, the Montana Indian Culture Master Plan was adopted by the State Joint Board of Education.

Unfortunately, this level of commitment was not sustained. The 1979 legislature, under heavy political pressure from teachers and administrators, made the Indian studies requirement optional and basically negated the 1972 constitutional provision. Sadly, the Montana Indian Culture Master Plan, together with the American Indian student, faded into obscurity.

The American Indian student became virtually invisible in Montana's educational system during the 1980s. It seemed that state education policy makers held themselves removed from, and almost unaccountable for, the plight of American Indians. American Indian participation and achievement was not even an issue in state education policy discussions. The result was immense damage to the credibility of the state's goodwill and governance regarding American Indian education.

Fortunately, a national commitment was being made to better educate *all* American children. This commitment filtered into Montana, and a greater awareness of Indian students' needs began to evolve.

Several occurrences in the late 1980s helped in this evolution. A 1988 study was initiated by the commissioner of higher education to determine why American Indian students were not entering and succeeding in the Montana University System. The study revealed: (1) demographics on American Indian students were virtually non-existent, and (2) there were blatant disparities between non-Indian and Indian participation and achievement in Montana's educational system.

Second, the Committee on Indian Affairs had joined with the Office of the Commissioner of Higher Education to study the issues of Indian education and achievement. Their task was

difficult because little or no data or tracking mechanisms existed.

Finally, the newly elected superintendent of public instruction openly was committed to improving Indian education, and she recognized the need for greater collaboration between the secondary and postsecondary systems.

With these initial efforts under way, a proposal was submitted to and a grant awarded by SHEEO to develop and implement the Montana "Tracks" Project: American Indians in Education.

Receipt of the SHEEO grant was extremely beneficial. Once again, Indian education gained new visibility and current efforts were fortified. Unfortunately, the historical impediments of indifference and mistrust continually had to be contended with as "Tracks" attempted to achieve its goals.

Goals prescribe work

"Tracks" goals were to:

1. Design a database and tracking system to monitor American Indian participation and performance at every education level
2. Develop specific statewide goals with implementation activities and time-lines to increase American Indian participation and performance
3. Develop a strategy to gain legislative support for specific efforts designed to enhance American Indian education involvement and achievement

"Tracks" hired a qualified and professional Indian educator as project coordinator, which allowed the project more quickly to gain American Indian commitment, respect and trust.

A task force was assembled that included Indian and non-Indian officials from each reservation and each major education entity. Through the task force, Indian and non-Indian leaders came together as colleagues to discuss the status of Indian education and the state's responsibility to serve the needs of American Indian children.

When the task force first convened, it wrestled with several questions. They included:

- At what points are American Indian students being lost in the education pipeline?
- How many American Indian students are in college preparatory courses versus non-Indian students?
- What percent of American Indian high school graduates enroll in higher education?
- What is meant by "American Indian"?
- What does the term "dropout" mean?

The task force believed that one way to find answers to some of these questions was through the development of a comprehensive database and tracking system. As the project coordinator explored data systems, it became clear that individual student records were necessary. And legislative and policy decisions were necessary to collect the data. Furthermore, the process of conducting meetings, efforts to arrive at consensus on the data elements to be collected, development of a way to collect and report data, and building a system to house and analyze the collected data all proved to be more time-consuming and costly than originally anticipated.

The design of the database was conceptualized to occur in three successive stages. First, demographic elements needed to be determined. Second, elements such as test scores, grade retention and other similar information needed to be determined. Third, the impact of socioeconomic and cultural elements needed to be addressed.

Fears surface

Access to records and use of resulting data were primary topics of discussion within the task force. Some members feared that collected data would not result in development of meaningful intervention and remedial strategies, but rather would be used by educators, legislators and others to reinforce widely held ethnic stereotypes, or even negate any affirmative action of the past.

A tentative solution to this persistent stumbling block was the development of a draft policy on data confidentiality. The draft policy, though vague, put the state on notice that the tribes required adequate assurance as to the use of any statistics collected on them.

