

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION

COMMITTEE ON EDUCATION

Call to Order: By **CHAIRMAN KATHLEEN GALVIN-HALCRO**, on January 17, 2005 at 3:00 P.M., in Room 137 Capitol.

ROLL CALL

Members Present:

Rep. Kathleen Galvin-Halcro, Chairman (D)
Rep. Joan Andersen, Vice Chairman (R)
Rep. Gary Branae, Vice Chairman (D)
Rep. Edward B. Butcher (R)
Rep. Margaret H. Campbell (D)
Rep. Tim Dowell (D)
Rep. Wanda Grinde (D)
Rep. Roger Koopman (R)
Rep. Bob Lake (R)
Rep. Joe McKenney (R)
Rep. Holly Raser (D)
Rep. Scott Sales (R)
Rep. Jon Sonju (R)
Rep. John Ward (R)
Rep. Jeanne Windham (D)

Members Excused: Rep. Villa

Members Absent: None.

Staff Present: Eddy McClure, Legislative Branch
Chris Lohse, Legislative Branch
Nina Roatch-Barfuss, Committee Secretary

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: HB 137, 1/11/2005; HB 258,
1/11/2005

Executive Action:

After calling the meeting to order, **CHAIRPERSON GALVIN-HALCRO** departed to testify at another meeting. **VICE CHAIRMAN BRANAE** presided for the remainder of the meeting.

HEARING ON HB 137

Sponsor: REPRESENTATIVE CAROL JUNEAU, HD 16

Opening Statement by Sponsor:

REP. JUNEAU told the committee she was presenting the bill on behalf of the State Tribal Affairs Committee which is an interim committee that worked on issues that are important between tribal nations and the State of Montana. The State Tribal Affairs Committee completed a study last interim on the issue of American Indian dropouts and all the factors affecting the issue. Connie Erickson was the Legislative Staff person on the committee and gathered a great deal of research from many studies. If anyone would like to do further research on the issue of American Indian dropouts, it is available with Connie Erickson. There were three hearings on the subject of Indian dropouts held: one on the Fort Belnap Reservation; one at the Montana Indian Education Association Conference; and one in Northern Cheyenne. Recommendations were prepared by the staff, as a result of the study, to the State Legislature, to the Board of Public Education, to the Office of Public Instruction (OPI), to school districts and to tribes. In the back of the green handout, recommendations from the committee can be found.

REP. JUNEAU guided the Education Committee through the bill as written. The program within OPI that would be created, will provide information resources and technical assistance to school districts that have identified at-risk students and have requested assistance from OPI in enhancing or developing local programs to keep students in school until they receive a diploma or its equivalent. This program must help identify reasons why Indian students are dropping out of school. The bill includes an appropriation in the amount of \$50,000 for the biennium for OPI to do this work. She would like to see much more money for the bill because she believes that keeping students in school and helping them graduate is probably one of the best strategies that the state could and should embrace. OPI needs the resources to help Indian schools. Superintendent McCulloch said in her State of The Education Speech in 2001, "One of the challenges facing schools is the devastatingly high dropout rate among American Indian students. Something must be done to address these issues and together we can find a solution."

An amendment for the bill was offered. What the amendment will do is reinstate language in the bill that was taken out during the discussion in the State Tribal Affairs Committee. OPI had asked the committee to exclude the language found in the amendment. OPI thought this would be too costly. The amendment restores the original language, asking for a system to track students who drop out of school and identify the reasons why they are dropping out. It gives a procedure to school districts for identifying at-risk students as early as possible. OPI's concern has been responded to by Governor Schweitzer's budget for OPI. The governor has added some money for a tracking system for students. OPI approves the money in the amendment as long as the governor has the money in his OPI budget and that budget is approved. In 1989 there was an important Supreme Court ruling on school funding. In 1989 the Supreme Court held that Article 10, Section 1, Sub-section 2 establishes a special burden in Montana for the education of American Indian children, which must be addressed as part of state funding. Increasing the graduation rate of American Indian students has to happen. Currently about 50% of Indian students drop out of school between their freshman and senior years. Indian communities will never have economic success or economic progress until a solution is found to the dropout problem.

REP. JUNEAU went over the statistics on her handouts. She addressed the issue of Indian dropouts that occur outside the reservation. In urban locations the statistics remain the same. It makes economic sense for Montana to increase the graduation rate of American Indian students. It should be a cornerstone for the Economic Development Plan in Montana. This is a difficult challenge for Montana's schools and teachers. The sponsor wishes to see all American Indians students graduate at equity with their non-Indian peers, which is at about 80%.

