
And Still the Waters Flow:

The Legacy of Indian Education in Montana

It took 34 years, extraordinary perseverance, and a series of legislative and legal efforts before the advocates of Indian Education for All would finally see its implementation in Montana's classrooms. Ms. Juneau and Ms. Broaddus chronicle the law's tortuous history.

BY DENISE JUNEAU AND MANDY SMOKER BROADDUS

IN 1972, 100 delegates from across Montana convened in Helena, rolled up their sleeves, and created what is still considered to be one of the most progressive state constitutions in the nation. Article X, Section 1(2), of this new constitution says that the state "recognizes the distinct and unique cultural heritage of the American Indians and is committed in its educational goals to the preservation of their cultural heritage." For 34 years, this promise was shelved in cupboards across Montana's educational landscape.

During the constitutional convention, Mavis Scott and Diana Leuppe, high school students from the Fort Peck Reservation, testified before the Bill of Rights committee and expressed the need for K-12 students to learn about Indian people. Delegate Dorothy Eck eloquently articulated the young women's message when she introduced the Indian Education provision on the floor of the constitutional convention:

During one of our very early hearings . . . there appeared before us two young Indian students representing student groups of the Fort Peck Reservation. They came asking what . . . the Convention could do to assure them that they would have the opportunity . . . to study their own culture, perhaps their own language, and to develop a real feeling of pride in themselves for their own heritage and culture, and also a hope that other students all over Montana would recognize the importance and the real dignity of American Indians in the life of Montana.¹

Delegate Richard Champoux realized the remarkable step the convention was taking by including such a provision in the state's constitution. He joined Eck in speak-

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ing to the amendment being debated:

The first day I came to this assembly, I looked around and wondered why there were no Indians here as delegates. Later, as I left the door, I saw four Indian students — young college students from the University of Montana — standing out there against the wall. And I thought to myself, how ironic. Here they are, typically, standing outside the door while the white man makes all the decisions for them inside. Isn't it also ironic to see here today a Frenchman from Boston, without any Indian blood, standing at the Montana Constitutional Convention pleading for the Indians, to preserve their cultural integrity?²

Champoux understood the inadequacy of a curriculum that excluded Indians:

Every other ethnic group in this country has a country of origin to relate to in their pride of heritage, and we have learned in our schools about their countries. All of us have taken Greek history, Roman history, English history, French history, and so forth. Why not Indian history? . . . Why not a Chief Charlo Day, Chief Joseph, Chief Hungry Horse, and so forth? What is the country of origin for American Indians? It is America. What have the average Americans learned in our schools about our American people? Very little, if not nothing.³

Hopes were high among many Indian educators that the new constitutional language would bring about a sea change in Montana's education system. In 1975, the state board of education convened a group of educators to create an outline of the Indian Culture Master Plan, which was intended to teach public school personnel more about Native American cultures. This step was followed by advocacy in the form of conferences, workshops, and summits. We owe a great deal to the early efforts of these educators whose work brought us to our current place in history.

One year after the adoption of the new constitution, the legislature enacted the Indian Studies Law, which required that all teachers in public schools on or near Indian reservations receive instruction in American Indian studies. This

law, however, never went into effect. Connie Erickson, a former legislative research analyst with the Montana Legislative Services Division, has documented and cited many reasons for the failure of this law.⁴ She contends that teachers eventually supported the repeal of the law because of the delay in its implementation, confusion over to whom it applied, lack of funding, failure to involve teacher organizations, and lack of administrative support. As a result, during the following legislative session, what had seemed to be a rising tide retreated, as the law became optional. Today, very few school districts implement this requirement for their teachers.

In 1984, the first school funding lawsuit in Montana, *Helena School Dist. v. State*, found that the Indian education clause in the Montana Constitution "establishes a special burden in Montana for the education of American Indian children that must be addressed as a part of the school funding issues." Still, the legislature failed to appropriate any funding.

