

ARTICLE X, SECTION 1(2) – WHERE ARE WE AT?

EDUCATION INTERIM AND EDUCATION INTERIM BUDGET COMMITTEES
PAD MCCracken – MARCH 2026

THE STATE RECOGNIZES THE DISTINCT AND UNIQUE CULTURAL HERITAGE OF THE AMERICAN INDIANS AND IS COMMITTED IN ITS EDUCATIONAL GOALS TO THE PRESERVATION OF THEIR CULTURAL INTEGRITY.

Article X, Section 1(2) of the Montana Constitution

This 27-word constitutional provision is unique to Montana. Despite having no American Indians serving as delegates to Montana's 1972 Constitutional Convention, American Indians made sure their voices were heard frequently in various committee meetings. When delegate Dorothy Eck moved the amendment to add this provision from the convention floor on March 10, 1972, here is what she said:

Mr. Chairman and delegates. 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 what the Convention could do, to assure them that they would have the opportunity - and 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, 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. After that time, our committee, as well as the Education Committee, were visited by a large number of Indians coming with pretty much the same plea. We considered substituting a special article in the Constitution for Article Number II which we have now, which was military reservations. But after a good deal of discussion and talking with Indians and their representatives, it appears that the area that they are most concerned about is that of education. And after consultation with members of the Education Committee, we agreed that we would like to present this amendment to the Education Article. Thank you.

Numerous other delegates spoke passionately in favor of the motion, and it ultimately passed 83 to 1, with 16 delegates absent when the vote was taken.¹

This brief will provide a short history of the ways in which this constitutional recognition and commitment have been acted upon over the past 50+ years, including an inventory of the current efforts that reflect this commitment.

¹ From the Verbatim Transcript of the Montana Constitutional Convention
<https://scholarworks.umt.edu/cgi/viewcontent.cgi?article=1042&context=montanaconstitution> (document pages 1950-1957; pdf pages 131-138)

SHORT HISTORY – THE LONG AND WINDING ROAD TO IEFA

For the first 25 or so years following the ratification of the new constitution, state policymakers were primarily focused on ensuring that teachers in Montana schools understood “the history, traditions, customs, values, beliefs, ethics, and contemporary affairs of American Indians, particularly Indian tribal groups in Montana.” From the beginning there was an acknowledgment that this understanding must be cultivated in a culturally responsible manner and utilizing the expertise of representatives of Montana’s tribal nations. This acknowledgement has remained a vital component of state efforts since. However, early efforts to ensure training for teachers were weakened by a lack of accountability and limited by the capacity of teacher preparation programs to provide quality training.²

Throughout the 1970s, 1980s and 1990s, various entities created plans to incorporate educational goals for Indian education into school standards and curricula, but the laws implementing Article X, Section 1(2) remained optional, aspirational, and unfunded. This began to change in 1999 when the existing Indian Studies laws were repealed, revised, and recodified to establish what is now widely known as Indian Education for All or IEFA. Still the implementation was left to local school boards and there was no state funding mechanism to support these efforts.

This changed in the December 2005 Special Session (driven by the Columbia Falls v. State school funding lawsuit and court decision) when, among many other changes to school funding, an Indian Education for All funding component was added to the school district general fund funding formula. This annual per-ANB component was initially bolstered by additional funding to both OPI and school districts to develop IEFA curriculum. Still, IEFA remained an “encouragement” in statute and was focused on teachers and other school personnel.

In 2007, a prohibition against the diversion of IEFA funds was added to statute.

In 2013, the IEFA funding component (and other funding components) was included in the inflationary adjustments under 20-9-326.

In 2023, [HB 338](#) (Windy Boy) made the first significant changes to the IEFA law since its enactment in 1999. The legislative intent was strengthened, the locally controlled allowance (“may”) to require teacher training was eliminated and local trustees were mandated (“shall”) to require that all teachers and students receive instruction in American Indian studies. The Board of Public Education was charged with incorporating IEFA into the content standards and the Superintendent of Public Instruction was required

² See “The Indian Studies Law: An Exercise in Futility? A Report to the Committee on Indian Affairs” by Legislative Research Analyst Connie Erickson (1996) <https://archive.legmt.gov/content/Committees/Interim/2025-2026/EDIC/1.Other/Reports/Indian-Studies-Law-An-Exercise-in-Futility.pdf>

to include tribal representation in developing the recommendations for those content standards. And school districts were required to report on how they were spending the IEFA funds they received. If no report was filed or any amount of funding was not properly accounted for, the district's IEFA payment in the subsequent year was to be withheld or reduced.