Other early achievements included defining "American Indian" and getting the definition endorsed by the board, the Montana Advisory Committee on Indian Education and other appropriate entities. The definition was used to more accurately and completely identify American Indians within the public education systems. At the elementary and secondary levels, a survey was sent to school superintendents to determine the number of American Indians enrolled in their schools. Also, with input from the Montana University System registrars and admission officers, an addendum to the Uniform Application for Admission was developed. It included the official American Indian definition, as well as requested students' tribal affiliation.

Another very important achievement was consensus that any and all outcomes of "Tracks" become the letter of the law within education and institutional policies and procedures, not subject to the caprices of elected officials and political appointments.

After the design of the database was under way, the question of follow-up procedures was raised. Once a student exited the education system at any point, who was responsible for the follow-up? The state or the tribes? Since "Tracks" was a Montana University System program, the responsibility for tracking and monitoring belonged to the state. The tribes acknowledged their responsibility and desire to collaborate with the state system, but the clear understanding was this was to be done as a supplementary effort.

Specific forms were developed and to be used during personal interviews with students who dropped out of secondary or postsecondary education. The recorded information would be entered into the database and allow dropout patterns to be identified. This would then lead to the design of intervention and remedial strategies.

The goal of the project was to reveal breakdown points in the education pipeline and generate appropriate recommendations to state policy makers. These recommendations, together with a statistical profile of the current status of Indian education in Montana comprised the final product of "Tracks" — the State Plan for Indian Education. To make it responsive to the

problems revealed by the evolving database, the plan annually will be updated and subject to public hearings.

Outcomes and impacts

"Tracks" has accomplished its intended goals plus several others:

- There is an official count of how many American Indian students are in Montana's education system. Ten percent of the kindergarten through eighth grade student population is American Indian, and 7% of the high school population is American Indian.
- An emerging comprehensive database and permanent collection, tracking and reporting mechanisms are in place to help hold the state accountable for student achievement.
- For the first time there is a coordinated partnership between the state and tribes to track and monitor the welfare of Indian students. The potential for American Indian students to quietly disappear through the cracks and crevices of Montana's education pipeline is greatly diminished.
- New staff — a director of American Indian/minority achievement — was added to the Office of the Commissioner of Higher Education. This made Indian involvement and achievement facts of life within the Montana University System and the state education community as a whole.
- Indian education as a major policy issue has re-emerged.
- Tribal colleges were given a voice and long over-due recognition for the vital role they play. (Before "Tracks," tribal college presidents had not been invited to Board of Regents' meetings. After "Tracks," they have a standing invitation to attend all board meetings.)
- The Montana University System has revised its role and scope statement to

include specific mention of the system's responsibilities to American Indian students.

- Definitive policies have emerged and will become institutionalized within the Montana University System.
- The Montana Committee for American Indian Higher Education has been formed to be a more active, unified and broadly representative voice for American Indians.
- A statewide working conference on American Indians in higher education featured prestigious national presenters and served to significantly increase awareness and discussion of the issue.
- A public forum on Indian education was held and received statewide media coverage, again increasing awareness.
- The Legislative Committee on Indian Affairs is committed to the issue of Indian education and set the stage for decisive action on the State Plan for Indian Education.

Ensuring progress

These recent accomplishments must be sustained. Public advocacy must not only be continued but also increased. The Board of Regents must not abdicate but expand its leadership role regarding Indian education. Campus presidents

also must assume a leadership role and develop and implement plans designed to achieve education equality and multicultural diversity.

Vocational-technical centers and community and private colleges must be brought into the process. The close working relationship between the Office of Public Instruction and the Office of Commissioner of Higher Education must become permanent. The legislature must make available permanent financial support for "Tracks." Furthermore, "Tracks" final product — the State Plan for Indian Education — must be completed. It will embody specific guidelines for state education policy makers to follow to achieve "Tracks" over-arching goal — increasing the baccalaureate completion rates of American Indians in Montana.

Most importantly, "Tracks" came into being to address issues in Indian education. Not only was it logical to include Indians in this process, but it was also a benchmark of respect. "Tracks" made it clear that in any future study of education that impacts Indians, Indians must be included as equal partners. In the end, tribal leaders and educators trusted to the goodwill of the state governance. This trust must be honored.

