

## MINUTES

### MONTANA HOUSE OF REPRESENTATIVES

#### 68th LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON (H) ENERGY, TECHNOLOGY AND FEDERAL RELATIONS

**Call to Order:** Chair Katie Zolnikov-R, on February 13, 2023 at 3:04 PM, in 472

#### ROLL CALL

**Members Present:** Rep. Katie Zolnikov, Chair (R)  
Rep. Steven Galloway, Vice Chair (R)  
Rep. Larry Brewster (R)  
Rep. Paul Fielder (R)  
Rep. Derek Harvey (D)  
Rep Joshua Kassmier (R)  
Rep. Greg Kmetz (R)  
Rep. Casey Knudsen (R)  
Rep. Kelly Kortum (D)  
Rep. Bob Phalen (R)

**Members Excused:** Vice Chair Katie Sullivan (D)  
Rep. Laurie Bishop (D)  
Rep. Paul Green (R)

**Staff Present:** Lucinda Blair, Secretary  
Trevor Graff, Research Analyst

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

#### **Committee Business Summary:**

Hearing & Date Posted:

HB 394 02/10/2023

HB 395 02/10/2023

Executive Action:

**HEARING ON HB 395 – Improve school district consultation with American Indian tribes**

**Opening Statement:**

15:30:40 Rep. Jonathan Windy Boy (D), HD 32, opened the hearing on HB 395, Improve school district consultation with American Indian tribes.

**Proponent Testimony:**

15:41:50 Lance Fourstar, Montana American Indian Caucus

15:47:25 Patrick Yawakie, Blackfeet Tribe

15:50:03 Jade Bahr, Montana Budget and Policy Center (MBPC)

15:15:50 Keegan Medrano, American Civil Liberties Union (ACLU)

15:53:28 Ta'jin Perez, Western Native Voice

**Opponent Testimony:**

None

**Informational Witness Testimony:**

None

**Questions from Committee:**

15:54:50 Rep. Larry Brewster

15:55:00 Rep. Jonathan Windy Boy

16:00:50 Rep. Bob Phalen

16:03:58 Rep. Paul Fielder

16:04:59 Patrick Yawakie, Blackfeet Tribe

16:08:00 Chair Katie Zolnikov

16:08:27 Vice Chair Steven Galloway

**Closing Statement:**

16:21:40 Rep. Jonathan Windy Boy (D), HD 32, closed the hearing on HB 395.

**ADJOURNMENT**

Adjournment: 16:23:29

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Lucinda Blair, Secretary

Additional Documents: EXHIBIT(230213FEH)



*The Big Sky Country*

MONTANA HOUSE OF REPRESENTATIVES

ENERGY, TECHNOLOGY AND

FEDERAL RELATIONS

ROLL CALL

DATE: 2-13-23

NAME	PRESENT	ABSENT/EXCUSED
		<del>MAN</del>
REP. BISHOP	<del>MAN</del>	X
REP. BREWSTER	✓	
REP. FIELDER	X	
VICE CHAIR GALLOWAY	✓	
REP. GREEN		✓
REP. HARVEY	✓	
REP. KASSMIER	✓	
REP. KMETZ	✓	
REP. KNUDSEN	✓	
REP. KORTUM	✓	
REP. PHALEN	✓	
VICE CHAIR SULLIVAN		✓
CHAIR ZOLNIKOV	✓	

13 MEMBERS

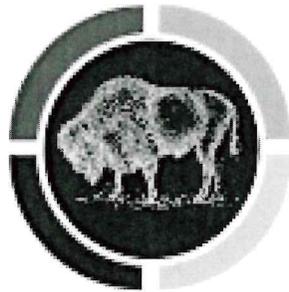




**FEH Remote Participant List**

					Date				
Date	Committee	H/S	Bill #	Position	Requester Name	Location	Email	Phone	Affiliation
2/13/23	FEH	HB	394	Proponent	Carrie Spotted Bear	Browning, Montana			Zero to Five Montana
2/13/23	FEH	HB	395	Proponent	Tajjin Perez	Billings, MT			Western Native Voice
2/13/23	FEH	HB	395	Proponent	Carrie Spotted Bear	Browning, Montana			Zero to Five Montana
2/13/23	FEH	HB	395	Proponent	Joan SureChief	Missoula, Montana			Indian People's Action