[EXHIBIT\(edh12a01\)](#)

[EXHIBIT\(edh12a02\)](#)

[EXHIBIT\(edh12a03\)](#)

{Tape: 1; Side: A; Approx. Time Counter: 0 - 18.5}

Proponents' Testimony:

Bud Williams, Deputy, Office of Public Instruction, stated his office is in support of the bill. Written testimony was offered.
[EXHIBIT\(edh12a04\)](#)

Colleen Murphy, Executive Director, the Montana Chapter National Association of Social Workers reported that she represents 565 social work professionals statewide. One of the policies of her organization states that they support policies that acknowledge

the importance of sovereignty, self determination and self governments for Native American people and their tribal nations. The chapter recognizes that the overall well being of indigenous peoples is tied to their economy and self efficiency. Economic empowerment, expansion, and subsequently employment opportunities for the people on tribal lands, as directed by tribal authorities, are means to achieve self sufficiency. The chapter advocates culturally appropriate education and training the Native American people so that they can be the ones to fill positions on their lands or places of their choosing. She stands in support of both bills presented in the committee meeting. She cannot be present for the next bill.

Kathy Deserly, informed the committee that she and her husband are guardians of two of the young people that **REP. JUNEAU** talked about in her opening statement. The young adults come from the Fort Peck Reservation, along with their baby. Both of the parents dropped out of high school due to a lot of factors going on in their lives. The guardians watch them daily as they struggle to go through the GED program, by going through the Adult Learning Center, work part time jobs, and take care of their baby. Ms. Deserly remembers her high school days and what a wonderful time it was for her. She remembers how important that time was for her. She knew after graduation that she could go on to college. Her adopted kids want the same future she had waiting for her. They don't want to live on welfare. Everything they want will be an extra struggle for them because they dropped out of school and because they had a child. Some of the "whys" that caused them to drop out of school were mentioned in the sponsor's opening remarks.

{Tape: 1; Side: A; Approx. Time Counter: 18.5 - 30}

{Tape: 1; Side: B}

Bob Rehbein, Great Falls Public Schools, Great Falls High School, works in the position of a tutor. He rose in support of the bill.

Corrine Addison, Indian Education Coordinator, Great Falls School District, Great Falls High School, rose in support of REP. JUNEAU'S bill. Ms. Addison has tried to track some of the high-risk students she has had, and she found it impossible to contact them. She can't reach parents, some don't have phones, sometimes she goes to their house and there aren't people living there. Some don't want to attend school. Out of over three hundred students at the high school, only twenty-one Native Americans are graduating this year, if they make it through the next semester. She believes that Native American history and culture classes might lessen the dropout rate.

Bob Vogel, Montana School Boards Association, (MSBA), rose in support of the **HB 137**. "No Child Left Behind" should be written in this bill, as that is what it is all about. School districts will need to step up to the plate on this issue. They need to find ways to keep students engaged in school activities. The school needs to take in account all the students' different backgrounds, where the student comes from and their different needs as an individual. Schools have to be very careful in meeting the needs of individual students.

DeAnna Leader, Director of Indian Education, Great Falls Public Schools, reported to the committee that she has been a school administrator on two Indian reservations and is now trying to understand the dropout rate in a very large school district. She presented written testimony.

[EXHIBIT \(edh12a05\)](#)

[EXHIBIT \(edh12a06\)](#)

{Tape: 1; Side: B; Approx. Time Counter: 0 - 13.5}

Diane Sands, State Public Policy Director for the American Association of University Women, represents approximately 500 members across the state of Montana in twelve different chapters. They strongly support **HB 137**. Unless the state uses its educational system to tap the potential in every citizen, the state has truly missed its responsibility to all of its people. She was fortunate to be part of the committee that wrote the current Indian Dropout Prevention Grant, which OPI has from the National Department of Education. Montana is the only state in the nation to receive the grant. There no longer is a line item in the budget for dropout prevention monies.

Erik Burke, Montana Education Association-Montana Federation of Teachers, (MEA-MFT), said his organization stands in support of the bill. He said the bill makes a lot of economic sense for the state. It makes a lot of social sense for families that are currently experiencing dropout within their families. It makes a lot of common sense. This bill can help our education system move forward and reach the students that the system is not reaching currently. Educators know the system is not reaching them in identifying and responding to the needs of all students through Montana. The bill will help to focus light on individual dropout students. Unless the school districts and the people of Montana are willing to talk about the problem and acknowledge it, the program is going to sit in isolation. This is about all students in Montana, not just Native American students. Several states have worked on this problem. The state of Alaska in 1995 had a high school completion rate in the mid 80%, similar to what Montana has right now. Today the high school completion rate in

Alaska stands in the mid 90%. Montana can meet the need just as Alaska has done.