*Rene Dubay
Office of the Commissioner
of Higher Education
Montana University System*

***Board Policy on Minority Achievement in
the Montana University System***

The Board of Regents recognizes the desirability for campus environments to promote multi-cultural diversity and for the participation and achievement of American Indian and other minority students to be, at a minimum, equal to their representation in the state's population. To that end, the board pledges its cooperation with the Board of Public Education, the Office of Public Instruction, American Indian tribal colleges and other American Indian and other minority entities with the state. The board adopts the following goals for higher education in Montana:

1. To enroll and graduate American Indians and other minorities in proportion to their representation in the state's population. In measuring the outcome of this goal, it is expected the students would originate from the State of Montana and the proportional representation would apply both at the undergraduate and graduate levels. Further, it is expected that the minority students would have comparable levels of achievement with non-minority students.

2. To increase the employment of American Indians and other under-represented minorities in administrative, faculty and staff positions to achieve representation equal to that of the relevant labor force
3. To enhance the overall curriculum by infusion of content which enhances multi-cultural awareness and understanding

Procedures:

In consultation with the Office of the Commissioner of Higher Education, each campus president or director will develop an action plan to accomplish the system goals for multicultural diversity. The plans are to be submitted to the Board of Regents. The commission will establish a deadline for submission of campus action plans so those plans can be implemented September 1, 1991. Action results will periodically be submitted to the commissioner who will make available such results to interested parties and to the general public.

INTERIM REPORT
MONTANA TRACKS PROJECT
AMERICAN INDIANS IN EDUCATION

EXHIBIT #15
DATE 2-1-91
HB 125

I. Introduction

The original grant application was written by Ms. Rene' Dubay, Talent Search Director in the Office of the Commissioner of Higher Education (OCHE). When the grant was sponsored by the State Higher Education Executive Officers (SHEEO) and funded by the Ford Foundation, Ms. Deborah LaCounte was hired as the project coordinator. She accepted another position on January 1, 1990, and Dr. John Hutchinson assumed the leadership of the project. Ms. Dubay continued as project director during this time. The Northwest Area Foundation provided continuing support for the project with the award of \$72,000 on February 9, 1990. The employment of a Director of American Indian/Minority Achievement was accomplished on May 21 with the hiring of Ms. Ellen Swaney.

The job description was expanded to not only include the development and implementation of the TRACKS data collection project, but also 1) to develop a Board of Regents policy on Indian Education; 2) to assist campuses in the development of campus action plans for Indian recruitment and retention; 3) to continue to develop tracking and data collection procedures establishing close working relationships between higher education and K-12 education; 4) to help campuses establish long-range plans for increasing the number of American Indian faculty; 5) to develop a budget for establishing an administrative structure for Indian achievement in both the Office of the Commissioner of Higher Education and the Office of Public Instruction; 6) to maintain the momentum of the TRACKS Task Force; 7) to execute the State Plan established for the furtherance of Indian Educational achievement; and 8) to plan the proposed conference on American Indian Issues in Education. Section II of this report will describe activities of these eight categories in detail.

The TRACKS project goals are:

1. Design of a data base and a tracking system to monitor American Indian participation and performance at every educational level.
2. Development of specific statewide goals with implementation activities and timelines to increase American Indian participation and performance.
3. Development of a strategy for legislative financial support for specific programs designed to enhance American Indian involvement and achievement in the state educational system.

II. Project's Major Activities to Date

Continuation of a Task Force

The new Director was privileged to have a TRACKS Task Force meeting scheduled a few weeks after she accepted the position. This allowed the new Director to hear the concerns and issues regarding the project first hand.

