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INDIAN EDUCATION FOR ALL: MONTANA'S CONSTITUTION AT WORK IN OUR SCHOOLS

Carol Juneau* and Denise Juneau**

I. A HOPE THAT ALL MONTANA'S STUDENTS WILL RECOGNIZE THE IMPORTANCE AND REAL DIGNITY OF AMERICAN INDIANS IN THE LIFE OF MONTANA¹

Montana is a leader in education in many respects. The Montana Constitution requires a quality education for all Montana citizens and guarantees educational opportunity for all students regardless of their geographical location, economic status, or heritage.² However, Montana is particularly notable across the country for having a constitutional provision that recognizes the rich cultural heritage and vibrant history of American Indians through the educational system.³ This provision is known as "Indian Education for All."⁴

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1. *Montana Constitutional Convention Proceedings* vol. 6, 1950 (Mont. Legis. & Legis. Council 1972) (available at http://courts.mt.gov/library/montana_laws.mcp).

2. Mont. Const. art. X, § 1, cl.1 states: "It is the goal of the people to establish a system of education which will develop the full educational potential of each person. Equality of educational opportunity is guaranteed to each person of the state."

3. R. Smiley & S. Sather, *Indian Education Policies in Five Northwest Region States*, Issues & Answers Rpt., REL 2009–No. 081 (October 2009) (available at <http://www.ies.ed.gov/ncee/edlabs>, search by Indian Education Policies) (reviewing 13 Indian Education Policies across states in the region (Alaska, Idaho, Montana, Oregon, and Washington) and determining Montana was the only state to have met all 13 policies).

4. Mont. Code Ann. § 20–1–501 (2009).

Article X, § 1, clause 2 of the Montana Constitution reads: “The state recognizes the distinct and unique cultural heritage of the American Indian and is committed in its educational goals to the preservation of their cultural integrity.” These words of promise were written into Montana’s Constitution when 100 delegates from every corner of the State converged in Helena during the Constitutional Convention of 1972. None of the delegates were American Indian, a fact not ignored during the Convention. During the floor debate on the Indian Education provision, Delegate Richard J. Champoux from Kalispell observed:

[T]he first time—day I cam[e] to this assembly, I looked around and wondered . . . why there were no Indians here as delegates. Later, as I left that 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?⁵

As Delegate Champoux pointed out, there were in fact American Indians present at the Convention. Lynn Leuppe and Mavis Scott, two students from Poplar High School, testified and advocated for American Indians to be included in Montana’s new contract with its people.⁶ Specifically, they requested:

[T]he state of Montana recognize the need for the inclusion and implementation of culturally sensitive curricula within the public education system. . . . Most especially we request that the curricula shall be relevant and sensitive to Native peoples residing in the state of Montana. We would like, very simply, our history, our culture, and our identity.⁷

Delegate Dorothy Eck from Bozeman, who later became a state senator, recognized their advocacy during her introduction of the constitutional provision on the floor:

During one of our very early hearings in the Bill of Rights Committee, there appeared before us two young Indian students representing student groups of the Fort Peck Reservation. They came asking what we could do, or the Convention could do, to assure them that they would have the opportunity in their schools, 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, also a hope that all students all over Montana would recognize the importance and real dignity of American Indians in the life of Montana.⁸

5. *Montana Constitutional Convention Proceedings*, *supra* n. 1, at vol. 6, 1951–1952.

6. *Id.* at vol. 2, 615.

7. *Id.* at vol. 6, 1950.

8. *Id.*

The delegates seemingly knew their American history. They knew Indian people had been pushed westward by war, massacres, and disease to make room for the delegates' own ancestors.⁹ They knew tribal people had been pushed onto reservations that diminished significantly over time as treaties were broken again and again.¹⁰ Delegate Chet Blaylock, a teacher from Laurel, also called upon this history when he urged for the passage of this clause during the floor debate:

Through the years we have given the Indian a great many things that didn't prove to be too good for the Indians. We gave them treaties which we later broke. We gave them smallpox-infested blankets so we could reduce their surplus population. We gave them alcohol. We gave them a religion we didn't live up to ourselves and we gave them massacres. . . . They were here first, they owned it, and we took it all from them. And, I think this is the [least we can do].¹¹