Bob Gervais, reported that he didn't really recognize the dropout problem until the schools started having Indian administrators. The dropout rate has always been a problem on the reservations. He was born and raised on one. He believes Indian administrators are working extremely hard to solve the problem. He believes that some of the dropouts want to go back to school and need help in doing that. The bill is a step in the right direction.

Henry Anderson, Cultural Director of the Little Shell Tribe of the State of Montana, asserted that he was a school teacher for two years. He taught the native language and culture in the school. He asked many kids why they dropout and the answer quite often is, "I don't know." Sometimes the student blames it on the parent or says they are poor people. Mr. Anderson is president of the International Traditional Games which are going to take place in Great Falls this coming summer as part of the planned Lewis and Clark celebration. It is part of the Signature Series and he urged people to attend. He passed out a leaflet on the upcoming games.

[EXHIBIT](#)(edh12a07)

William A. Talks About, Chairman, Blackfeet Nation, rose in support of the bill and presented written testimony. He included both **HB 137** and **HB 258** in his written testimony.

[EXHIBIT](#)(edh12a08)

{Tape: 1; Side: B; Approx. Time Counter: 13.5 - 30}

{Tape: 2; Side: A}

Alex Eagle, Great Falls High School Sophomore, reported about living off the reservation and he offered his ideas for keeping Native American students from dropping out of school. Indian students need more cultural extra curricular activities to keep students interested: such as drumming, dancing, traditional games, languages, and a yearly meeting of all tribes for a cultural event.

Shirley Bollick, Great Falls Public School District, CMR High School, informed the committee that she works with other members in the Great Falls School system to keep Native Americans in the system. The ten day rule is one of the causes for dropouts. When an Indian student attends too many funerals or ceremonies, etc., whatever their traditions are; if the student is over the ten days allowed, the student hangs it up and quits. Schools need a bit of diversity and leniency. Many of the kids want to graduate, but they don't want to go to the alternative school.

They want a diploma. She believes there is a lot of prejudice toward Native Americans in Montana.

Denise Juneau, spoke in favor of the bill, for the many reasons already presented.

{Tape: 2; Side: A; Approx. Time Counter: 0 - 6.1}

Joseph Anderson, Helena High School Teacher for thirty-six years, testified that he teaches American Literature and Native American Literature. He plans to start a new course in the coming year having a high school student mentor an elementary student. The system in pushing ahead but not enough is being done. He has noticed Indian children that want to learn. It is important that Montana provide the apparatus for those students to learn. It needs to be done early and it needs the support of parents. Hillary Clinton had it right when she said, "It takes a village to raise children." In Montana villages, children are not being raised educationally.

Terry Kendrick, Montana Human Rights Network, rose in support of HB 137.

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

REP. LAKE inquired of **REP. JUNEAU** if there was a fiscal note for the amendment. There is \$50,000 included in the bill but she didn't believe there was a fiscal note for the amendment because it is included in the money that the governor has requested for OPI. The question was transferred to Bud Williams. **Mr. Williams** said there is a data management system that is included in the governor's budget. It is a \$2.3 million item. That amount would deal with the amendment. **REP. LAKE** told Mr. Williams that his answer brought up another question. The **REPRESENTATIVE** asked why there was a need for \$50,000 if the amendment carried a funding of \$2.3 million. **Mr. Williams** replied that he didn't know the answer to the question. **REP. LAKE** questioned Mr. Williams as to whether the state is currently putting a curriculum in front of the Native American students that is wrong to the point that the students are being chased out of the public school system. **Mr. Williams** said there is truth to the statement made by the **REPRESENTATIVE**. **Mr. Williams** asserted that the cultural sensitivity, the language barrier, the language issue, and the way school is taught in most of the schools in Montana, does force some of the American Indians out of school. If the system was more sensitive to their needs, it could make some difference.

REP. LAKE asked Mr. Williams if he would consider a charter system of education for the American Indians, so that it could be customized and structured to successfully keep the young people in school. **Mr. Williams** professed that the Browning School District looked at that possibility, but they chose to go a different route with their system.

REP. SONJU posed a question for Mr. Williams. The **REPRESENTATIVE** reviewed some statistics that had been handed out to the committee. In the school year 2002-2003 it shows a 42% dropout for American Indian students. He is wondering if there are any guarantees that the dropout rate will go down if this bill becomes law. **Mr. Williams** remarked that everyone wants the rate to go down, but the \$50,000 in the bill probably won't guarantee that the rate will go down. Over time, with a great deal of effort on the part of OPI and everyone in Montana, he believes the American Indian dropout rate can be addressed successfully.

