

**Amendment - 2nd Reading-yellow - Requested by: Jonathan Windy Boy - (S) Committee of the Whole**

- 2025

69th Legislature 2025

Drafter: Pad McCracken,

SB0181.001.002

1 SENATE BILL NO. 181  
2 INTRODUCED BY J. WINDY BOY, S. NOVAK, M. LEE, T. CROWE, J. SECKINGER, B. CLOSE, S. FYANT, J.  
3 SOOKTIS, E. MATTHEWS, J. MORIGEAU, T. RUNNING WOLF, F. SMITH, S. WEBBER, M. FOX, B.  
4 CARTER, J. COHENOUR, D. HAWK, C. KEOGH, S. MORIGEAU, E. STAFMAN, Z. ZEPHYR, M. MARLER, C.  
5 FITZPATRICK  
6

7 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING EDUCATION LAWS TO STRENGTHEN  
8 THE STATE'S COMMITMENT TO PRESERVING AMERICAN INDIAN CULTURAL INTEGRITY UNDER  
9 ARTICLE X, SECTION 1(2), OF THE MONTANA CONSTITUTION; REVISING INDIAN EDUCATION FOR ALL  
10 LAWS TO EMPHASIZE TRIBAL CONSULTATION AND THE ROLE OF INDIAN LANGUAGE AND CULTURAL  
11 SPECIALISTS; PLACING ADDITIONAL REQUIREMENTS ON THE BOARD OF PUBLIC EDUCATION AND  
12 THE OFFICE OF PUBLIC INSTRUCTION TO IMPROVE INDIAN EDUCATION FOR ALL AND STRENGTHEN  
13 ACCOUNTABILITY; CLARIFYING THE DUTIES OF THE OFFICE OF PUBLIC INSTRUCTION FOR  
14 FINANCIAL ACCOUNTABILITY OF INDIAN EDUCATION FOR ALL FUNDS PROVIDED BY THE STATE TO  
15 SCHOOL DISTRICTS; ESTABLISHING REPORTING REQUIREMENTS; REVISING A DEFINITION;  
16 AMENDING SECTIONS 20-1-501, 20-1-502, 20-1-503, 20-7-101, AND 20-9-329, MCA; AND PROVIDING AN  
17 EFFECTIVE DATE."  
18

19 WHEREAS, Article X, section 1(2), of the Montana Constitution states: "The state recognizes the  
20 distinct and unique cultural heritage of the American Indians and is committed in its educational goals to the  
21 preservation of their cultural integrity"; and

22 WHEREAS, the Montana Legislature has honored this commitment in several ways, including through  
23 the creation of Indian Education for All; and

24 WHEREAS, accountability for school districts in providing Indian Education for All and for the funding  
25 provided by the Legislature for Indian Education for All has been lacking; and

26 WHEREAS, this lack of accountability has resulted in costly and protracted litigation.  
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- 1 (a) the Montana university system;
- 2 (b) professional educator preparation programs accredited by the board of public education;
- 3 (c) the board of public education;
- 4 (d) the office of public instruction; and
- 5 (e) school districts.
- 6 (3) "Instruction" means:
- 7 (a) a formal course of study or class, developed ~~with the advice and assistance of Indian people in~~  
8 consultation with Montana tribes, that is offered separately or that is integrated into existing accreditation  
9 standards by a unit of the university system or by an accredited tribal community college located in Montana,  
10 including a teacher education program within the university system or a tribal community college located in  
11 Montana, or by the board of trustees of a school district;
- 12 (b) inservice training developed by the superintendent of public instruction in cooperation with  
13 educators of Indian descent and made available to school districts;
- 14 (c) inservice training provided by a local board of trustees of a school district, which is developed  
15 and conducted in cooperation with tribal education departments, tribal community colleges, or other recognized  
16 Indian education resource specialists; or
- 17 (d) inservice training developed by professional education organizations or associations in  
18 cooperation with educators of Indian descent and made available to all certified and classified personnel."