The delegates also knew a little about the history of Indian education in America. They knew Congress first provided control over the education of Indians to churches in order to Christianize and civilize them.¹² They knew, when that effort failed, the federal government set up off-reservation boarding schools to civilize Indian children by taking away all remnants of their culture through removal from parents and punishment.¹³ The motto of one of these early federal boarding schools, which lasted nearly 50 years,¹⁴ was to "[k]ill the Indian in him, and save the man."¹⁵

Delegate Champoux spoke to his knowledge of Indian education history during the floor debate:

Are we to tell the Indian people that their history has no place in our schools . . . that their ways, their governments were wrong and that they must accept ours, because ours are better? Or, will we help them to retain their ethnic identity and make their adaptations as Americans? If there is ever to be a solution to the Indian problem in this country, it will come about when our educational system provides the knowledge which is needed to understand and respect the cultural differences between us and protect their cultural integrity.¹⁶

9. See Vine Deloria, Jr. & Clifford M. Lytle, *American Indians, American Justice* 1–20 (U. of Tex. Press 1983).

10. *Id.*

11. *Montana Constitutional Convention Proceedings*, *supra* n. 1, at vol. 6, 1954.

12. See Deloria & Lytle, *supra* n. 9, at 1–20.

13. *Id.*

14. *Id.*

15. Richard H. Pratt, *The Advantages of Mingling Indians with Whites, Americanizing the American Indians: Writings by the "Friends of the Indian" 1880–1900* 260–271 (Francis Paul Prucha ed., Harvard U. Press 1973).

16. *Montana Constitutional Convention Proceedings*, *supra* n. 1, at vol. 6, 1952.

After little debate, the constitutional provision that later became known as Indian Education for All passed on an 83–1 roll-call vote.¹⁷ This provision created an obligation for the public education system to provide culturally appropriate and accurate information to all students in Montana, both Indian and non-Indian.¹⁸ Indian Education for All is about *all* Montanans learning about American Indians, with a particular emphasis on Montana Indians. It is an educational undertaking seeking to integrate factual and legitimate information about American Indians into every content area—from history to science to music—for every student across Montana from kindergarten through graduate school.¹⁹

Although the Montana Constitution is the foundation of Indian Education for All, further action was necessary to define the intent of the provision and to provide the necessary resources to make it effective.²⁰ The State of Montana responded with a variety of policies and statutes to address Indian Education for All.²¹ However, it took 33 years, an abundance of advocacy from many quarters, legislation, and two lawsuits that went to the Montana Supreme Court before the State showed its full commitment to Indian Education for All.²² Many voices were heard in those 33 years, including American Indian leaders, state leaders, teachers, students, and community members.²³

II. INDIAN EDUCATION FOR ALL TAKES ITS FIRST TENTATIVE STEPS

Following the passage of our State's Constitution, the Legislature and educational policy leaders attempted to fulfill the promise of Indian Education for All through a series of legislative and administrative actions:

- In 1974, the Legislature passed House Joint Resolution 60,²⁴ which encouraged the Board of Public Education and the Board of Regents to devise a plan for improving public-school-teacher knowledge of Native American culture and called for all teachers, regardless of where they taught, to receive Indian-studies training within ten years.²⁵
- In response, the Boards completed an Indian Culture Master Plan requiring all public schools in Montana, within ten years, to provide a program

17. *Id.* at vol. 6, 1957.

18. *Columbia Falls Elementary Sch. Dist. No. 6 v. State*, 109 P.3d 257, 263 (Mont. 2005).

19. Mont. Code Ann. § 20–1–501(2)(a).

20. DENISE JUNEAU & MANDY SMOKER BROADDUS, *And Still the Waters Flow: The Legacy of Indian Education in Montana*, Phi Delta Kappan, vol. 88, no. 3, 193–197 (Nov. 2006).

21. *Id.*

22. *See generally Columbia Falls*, 109 P.3d 257.