REP. SONJU asked Mr. Williams about OPI not wanting the amendment and the money in it. **Mr. Williams** said he was not part of the amendment conversation at OPI. **REP. SONJU** readdressed his question to the sponsor. **REP. JUNEAU** affirmed he was correct. The piece of legislation was considered in the State Tribal Affairs Committee, the amendment language was in the bill and OPI stated that setting up a tracking system would be a very costly activity. The committee took the tracking language out of the bill. Since that time, Governor Schweitzer has included a statewide tracking system in his request for OPI in his budget. If that piece of the budget is passed, the cost for the amendment is not an issue. **REP. SONJU** questioned **REP. JUNEAU** as to whether she is aware of any specific costs just to the bill, understanding what is in the budget. **REP. JUNEAU** replied that she is not aware and thinks OPI should look into the bill and get the information back to the Education Committee.

REP. KOOPMAN also sought information from **REP. JUNEAU**. He was curious as to whether she knows if Indian students dropping out of school are failing at the time. **REP. JUNEAU** replied that in looking at the dropout rates, the students are leaving after the ninth grade. That year seems to be a critical year. If students make it as far as the eleventh grade, they will stay in school to graduate. It is her opinion that ninth grade is too demanding, requiring the student to pass classes to receive credits. If the student doesn't pass enough credits, he stays in the freshman class and becomes discouraged. She believes a student should be allowed to earn four credits in the ninth grade and then move on to the tenth grade. **REP. KOOPMAN** wonders whether the Indian students value a school education experience. He questions whether it is a cultural problem, where their parents and

grandparents dropped out of school, unemployment ways into the problem, and teaches the students not to value education as they should. If it is not cultural, then is it the school, that the student doesn't fit into. He ponders whether the problem is related to cultural issues or is the problem that the time has come for Indian communities to design their own education. **REP. JUNEAU** feels that the reason for dropouts vary with the student. Poverty is an underlying issue for anyone that drops out of school. If one looks at students that have been successful, you see similar characteristics. The students belonged. The students had a sense of worth and felt they belonged to the educational institution and someone cared about the students. OPI has done a study, working with six schools about dropouts, and Everall Fox from OPI is in the audience. He might have information pertaining to the problem.

REP. CAMPBELL wished information from Everall Fox, OPI, without objection. She asked for his feelings about the bill, and if the bill is a step toward solving the problems that Mr. Fox graduated from? **Everall Fox, OPI**, explained that the bill is shining a spotlight on the issue. The money in the bill just isn't that much. The bill keeps the problem in the forefront. Knowing some of his classmates that dropped out of school, he believes OPI needs to give some direction and ideas for the teachers to help them try to keep the students in school. A current issue in his family is a niece that was an honor student in grade school, but has dropped out in the ninth grade. The niece couldn't give a reason for quitting.

REP. DOWELL, sought information from Ms. Leader as to whether the bill is going to solve the dropout problem. **Ms. Leader** responded that the dropout situation is very different in the urban schools compared to the reservation. In the resiliency studies done on the reservations and a similar one done at Great Falls, they found that the students in urban areas do not have access to the extracurricular programs; whereas, on the reservations they do. It becomes a very strong factor in keeping kids in school on the reservation when they are attached to the programs like athletics, drama, speech, etc. At Great Falls they have the second largest number of Native American students in the State of Montana in a school district, behind Browning. There are 1,300 students, but they are from as many as 20 to 50 tribes. The reasons for students dropping out of school in the urban areas and smaller school districts off the reservation, need to be examined. Mr. Fox's position at OPI will help in looking at the factors she just mentioned.

Closing by Sponsor:

REP. JUNEAU had one more document to hand out. She said it is the Montana Indian Education Association Resolution supporting increasing the graduation rate of American Indians to 80%. The resolution from the Montana Indian Education Association supports additional staff in OPI to increase the graduation rate of American Indians.

{Tape: 2; Side: A; Approx. Time Counter: 6.3 - 30}

She told the committee it is time to take immediate action to solve the problem discussed in **HB 137**.

EXHIBIT(edh12a09)

HEARING ON HB 258

Sponsor: REPRESENTATIVE DAVID WANZENRIED, HD 97, Missoula

Opening Statement by Sponsor:

REP. WANZENRIED said his bill is going to serve as one piece in addressing the very complex problem of Indian student dropouts. There is a tendency for those in non-Indian country to think the Indians are some place across the state, but he wishes to remind the committee that the Indians are in most communities. The purpose is to set a higher standard for seeing to it that urban and rural schools have more opportunities to employ American Indians. The bill authorizes, but does not require, a school board of trustees to adopt a policy for hiring American Indians using employment preference in the school district.