In 1990, Indian educators gathered and created a "state plan" that outlined action steps for all the major stakeholders in Indian education. This plan resulted in some focused efforts in certain state agencies, but, without funding, those efforts soon faded. In 1997, State Rep. George Heavy Runner (Blackfeet) ushered a bill through the legislature that created an American Indian Heritage Day to be celebrated on the fourth Friday of each September. Again, despite this and many other attempts to adhere to the constitutional mandate, it appeared that Article X was simply becoming one more broken promise made to the Indians.

However, in 1999, State Rep. Carol Juneau (Mandan/Hidatsa) shepherded a bill through the legislature that would become known as Indian Education for All (IEFA). The bill spelled out the intent of the constitutional convention delegates when they placed the Indian education clause into the state constitution. The bill established three primary objectives with regard to Indian education in the state:

- Every Montanan, whether Indian or non-Indian, is to be encouraged to learn about the distinct and unique heritage of American Indians in a culturally responsive manner.
- All school personnel should have an understanding and awareness of Indian tribes to help them relate effectively to Indian students and parents.
- The education system should work cooperatively with Montana tribes when providing instruction and implementing any educational goals.

The passage of IEFA started the waters of hope flowing once again. Content about Indians and tribes was placed into the state's social studies standards. State accreditation standards also directed *all schools* to review their curric-

ula to ensure the inclusion of the cultural heritage of American Indians and to provide books and materials that reflect historical and contemporary portrayals of American Indians. Without funding, however, local districts were hard pressed to develop any significant and comprehensive implementation plans.

Around this time, the Montana Office of Public Instruction (OPI) called together educators from each tribal nation in the state to discuss potential topics that all educators and students should learn about Indians. Although these individuals came from diverse backgrounds and different tribes, they found common ground in their discussions and jointly developed the seven Essential Understandings Regarding Montana Indians, which became the basis for the implementation of IEFA. All the state's efforts in develop-

ing materials and resources for schools are based on these seven understandings. (See the sidebar "Essential Understandings Regarding Montana Indians," page 189.)

Even with the intent of the constitution defined and all efforts focused, still no funding was provided. Indian educators began to wonder if the glass was always going to be half empty.

Finally, in 2003, educators from across the state formed the Montana Quality Education Coalition (MQEC) and sued the state, claiming that the funding scheme for the education system was unconstitutional.⁵ MQEC won. Article X, Section 1(2), the Indian education provision, proved to be the strongest part of the lawsuit. The district court found that the state had shown no evidence of its commitment to implement IEFA, and, in fact, the court found the

Indian Education for All: **THROUGH OUR OWN EYES**

The First Best Place

BY LINDA McCULLOCH

IT IS an exciting time for education in Montana as we "recognize the distinct and unique cultural heritage" of the Indian Nations that called our state the "First Best Place." In 1972, with the redrafting of its state constitution, Montana committed itself to preserving the cultural integrity of American Indians through its education system. In the face of diverse challenges, many educators worked diligently over the past 34 years to ensure this promise was met. We owe much of our current place in history to these relentless advocates. As the state's education leader, my goal is to realize this constitutional promise and to ensure that tribal stories will reverberate throughout our state's classrooms.

Today, with Indian education included in the legislature's statutory definition of a quality education and with the 2005 legislative appropriation, we may begin to see many of these past efforts realized. We enter into this era of Indian Education for All with optimism and confidence that all of our state's citizens will come to understand and value the tribal histories, stories, and philosophies

that have helped shape Montana.

Twelve tribal nations are located in Montana. Eleven of these nations reside within homelands reserved either through treaties or by executive order. One, the Little Shell Band of Chippewa, is "landless," but the tribe is currently seeking federal recognition to establish its own land base. These tribal nations govern seven reservations that constitute 9% of Montana's land base. There are also many Indian people, from all of the tribes, who live off reservations in towns and cities across the state. Indian people contribute economically, culturally, socially, and politically to Montana's landscape and history. Each tribe has its respective government that establishes services and asserts its sovereignty to create a better future for its members.