EXHIBIT 1  
DATE 2-13-23  
HB HB 394



MONTANA  
AMERICAN  
INDIAN  
CAUCUS

February 13, 2023

Dear Madam Chair Zolnikov,

The Montana American Indian Caucus writes in support of HB 394. Introduced by Representative Jonathan Windy Boy, HB 394 requires the examination of creation of state-tribal education accord schools. This bill support the exploration how accord schools will contribute to better develop the educational potential of American Indian children, further the state's commitment in it's educational goals to the preservation of American Indian cultural integrity and enhancing the self-determination of the tribal nations located in the state. This bill allows participating tribes and schools the opportunity to preserve our culture and language through accord schools.

As members of the Montana American Indian Caucus we urge the passage of HB 394, requiring the examination of the creation of state-tribal education accord schools.

Submitted by the Montana American Indian Caucus,

Senator Mike Fox (SD 16)	Rep. Tyson Running Wolf (HD 16)
Senator Shane Morigeau (SD 48)	Rep. Frank Smith (HD 31)
Senator Jason Small (SD 21)	Rep. Sharon Stewart Peregoy (HD 42)
Senator Susan Webber (SD8)	Rep. Marvin Weatherwax (HD 15)
Rep. Donavon Hawk (HD 76)	Rep. Jonathan Windy Boy (HD 32)

Row Labels	Sum of ANB Total	Sum of Ai Achieve	Ai student	%Ai	Row Labels
Lame Deer H S	187	42594	186	99%	Lame Deer H S
Plenty Coups H S	75	16946	74	99%	Plenty Coups H S
Box Elder H S	112	25190	110	98%	Box Elder H S
Heart Butte K-12 Schools	231	51525	225	97%	Heart Butte K-12 Schools
Rocky Boy H S	142	31602	138	97%	Rocky Boy H S
Poplar H S	245	54502	238	97%	Poplar H S
Hays-Lodge Pole K-12 Schls	297	65723	287	97%	Hays-Lodge Pole K-12 Schls
Brockton H S	44	9618	42	95%	Brockton H S
Box Elder Elem	306	66639	291	95%	Box Elder Elem
Harlem Elem	467	101218	442	95%	Harlem Elem
Wyola Elem	93	20152	88	95%	Wyola Elem
Harlem H S	180	38930	170	94%	Harlem H S
Lodge Grass H S	188	40533	177	94%	Lodge Grass H S
Frazer H S	34	7328	32	94%	Frazer H S
Browning H S	581	123431	539	93%	Browning H S
Frazer Elem	79	16488	72	91%	Frazer Elem
Poplar Elem	679	140835	615	91%	Poplar Elem
Lodge Grass Elem	263	54502	238	90%	Lodge Grass Elem
Lame Deer Elem	400	82669	361	90%	Lame Deer Elem
Brockton Elem	108	22213	97	90%	Brockton Elem
Wolf Point Elem	546	109920	480	88%	Wolf Point Elem
Ashland Elem	85	16946	74	87%	Ashland Elem
Wolf Point H S	241	47861	209	87%	Wolf Point H S
Rocky Boy Elem	455	89539	391	86%	Rocky Boy Elem
Pryor Elem	80	15572	68	85%	Pryor Elem
Browning Elem	1357	262434	1146	84%	Browning Elem
East Glacier Park Elem	62	11908	52	84%	East Glacier Park Elem
Dodson K-12	95	18091	79	83%	Dodson K-12
Hardin H S	536	100302	438	82%	Hardin H S
Hardin Elem	1332	243885	1065	80%	Hardin Elem
Arlee H S	140	22900	100	71%	Arlee H S
Arlee Elem	301	45571	199	66%	Arlee Elem
Frontier Elem	128	19236	84	66%	Frontier Elem