Issues discussed at the May meeting included:

1. Draft policy on multicultural diversity presented to the Board of Regents June 14 and 15.
2. Preliminary racial/ethnic origin data released by the Office of Public Instruction (OPI).
3. Rough draft copy of the Montana State Plan for American Indian Education.
4. Superintendent of Public Instruction's position paper on Commitment to American Indian Education in Montana.
5. Revision of OPI's Early Graduates District Data form to include racial/ethnic data.
6. Report on discussion with the legislative Committee on Indian Affairs on sponsoring a bill for the 1991 session.
7. Task force members were requested to give feedback on type and function of advisory committee to the Commissioners's office.
8. Montana University System statewide core curriculum workshop and tribal college participation in them.
9. Review of the Superintendent of Public Instruction's Montana Advisory Council on Indian Education (MACIE) Forum and agenda, scheduled retreat, September 6 and 7, 1990; review of the higher education "Opening the Pipeline Conference," May 14 and 15; review of agenda for the Legislative Committee on Indian Affairs hearings on education issues April 19, 1990.
10. All members present gave updates on their respective organizations and their recent activities.
11. Discussion of the State Plan included priority for data collection, need for glossary of terms, new admission forms for the Montana University System, fall report addendum. need for annual update and review of data position in Commissioner's office to be state funded, biennial report - year one on data collection and interim report and year two on legislative activity, identification of legislative priorities, emphasis on annual priorities, duties of advisory committee and TRACKS Task Force members, question on task of ranking recommendations from Forum and Pipeline for priority, request for Board of Regents to receive recommendations on American Indian/Minority achievement policy from Council of Presidents, Chief Academic Officers and Tribal Colleges, possibility of renaming the project within the advisory committee, need for videotape with recommendations for constituent meetings, and definition of dropout.

The July meeting included a draft of the Board of Regents policy statement on Minority Achievement, pre-release information on the interim report of the Education Commission for the Nineties and Beyond, and information on the Certification Standards and Practices Advisory Council meeting on the National Teachers Exam.

The August mailing and update on activities included rough drafts of AI/Minority education directory information survey, Director's position description, and State Board of Education statement on AI/Minority Education. The Task Force has been mailed extensive packets of information ranging from information on exemplary programs nationwide to financial aid reports.

The TRACKS Task Force will meet on a quarterly basis this year. The next scheduled meeting will be sometime during the last of September. It is anticipated that several new guests representing the urban Indian populations in the state will be in attendance at this meeting for the first time. This is significant since it is rumored that fifty percent (50%) of the American Indian population in Montana is now urban based. We plan to also invite a legislative representative, a representative from Montana Association for Bilingual Education (MABE), and an equity specialist to the Task Force at that time.

Because of the current size of the Task Force, 22 members, an agenda item at the September meeting will focus on the possibility of establishing smaller working subcommittees or other structural changes and if the Task Force would recommend any change in function or structure.

Definition of Terms

As the Task Force worked last year, a definition of American Indian was adopted for use on the Montana University System application forms and also the Office of Public Instruction reporting forms. Through the process of this initial year's data collection will be able to identify its appropriateness and the use of the tribal codes developed. The reservation education personnel have already commented on the need for more specific tribal information on each student, including tribal enrollment for degree of blood and descendency status. This need for anticipated information will be on the agenda for the next Task Force meeting.

The term "dropout" will need to be defined for the state. At present OPI is participating in a national dialogue for a definition. The Director will suggest that a statewide survey be done to see how local districts and MUS units define dropout, and that efforts be made to adopt a consistent definition for state use. It is anticipated that definitions at the K-12 and higher education level will differ.

Development of Local TRACKS Committees

The Director will continue to meet with tribal education directors, committees, school district personnel, urban Indian center personnel, tribal college personnel, Vo-Tech center personnel and Montana University personnel to develop TRACKS committees on each MUS campus, urban area, and reservation. It is anticipated that the development, structure, and function of each committee will be different in each community because it will reflect community needs. We anticipate that this development of the committee structure will be one of the main priorities for this project year.

Followup forms for use by the committee have been developed. The K-12 tracking form is being revised by OPI and should be available after the first grading period to the committees. The MUS will review the tracking form as part of the campus action plan procedure which will begin in late September. Policies and procedures for the committees will be established this year with the input of the Task Force.

Data Collection Process

As we look at the past year's initial data collection effort it is evident that developing this tracking system is a monumental undertaking, not only in computer capability terms but in political terms.

