# Article X of the Montana State Constitution and Indian Education for All

## Fast Facts

Curriculum Area: Social Studies – History and Government
Grade Level: High School
Suggested Duration: Two 50-minute class periods

## Stage 1 Desired Results

### Established Goals

Social Studies Content Standards for Ninth through Twelve Grade

(1) The civics and government content standards for ninth through twelfth grade are that each student will:
(e) evaluate how citizens and institutions address social and political problems at the local, state, tribal, national, and/or international levels;
(4) The history content standards for ninth through twelfth grade are that each student will:
(j) analyze perspectives of American Indians in US history.

### Understandings

- The Montana State Constitution (Article X), state law and court decisions have helped shape the direction of Indian Education efforts.
- Students will understand the constitutional and legal basis for including American Indian content into Montana school curriculum as prescribed by MCA 20-1-501 (Indian Education for All).
- All students should have an understanding and awareness of the reasons as to why they are studying historical and contemporary American Indian issues.

### Essential Questions

- Why did the delegates at the 1972 Montana Constitutional Convention put Indian Education into the state constitution?
- What does the Indian Education for All law (IEFA) address and guarantee?

### Students will be able to…

- describe the rationale for including American Indian Education in the Montana Constitution.
- summarize major laws and court cases that deal with Indian Education.

### Students will know…

- key elements regarding the constitutional, legislative, and legal efforts to implement Indian Education for All and why it applies to all schools across Montana.

## Stage 2 Assessment Evidence

### Performance Tasks

1. Students will read aloud excerpts from the 1972 Montana Constitutional Convention along with other primary source documents and discuss the rationale for including American Indian Education in the Montana Constitution. Students will write up a brief reaction paper to ideas put forth in the lesson.

2. Students will also view interview clips with American Indian educators sharing their perspective regarding Article X and Indian Education for All.

## Stage 3 Learning Plan

### Learning Activities:

**Day 1**

To set the stage and provide some basic background information regarding the Constitutional Convention have students watch this introductory clip from Earl Barlow. At the time of the convention, Earl Barlow held the position of Director of Indian Education in the office of the State Superintendent of Public Instruction. In the video clip, hear Dr. Barlow recount details of his experience with the convention.
Learning of the Constitutional Convention - Earl Barlow

Next, project the following quote from Article X of the Montana Constitution and ask students to write down four or five words that stick out in their mind and have them write a short statement about why they chose those specific words.

**"The state recognizes the distinct and unique cultural heritage of American Indians and is committed in its educational goals to the preservation of their cultural integrity."**

Ask for some initial reactions to the quote. If students want to read their responses, that is acceptable; or they can summarize. At the very least, ask a student to paraphrase the quote so it is understandable to all.

Give each student a separate quote on a slip of paper (see list below). Remove author/source information. Cut longer quotes into shorter parts so most students have something different (or at least no more than two students have the same one). Once all students have a slip of paper, ask them to stand. This activity requires mingling: approach another student and read that person your quote.

Have a conversation: "What does it mean? Who might have said it? Does it remind you of anything?" Then switch and talk about the other person's quote. Keep mingling and talking for 10-15 minutes. Afterward, students can return to seats and discuss impressions.

Project each full quote, with its author/source and talk through each one with students. What surprises them? How is it similar to or different from what they expected? Larger question: why do these quotes exist? What is the cumulative effect of this movement to include Indian Education in our education system?

To close out the class period show the following clip from Earl Barlow:

Putting Indian Voices into the 1972 Constitutional Convention - Earl Barlow

**Day 2**

Begin the class period by showing this video clip of Dylan Huisken MT Teacher of the Year (2019) discussing the importance of Indian Education for All and teaching a lesson on biases within text.

Let the students know they will now focus on how Article X of the Montana Constitution set the foundation for the Indian Education for All law. During the 1999, Legislative Session Representative Carol Juneau from Browning sponsored a bill (MCA 20-1-501) that would lead to ongoing efforts to educate all Montana educators and students about contemporary and historic American Indian issues.

Recap the previous lesson, facilitate a class discussion regarding key concepts/ideas learned and then display the following excerpt from MCA 20-1-501 (the law known as Indian Education for All). Ask students to write down four or five words that stick out in their mind and write a short statement about why they chose those specific words. Have a class discussion and ask them to share their responses.

**It is the intent of the legislature that in accordance with Article X, Section 1 (2), of the Montana Constitution:**

**(a) every Montanan, whether Indian or non-Indian, learn about the distinct and unique heritage of American Indians in a culturally responsive manner; and**

**(b) every educational agency work in consultation with Montana tribes or those tribes that are in close proximity, when providing instruction or when implementing an educational goal or adopting a rule related to the education of each Montana citizen, to include information specific to the cultural heritage and contemporary contributions of American Indians, with particular emphasis on Montana Indian tribal groups and governments.**

Next, show the following clip of Joyce Silverthorne (Salish educator) as she shares her perspective regarding Indian Education for All. In this clip, Joyce mentions funding for Indian Education for All which happened in 2005 as a result of a school funding lawsuit. Columbia Falls School Dist. v. State (2004) – School Funding Lawsuit.