Ronan Elem	1133	168773	737	65%	Ronan Elem
Spring Creek Elem	8	1145	5	63%	Spring Creek Elem
Morin Elem	39	5496	24	62%	Morin Elem
Ronan H S	374	49922	218	58%	Ronan H S
Dixon Elem	67	8931	39	58%	Dixon Elem
St Ignatius K-12 Schools	504	66181	289	57%	St Ignatius K-12 Schools
Cut Bank Elem	576	63662	278	48%	Cut Bank Elem
Cut Bank H S	242	26335	115	48%	Cut Bank H S
Valier H S	47	4809	21	45%	Valier H S
Colstrip H S	161	15343	67	42%	Colstrip H S
Colstrip Elem	418	37098	162	39%	Colstrip Elem
Polson Elem	1182	101447	443	37%	Polson Elem
Birney Elem	9	687	3	33%	Birney Elem
Polson H S	520	35953	157	30%	Polson H S
Culbertson Elem	208	13740	60	29%	Culbertson Elem
Nashua K-12 Schools	114	7328	32	28%	Nashua K-12 Schools
Culbertson H S	84	5038	22	26%	Culbertson H S
Valier Elem	116	6870	30	26%	Valier Elem
Havre Elem	1254	74196	324	26%	Havre Elem
Charlo H S	86	5038	22	26%	Charlo H S
Hot Springs K-12	195	11221	49	25%	Hot Springs K-12
McLeod Elem	8	458	2	25%	McLeod Elem
Havre H S	524	26106	114	22%	Havre H S
Charlo Elem	171	8015	35	20%	Charlo Elem
Shelby H S	119	4809	21	18%	Shelby H S
Malta K-12 Schools	521	20610	90	17%	Malta K-12 Schools
Froid Elem	71	2748	12	17%	Froid Elem
Great Falls Elem	7382	276861	1209	16%	Great Falls Elem
Vida Elem	44	1603	7	16%	Vida Elem
Yellowstone Academy Elem	58	2061	9	16%	Yellowstone Academy Elem
Trout Creek Elem	66	2290	10	15%	Trout Creek Elem
Valley View Elem	33	1145	5	15%	Valley View Elem
Whitewater K-12 Schools	47	1603	7	15%	Whitewater K-12 Schools
Big Sandy K-12	205	6870	30	15%	Big Sandy K-12

1 ( ) School District

Policy No. \_\_\_\_\_

Page 1 of 9

2  
3 **Indian Education Policies & Procedures (IPP)**

4  
5 Regulatory Requirements, Assurances and Compliance

6  
7 In accordance with CFR 34 222.91 Section 7003 of the Act the ( ) School District  
8 meets the definition of a Local Education Agency (LEA) that is eligible to receive Federal  
9 Impact Aid funding as a result of having met the following criteria: claiming children as  
10 residents of the District who reside on Indian Lands.

11  
12 Having met the criteria outlined in CFR 34 222.91 Section 7003, the District must adopt either  
13 Indian Policies and Procedures (IPPs) in accordance with 222.94 or provide evidence of a  
14 properly executed Waiver as provided for in 222.94 (b) which has been received from the  
15 appropriate local Tribal official or Tribal governing body.

16  
17 A properly executed Waiver must be a voluntary written statement which clearly reflects the  
18 Tribal official or Tribal governing body's express intention to waive the regulatory requirements  
19 provided for in 222.94. The Waiver must indicate that the ( ) School  
20 District need not comply with 222.94 because the Tribal official or Tribal governing body is  
21 satisfied with the District's provision of educational services to the tribe's students; and that  
22 the Tribal official or Tribal governing body was provided with a copy of the consultation  
23 requirements outlined in 222.91 and 222.94 and understands the requirements that are being  
24 waived. The District shall submit all properly executed waivers at the time the application for  
25 all covered Federal programs are submitted.

26  
27 The ( ) School District acknowledges and provides assurance that it intends to  
28 establish these policies and procedures in consultation with and based on information received  
29 from Local Tribal officials, recognized Tribal organizations and parents of Indian children  
30 residing within the District in addition to representatives of the Federal Programs Parent  
31 Committee in compliance with 34 CFR 222.91(a)(3)(i) (Unless a waiver has been received and is  
32 on file).

33  
34 The ( ) School District acknowledges and provides assurance that it intends to  
35 provide a written response to the comments, concerns and recommendations received through  
36 the Indian Policy and Procedures consultation process, (unless a waiver is provided) in  
37 accordance with 34 CFR 222.91(a)(3)(ii), no later than thirty (30) days following receipt.