The bill defines Indian and employment positions. The bill is geared toward ensuring where there are substantially equally qualified candidates for a position, the district may rank the preference for Indian applicants over other preference eligible applicants with substantially equal qualifications for school district employment. There are two court decisions that allow Montana to have this kind of employment preference in place. He quoted the two court cases, which are written in the bill itself. The single most important thing talked about in the bill is time. He said that it is about time that the state does something about what is happening to the American Indian population in Montana. One of the ways to do that is to ensure they receive a quality education to actually graduate.

The bill seeks to raise the Indian graduation rate up to 80%. He asked the committee if 80% rate would be acceptable in their individual communities. He asked, "If one sees American Indians in the community not going to school, does that say something about our priorities?" There is talk all the time about the

American Indian Reservations employment problems. Unemployment exceeds an average of 70%. In many cases in Missoula, Billings, and Great Falls, the number is much higher for American Indians seeking employment, because they haven't had the opportunity to graduate from high school.

The bill proposes to give Indian students role models they can identify with. He said, "In one's career, you can remember when a teacher took an interest in you as a student at some point and said, 'You can do better.'" There was talk earlier in the meeting about Indian students in urban areas not having an opportunity for extracurricular activities relating to their culture. People do not know or understand the cultural barriers that Indian students in our schools are faced with. The bill proposes to give a preference to American Indians so schools can begin to have roll models serve in the schools at both teacher levels, teacher aid levels, and other positions where students can have an attachment to the schools for the first time. He said, "This bill is not going to solve all the problems."

The legislature is going to be talking about very expensive solutions to implement the American Indian Act. It is a very strongly worded part of the court decision that the legislature is going to be looking at. This bill is a very inexpensive piece of the puzzle. It will give districts the resources within their own schools to have American Indians teaching what American Indian culture is all about. There is one American Indian teaching in Missoula County. He believes that statewide there are fewer than 3% Indian teachers, and most of them are on the reservations. Montana can do better than that. Montana needs to anchor American Indians as part of the school systems in their communities.

{Tape: 2; Side: B; Approx. Time Counter: 0 - 8}

Proponents' Testimony:

Pat Williams, stated that he served two terms in the Montana House of Representatives and then nine terms in the United States Congress. He was pleased to have been petitioned by his fellow Montanans and other Americans who were asking for allowances, special considerations and preferences. He came to believe that many of the requested considerations and preferences, were useful, fair, were granted, and are achieving the intended results. It is his view that in America, without preferences, in a system that left equity to chance, they would soon learn the mistake in the Polyanna notion that the invisible market alone can assure equality in this country. People throughout Montana are protected by preferences. Small businesses enjoy preferential financial loans. Public employees have preferences built into their pay system. Timber workers and companies fight

hard to retain those preferential taxpayer subsidized timber roads. The construction trade workers in the American Federation of Labor and the Congress of Industrial Organization demand their Davis Bacon preferences, granted both federally and by the Little Davis Bacon Act in the state. The bill before the committee is in keeping with useful preferences and it is eminently reasonable, granting as it does the choice to the local school system. It holds that if the teacher candidates are equally qualified, the local district can trigger this law, if it becomes one. An Indian teacher could be preferred. There are 15,000 Indian students in Montana. He asks for the bill to be passed for the 15,000 Indian students. At present an Indian student can go through the entire school system and on to college and never see an Indian teacher in the classroom.

Bud Williams, OPI, said his office goes on record in support of the bill. He submitted written testimony.

EXHIBIT(edh12a10)

DeAnna Leader, Director of Indian Education, Great Falls School System affirmed that the reservation Indian students face identity problems that are much more severe than they are on the reservation. Without the role models standing at front of the classroom, the Indian children will continue to be in an identity crisis. It seems a few role models have to be found in the classrooms. She has seen a difference in the Longfellow School in Great Falls after it hired a Native American principal. Children are brought to school because there are Native American teachers and Great Falls has a Native American Library which offers resources in reading in Native American literature.

REP. JUNEAU handed out a packet. She emphasized that the bill is permissive to schools. In 1972, Montana developed a constitution. Article 10, Section 1, Sub-section 2, recognizes the unique cultural heritage of American Indians and the state's commitment to preserving that cultural integrity through education. It was a wonderful promise 33 years ago. It hasn't been implemented. She suggested that one way to implement the language is to ensure that students have an opportunity to have, as a part of their teaching and administrative staff, qualified Indian people leading their classroom instruction. It would send an important message to the students, that American Indian people are important in the educational system and in Montana.

