

HOUSE BILL NO. 263

INTRODUCED BY J. WINDY BOY

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO INDIAN LANGUAGE IMMERSION PROGRAMS IN SCHOOLS; REVISING ELIGIBILITY CRITERIA; INCLUDING FUNDING IN THE SCHOOL FUNDING FORMULA; REMOVING THE TERMINATION DATE; AMENDING SECTIONS 20-7-1403 AND 20-7-1404, MCA; REPEALING SECTION 10, CHAPTER 442, LAWS OF 2015; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 20-7-1403, MCA, is amended to read:

**"20-7-1403. (Temporary) Definitions.** As used in this part, the following definitions apply:

(1) "Eligible district" means a school district encompassing or adjacent to an Indian reservation or a school district that includes one or more schools with an Indian population of 10% or greater.

(2) "Immersion program" means a program of an eligible district in which:

(a) all participating students receive content area instruction in an Indian language; ~~at least 50% of the day;~~

(i) at least 30% of the day in the first year of the program;

(ii) at least 40% of the day in the second year of the program; and

(iii) at least 50% of the day in third and subsequent years of the program;

(b) teachers are fully proficient in the languages they use for instruction; and

(c) the goal of the program is perpetuating cultural integrity and promoting bilingualism and biliteracy.

(3) "Indian language" means any of the languages of the tribes located on the seven Montana reservations and the Little Shell Chippewa tribe. ~~(Terminates June 30, 2019--sec. 10, Ch. 442, L. 2015.)"~~

**Section 2.** Section 20-7-1404, MCA, is amended to read:

**"20-7-1404. (Temporary) Indian language immersion programs -- funding -- flexibility.** (1) School districts are encouraged to create Indian language immersion programs and in doing so:

(a) collaborate with other school districts, the Montana digital academy, tribal governments, and tribal



1 colleges;

2 (b) utilize materials produced in the Montana Indian language preservation pilot program pursuant to  
3 section 1, Chapter 410, Laws of 2013;

4 (c) utilize American Indian language and culture specialists as teachers of language and culture; and

5 (d) look to existing native language schools in Montana and around the world for guidance and best  
6 practices.

7 (2) In acknowledgment of Article X, section 1, of the Montana constitution, the educationally relevant  
8 factors for the school funding formula under 20-9-309(3), and the increased costs associated with language  
9 immersion programs, a district creating an Indian language immersion program is entitled to the following in  
10 ~~addition to~~ as part of the school funding formula in Title 20, chapter 9:

11 (a) (i) subject to ~~subsections (3) and (4)~~ subsection (3), for every Indian student participating in an Indian  
12 language immersion program, an additional American Indian achievement gap payment, as calculated in  
13 20-9-306, multiplied by 2; and

14 (ii) for every non-Indian student participating in an Indian language immersion program, an additional  
15 Indian education for all payment, as calculated in 20-9-306, multiplied by 2; and

16 (b) for every full-time American Indian language and culture specialist teaching in an Indian language  
17 immersion program, a quality educator payment as calculated in 20-9-306.

18 (3) For a district operating an Indian language immersion program that improves the district's graduation  
19 rate for American Indians by 5 percentage points or more from the previous year as measured by the office of  
20 public instruction, the multiplier in subsection (2)(a)(i) must be increased to 3.

21 ~~(4) If the money appropriated for Indian language immersion programs is insufficient to provide the  
22 amounts in subsections (2) and (3), the office of public instruction shall prorate the payments accordingly.~~

23 ~~(5)~~(4) The board of public education is encouraged to approve proposed variances to standards of  
24 accreditation for Indian language immersion programs when the board finds the proposal to be educationally  
25 sound and in alignment with the purpose described in 20-7-1402(2).

26 ~~(6)~~(5) The cultural and intellectual property rights from materials developed for an Indian language  
27 immersion program belong to the tribe to which the materials relate. Use of the cultural and intellectual property  
28 outside of the Indian language immersion program may be negotiated with the tribe.

29 ~~(7)~~(6) A district may use payments received pursuant to this section as matching funds for federal or  
30 private fund sources to accomplish the purposes of this part. ~~(Terminates June 30, 2019--sec. 10, Ch. 442, L.~~

1 2015.)"

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3 NEW SECTION. **Section 3. Repealer.** Section 10, Chapter 442, Laws of 2015, is repealed.

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5 NEW SECTION. **Section 4. Notification to tribal governments.** The secretary of state shall send a  
6 copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell  
7 Chippewa tribe.

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9 NEW SECTION. **Section 5. Effective date.** (1) Except as provided in subsection (2), [this act] is  
10 effective July 1, 2019.

11 (2) [Section 3] and this section are effective on passage and approval.

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