38  
39 The ( ) School District acknowledges and provides assurance that it intends to  
40 implement the IPPs in accordance with the regulation; that it will review the IPPs annually to  
41 ensure that they comply and are implemented in accordance with this section; that if it is  
42 determined, after input from Local Tribal officials, recognized Tribal organizations and parents  
43 of Indian children residing within the District in addition to representatives of the Federal  
44 Programs Parent Committee, that its IPPs do not meet the requirements of this section, that

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the District intends to amend its IPPs to conform with those requirements within ninety (90) days of its determination; and furthermore, within thirty (30) days of those revisions being adopted by the District, send a copy of the amended IPPs to the Impact Aid Director and the affected Local Tribal officials, recognized Tribal organizations and parents of Indian children residing within the District in addition to representatives of the Federal Programs Parent Committee.

The ( ) School District acknowledges and provides assurance that it understands that it is the District’s responsibility to maintain evidence of meaningful consultation and compliance with the requirements provided for in 34 CFR 222.94.

The ( ) School District will make available and disseminate, as soon as reasonably possible after such information becomes available, but not later than thirty (30) days in advance of any meeting, by mail, or through the school’s website, to Local Tribal officials, recognized Tribal organizations and parents of Indian children residing within the District as well as to members of the Federal Programs Parent Committee, a copy of the (1) Impact Aid Application for the current fiscal year (2) Assessment/Evaluation of Equitable Student Participation in all District Educational Programs (3) Indian Policies Procedures (IPPs), (4) District’s annual goals and philosophy of education as adopted by the Board of Trustees, and (5) Superintendent’s annual report outlining student achievement in alignment with adopted annual goals (Policy No. \_\_\_\_\_), and (6) program funding allocation reports (All Title and Impact Aid Programs).

**Attestations:**

The following Policies and Procedures as required in Section 7003 of the Impact Aid Law are enacted with the express intent that all Indian children of school age have equal access to all programs, services and activities offered within the school district where they reside. To this end, the ( ) School District will consult with local Tribal officials, recognized Tribal organizations and parents of Indian children residing within the District in the planning and development of Indian Policies and Procedures (IPPs), general education programs, and related activities. These policies and procedures will be reviewed annually by the District, local Tribal officials, recognized Tribal organizations and parents of Indian children residing within the District and as needed, revisions will be made within 90 days of the determination that requirements as outlined by the US Department of Education are not being adequately met.

As indicated in the Regulatory Requirements, Assurances and Compliance provisions, Indian children claimed under section 7004 of the Impact Aid Law must be provided an opportunity to participate on an equal basis in all school programs with all other children served by the ( ) School District. In alignment with the consultation requirements outlined under Section 8538 of the Elementary and Secondary Education Act (ESEA) which was reauthorized as Every Student Succeeds Act (ESSA), effected local educational agencies (LEAs) like the ( )

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School District, are also required to consult with and involve local Tribal officials and recognized Tribal organizations in the preparation and planning of all funding applications, prior to submitting any plan or application for funding for all covered Federal programs.

The ( ) School District has adopted internal processes aligned to each of these requirements which are intended to provide the Board of Trustees with documentation of written responses to comments, concerns and recommendations received from local Tribal officials, recognized Tribal organizations and parents of Indian children residing within the District through the Indian Policies and Procedures consultation process. The District will make available a summary of these responses, to local Tribal officials, recognized tribal organizations and parents of Indian children residing within the District for their review and consideration, prior to the submission of the District’s annual Impact Aid funding, and related Title program funding applications.

**Policies and Procedures**

In as much as state law prohibits the Board of Trustees from delegating legal responsibility, the Trustees retain final authority for the established policies, procedures and school programs affected by this act.

**POLICY 1:** The ( ) School District will make available and disseminate relevant applications, evaluations, plans to initiate or eliminate any education program, and information related to the District’s educational programs and activities with sufficient advance notice to allow local Tribal officials, recognized Tribal organizations and parents of Indian children residing within the District with the opportunity to review and make recommendations prior to the adoption of the policies as provided for in 34 CFR 222.94(a).