Public schools that serve our state communities are much more than educational institutions. Schools are one of the largest economic resources in each of Montana's communities as well as in the state. Montana needs to think of the educational system as part of its economic system. There are 13,855 certified staff,

including paraprofessionals in the schools. These people represent a lot of buying power. On reservations, the public schools, the Bureau of Indian Affairs, Indian Health Service and tribal programs are the primary source of employment for reservation residents. Jobs in these programs are some of the most coveted by reservation residents. Indian people make up 7% of the state population. The Indian public school enrollment is 11%. The graduation rate is approximately 50%. She went over the information in her packet that was handed out.

EXHIBIT(edh12a11)

{Tape: 2; Side: B; Approx. Time Counter: 8 - 30}

{Tape: 3; Side: A}

Erik Burke, MEA-MFT, said he represents over 12,000 members in the schools in Montana. They support the bill. He believes the bill is a local control bill. It gives local school boards the authority to utilize a tool they haven't had at their disposal. He believes the districts deserve a chance to use this bill as a tool, if they decide to do so. It can't hurt the school situation. It may help in recruiting and retaining Native educators in Montana classrooms.

Bob Garvais, Browning, Blackfeet Reservation, believes the bill will give school boards the opportunity to make a decision. He believes this bill might wake up the school board in Browning. They seem to believe that Indians are not capable of being teachers. He is in his third term on the Browning School Board. He believe the bill is an employment bill for the reservation. He noted that the unemployment rate in Iraq is 48%. The unemployment rate on the Blackfeet Reservation is 75%.

Stan Juneau, taxpayer, stated that he is a retired public school superintendent and administrator, as well as a former teacher in the public schools on the Blackfeet Reservation. He has been involved in education on a national level. Before he became a superintendent in Browning, there were two administrators before him that traveled all over the United States trying to hire teachers and administrators, rather than looking in Montana for the same people. When the people were hired and their expenses paid to come to Browning to teach, not one lasted more than three years. When he became the superintendent he went to the tribal community colleges where they have teacher training programs and started to fill his teacher vacancies there. As he traveled around the state, he went to each one of the Montana University System's teacher training programs and met with the Deans of Education and looked for Montanans who would be certified teachers and encouraged them to apply for vacancies in Browning and other Montana communities. He was trying to keep them in Montana. It is critical that the state does everything it can to

keep our teachers and administrators in Montana. He hired many Indian teachers because he made a concerted effort to go out and find them. Indian teachers have to take the same courses that everyone else takes to become a teacher. What the bill does is give school boards and administrators the opportunity to hire those people that they believe will best reflect on their community. School districts reflect the population of their communities. In public schools on most reservations, the public schools do not reflect the local communities. The bill will help this happen. He discussed the exhibit.

EXHIBIT (edh12a12)

Bob Vogel, MSBA, shared with the committee that the key to MSBA's support is in the fact that the bill is permissive. It allows school districts to adopt or amend a policy, it doesn't mandate what is right for any particular district.

Joseph Anderson, Helena High School Instructor, said he is a member of the Blackfeet Tribe. He has taught in Helena High School for 36 years. He knows of only one other instructor in the Helena school system who is Native American. The district has a Native American resource person. Mr. Anderson has many Indian students that show up for his class. He believes there is a reason for this interest. Counselors in the school have moved the Indian students in Mr. Anderson's direction. The students stay with him for the school year. He believes the bill offers Native American teacher candidates a chance. That is all they need.

REP. BIXBY, HD 41, characterized the bill as critical. Without the preference offered in the bill, school districts do not give preference to Indian candidates. These persons might be seeking employment as a teacher, janitor, or cook. They do not get Indian preference even though they are well qualified. She believes with the preference written in the bill that situation can change.

{Tape: 3; Side: A; Approx. Time Counter: 0 - 14.3}

William Talks About, Chairman, Blackfeet Nation, presented written testimony.

EXHIBIT (edh12a13)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

REP. WARD required information from **REP. WANZENRIED**. He asked the sponsor if the bill is directed at implied institutional racism. **REP. WANZENRIED** said he would not be standing before the committee if he thought his bill promotes institutional racism. The sponsor said he may not have understood the question. **REP. WARD** asked if the problem that this bill is attempting to correct is possible institutional racism in hiring that currently (implied) is happening, where Indians apply for a job and do not get it because they are Indian. **REP. WANZENRIED** articulated what the purpose of the bill is. In the sponsor's community there is one Indian instructor in his entire district of Missoula County. There are dozens of American Indians in his district. Unfortunately many of them are dropouts.

He asked to sponsor the current bill to find out the reasons for the situation. The reasons are complex and have been stated in the hearing. There are instances, he suspects, where American Indians don't get a fair chance at employment. The bill seeks to suggest that the state has to do something about the situation. The bill is not the last word on this issue.