23. Juneau & Broaddus, *supra* n. 20, at 193–197.

24. Mont. H.R. Jt. Res. 60, 1974 Spec. Sess. (Mar. 13, 1974).

25. *Id.*

of study covering American Indian history, culture, and sociology, and values.²⁶

- In 1975, the Legislature passed House Joint Resolution 28 urging the Board of Regents to create more relevant education programs.²⁷
- Legislative efforts also included passage of the 1973 Indian Studies Law, requiring all teachers working on or near an Indian reservation to take six credits in Indian studies.²⁸ In 1979, this requirement became optional.²⁹
- In 1984, the Board of Education issued a policy statement on American Indian Education; the Superintendent of Public Instruction also published a position paper on Indian Education.³⁰
- In 1989, the Board of Public Education adopted accreditation standards that included language directing schools to “nurture an understanding of the values and contributions of Montana’s Native Americans and the unique needs and abilities of Native American students and other minority groups.”³¹
- In 1990, the Montana Committee for Indians in Higher Education and the Montana Advisory Council on Indian Education completed a state Plan for Indian Education establishing goals for Kindergarten through post-secondary education in Montana.³²
- At the same time, the Board of Public Education passed a resolution reaffirming support of Article X, § 1, clause 2.³³
- In 1991, the Board of Education, Office of Public Instruction, and Office of the Commissioner of Higher Education reaffirmed their constitutional commitment to the equality of educational opportunity for each person of

26. Mont. Leg. Serv. Div. Rpt., *Indian Studies Law: An Exercise in Futility?: A Report to the Committee on Indian Affairs* 3 (September 12, 1977) (available at <http://opi.mt.gov/pdf/indianed/IndianStudies.pdf>).

27. Mont. H.R. Jt. Res. 28, 44th Leg., Reg. Sess. (Apr. 5, 1975).

28. Mont. H.R. 343, 43rd Leg., Reg. Sess. (March 24, 1973) (amendment requiring six credits in Indian Studies).

29. Mont. H.R. 219, 46th Leg., Reg. Sess. (April 2, 1979); see *Indian Studies Law: An Exercise in Futility?*, *supra* n. 26, at 11–12 (outlining reasons for the change from mandatory to permissive). With no legal mandate, there is no way to ensure school districts actually require their teachers to take these credits. Mont. Bd. of Public Educ., *Montana School Accreditation: Standards and Procedures Manual* app. A, 1 (June 2005) (available at <http://www.opi.mt.gov/PDF/Accred/05AccredManual.pdf>) (requiring all teachers to complete “15 quarter (10 semester) credits in Native American Studies if licensed as a teacher at the level offered. The utilization of a qualified Native American resource person under the supervision of a licensed teacher can be used in lieu of the 15 credit requirement.”).

30. Mont. Advis. Comm. to the U.S. Commn. on Civil Rights, *Equal Educational Opportunity for Native American Students in Montana Public Schools* ch.6 (July 2001) (available at <http://www.usccr.gov/pubs/sac/mt0701/main.htm>).

31. *Id.* at ch. 1 (quoting Off. of the Commr. of Higher Educ., *A Plan for American Indian Education in Montana: Recommended Goals* 1 (1990)).

32. Mont. Advis. Comm. to the U.S. Commn. on Civil Rights, *supra* n. 30. The Montana Advisory Council on Indian Education is an advisory council to the Superintendent of Public Instruction and the Board of Public Education. Members are recommended for appointment by each tribal government and several statewide educational organizations. The Montana Committee for Indians in Higher Education was an advisory council to the Office of the Commissioner of Higher Education.

33. *Id.* at app. D.

the State and to preserving, through their educational goals, the cultural integrity of American Indians.³⁴

- In 1994, the top educational entities again reaffirmed their constitutional commitment to equality of education and pledged to support the infusion of gender- and multicultural-equity awareness into Montana's teacher-education programs.³⁵
- In 1997, the Legislature passed Senate Bill 117, titled "American Indian Heritage Day," encouraging all schools to recognize and celebrate American Indian culture and history during the school day.³⁶
- Finally, the House introduced a landmark piece of legislation in 1999 in the form of House Bill 528.³⁷

It took 27 years for the Legislature to pass a law giving direction to the State's educational system to meet the requirements of Indian Education for All; and it would take another six years for the Legislature to provide the necessary funding to begin its implementation.

III. A HEROIC EFFORT FOR LEGISLATIVE RECOGNITION

"It has taken a heroic effort of many people for almost 40 years to finally realize actual curriculum about who we are as Montana's Tribal Nations in our classrooms."

—Norma Bixby, Montana State Representative (HD 41), Lame Deer (2001–2008) and Northern Cheyenne Tribal Education Director.³⁸

The 1995–1996 legislative Committee on Indian Affairs researched the Indian Education for All constitutional provision to determine its impact and found that schools had done little to implement it.³⁹ In 1999, to address the inaction found in the report and make the provision's application to the education system clear, Representative Carol Juneau introduced a bill that was dubbed Indian Education for All to emulate its constitutional basis.⁴⁰

34. *Id.*

35. *Id.* at app. E.