In 2025, [SB 181](#) (Windy Boy) was enacted to further strengthen tribal consultation in developing IEFA materials and to increase the involvement of Class 7 Indian Language and Cultural Specialists (see below) in providing IEFA. Additionally, the bill created an online portal at the Office of Public Instruction for gathering feedback on the implementation of IEFA and annual reporting requirements on feedback submitted, required the integration of IEFA and the Montana Indian Language Preservation Program, and clarified the accountability measures for school district IEFA expenditures.

This is a short history focused on IEFA. For a deeper dive, see the following:

"Indian Education for All: Montana's Constitution at Work in Our Schools" by Carol Juneau and Denise Juneau, *Montana Law Review*, Vol 72, Issue 1, Winter 2011

<https://scholarworks.umt.edu/cgi/viewcontent.cgi?article=1986&context=mlr>

"Montana's Long Road to Make Good on Indian Education for All" by Alex Sakariassen, *Montana Free Press*, March 23, 2022 <https://montanafreepress.org/2022/03/23/montana-constitution-indian-education/>

CURRENT EFFORTS TO HONOR THE ARTICLE X, SECTION 1(2) COMMITMENT

The table below has basic info on several state initiatives that reflect Montana’s constitutional commitment. Narrative briefs on each program follow.

Program	FY 26 Funding	Statute or Rule
Indian Education for All	\$3.8 million	Title 20, chapter 1, part 5, MCA 20-9-329, MCA ARM 10.53.102
Montana Indian Language Preservation Program	\$750,000	20-9-537, MCA
Indian Language Immersion Schools	\$265,000	Title 20, chapter 7, part 14, MCA
Indian Language and Cultural Specialists (Class 7 License)	No specific funding, but Class 7 Specialists generate a Quality Educator payment when employed by school districts.	ARM 10.57.436
Grow Your Own	\$500,000 (biennial; ongoing; HB 499)	20-4-601, MCA
Tribal Language courses through MTDA	None	NA
UM NAGPRA Repatriation Support Team	\$368,000 (OTO)	NA

INDIAN EDUCATION FOR ALL (IEFA)

A summary of the current requirements for IEFA under the law was provided above and representatives of OPI’s Indian Education Division will be providing an overview of IEFA resources during your March 17, 2026, meeting. For fiscal year 2026, the IEFA funding component provides each school district the greater of \$25.37 per-ANB or \$100 totaling about \$3.8 M statewide.

MONTANA INDIAN LANGUAGE PRESERVATION (MILP) PROGRAM

MILP began as a pilot program created in [SB 342](#) (2013; Windy Boy) and had a clear connection to Article X, Section 1(2) stated in the first two clauses of its Preamble:

WHEREAS, Montana is committed in its educational goals to the preservation of American Indian cultural integrity; and

WHEREAS, language in the form of spoken, written, or sign language is foundational to cultural integrity;

The program has evolved significantly from its beginnings as a temporary pilot program with grants to tribes administered through the Department of Commerce to its current permanent form, housed within the Office of Public Instruction and with strong connections to the education system. The program now encourages tribal governments to partner with educational entities, including school districts and tribal

colleges, “to preserve and perpetuate Indian languages.” The requirements for the grant application mention the utilization of Class 7 specialists, the possibility of partnering in Indian Language Immersion Schools, and the development of “multigenerational fluency through partnerships with early learning providers; and adult education offerings.”

INDIAN LANGUAGE IMMERSION SCHOOLS

This program was created in [SB 272](#) (2015; Windy Boy) and its short title is the “Cultural Integrity Commitment Act.” The program encourages school districts on or adjacent to reservations or serving at least 10% American Indians to offer Indian language immersion programs that utilize Class 7 specialists and utilize materials developed by the MILP program. In FY 2026, the \$265,000 appropriation provided funding to support immersion programs in three school districts: Browning (Blackfeet), 110 students; Box Elder (Cree), 25 students; Hardin (Crow), 190 students.

INDIAN LANGUAGE AND CULTURAL SPECIALISTS (CLASS 7)

Statute allows the Board of Public Education (BPE) to create specialty certifications for educators. In 1995, with the recommendation of the Superintendent of Public Instruction and unanimous support of Montana tribes, the BPE created the Class 7 Indian Language and Cultural Specialist license. The tribes themselves set standards for the license and ensure applicants have met those standards. Class 7 licensees act as specialists, not as teachers of record. When employed by a district, Class 7 specialists generate a quality educator payment in the same manner as other licensed professionals in the district. The table to the right displays the active Class 7 licenses by tribe in recent years.³