REP. WARD asked for the same information from **REP. BIXBY**. He wonders if there are any statistics that show that teachers are being overlooked because of their ethnic background. **REP. BIXBY** believes this happens and the public doesn't know about it. There are times when an Indian candidate will come forward and express the idea of racism. She knows of a situation in the Billings School District involving an American Indian candidate for a Special Education position. The person was well qualified but didn't get the job. There are situations in other districts with the same results. If there is no preference for American Indians, the Indian teacher will probably go out of state.

{Tape: 3; Side: A; Approx. Time Counter: 14.3 - 25.9}

REP. KOOPMAN desired information from **REP. WANZENRIED**. A number of people testifying have remarked that Indian students can go through school and have little or no one in front of the room that looks like them. There was talk about the need for role models. He asked, "Do you believe the qualification for being someone's role model is to be of the same race as them?" **REP. WANZENRIED** said he believes that is a good question. The language in the bill does grant preference on the basis of being a good role model. The bill says when the candidates are equally qualified, preference can be given to the American Indian. A good role model would be an invaluable byproduct of the fact that an American Indian candidate has been deemed to be substantially qualified and would be teaching presumably a high number of

American Indian students and serving as a role model. **REP. KOOPMAN** commented that he appreciated the sponsor's remarks. He asked the sponsor, "Do you feel that the bill would provide for relatively equal candidates, preference to an American Indian candidate, might tend to create less race consciousness in Montana or more race consciousness." **REP. WANZENRIED** remarked that he wasn't the right person to ask that question. He believes there needs to be an opportunity for a connection between American Indian students in their communities, where students can identify with someone in the school.

{Tape: 3; Side: A; Approx. Time Counter: 25.9 - 29.5}

REP. BUTCHER also sought information from the sponsor. He said he gets the impression from the sponsor that the he feels there is a high degree of racism in Missoula school boards. He asked, "Is that where this is coming from?" **REP. WANZENRIED** replied, "That is an unfortunate question." The sponsor is not suggesting that there is racism in the hiring practices in Missoula County.

{Tape: 3; Side: B}

REP. WANZENRIED articulated that he is suggesting that the American Indian should have the opportunity to become an employee of the district, if the person is qualified. He informed the committee that Denise Juneau, who has a masters degree from Harvard University, was a candidate for a teaching position in the Billings School District sometime ago. She wasn't granted an interview. There is something wrong with the way in which American Indians are treated when they have an application that is pending. The bill suggests that there be an extra effort made to determine if there are substantially qualified American Indians and non-Indian candidates. **REP. BUTCHER** stated that since the bill is not a mandate, he wonders if the Missoula School Board is going to run out and put the bill in place, since they seem to be shying away from hiring the native population teachers presently. **REP. WANZENRIED** remarked that he hopes the school boards will take a careful look at this bill as being permissive. It is an opportunity to do something to provide some opportunity and hope for a significant number of Montana's population in school districts in Montana, including Billings, Great Falls, Havre and Missoula, in particular. This is one small way to do something about what ails this state. What ails this state is that the fastest growing part of its population is being denied an opportunity to have the tools to participate and contribute to Montana's economic and political system. He hopes the Missoula School Board sees this as an opportunity.

REP. BUTCHER required information from Mr. Juneau. He told Mr. Juneau that he is concerned to hear that on the reservation, it has been indicated, the native school boards are bypassing their

Indian candidates. Since the bill is permissive, he is wondering if reservation boards will change their hiring pattern. **Mr. Juneau** said, through his experience as a school administrator, a lot of times Native American candidates would be brought before the board for vacancies, and the Indian school boards would not select the Indian candidates. In some cases, the board had knowledge of the history of the families, past policies, whatever. He believes if the bill passes, it will give community members an opportunity to meet with the school board or becomes school board candidates to become involved and get the bill implemented as part of the hiring process in the district. His community has a 75% unemployment rate and the school board can help with this situation if they implement the bill. The Indian candidates are going to stay in the community for a long time. At present the school system has faculty members that leave the community at 4:00 P.M. on a weekday and are not present on the weekends and do not participate in Indian activities in the community.

REP. BUTCHER remarked that since Mr. Juneau was superintendent in Browning for a number of years and has a strong preference to hiring Indian teachers, he was wondering what the percentage of Indian teachers was in Browning when Mr. Juneau retired. **Mr. Juneau** reported that at the time he retired, he had 187 classroom teachers and 102 of them were Indians or Browning graduates. That happened because he personally went out and recruited the teachers and encouraged the school board to employ them. He tracked Browning graduates for the positions.