36. Mont. Sen. 117, 55th Leg., Reg. Sess. (Apr. 4, 1997); *see also* Mont. H.R. Jt. Res. 57, 44th Leg. Sess. (Mar. 25, 1975) (previously establishing "Native American Day").

37. Mont. H.R. 528, 56th Leg. Sess. (Apr. 29, 1999).

38. Mont. Indian Educ. Assn., *Honoring a Decade of Indian Education for All 2* (available at <http://www.mtiea.org/downloads/iefabrochureformiea2009reception.pdf>).

39. Connie Erickson, Mont. Leg. Servs. Div., *To Promote a Better Understanding: The 1995–96 Activities of the Committee on Indian Affairs: A Report to the 55th Legislature of the Committee on Indian Affairs* 1–10 (Dec. 1996) (available at <http://www.archive.org/details/topromotebetteru00ericrich>) (assessing the degree to which public schools are in compliance with Mont. Const. art. X, § 1, cl. 2, the intent of the constitutional delegates, the role of American Indian studies in the Montana University System, and the level of knowledge of the general public about historical and contemporary American Indian issues, and finding that not much had been done in Montana's schools in the 24 years since the passage of the Constitution).

40. Mont. Code Ann. § 20–1–501, introduced as Mont. H.R. 528, 56th Leg. Sess. (Apr. 29, 1999).

Senator Dorothy Eck, who had introduced the constitutional provision 27 years earlier at the Constitutional Convention, sponsored the bill in the Senate.⁴¹ The new law outlined the intent of the constitutional delegates:

- (1) Every Montanan, whether Indian or non-Indian, be encouraged to learn about the distinct and unique heritage of American Indians in a culturally responsive manner; and
- (2) Every educational agency and all educational personnel will work cooperatively with Montana tribes or those tribes that are in close proximity, when providing instruction or when implementing an educational goal or adopting a rule related to the education of each Montana citizen, to include particular emphasis on Montana Indian tribal groups and governments.
- (3) It is also the intent of this part, predicated on the belief that all school personnel should have an understanding and awareness of Indian tribes to help them relate effectively with Indian students and parents, that educational personnel provide means by which school personnel will gain an understanding of and appreciation for the American Indian people.⁴²

The intent of the constitutional Indian Education for All provision had finally been expressly outlined; all that remained was to carry it out. The Board of Public Education, the Office of Public Instruction, and the Office of the Commissioner of Higher Education mobilized, forming an Indian Education for All committee to discuss putting this new initiative into practice.⁴³ The committees created action plans for executing the legislation, and the Board of Public Education reviewed its accreditation standards and inserted Indian-education language into its various content standards.⁴⁴

It seemed as if an unmovable object had finally become mobile and that the Indian education movement had finally taken off in Montana. But even with all of this new policy and action, the momentum and promise of Indian Education for All once again ground to a halt due to a lack of funding.

IV. INDIAN EDUCATION GOES TO COURT

In 1985, a coalition of school districts and parents filed a school-funding lawsuit against the State of Montana, alleging the State was violating Article X, § 1, clause 2 of the Montana Constitution by not equitably funding its K–12 public-education system.⁴⁵ In *Helena Elementary School District No. 1 v. State*, the Montana Supreme Court declared the State's education finance system unconstitutional and held that Article X, § 1, clause 2

41. *Id.*

42. Mont. Code Ann. § 20–1–501.

43. Mont. Advis. Comm. to the U.S. Commn. On Civil Rights, *supra* n. 30, at app. H.

44. Mont. Bd. of Pub. Educ., *supra* n. 29, at ch. 55, 2, 6, 12, 17, 20, 21 and ch. 54, 2, 4–6, 20, 55, 58–61, 86.

45. *Helena Elementary Sch. Dist. No. 1 v. State*, 769 P.2d 684, 687 (Mont. 1989).

established a “‘special burden’ for the education of Indian children which must be addressed as a part of the school funding issues.”⁴⁶

Unfortunately, this significant holding was largely ignored and the State did little to change its school-funding scheme to include funding for Indian Education.⁴⁷ In 2003, Governor Martz accepted \$7,500 from Indian students from St. Labre Indian School, St. Charles, St. Xavier, and Browning Public Schools who had done their own fundraising to help fund Indian Education.⁴⁸ Although the students made a meaningful and commendable effort, the State contributed no additional funding.⁴⁹