19  
20 **Section 3.** Section 20-1-503, MCA, is amended to read:

21 **"20-1-503. Indian education for all -- requirements -- reporting.** (1) Pursuant to this part and 20-9-  
22 329 and the definition of basic system of free quality public elementary and secondary schools under 20-9-309,  
23 the board of trustees of a school district shall:

24 (a) require that all certified personnel and all students receive instruction in American Indian  
25 studies; and

26 (b) in meeting the requirements of subsection (1)(a), utilize the specialist services of Indian  
27 language and culture specialists licensed under the rules of the board of public education to the greatest extent

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1 possible.

2 (2) Members of boards of trustees and all noncertified personnel in public school districts are  
3 encouraged to satisfy the requirements for instruction in American Indian studies.

4 (3) (a) Pursuant to Article X, section 1(2), of the Montana constitution, 20-1-501, 20-7-101, and 20-  
5 9-309, the board of public education shall incorporate the distinct and unique cultural heritage of Montana  
6 American Indians in the content and performance standards that schools must implement as a requirement for  
7 school accreditation.

8 (b) The superintendent of public instruction shall include representatives of Montana Indian tribes  
9 on negotiated rulemaking committees formed pursuant to 20-7-101 addressing the development or revision of  
10 content and performance standards under subsection (3)(a).

11 (4) The board of public education and the superintendent of public instruction shall abide by the  
12 guiding principles and documentation requirements under 2-15-142 in fulfilling duties pursuant to this part.

13 (5) ~~The board of public education shall include ongoing education in American Indian studies as a~~  
14 ~~meaningful component of any professional development and licensure renewal requirements for educators.~~  
15 Educational agencies and personnel shall encourage ongoing education in American Indian studies.

16 (6) The office of public instruction shall:

17 (a) create an online portal for submitting feedback from parents, students, and educators about the  
18 implementation of the requirements of this part;

19 (b) respond to and address the feedback received in a manner that aims to continually improve the  
20 quality of American Indian studies under this part; and

21 (c) report annually to the education interim committee and the state-tribal relations committee in  
22 accordance with 5-11-210 on:

23 (i) the feedback received, responses provided, and improvements made under this subsection (6);  
24 and

25 (ii) school districts failing to report or report satisfactorily in the same manner as described in 20-9-  
26 329(6)(a).

27 (7) In supporting school districts in fulfilling the requirements of this part, the office of public

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1 instruction shall integrate its efforts to the greatest extent possible with the Montana Indian language  
2 preservation program under 20-9-537."  
3

4 **Section 4.** Section 20-7-101, MCA, is amended to read:

5 **"20-7-101. Accreditation standards -- process for adoption.** (1) (a) Accreditation standards, as  
6 defined in 20-1-101, for all schools must be adopted by the board of public education upon the  
7 recommendations of the superintendent of public instruction. The superintendent shall develop  
8 recommendations in accordance with subsection (2). For an accreditation standard that requires  
9 implementation by school districts, the recommendations presented to the board must include an economic  
10 impact statement, as described in 2-4-405, prepared in consultation with the negotiated rulemaking committee  
11 under subsection (2).

12 (b) For accreditation standards addressing academic requirements, program area standards, or  
13 content and performance standards, the economic impact statement under subsection (1)(a) must include an  
14 analysis of the ability of school districts to implement the standard within existing resources, including time. The  
15 intent of this subsection (1)(b) is to ensure that school districts have the capacity to adhere to required  
16 accreditation standards within a basic system of free quality public elementary and secondary schools.

17 (2) The accreditation standards recommended by the superintendent of public instruction must be  
18 developed through the negotiated rulemaking process under Title 2, chapter 5, part 1. The superintendent may  
19 form a negotiated rulemaking committee for accreditation standards to consider multiple proposals. The  
20 negotiated rulemaking committee may not exist for longer than 2 years. The committee must represent the  
21 diverse circumstances of schools of all sizes across the state and must include representatives from the  
22 following groups:

- 23 (a) school district trustees;  
24 (b) school administrators;  
25 (c) teachers;  
26 (d) school business officials;  
27 (e) parents; and