Because of the strength of local school districts and individual units of the Montana University System, procedures adopted will need to have the full understanding and sanction of the districts and units. Policymakers will need to continue to educate tribal leaders on the ramifications at the state level and state leaders on the impact among the minority population, especially American Indian. The need for continued presentations at the local level is all the more evident to build a strong basis for understanding across the state.

The data collection procedures at the Office of Public Instruction have been impacted by the TRACKS project. We are presently pursuing the feasibility of individualized student records for each student. Policy decisions by that office, legislative mandates, present procedures, and costs are presently being reviewed and analyzed on the feasibility of such a system.

At the Office of the Commissioner of Higher Education, staffing patterns are being reviewed not only for the position for Director of American Indian/Minority Achievement but for the computer and computer personnel needs in this day of educational accountability. The need for timely information from the Montana University System has continually been addressed but until the "bugs" in the present system are corrected, information is inaccessible.

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Campus Action Plans

Upon approval of the Board of Regents Minority Achievement policy, September 13 and 14, the Acting Director of Academic Affairs and the Director of American Indian/Minority Achievement will meet initially on each campus with the initial campus TRACKS committee. As currently envisioned, these campus TRACKS committees will include representatives from the Academic Affairs division, the Student Services division, including the Financial Aid Office and Counseling offices, Faculty Representative, Minority/Native American Studies representative, and Student representative. Initial policies and procedures and timelines for these committees will be established this year. Again we anticipate that because of the unique character of each campus that the structure of each campus TRACKS committee will differ. Members of the Campus Action Plan on Minority Achievement will necessarily be different as these committees will need to include the people on the campuses who direct change.

To speed the development of campus action plans two resource books have been purchased: Minorities on Campus, A Handbook for Enhancing Diversity from the American Council on Education and the Minority Student Services Delivery System Self Evaluation Instrument from Praxis Publications, Inc. These two books will form the basis of the Campus Action Plans in conjunction with the individual unit's minority Educational Attainment Plans completed in the spring of 1990.

Status: August 31, 1990

DIRECTOR - JOB DESCRIPTION
(January 8, 1990, letter from Deputy Commissioner of Academic Affairs
to Northwest Area Foundation)

TASK

ACTION TO DATE

1. Develop Board of Regents policy on Indian Education.

1. By involving members of the Board of Regents Task Force on Minorities, members of the TRACKS Task Force, and staff members of OCHE, a policy on Minority Achievement is presently on submission to the Board of Regents. We anticipate it will be approved on September 13 or 14, 1990.

2. Assist campuses in the development of campus action plans for Indian recruitment and retention.

2. -Director has reviewed Spring 1990 Minority Education and Educational Attainment plans by campuses.
-Information on exemplary national programs has been collected.
-Handbooks and self evaluation instruments have been purchased for campus use.
-Initial meetings for Fall have been requested from the presidents and provosts.

3. Continue to develop tracking and data collection procedures working to establish close relationships between higher education and K-12 education.

3. Close working relationships with the K-12 system are being established, first with a working committee composed of the Senior Education Analyst and Indian Education Specialist. Tasks of this committee are developed on an ongoing basis. Issues regarding shared access to information and the policies and procedures needed are presently being developed. Joint meetings between OPI and OCHE are held informally as issues arise. Formal meetings between the Superintendent of Public Instruction and the Acting Commissioner of Higher Education are held at their discretion and also either by their request or staff request.

4. Help campuses establish long-range plans aimed at increasing the number of American Indian faculty.

4. As part of the campus action plans referred to in Item #2, preparatory activities have taken place in anticipation of fall campus visits.

5. Develop a budget for establishing an administrative structure for Indian achievement in both OCHE and OPI.

5. The director has developed a tentative budget for the position within OCHE. The Indian Education Specialist in OPI has also developed various budgets for the office depending on funding levels.

TASK

6. Maintain the momentum of the Montana TRACKS Task Force.

7. Executes the State Plan established for the furtherance of Indian educational achievement.

8. Plan the proposed statewide Conference on American Indian issues in higher education.

6. The director attended the May meeting of the Task Force and has implemented a massive mailing to stay in touch with the members. Mailings have gone out consistently with major mailings in May, July and August. The director also calls members of the Task Force on a regular basis. The Task Force will meet again the end of September, and twice more during the academic year 1990-91.