In 2004, the Montana Quality Education Coalition (“MQEC”) sued the State of Montana in what would become a landmark case for Indian Education for All, *Columbia Falls Elementary School District No. 6 v. State*. MQEC alleged the State provided inadequate funding for a quality education for its citizens.⁵⁰ The Indian Education for All provision played an important role in the discussion.⁵¹ The Montana Indian Education Association, in conjunction with all eight tribal nations in Montana and several other Indian education organizations, filed an amicus brief supporting the MQEC’s allegations that the State had violated the Montana Constitution by failing to fund Indian Education for All.⁵²

The State offered no defense for its failure.⁵³ The Supreme Court held the State had failed to recognize the distinct and unique cultural heritage of American Indians and had shown no commitment in its educational goals to the preservation of Indian cultural identity, as demanded by the Constitution.⁵⁴

The *Columbia Falls* Court also concluded the funding system established by the state Legislature was unconstitutional because it was not based on funding a basic system of free quality public elementary and secondary schools.⁵⁵ The Court explained that until the Legislature defined a quality education, it could not construct a funding system rationally related to educationally relevant factors.⁵⁶ The Court’s decision provided the missing link

46. *Id.*

47. *Indian Students Raising Money to Help Create Cultural Curriculum*, Great Falls Trib. M1 (Mar. 15, 2003) (available at <http://pqasb.pqarchiver.com/greatfallstribune/search.html>, search by title).

48. *Id.*

49. *Id.*

50. *Columbia Falls*, 109 P.3d at 259.

51. *Id.* at 261–263.

52. Amicus Curiae Br. of the Mont. Indian Educ. Assn., *Columbia Falls*, 109 P.3d 257 (Jan. 15, 2004) (available at <http://mtiea.org/downloads/miea.amicusbrief2004.pdf>).

53. *Columbia Falls*, 109 P.3d at 263.

54. *Id.*

55. *Id.*

56. *Id.* at 261.

that finally allowed schools to begin bringing about Indian Education for All in earnest.

V. "QUALITY EDUCATION" INCLUDES INDIAN EDUCATION FOR ALL

The importance of *Columbia Falls* cannot be overstated. The inimitable language of the Indian Education for All constitutional provision, adopted by the people of Montana in 1972, had been stripped of any practical meaning by three decades of neglect by the state legislative and executive branches. Over the years, many educators, both tribal and non-tribal, as well as policy makers had expressed their support for integrating accurate information about American Indians into schools' curricula and classroom materials in order to breathe life into the Indian Education for All constitutional provision and law, but little had actually been done.⁵⁷ *Columbia Falls* and the subsequent inclusion of Indian Education for all in the definition of a quality education proved their advocacy had not been in vain.

As a result of *Columbia Falls*, the Legislature defined a basic system of free quality public elementary and secondary schools in Senate Bill 152, codified at Montana Code Annotated § 20-9-309. Under this statute, a quality education system includes:

(2)(c) educational programs to implement the provisions of Article X, section 1(2), of the Montana constitution and Title 20, chapter 1, part 5, through development of curricula designed to integrate the distinct and unique cultural heritage of American Indians into the curricula, with particular emphasis on Montana Indians. . . .

The inclusion of Indian Education for All in the Legislature's definition of a "quality education" meant that Indian Education for All was provided funding for the first time.⁵⁸ Armed with the Montana Constitution, statutes, two court decisions, and the support of newly elected Governor Brian Schweitzer,⁵⁹ the 2005 special legislative session established an appropriation for Indian Education for All, setting aside \$68 per K-12 student for schools and \$4.3 million for the Office of Public Instruction to develop curriculum, provide training, and distribute grants.⁶⁰ Unfortunately, the Indian Education for All appropriation for schools has since diminished dra-

57. This advocacy especially occurred at Montana Indian Education Association conferences and Montana Advisory Council on Indian Education meetings.

58. Mont. Code Ann. § 20-9-329.

59. Sarah Elliott, *Governor Calls Special Session of the Legislature* (Dec. 5, 2005) (available at <http://governor.mt.gov/news/pr.asp?ID=263>).

60. Gov. Off. of Budget & Program Plan, *Funding For Quality Schools—Fiscal 2007: 2005 Regular Session New Funding Appropriated* (Dec. 16, 2005) (available at http://opi.mt.gov/pdf/School_Finance/05SpSsBudOffSum.pdf).

matically.⁶¹ Despite attempts in both 2007 and 2009 to increase or maintain adequate funding, the amount appropriated has decreased to \$20.40 per student.⁶²

Funding is essential in all educational efforts. Teachers and schools need support for training, curriculum development, and instruction to employ new reading or math programs; the same is required to implement Indian Education for All. With legislative funding, much progress has been made in classrooms all across Montana and at the state level.⁶³ Vigilance must be maintained to ensure this constitutional obligation does not disappear in the school-funding process of future legislatures.