At the direction of the Board of Trustees, the School District will make available and disseminate summaries of information, materials, plans and related supporting program materials in an effort to secure timely input regarding the following Federal programs (including, but not limited to) Title I, Part A, Title I, Part C, Title I, Part D, Title II, Part A, Title III, Part A, Title IV, Part 4 A, Title IV, Part B, Title V, Part B subpart 2, Title VI, Part A, subpart 1, Title VIII-Impact Aid programs, Johnson O’Malley programming.

**Procedure 1:**

**1.1** The completed applications, evaluations, and program plans will be disseminated to local Tribal officials, recognized Tribal organizations and parents of Indian children residing within the District and also to the District’s Federal Programs Parent Committee, via mail at least ten (10) days in advance of annual public meetings which will be held in January, April, and September of each year to afford all interested parties the opportunity to review the documents with sufficient notice and to make recommendations.

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4 **1.2** These meetings will be advertised to the public via social media, school website, school  
5 calendar and/or direct mail to allow all interested parties an opportunity to attend.  
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7 **POLICY 2:** On an annual basis, the District will provide an opportunity for local Tribal officials,  
8 recognized Tribal organizations and parents of Indian children residing within the District to  
9 review the IPP's as well as the District's student performance and program data (graduation  
10 rates, assessment data, participation data, program funding allocation reports, etc.)  
11 (34CFR222.94(a)(2).  
12

13 **Procedure 2:**  
14

15 **2.1** Local Tribal officials recognized Tribal organizations and parents of Indian children residing  
16 within the District in addition to representatives of the Federal Programs Parent Committee  
17 and any other interested persons shall review all student performance, assessment and  
18 program data to help develop or modify educational programs provided by the district.  
19

20 **2.2** Updated student participation data will be provided at each meeting. Relevant materials  
21 will be prepared, made available and disseminated at least ten (10) days prior to the scheduled  
22 meetings to provide an opportunity for meaningful consultation and discussion.  
23

24 **POLICY 3:** The District will provide an opportunity for Local Tribal officials, recognized Tribal  
25 organizations and parents of Indian children residing within the District to provide their views  
26 on the District's educational programs and activities, including recommendations on the needs  
27 of their children and on how the District may help those children realize the benefits of the  
28 District's educational programs and activities.  
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30 **Procedure 3:**  
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32 **3.1** As part of this requirement, the District will notify Local Tribal officials, recognized Tribal  
33 organizations and parents of Indian children residing within the District of the opportunity to  
34 submit written comments and recommendations, considering their preferences for method of  
35 communication, and in response will modify the method of and time for soliciting the views of  
36 the Local Tribal officials, recognized Tribal organizations and parents of Indian children residing  
37 within the District, if necessary, to ensure the utmost participation of Local Tribal officials,  
38 recognized Tribal organizations and parents of Indian children residing within the District in the  
39 consultation process.  
40

41 **POLICY 4:** The District's Federal Programs Community Advisory Committee will meet three (3)  
42 times each year to address comments and concerns expressed by Local Tribal officials,  
43 recognized Tribal organizations and parents of Indian children residing within the District  
44 regarding the District's educational programs and activities.

**Procedure 4:**

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5 **4.1** The Committee will be configured to reflect the views, needs and voice of the community  
6 being served by the District. To this end, at least half of the members of the Committee shall be  
7 parents of Indian children residing within the District, one quarter of the membership shall be  
8 either Local Tribal officials, or representatives from recognized Tribal organizations, the  
9 remaining quarter of the membership shall be made up of the district Superintendent, School  
10 District Trustee(s) and student leaders.

11  
12 **4.2** Meeting agendas and minutes will be posted notifying interested community members that  
13 all meetings are open to the public to allow Local Tribal officials, recognized Tribal organizations  
14 and parents of Indian children residing within the District the opportunity to participate in the  
15 process by submitting comments and recommendations for consideration.

16  
17 **4.3** During each monthly meeting of the District's Board of Trustees, time will be set aside for  
18 communications from the public to offer comments and suggestions regarding programming  
19 for Indian children residing within the District. In addition, the annual public meetings are  
20 specifically devoted to addressing questions regarding the District's federal programs and  
21 appropriation of specific funding in support of general educational programming.