Endorsement Area	SY2021	SY2022	SY2023	SY2024	SY2025	SY2026
<i>Grand Total</i>	24	29	38	26	24	23
Assiniboine K-12	3	4	1	2	3	3
Blackfeet K-12	10	8	8	8	4	4
Cheyenne K-12	5	4	2	1	2	4
Chippewa K-12			4		1	
Cree K-12	3	2	11	4	2	2
Crow K-12	3	5	9	4	10	9
Dakota K-12		2	1	1	1	
Gros Ventre K-12		2	1	2		1
Pend d'Oreille K-12		1				
Salish K-12		1	1	4	1	

³ From the MT OPI 2025 Educator Licensure Report presented to BPE, January 2026 (page 113 of pdf) <https://bpe.mt.gov/BPE-Agenda-Packet-January-2026.pdf>

GROW YOUR OWN GRANT PROGRAM

While not limited to American Indians, two clauses in the Preamble to [HB 403](#) (2021; Running Wolf) which created the Grow Your Own Grant Program display its connection to Article X, Section 1(2):

WHEREAS, Montana's rural schools in general, and schools in Indian Country in particular, struggle to recruit and retain teachers; and

WHEREAS, having Indian teachers to teach Indian children will help close the achievement gap and help fulfill Montana's commitment in its educational goals for the preservation of Indian cultural integrity;

The program was inspired by the nationally recognized partnership between Blackfeet Community College and UM – Western⁴ that provides a pathway for individuals to pursue teacher licensure without the need to leave their home communities. While funding lapsed for the 2025 biennium, it was restored in [HB 499](#) (2025; Crowe) and the termination date was extended from June 30, 2027, to June 30, 2029. The program is administered by the Commissioner of Higher Education and provides start-up grants to postsecondary institutions to create pathways for high school students to earn dual credits in education and scholarships for those students and adult learners to pursue a teaching degree. Current grants are to Blackfeet Community College and Montana State University to develop teaching pathways along the Hi-Line and to UM – Western to work with the CORE Charter School in Great Falls and the Lewistown Central Montana CTE Academy.⁵

TRIBAL LANGUAGE COURSES THROUGH THE MONTANA DIGITAL ACADEMY (MTDA)

The 2021 Legislature appropriated \$80,000 to the Montana Digital Academy to develop online learning courses in Indian Languages. To date, MTDA has partnered with tribes to produce and offer online courses in Neyio (Cree), Apsáalooke (Crow), Nakoda, and Dakota. In consultation with tribes, MTDA has undertaken other language-related projects. With Fort Belnap, MTDA has created lessons and practice exercises using their Facebook Nakoda classes and anticipate releasing a White Clay (Aaniiih) Language class in Fall 2026. With Crow Agency and Hardin Public Schools, MTDA is co-developing and implementing immersion school language assessments this school year. With Browning Public Schools,

⁴ “Blackfeet Community College Teacher Ed Focuses on Sovereignty” by Dee Hoyt, Tribal College Journal of American Indian Higher Education, Volume 37, No. 3, Spring 2026 <https://tribalcollegejournal.org/blackfeet-community-college-teacher-ed-focuses-on-sovereignty/>

⁵ MUS Grow Your Own Report, September 2025 https://archive.legmt.gov/content/Committees/Interim/2025-2026/EDIC/1.Other/Reports/GYO_Report_2025.pdf

MTDA co-developed and implemented immersion school language assessments and partnered to develop language modules featuring the natural world.⁶

UM NAGPRA-REPATRIATION SUPPORT TEAM

The 2025 Legislature adopted one-time-only appropriations of \$368,000 to support a team working to assist with the University of Montana’s Native American Graves Protection and Repatriation Act (NAGPRA) work. This funding replaced external funding which ended at the end of June 2024. A recent news article describes the powerful ways these efforts enhance and preserve cultural integrity.⁷

While the **American Indian Achievement Gap Payment** relates to American Indian education, it is driven more by the Montana Constitution’s Article X, Section 1(1) educational goal to “develop the full educational potential of each person” and guarantee of “equality of educational opportunity” than by the commitment to American Indian Cultural Integrity under Section 1(2). The payment exists to “[close] the educational achievement gap that exists between American Indian students and non-Indian students.”⁸ For FY 2026, the payment is \$249 per American Indian Student enrolled in each school district; the statewide total payment is approximately \$5 million.

⁶ Update provided by MTDA Executive Director Jason Neiffer via email 2/26/26.

⁷ “‘This is who we are’: Northern Cheyenne Tribe reclaims cultural belongings from UM” by Nora Mabie, Montana Free Press, March 2, 2026 <https://montanafreepress.org/2026/03/02/northern-cheyenne-tribe-reclaims-cultural-belongings-from-um/>

⁸ 20-9-330, MCA. https://archive.legmt.gov/bills/mca/title_0200/chapter_0090/part_0030/section_0300/0200-0090-0030-0300.html