REP. BUTCHER inquired if it boils down to the particular administrator in each school and the particular tribal politics that are going on. He said Mr. Juneau was very successful in hiring Native American teachers, without the preference bill. Knowing tribal politics, he wonders if the bill will change the hiring practices of the board because of this bill. **Mr. Juneau** remarked that the tribal issue has nothing to do with the bill. The school in Browning is a public school so the tribal council would not be involved in hiring the teachers. The community members need to make sure they vote for school board candidates who will support the idea in the bill. **REP. BUTCHER** said he recognizes that the board is not dictated by the tribal council. He is curious as to whether the school board was non-Indian during the years Native American were not hired. He wanted to know why reservation boards are so anti-Indian. **Mr. Juneau** said he didn't feel he had implied that boards were anti-Indian or prejudice. **Mr. Juneau** said the need for the bill is so Indian candidates will have a better chance to be hired.

REP. MCKENNEY required information from **REP. WANZENRIED**. It appeared to **REP. MCKENNEY** that the problem could be--which came first, the chicken or the egg. He said he based his statement on part of the testimony heard on the previous bill in the committee about the high rate of dropouts. Dropouts eliminate 50% of the applicant pool and that leads him to believe there might be a lack of college graduates. He wonders if the real answer is to increase the applicant pool by keeping the students in school so that they can graduate from college with a teacher's degree.

REP. WANZENRIED said he did not understand the question. **REP. MCKENNEY** asked, "I need your opinion; is the real problem that the system needs preference, or is the problem a lack of applicants?" **REP. WANZENRIED** believes both contribute to the problem.

REP. SALES indicated a need for information from the Sponsor. He said that the Sponsor's testimony and other testimony indicated there is nothing precluding school boards from hiring qualified Indian teachers at present. He asked, "In the event that the bill passes, (it isn't mandatory but an option) and the bill isn't employed in the hiring practice, would the next step be to make it mandatory that there is preferences for Native American teacher candidates?" **REP. WANZENRIED** thought that was a good question. He sensed that there is a code right below the surface that somehow this is the camel's nose under the tent. He thought there could be a huge agenda that follows it up. The **Sponsor** reminded the committee that he is term-limited and he was present because he believed the bill is important and he is asking this session to take the bill to its logical conclusion and get as many school boards sensitized about the opportunities they have to employ American Indian students in their systems. **REP. SALES** asked the Sponsor if he is in favor of mandatory preferences for Native American people. **REP. WANZENRIED** replied that he is not. *{Tape: 3; Side: B; Approx. Time Counter: 0 - 16.8}*

REP. DOWELL requested information from Bud Williams, OPI. He pondered that in Mr. Williams experience with school districts' hiring procedures, if there were a series of hiring, say ten in a row, where a Native American was part of the mix and the Native American was hired each time. He wanted to know if this was to go on for a long time, would there be some outcry in the community? Might some of the non-native candidates come to the district and ask what is happening or file a suit against the district. **Mr. Williams** replied that he had never been in a school district that looked at hiring a teacher in that way. In his districts, they looked for the most qualified applicant, regardless of nationality. If he saw his hiring committee not hiring Native American Indians, because it didn't want to, then he would question that process as a superintendent.

REP. DOWELL requested information from **REP. WANZENRIED**. **REP. DOWELL** noticed that school superintendents were left out of the preference bill. Since the bill doesn't address principals, he assumes they are in the bill. **REP. DOWELL** wondered if his assumption was correct. **REP. WANZENRIED** said that was his understanding. **REP. DOWELL** questioned why the school superintendents were left out of the bill. **REP. WANZENRIED** asked him to refer the question to **REP. JUNEAU**. **REP. JUNEAU** referred the question to the Legislative Staffer, Eddy McClure. **Ms. McClure** said the goal of the bill was to get classroom teachers, as many as possible, because they are the people kids see before them on a daily basis. Children do not see a superintendent that often, so it is geared toward classroom teachers.

Closing by Sponsor:

REP. WANZENRIED sees the bill as straight forward. It's simplicity is probably what has caused concern. The bill authorizes but does not require. The bill doesn't propose to answer every problem on the subject. He believes the Legislature is talented in not paying attention to the real world in Montana as it exists. The present hearing forces the legislature to acknowledge that there is information that no one knows about. He said he was talking about conditions that are not appreciated. There are circumstances that have created many victims. Knowing about the situation and doing nothing is indifference. The legislature is going to argue over expensive solutions to what ails education in the state and American Indians students are a big part of it. The American Indian lives in misery. It is common knowledge; and he asked what was going to be done about it. The problem does not exist on Indian reservations only. It is in all communities.

ADJOURNMENT

Adjournment: 5:50 P.M.

REP. KATHLEEN GALVIN-HALCRO, Chairman

NINA ROATCH-BARFUSS, Secretary

KG/NB

Additional Exhibits:

EXHIBIT ([edh12aad0.PDF](#))