22  
23 **4.4** If necessary, modifications to improve the method of, and time for soliciting the views of  
24 Local Tribal officials, recognized Tribal organizations and parents of Indian children residing  
25 within the District will be made to ensure the effective participation of Local Tribal officials  
26 recognized Tribal organizations and parents of Indian children residing within the District.

27  
28 **4.5** Once the preferred method of communication has been decided, the ( )  
29 School District will utilize the agreed upon communication method throughout the consultation  
30 process with Local Tribal officials, recognized Tribal organizations and parents of Indian children  
31 residing within the District as well as to members of the Federal Programs Parent Committee.  
32 Any changes to the method of approved communication will be accepted only following  
33 additional consultation with Local Tribal officials, recognized Tribal organizations and parents  
34 of Indian children residing within the District as well as to members of the Federal Programs  
35 Parent Committee. The District will, to the greatest extent possible, adhere to the preferred  
36 method of communication for all correspondence with Local Tribal officials, recognized Tribal  
37 organizations and parents of Indian children residing within the District as well as to members  
38 of the Federal Programs Parent Committee during the consultation process.

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40 **POLICY 5:** The District will also, at least on an annual basis, assess the extent to which Indian  
41 children residing within the District participate on an equitable basis with non- Indian children  
42 residing within the District with respect to access to and participation in District educational  
43 programs and activities; student participation rates are the aggregate percentages (%) and  
44 ratios (1:1) in District educational programs and activities, including course enrollment by grade

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4 level and completion rates, standardized testing rates and composite results, graduation rates,  
5 drop-out rates, co-curricular activities, clubs, etc., will be tracked and reported as part of the  
6 routine information provided by the ( ) School District.  
7

8 **Procedure 5:**  
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10 **5.1** As part of this requirement, the District will collect and share relevant information related  
11 to the participation rates of both Indian and non- Indian children residing within the District and  
12 encourage Local Tribal officials, recognized Tribal organizations and parents of Indian children  
13 residing within the District to use this opportunity to comment on the District's provision of  
14 equitable access and student participation data.  
15

16 **5.2** As needed, the School District Board of Trustees may also establish a task force or an ad hoc  
17 committee whose membership will include District Trustees (limited to fewer than one-half (½)  
18 of the Board in accordance with District Policy), Superintendent of Schools, Local Tribal officials,  
19 recognized Tribal organizations and parents of Indian children residing within the District, to  
20 assist in the development of recommendations to be presented to the District Board of  
21 Trustees with respect to proposed modifications to current educational programs to ensure  
22 the equitable participation of Indian students residing within the district. The committee shall  
23 make recommendations to the District as to any possible modifications. If amended through  
24 this process or any other, the District will provide a revised copy of the IPP's to all parties within  
25 thirty (30) days of adoption by the District.  
26

27 **5.3** As provided for in section §222.94(b) of 34 CFR, at the September Federal Programs Parent  
28 Meeting, with input from Local Tribal officials, recognized Tribal organizations and parents of  
29 Indian children residing within the District, members of committee will review, set goals, and  
30 make recommendations for revision of the Indian Policies and Procedures (IPP). All proposed  
31 revisions will be provided in a written document to be forwarded to the ( ) School  
32 District Board of Trustees for consideration and adoption by the district. Any updates will be  
33 posted on the District website within two (2) weeks of adoption by the Board.  
34

35 **5.4** These review processes are not intended to limit the opportunity extended to Local Tribal  
36 officials, recognized Tribal organizations and parents of Indian children residing within the  
37 District to make recommendations for possible revisions to the IPP's at other times of the year  
38 as needed.  
39

40 **POLICY 6:** The District is committed to affording all opportunities to Local Tribal officials,  
41 recognized Tribal organizations and parents of Indian children residing within the District to  
42 present their views with respect to the Federal Funding program applications, including the  
43 opportunity to make specific recommendations concerning the needs of their children and the  
44

ways by which the District can assist their children in realizing the benefits to be derived from the education programs assisted under P.L. 103-382 Title VII Impact Aid.