As I look toward the future, I see our state becoming even better because of Indian Education for All. When members of this next generation of students become state and tribal leaders, they will have a better understanding of one another and forge better relations to bring Montana into its next stage of development. When tribal voices are included in all curriculum areas, and *all* students graduate from our high schools understanding the rich histories and contemporary issues of tribal nations and Indian people, Montana can be acknowledged as the "last best place."

■

LINDA McCULLOCH is serving her second term as Montana's elected Superintendent of Public Instruction. She was an elementary school teacher and librarian for 20 years and served six years as a state legislator in the Montana House of Representatives.

state “defenseless.” This was quite a coup for the education community, and there was a surge of hope that, at last, Montana would be able to live up to its promise.

In 2004, the Montana Supreme Court held that the state’s funding of schools was indeed unconstitutional because it was not based on any definition of “quality” as the constitution requires. It ordered the legislature to define “quality” based on educationally relevant factors and then to fund that definition.⁶

During the 2005 legislative session, the Montana House and Senate defined a quality education. State Rep. Norma Bixby (Northern Cheyenne/Zuni) contributed the IEFA section of the definition. The law now declares that, in order for schools to be able to state that they provide a quality education to their students, they must provide programs

that “integrate the distinct and unique cultural heritage of American Indians into the curricula, with particular emphasis on Montana Indians.”

Because IEFA was included in this definition of quality, the legislature was required to fund it. The 2005 legislature provided more than \$3 million to the OPI as start-up funding to implement IEFA and appropriated more than \$7 million to local districts to help with their implementation efforts.

The state has taken its duty seriously. Linda McCulloch, the state superintendent of public instruction, created a Division of Indian Education. This division develops teacher-friendly materials and resources based on the Essential Understandings and provides many opportunities for professional development regarding IEFA topics. The OPI partners with a host of local districts, educational organizations, and tri-

Indian Education for All: **THROUGH OUR OWN EYES**

A New Day in Montana

BY **GOV. BRIAN SCHWEITZER**

AS THE governor of Montana, I’ve had the distinct honor of learning and experiencing some incredible things about Montana’s tribal cultures. Beginning with my very first day in office, I drummed with singers from each reservation as part of the inaugural ceremony and later that day received tribal flags now proudly displayed in the governor’s reception room as a sign of respect for the tribal nations of our state.

By executive order, I established the Governor’s American Indian Nation (GAIN) Council (<http://gain.mt.gov>) to ensure a government-to-government commitment between the state and the Indian Nations within its borders. The GAIN Council adopted the following guiding principles when formulating or implementing policies, agreements, cooperative grants, activities of any nature, or administrative rules that have direct implications for Indian nations:

- establish and preserve harmonious tribal/state relationships;
- strive for mutual understanding and respect for the sovereign tribal and state governments;

BRIAN SCHWEITZER, elected in November 2004, is the 23rd governor of Montana and the first Democrat elected to that office since 1988.

- share collective resources and services to achieve equal opportunity for all;
- work cooperatively when the rights of one government with regard to the other are unclear or would result in harm to either government’s citizens; and
- use the process established through the GAIN Council to address issues in a timely fashion and through the appropriate process.

We are serious about making American Indian heritage a part of state government. Tribes are well represented in my cabinet and as policy advisors. In addition, 10% of my appointments to boards and commissions represent Montana’s minorities.

But what is most important to me is that all Montanans, especially our children, have the chance to recognize the unique cultural heritage of American Indians. Our Montana Constitution declares that it should happen; I say we have a moral obligation to make it happen. Making Indian Education for All a reality in Montana means that such cultural awareness must be an integral part of all children’s lives, every day, in the classroom and beyond.