7. The State Plan is still in a rough draft stage. When all data and recommendations are collected, the director will plan for and attend public hearings across the state.

8. The statewide conference "Opening the Montana Pipeline: American Indian Higher Education in the Nineties," was held on May 14-15, 1990 at Montana State University, Bozeman, Montana, coordinated by the former coordinator of the TRACKS project.

EXPECTED OUTCOMES AND EVALUATION PLAN

Outcome #1:

Design and implement a comprehensive data base and permanent collection, tracking, accountability and reporting processes that provide a statistical profile of Native American participation and achievement at all educational levels.

Evaluation:

- a. By Fall 1989, the Office of Public Instruction will design and implement permanent data collection and reporting mechanisms regarding Native American enrollment, academic performance, preparation and completion.
- b. By Fall 1989, design and implement similar reporting and tracking mechanisms at all postsecondary institutions.

PRESENT STATUS:

Kindergarten-High School

On August 3, 1990 the Office of Public Instruction was able to release the first racial/ethnic origin report. It includes student totals by grade and percentages. American Indians comprise 9.2% of the totals, Asians 0.7%, Hispanics 1.2%, and Blacks 0.3%. This information will now be collected yearly within an institutionalized reporting format. Since this is the first year reported it remains to be seen how accurate the counts are. Comparisons with January 1991 results should prove more conclusive. Still evident is the need to have district Indian educators or local tribal education officials verify the enrollment data. Procedures will need to be established this year for this process.

OPI also released a report entitled "District Ratio of American Indian Students." From this report we learned that 24 districts of the total of 534 districts in the state have a 75-100% American Indian student enrollment.

One major development as a result of this project has been the need for development of policies at OPI for management and use of data resident at OPI regarding security, access and sharing.

Still needed this year is the final breakdown of ethnicity by districts. This will provide local TRACKS committees with base line information.

Still to be developed this year with OPI are strategies for the data collection and management of academic performance and preparation criteria. Work toward the completion factor has begun by including an ethnic category on the graduate and early graduate reports each year. That report should be forthcoming shortly.

Higher Education

As of this date no information has been released by the Commissioner's Office. We have contracted privately with an employee of Montana Higher Education Student Assistance Corporation (MHESAC), which shares our computer system, but the analysis is not complete.

Another issue that has arisen is the issue of confidentiality at the college level and the release of information for research or statistical purposes. A meeting was held with the units' registrars and admissions personnel. Out of the meeting the Commissioners Office requested copies of each unit's policies on research involving human subjects. It is anticipated that the Commissioner's Office will establish a general policy in regard to data collection based on ethnicity now that data is forthcoming. The information received on their research policies will be used in educating the local TRACKS committees and in developing shared access to information with the Office of Public Instruction.

Outcome #2:

Design and implement mechanisms which utilize local Native American networks to track all transfer or dropout students.

Evaluation:

Report the composition of each local Native American tracking committee. Develop effective communication and reporting mechanisms between schools and committees regarding the tracking of out-of-school students.

PRESENT STATUS:

Since the may TRACKS Task Force meeting, the director has contacted the seven tribal reservation representatives to set up meetings with either the reservation tribal council, tribal education committee, school district boards, tribal college board, or parent advisory committees, or all of these. Because of the nature of the school year schedules and conflicting schedules, most of these meetings are scheduled for Fall of 1990.