VI. IT'S ABOUT BREAKING DOWN BARRIERS

“Because of IEFA in Montana, we can see teachers affirming the undeniable right of all children to locate their identities in the stories and experiences of those who have gone before them.”

—Dorothea Susag, Retired Teacher.⁶⁴

After four decades, the requests by Lynn Leuppe and Mavis Scott for an American Indian voice to be included in the classrooms of Montana are finally being answered. With the legislative appropriation, the State and schools are developing curricula and buying accurate materials and resources for classrooms, and teachers are increasing their own knowledge through professional development activities.⁶⁵ The Montana citizenry is beginning to understand that our schools' curriculum needs to be inclusive and is starting to acknowledge that Montana's history belongs to all of us, and every culture's contributions are important whether they are Irish, English, African-American, Hispanic, Blackfeet, Crow, or Sioux.⁶⁶

Delegates Eck, Champoux, Harbough, and Blaylock, the champions of the Indian Education for All constitutional provision during the 1972 Constitutional Convention, would now see K–12 students learning about the

61. See Mont. Sen. 1, 59th Leg. Sess. 3 (Dec. 19, 2005); Mont. H.R. 1, 59th Leg. Sess. (Jan. 31, 2005); Mont. H.R. 4, 59th Leg. Sess. (Apr. 28, 2005) (Only \$20.40 per student was considered “on-going” in the school-funding formula).

62. See e.g. Mont. Sen. 488, 60th Sess. (April 27, 2007); Mont. Sen. 67, 61st Sess. (April 28, 2009); Mont. Sen. 216, 61st Sess. (April 1, 2009) (\$20.40 is approximately \$3 million per year—almost a 2/3 reduction over 5 years).

63. See Mont. Off. of Pub. Instr., *Indian Education: Implementing Indian Education for All and Closing the American Indian Achievement Gap*, <http://opi.mt.gov/programs/indianed/> (accessed Sept. 3, 2010).

64. Email from Dorothea Susag to Carol Juneau (December 28, 2009, 9:08 a.m. MDT).

65. See Mont. Off. of Pub. Instr., *Funding Spectrum Guide: Indian Education for All* (Aug. 8, 2009) (available at http://www.opi.mt.gov/pdf/IndianEd/data/09IEFA_FundingSpectrum.pdf).

66. See Denise Juneau, *Indian Education for All*, in *Montana's Agenda: Issues Shaping our State*, vol. 3, no. 2 (newsltr. of the Univ. of Mont.) (Autumn 2006) (available at <http://www.umt.edu/relations/Agenda/Fall2006.pdf>); see also Juneau & Broaddus, *supra* n. 20, at 193–197.

Montana tribal nations, studying American Indian leaders and history, experiencing tribal traditional foods and music, and even studying the stars and their impact on Montana's first people.⁶⁷ The Office of Public Instruction has created a multitude of resources, provided grants to schools, developed partnerships with many organizations, and advanced a comprehensive professional development system for educators.⁶⁸ Additionally, the Board of Public Education has adopted state standards containing specific reference to American Indians in all learning areas.⁶⁹

Indeed, teachers and schools across the State have their own stories about the success of Indian Education for All in their classrooms, finding it revolutionary and exciting, and reporting that it is opening their students' and peers' eyes to a different perspective.⁷⁰ A chemistry teacher from Bigfork stated:

The way I see it, Indian Education for all is about breaking down barriers. It's important for students to see that there are many more similarities than differences between Indian and non-Indian people, that we are all, ultimately, the same. If this lesson is learned, it will help our students—all of them—engage with the world, and be compassionate and respectful, and become better human beings. That is why Indian Education for All matters.⁷¹

An Indian Education for All instructional coach in Great Falls noted:

Indian Education for All is not about blaming people, or making them feel guilty. It's about teaching us all to include each other when we think about the world, and about our place in it. It's about getting rid of the biases that we've all inherited, and looking at each other as fellow human beings, and not as a collection of stereotypes. And students get it. They really get it.⁷²

The constitutional delegates' vision of inclusion of all our State's citizens and the importance of not losing the history and culture of Montana's first people is being realized in the many successes in classrooms everywhere. At the Constitutional Convention, Delegate Champoux stated:

67. See generally Mont. Off. of Pub. Instr., *supra* n. 65.

68. See Mont. Off. of Pub. Instr., *supra* n. 65.

69. Mont. Bd. of Public Educ., *supra* n. 29, at ch. 55, 5, 12 (rules 10.55.701 (3), 10.55.803 (2), and 10.55.803 (2)).

In the Board of Public Education's accreditation standards, the Program Foundation Standards, which are standards that establish global learner goals in all subject areas, state: "[I]ncorporate in curricular programs the distinct and unique cultural heritage of American Indians. . . ." *Id.* at ch. 55, 19. Meanwhile, Accreditation Standard 10.55.603(4) states that in all program area standards and content and performance standards, the school district shall "review curricula to ensure the inclusion of the distinct and unique cultural heritage of the American Indians." *Id.* at ch. 55, 2.

70. See Phyllis Ngai, Ed. D. & Karen Allen, *A Process Guide for Realizing Indian Education for All: Lessons Learned from Lewis & Clark Elementary School* (2007) (available at <http://www.opi.mt.gov/pdf/IndianEd/08ProcessGuide.pdf>); see also Mont. Off. of Pub. Instr., *Indian Education for All*, http://www.opi.mt.gov/pdf/indianed/OPI_IEFA_tab.pdf (accessed Jan. 18, 2011).

71. Off. of Pub. Instr., *supra* n. 70.

72. *Id.*

We are proud because we know our history, our culture and our integrity—our heritage. 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?⁷³

Indian Education for All is now part of our educational language and will likely become a key component of our schools' culture if funding remains stable and policies in place. It is vitally important that the last four decades of hard work and advocacy to bring Indian Education for All into everyday classroom practices be remembered by all who now work in the education system in Montana.

VII. INDIAN EDUCATION FOR ALL AND THE MONTANA UNIVERSITY SYSTEM

Although there has been success in creating Indian Education for All learning opportunities in our K–12 education system, much work remains before we will see the fruition of Indian Education for All across all levels of education.

The Board of Regents (“BOR”), which oversees the Montana University System, is part and parcel of Article X, the public education portion of our State’s Constitution.⁷⁴ The BOR, along with the Board of Public Education, is a part of Montana’s Board of Education, which is “responsible for long-range planning, and for coordinating and evaluating policies and programs for the state’s educational systems.”⁷⁵

Article X, § 1 explains that our State’s goal is to “establish a system of education which will develop the full educational potential of each person;” and § 2 provides: “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.”⁷⁶ The BOR has adopted some minimal policy guidance that can be interpreted as an attempt to include Indian Education for All in its work:

Minority Achievement Policy No. 1902 (I)(A) . . . 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 minority entities within the state and adopts the following goals for higher education in Montana: . . . (3) To enhance the overall curriculum by infusion of content which enhances multicultural awareness and understanding.⁷⁷

73. *Montana Constitutional Convention Proceedings*, *supra* n. 1, at vol. 6, 1952.

74. Mont. Const. art. X, § 9

75. Mont. Const. art. X, § 9 (establishing the Board of Regents as part and parcel of Montana’s Board of Education and public education system).

76. Mont. Const. art. X, §§ 1–2.

77. Mont. Bd. of Regents of Higher Educ., *Policy and Procedures Manual: Miscellaneous 1* (Dec. 10, 1999) (available at <http://mus.edu/borpol/bor1900/1902.pdf>).

Policy No. 303.5. Academic Affairs, American Indian Study. Each campus of the Montana university system is required to offer a formal course of American Indian study developed with the advice and assistance of Indian people.⁷⁸

The most focused effort by the BOR thus far has been its “Academic Plan for Indian Education for All for the Montana University System”⁷⁹ where it “willingly accept(s) and fully commit(s) to the obligations and responsibilities with regard to Indian education mandated by Article X of the Montana Constitution and Montana Code Annotated § 20–1–501, and directs academic leaders to ensure the curriculum is enhanced by the infusion of content fostering multicultural awareness.”⁸⁰

The BOR’s Academic Plan prioritizes the obligation of teacher-education programs throughout the Montana University System to prepare future teachers to meet the Indian Education for All mandate at the K–12 level. In the Academic Plan, the BOR assumes a leadership role to provide professional development opportunities for the K–12 community and its own academic personnel. Additionally, the BOR commits to developing university-level coursework and programs to supplement the K–12 Indian Education for All mandate, with a minimum expectation of at least one course on every campus and a goal of infusing Indian Education for All content throughout the university system.⁸¹