The key decisions in the lawsuit that led to funding of Indian Education for All were:

- The State's funding scheme for education is unconstitutional.
- The State is "defenseless" on providing any evidence it had implemented Indian Education for All.
- The State had shown "no commitment" in implementing Article X, Section 1(2).
- The Legislature must define "quality education" then fund it.

As a result, the definition of a quality education in Montana now includes specific language about Indian Education for All and this applies to every school in Montana. Once IEFA was in the definition of a quality education then it had to be funded as directed by the court.

Watch this video clip of Eric Feaver former president of the MFPE as he provides an excellent overview of this court case.

Montana Code Annotated Sec. 20-9-309

***A "Basic System of Free Quality Public Elementary and Secondary Schools" means*:**

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

Article X of the Montana State Constitution, the legislation known as Indian Education for All (MCA 20-1-501), and a school funding lawsuit are examples of how constitutional, legislative, and legal efforts have led to the ongoing educational efforts that will result in all students graduating from Montana schools having an understanding of contemporary and historic issues regarding Montana tribes.

Close out the lesson with this clip of Dr. Shane Doyle (Crow) discussing the significance of Indian Education for All and what it means to him.

Ask students to reflect on the information from the lesson and the videos and have them write responses to the following prompts: what are three things you learned, two connections you can make to other lessons or information, and one question you have.

Other suggested types of assessments to gauge understanding of this topic are research paper, poster presentation, participation in an on-line discussion forum, and multimedia presentation formats such as a video or podcast.

## Materials/Resources Needed

Teacher background note: It is highly recommended you watch the following video clips from Blackfeet educator Earl Barlow regarding an overview of Indian Education for All prior to teaching this lesson. Montana is unique in the fact that no other state has constitutional language that addresses teaching about American Indians.

Please visit the Indian Education Website at the Office of Public Instruction for an overview of Indian Education resources and other background information

## Indian Education References and Quotes

Montana Constitution – Article X

> **Section 1. Educational goals and duties.** (1) It is the goal of the people to establish a system of education which will develop the full educational potential of each person. Equality of educational opportunity is guaranteed to each person of the state. (2) The state recognizes the distinct and unique cultural heritage of American Indians and is committed in its educational goals to the preservation of their cultural integrity.

Montana Code Annotated Sec. 20-1-501 – passed in 1999 (Indian Education for All)

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

Columbia Falls School Dist. v. State (2004) – School Funding Lawsuit

The State's funding scheme for education is unconstitutional.

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The State had shown "no commitment" in implementing Article X, Section 1(2).

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Quotes from the 1972 Montana Constitutional Convention (click on the view the book option you wish to view in)

*Mr. Chairman and delegates. During one of our very early hearings. . .there appeared before us two young Indian students representing student groups of the Fort Peck Reservation. They came asking what. . . the Convention could do, to assure them that they would have the opportunity. . . 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.*

Delegate Eck, introducing her amendment of the Indian Education clause. Const. Trans. 1950

*Through the years, we have given the Indians a great many things that didn't prove to be too good for the Indians. We gave them treaties which we later broke. We gave them discrimination, in the guise of such great statements as "the only good Indian is a dead Indian." We gave them social diseases. We gave them smallpox-infected blankets so we could reduce their surplus population. We gave them alcohol. We gave them a religion which we didn't live up to ourselves and we gave them massacres. . .Now the Indians have appeared before our committees at this Convention and they have asked for. . .this inclusion in our Constitution. . . They were here first; they owned it; and we took it all from them. And I think this is the least we can do.*

Delegate Blaylock, urging passage of Indian education clause. Const. Trans. 1954

*Every other ethnic group in this country has a country of origin to relate to in their pride of heritage, and we have learned in our schools about their countries. All of us have taken Greek history, Roman history, English history, French history, and so forth. Why not Indian history?. . . Why not a Chief Charlo day, Chief Joseph, Chief Hungry Horse, and so forth? What is the country of origin for American Indians? It is America. What have the average American learned in our schools about our American Indian people? Very little, if not nothing.*

Delegate Champoux, discussing the Indian Education amendment. Const. Trans. 1952.

*The first day I came to this assembly, I looked around and wondered - why there were no Indians here as delegates. Later, as I left the door, I saw four Indian students – young college students from the University of Montana – standing out there against the wall. And I thought to myself, how ironic. Here they are, typically, standing outside the door while the white man*

*makes all the decisions for them inside. Isn't it also ironic to see here today a Frenchman from Boston, without any Indian blood, standing at the Montana Constitutional Convention pleading for the Indians, to preserve their cultural integrity?*

Delegate Champoux, discussing the Indian Education amendment. Const. Trans. 1951-52.

*If there is ever to be a solution to the Indian problem in this country, it will only come about when our educational system provides the knowledge which is needed to understand and respect the cultural differences between us and the state helps to preserve and protect their cultural integrity. This is a matter of pride. All of us are proud of our heritage. . . because we know about our history, our culture and our integrity – our heritage. Are we now to continue to deny this to these, the first citizens of the State of Montana? Ladies and gentlemen, the Montana Indians are still waiting outside the door. Are you going to answer them?*

Delegate Champoux, discussing the Indian Education amendment. Const. Trans. 1951-52.