Since the American Indian urban population has not been adequately represented on the Task Force, various urban organizations have been contacted by telephone or letter to present at either their board or advisory council meetings. So far the director has met with Montana United Indian Associations (MUIA), the executive organization for the Indian urban centers in Billings, Missoula, Helena, Butte, Anaconda, Great Falls, and Miles City. In addition, the director has met with members of the Indian Health Board of Billings, Inc. Plans are being made to contact other entities such as the Montana

Association of Bilingual Educators, reservation Head Start Directors, and urban school district Title IV and JOM personnel. As presently envisioned the TRACKS committees will include:

- (1) tentative TRACKS committee - urban
school district representative
MUS - college/vo-tech representative
parent advisory council member
Indian Center representative
other Indian organization representatives

- (2) tentative TRACKS committee - reservation
one or more school district Personnel -
elementary or secondary
one or more Parental Advisory Council member
Tribal Education Director
Tribal Education Committee Chair
Tribal College representative

Specific timelines for release of information from both OPI and OCHE will be developed this school year. At the K-12 level strategies are being developed to have tribal education directors receive student lists on the initial October student count day and release of student names on a quarterly basis for followup activities. At the higher education level, information would be shared on either a quarterly or semester basis. Sorting of information by tribal enrollment of home, urban or reservation have yet to be established on a practical basis. Specific procedures will need to be established this academic year.

Outcome #3:

Organize broadly based involvement, and facilitate consensus, in development of the minority data base, tracking and reporting mechanisms, and the resulting state goals and plan of action designed to systematically attack identified problems and thus increase Native American educational attainment.

Evaluation:

- a. Organize a Task Force, comprised of the following entities, to participate in the above processes:
 - o Office of the Commissioner of Higher Education
 - o Office of Public Instruction
 - o Each Montana tribe and urban Indian Alliance
 - o Montana Indian Education Association
 - o Montana Advisory Committee on Indian Education
 - o Postsecondary institutions including:
 - . units of the MUS (Council of Presidents)
 - . private colleges
 - . tribal colleges
 - . community colleges
 - . vo-techs
 - o Montana Association of School Administrators
 - o TRIO projects

- b. Conduct public hearings to review ~~the~~ ^{HR} results ¹²⁵ and implications revealed by the information collected in the first data collection cycle and to reach consensus on a coordinated, comprehensive statewide plan of action with specific timelines and goals.
- c. Project coordinator will conduct public relations activities and obtain media coverage regarding the "Minorities in Montana Education" project and the issue of educational equity for Native Americans in Montana.

PRESENT STATUS:

- a. The Task Force was developed under the SHEEO grant and continues to meet. The first quarterly meeting this year was held on May 29, 1990. The second quarterly meeting is scheduled for the last of September. Additional representatives have been requested from Montana United Indian Association and the Indian Health Board of Billings. The director will put forward to the Task Force the suggestion for further contact with Montana Association of Bilingual Educators, further urban representatives, private and community colleges, and vo-tech representation. Invited guests will continue to include interested organizations such as the Montana Education Association, American Federation of Teachers, and legislators and their staff members.
- b. The State Plan will include (1) prioritized recommendations from the higher education community, Montana Committee for American Indians in Higher Education (MCAIHE); (2) prioritized recommendations from Montana Advisory Council for Indian Education (MACIE), advisory to the Superintendent for Public Instruction; (3) American Indian and minority data released from OPI; and (4) American Indian and minority data released from OCHE.

It is planned that when all the data is compiled that Fall and Winter hearings will be held on the contents on all reservations and in urban areas with significant Indian populations.

- c. The director will on an ongoing basis publicize the project's activities. Projected activities will include, but are not limited, to:
- press releases for prior publication to director's presentations on reservation and urban areas
 - press releases on important incremental steps.
 - steps on project progress as directed by OCHE, TRACKS Task Force, OPI, and the legislative representatives
 - general press release identifying dates, times, and sites of public hearings.

Outcome #4:

Based upon the problems and breakdown points illustrated in the first data collection cycle (Fall of 1989), a statewide plan of action will be developed with specific goals and implementation timelines that aggressively seek to increase Native American participation and achievement.

Evaluation:

The statewide plan with specific numerical and programmatic goals and implementation timelines will be included in the project's final report to Northwest Area Foundation.

PRESENT STATUS:

The statewide plan will include K-12 data, higher education data, prioritized recommendations from MACIE and prioritized recommendations from MCAIHE. An initial report on racial/ethnic origin K-12 totals dated January 1990 is presently available. As noted earlier, no data has yet been released from OCHE. Prioritization of recommendations from MACIE will occur on September 6 and 7, and prioritization of recommendations from MCAIHE will occur on September 12. Long-term and short-term goals will be defined by the Task Force based on their recommendations. Once the information is received from all parties, it will be included in the state rough draft for public hearings on the goals and timelines. The final report will then be submitted to Northwest Area Foundation.