Since I have been in office, we in Montana have taken dramatic steps in that direction. We have appropriated more than \$13 million in funding to the Montana Office of Public Instruction to enable K-12 school districts to implement Indian Education for All in all of Montana’s

bal education departments to develop an implementation system that is welcoming and responsive to teachers' needs.

Since 1984, the Montana Advisory Council on Indian Education (MACIE), a group comprising designees from each tribal nation in Montana and representatives from each major educational association in the state, has provided advice and guidance to the state regarding Indian education issues. Currently, MACIE assists the state office by reviewing its materials and resources and by giving valuable feedback on implementation efforts.

Although some schools have taken a "wait and see" approach, many others have taken this initiative to heart and have begun implementation. Inspiring stories are emerging from these schools about the transformation taking place in classrooms as discussions of cultural issues begin. Im-



Gov. Brian Schweitzer and First Lady Nancy Schweitzer learn to round dance at the 2004 inauguration. For the first time in Montana's history, flags of the eight sovereign nations fly in the governor's conference room in the State Capitol. (Photo courtesy of Montana Office of Public Instruction.)

classrooms. Further, \$1 million was appropriated to the tribal colleges to write the histories of their tribes for K-12 classrooms. We now see Montana teachers, schools, and communities embracing the full meaning and intention of our constitution by making sure that all students explore and expand their knowledge of the rich cultures that thrive among the tribes of Montana.

It is an exciting time for us in Montana. I challenge teachers, communities, and schools around the country to watch what happens in Montana when students learn about the histories and cultures of American's first peoples and create classrooms in which all our citizens' voices can be heard. **K**

plementation efforts are also changing teachers' hearts and minds, as stereotypes are dispelled and misconceptions are replaced with understanding. A year from now, even more of these stories will rise from the field. Five years from now, many teachers will have incorporated the Essential Understandings into their everyday teaching. Ten years from now, students will have a more accurate understanding of their history, of tribal sovereignty, and of native contributions to society. When this type of learning takes place in all of Montana's classrooms, the relationships between Indian and non-Indian neighbors will mature, and the entire state will be stronger for it.

Richard Champoux may soon be able to answer in the affirmative the question he posed on the floor of the constitutional convention 34 years ago:

If there is to be a solution to the Indian problem in this country, it will only come about when our educational system provides the knowledge . . . needed to understand and respect the cultural differences between us and the state helps to preserve and protect their cultural integrity. This is a matter of pride. All of us are proud of our heritage . . . because we know about our history, our culture and our integrity. . . . Are we now to continue to deny this to these, the first citizens of the State of Montana? Ladies and gentlemen, the Montana Indians are still waiting outside the door. Are you going to answer them?

The door is opening, and the goals of IEFA are becoming a reality in the state's classrooms. As this next generation of students graduates and moves on to become our next leaders, they will lead with a knowledge that was not offered to their parents and grandparents. In fact, Mavis Scott and Diane Lueppe, those high school students from the Fort Peck Reservation who attended and testified at the constitutional convention more than three decades ago, are great-grandmothers now. No doubt they are cautiously optimistic that their great-grandchildren will finally study their own culture and heritage in school and that students from other backgrounds will recognize the dignity of American Indians and their importance in the life of Montana.

1. *Montana Constitutional Convention: Verbatim Transcript — Vol. VI* (Helena: Montana Legislature in cooperation with Montana Legislative Council and Constitutional Convention Editing and Publishing Committee, 1985), pp. 1950-51.

2. *Ibid.*, pp. 1951-52.

3. *Ibid.*, p. 1952.

4. *The Indian Studies Law: An Exercise in Futility — A Report to the Committee on Indian Affairs* (Helena: Montana Legislative Services Division, April 1996).

5. *Columbia Falls v. State* (Mont. 1st Dist. Ct., 16 April 2004).

6. *Columbia Falls Elementary School Dist. No. 6 et al. v. State*, 326 Mont. 304, 109 P.3d 257 (2005).

7. *Montana Constitutional Convention*, p. 1952. **K**

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