**Procedure 6:**

**6.1** In accordance with the periodic review of the District's IPPs to ensure that they comply with the provisions outlined in section 8004(a) and 34 CFR 222.94, should the District receive written notification from the Director of the Impact Aid Program that the District's IPP's are either not in compliance with the minimum standards outlined in section 8004(a), or that the IPP's have not been implemented by the District in accordance with the requirements outlined in 222.94, the District will take appropriate corrective action to address the deficiency. Should the District fail to make the necessary adjustments or changes within the prescribed period, it is understood that the Director may withhold all or part of the payments that the District is eligible to receive under section 8003.

**6.2** Should a determination be made that the District's IPPs require modification or revision, based upon the results of any assessment or input received as described in §222.94(b), the District shall observe the following procedure.

**6.2.1** If the Board determines that either through the consultation process with Local Tribal officials, recognized Tribal organizations and parents of Indian children residing within the District or that the district data compiled or reported in accordance with this policy indicate review or modification of IPPs are necessary, the Board will follow these modification procedures. (1) review and evaluation and goals, as well as the related recommendations for modification provided by the Federal Programs Parent Advisory Committee (2) review and evaluation by the District Administration; and (3) review and consideration of recommended modifications for adoption by the Board of Trustees. Any approved modifications or updates to the IPPs will be implemented in the subsequent school year if immediate implementation is not practical or possible.

**6.3** The District will make available and disseminate to Local Tribal officials, recognized Tribal organizations and parents of Indian children residing within the District an updated copy of recommended modifications approved by the Board of Trustees within thirty (30) days of the revisions to the IPPs. All meetings called for any purpose addressed by the IPPs regarding P.L. 103-382 Title VII Impact Aid must meet the requirements of the "Open Meeting" statutes of the State of Montana (See MC 20-3-322).

**POLICY 7:** When collecting, analyzing, and disseminating critical information and related data with respect to both Indian and non-Indian student participation rates (aggregate percentages and ratios) across District educational programs and activities, including course enrollment by grade level and completion rates, standardized testing rates, composite student achievement

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results, graduation rates, drop-out rates, co-curricular activities, clubs, etc., the District will utilize both the Student Participation Rate Summary Report document as part of tracking and data reporting system, as well as available external data sources (OPI / DOE).

**Procedure 7:**

**7.1** In the event there are measurable statistical differences greater than five (5%) percent in the participation rates and ratios of Indian students compared to non-Indian students in the District’s educational programs or activities, the District Board of Trustees in consultation with Local Tribal officials, recognized Tribal organizations and parents of Indian children residing within the District or the Federal Programs Parent Committee, will identify the cause(s) of the disproportionate participation rates and implement actions to its education programs or activities in such a way as to increase the equitable participation of Indian students.

**POLICY 8:** The ( ) School District shall review its IPPs annually to ensure compliance with statutory and regulatory requirements. The Impact Aid Program also determines whether the School District is in compliance by periodically reviewing the district’s documentation of its IPP compliance activities (the School District must maintain records documenting such activities). The District acknowledges that it may request technical assistance from the Department of Education to ensure compliance with the Impact Aid Program requirements, and to also enable them to carry out the IPPs.

**Procedure 8:**

**8.1** If Local Tribal officials, recognized Tribal organizations and parents of Indian children residing within the District believes the District is not complying with the required IPPs, Local Tribal officials, recognized Tribal organizations and parents of Indian children residing within the District tribe may file a complaint with the Secretary of Education against the District. Both the District and Local Tribal officials, recognized Tribal organizations and parents of Indian children residing within the District will have an opportunity to participate in a hearing.

**8.2** The Secretary will make a final written determination, based on the findings and recommendations of the hearing examiner, describing how the complaint will be resolved. The Secretary is also charged with enforcing IPP compliance through withholding funds or taking other appropriate actions. The LEA and the Indian community will have an opportunity to express their views prior to any such action.