Outcome #5:

Compile and publish a report on "Status of Minorities in Montana Education," which includes a complete statistical profile of Native American participation and achievement and contains the state plan of action to increase Native American performance at all levels.

Evaluation:

The published report will be included in the project's final report to SHEEO.

PRESENT STATUS:

In addition to the data collection efforts of both OPI and MUS, and advisory council recommendations, the TRACKS Task Force will review the rough draft prior to public hearings. The appropriate staff at OPI and OCHE will also review the contents.

The Board of Public Education, the Board of Regents and the Governor's office will also comment. Legislative strategy for the Committee on Indian Affairs will partly be determined by the recommendations in the State Plan as defined by the Task Force.

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Other Comments:

The TRACKS project has allowed the possibility of a joint venture between the seven tribes, Blackfeet, Crow, Confederated Salish Kootenai, Northern Cheyenne, Rocky Boy, Fort Peck, and Fort Belknap, and the state government of Montana. By including a broad spectrum of education leaders from the local district level, tribal education offices, state education officials, and legislators, the prospects of the project's implementation of goals are bright.

Intentionally the project has allowed the discussion of the political process among all the players, and all the participants have benefited from learning about each other's organization.

These initial years of effort in fostering communications among all the entities will have enormous long-term consequences as the actions, policies and procedures we establish with group consensus are implemented. The power of these circles to foster change cannot go unacknowledged. We also must follow where these circles of consensus lead us. The possibilities of where the circle will lead us are intriguing. Time will tell.

tracks

MONTANA "TRACKS PROJECT

EXPENDITURE CATEGORIES	APPROVED BUDGET	EXPENDITURES THRU 06/30/90	EXPENDITURES 07/01-08/31	BALANCE
Personal Services:				
Project Director	32,500	3,564	3,501	25,435
Secretary	7,337	77	837	6,423
Computer Technician	13,897			13,897
Fringe Benefits	9,576	763	1,062	7,751
Total Personal Services	63,310	4,404	5,299	53,507
Operating Expenses:				
Travel	5,000	359		4,641
Printing/Copying	1,190	110	791	289
Communications		796	187	(984)
Total Operating Expenses	6,190	1,266	978	3,946
Computer/Printer - Equipment	2,500			2,500
TOTAL EXPENSES	72,000	5,670	6,377	59,953

HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

EDUCATION & CULTURAL RESOURCES

COMMITTEE

BILL NO. 317

DATE 2-1-91

SPONSOR(S) Davis

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NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
Leo Berry	BNRR		X	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

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SPONSOR(S) Schye

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NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
Lee N Von Kuster	Certification Standards Comm	431		✓
Eric Javer	MSA			M
Jan Males	F.F.T			X

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NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
Earl B. Lamb	Great Falls Pub Sch	363		✓
Jacob A. Block	Missouri PD #1	363		✓
Bruce W. Moyer	MSBA	363		✓
Michael H. Kupchik	MSBA	363		✓
Meggy J. Fine	Meigs County High Schools	363		✓
Harry Do Endt	Belgrade	363		✓
Jess W. Long	S.A.M.	363		✓
Wm. J. [Signature]	MFA	363	✗	
MARY SHEENY MOE	MATELA	363	✓	
John Malee	M.F.T.	363	X	

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COMMITTEE

BILL NO.

347

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Gervais

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NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
Raymond d. Parker, Jr	School District 875	347		✓
LOREN 'Bum' STIFFARNO	FT BELKNAP MT INDIAN ED ASSN	347		✓
RICHARD Hughes, Supt	Box Elder Public Schools	347		
Don McKenna	MACSS	347		✓
Juan Small	School District #9	347		✓
CHIP FROMMAN	MT Indian Ed Assoc	347		X
Bruce W. Green	ASBA	347		X
Steve Brown	Indian Schools			X

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.