Given its policies and constitutional ties to a “system of education,” the BOR, like the Board of Public Education, should be responsible for integrating Indian Education for All into its coursework and programs as a part of our State’s educational goals. However, the BOR appears to exclude itself from endorsing Indian Education for All when it writes in its policy: “In the view of many policy makers, the expectations of Section 20–1–501, MCA, are not as clear cut and determinable so far as the Montana University System is concerned.”⁸² While the university system has made some efforts to carry out Indian Education for All, particularly in its teacher-preparation programs,⁸³ much work remains at the post-secondary level to meet the intent and responsibilities of the Montana Constitution.

78. Mont. Bd. of Regents of Higher Educ., *Policy and Procedures Manual: Academic Affairs* (Dec. 10, 1999) (available at <http://mus.edu/borpol/bor300/303-5.pdf>).

79. Mont. Bd. of Regents of Higher Educ., *An Academic Plan for Indian Education for All for the Montana University System 1* (available at http://www.mus.edu/asa/docs/Plan_IEFA.pdf).

80. *Id.* at 1.

81. *Id.* at 1–2.

82. *Id.* at 1.

83. See e.g. Mont. Leg. Serv. Div. Rpt., *supra* n. 26; Jioanna Carjuzaa, Associate Professor of Multicultural Education, <http://www.homepage.montana.edu/~carjuzaa/iefa/profDev.html> (accessed Jan. 18, 2011); Jionna Carjuzaa, Mike Jetty, Michael Munson, & Teresa Veltkamp, *Montana’s Indian Education for All: Applying Multicultural Education Theory*, *Multicultural Perspectives*, vol. 12, iss. 4,

It should be noted that the Legislature has not appropriated any funds to the Montana University System for Indian Education for All; moreover, BOR policy also makes clear the University System will not request funding: “Since the Montana University System is not anticipating additional funding for this plan, its priorities must be implemented within the existing resources.”⁸⁴ Until the BOR acquires the necessary funding and provides a clear direction to its universities and colleges to emphasize Indian Education for All, the implementation of Indian Education for All at the university level will likely remain sluggish and irregular.

VIII. CONCLUSION: THE NEXT GENERATION

While funding is essential for continued growth in Indian Education for All, and although it still needs to be incorporated into the Montana University System, the State has made great strides toward truly providing Indian Education for All. Although the language was established in our Constitution in 1972, it has only been conspicuous in our State’s K–12 classrooms for a few years. Many educators are excited about Indian Education for All and the new, relevant learning opportunities it brings to their students, and indeed, to their own knowledge about the history and contemporary lives of American Indians. The educators working to ensure that Indian Education for All is included in their schools are changing the education system so students graduate with a more complete education and understanding of their world. The statement of a seventh-grade student clearly demonstrates the positive impact of Indian Education for All:

I think [Indian Education for All is] really important because it’s not just that we get to learn about all the different tribes in Montana, but it opens up all kinds of other interests. For me, learning about Indians in Montana has made me curious about other kinds of people in the world. It’s neat to think about everything that’s the same and different about people. I want to learn more about the Blackfeet, because they’re our neighbors. Now I want to keep learning more about all the different cultures out there in the world.⁸⁵

Montana’s educational system has entered an exciting time with this new learning opportunity for students. Indian Education for All will give our students a broader knowledge of the history, culture, and government systems of tribal nations and will lead to stronger relationships between the tribal nations of Montana and its citizens. The success of Indian Education for All will materialize when students who understand the diversity of Mon-

192–198 (Oct. 2010) (available at <http://www.informaworld.com/smpp/content~content=A930857699~db=all~jumptype=rss>).

84. Mont. Bd. of Regents of Higher Educ., *supra* n. 79, at 3.

85. Off. of Pub. Instr., *Indian Education for All*, http://www.opi.mt.gov/pdf/indianed/OPI_IEFA_tab.pdf (last accessed Jan. 18, 2011).

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tana and the strength such diversity brings to our State become tribal, state, and national leaders. They will translate their Indian Education for All knowledge into a stronger capability to deal with a global society made up of thousands of cultural groups. We have been fortunate to be a part of this new educational effort and look with hope toward a future in which all students in Montana will recognize the importance and real dignity of American Indians in the life of Montana.