Policy History  
Adopted on:  
Reviewed / Revised on:

## Student Participation Summary Document

Date:	Elementary		Junior High		High School	
	Native	Non-Native	Native	Non-Native	Native	Non-Native
Student Attendance Rate						
Number of Students with greater than 7 absences						
Graduation Rate						
SBAC Completion Rate # students tested _____ x 100 # students eligible to test						
SBAC Performance % Testing proficient or advanced in 1 or more areas						
Percentage of Students Identified as ELL						
Percentage of ELL students who showed improvement as measured by the WIDA assessment						
Percentage of Students meeting district benchmarks in reading and math						
Percentage of Students Participating in Tribal Language Acquisition						
Percentage of fluent student language speakers does the district recognize as determined by the standards established by the appropriate tribal community cultural authority.						
Percentage of Students referred for Support Services						
Number of Disciplinary events resulting in suspension						
Number of Disciplinary events not resulting in suspension						
Access to Technology outside of fluent school language speakers does your district recognize as determined by the standards						

For any each discrepancy of greater than 5% in the table above please list the strategies implemented to address the deficiency in the space below. Use additional sheets if necessary.



MONTANA  
AMERICAN  
INDIAN  
CAUCUS

February 13, 2023

Dear Madam Chair Zolnikov,

The Montana American Indian Caucus writes in support of HB 395. Introduced by Representative Jonathan Windy Boy, HB 395, members of the Montana American Indian Caucus urge the passage of HB 395, improve school district consultation with American Indian Tribes. There are several school districts with 50% or more American Indian students in Montana. The passage of this bill will enable Tribes to consult with school districts for the long term success of American Indian students alongside their parents who also will have the opportunity to assess whether the districts are providing meaningful and ongoing opportunities to review and make recommendations on the districts programs and activities.

We the MAIC urge a DO PASS of HB 395.

Submitted by the Montana American Indian Caucus,

Senator Mike Fox (SD 16)	Rep. Tyson Running Wolf (HD 16)
Senator Shane Morigeau (SD 48)	Rep. Frank Smith (HD 31)
Senator Jason Small (SD 21)	Rep. Sharon Stewart Peregoy (HD 42)
Senator Susan Webber (SD8)	Rep. Marvin Weatherwax (HD 15)
Rep. Donavon Hawk (HD 76)	Rep. Jonathan Windy Boy (HD 32)

TO: (H) Energy, Technology, and Federal Relations

FROM: Patrick Yawakie- Blackfeet Tribe- Lobbyist-email: [yawakiework@gmail.com](mailto:yawakiework@gmail.com)

DATE: 02/08/23

RE: Testimony on HB 395

**WITNESS  
STATEMENT**

Good afternoon,

My name is Patrick Yawakie, I am representing Blackfeet Tribe today in support of HB 395. There is a great need for more accountability for our tribal students attending public schools in Montana. Montana ranks in the lower half of the country in educational success, in all 302 Montana school districts, reservation school districts rank lowest in the state in test scores. There is also a harsh reality that tribal nations and their communities are losing their language speakers. Fluent language speakers are becoming so rare that in 2019 the Rocky Boy Chippewa Cree tribe issued a state of emergency for the loss of their speakers.

What we are asking for is greater accountability for our reservation public schools and the tribal students in the state's public school system. There are impact aid funds that the State of Montana distributes to public schools in the state for tribal students attending their schools, as prescribed in MCA 20-9-330. In 2022 there was \$223 per tribal student distributed to Montana Public Schools and \$229 per tribal student in 2023, as calculated in MCA 20-9-306. Public Schools are also allocated funding for the Indian Education for All program, as prescribed in MCA 20-9-329. Distributed Indian Education for All funds are calculated as \$22.70 for fiscal year 2022 and \$23.28 for each succeeding fiscal year times the Average Number Belonging of the district or \$100 for each district, whichever is greater, as prescribed in 20-9-306.

When schools are especially over 50% we must ensure that those funds are reaching reservation public schools and the tribal students to close the achievement gap between reservation and non-reservation public schools. Without any safeguards the consequences are dire for Montana tribal communities. Without safeguards we cannot provide greater effectiveness and efficiency for the investment and planning of these Impact Dollars for tribal students and IEFA funds for Montana Public schools.

Implementing consultation requirements builds on the State of Montana's Constitution specifically, Article X, Section 1, Subsection 2, "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." This can build on this responsibility as well as build on the government-to-government relationship between the State of Montana and Montana Tribal Nations.

Please support HB 395

Thank You,

Patrick Yawakie