

ASPIRATION VS. ACTION IN MULTICULTURAL EDUCATION: Examining Policy Revisions to Montana's Indian Education for All

Abstract

Montana's Indian Education for All (IEFA) has been favorably examined as an effective multicultural education reform throughout its two decades of implementation. However, an ongoing lawsuit raised by a coalition of Montana parents and Tribal governments against the state board of education and subsequent revisions to IEFA have exposed questions about the program's efficacy. In this paper, I present a case study and policy analysis of the revisions Montana House Bill 338 introduces to IEFA and seek to understand the recent critiques of IEFA given its largely favorable presence within the literature on multicultural education. I analyze key legal documents and the past research done on multicultural education in Montana through a Culturally Relevant Pedagogy (CRP) lens. Additionally, I address the *Yellow Kidney v. Montana* trial to better contextualize contemporary Native American activism and involvement in state education policy. In so doing, I center a critique of "aspirational" multicultural education, a tokenistic approach that delays the goals of critical multicultural education and decolonizing action. This delay underscores a broader issue wherein Indigenous classroom knowledge and expertise in public-school settings is frequently situated in non-Native teaching staff. Finally, I explore the ability of teacher-centered reforms to meaningfully address structural inequities.

In 1972, Montana revised its constitution, affirming the state's dedication "to recognize the distinct and unique cultural heritage of American Indians¹ and to be committed in its educational goals to the preservation of their cultural heritage," an addition that has been nicknamed the "Indian Education Clause" (Montana Office of Public Instruction, n.d.-b). The 1999 Indian Education for All (IEFA) bill aimed to fulfill the promise of that constitutional clause by enacting broad policy changes across curriculum and throughout Montana's public school system. IEFA, in its original wording, required educators to integrate Indigenous content into existing instruction, and encouraged all Montana students—both Native and non-Native—to learn about the various Indigenous cultural heritages present both within and outside state borders (Montana Office of Public Instruction, n.d.-a). Over the two decades of IEFA implementation, scholars have published many positive evaluations of the program, highlighting the unique scope of the reform, the thorough establishment of teacher-

preparedness programs, and the reduction of the cultural dissonance Native students experience within formal education spaces (Carjuzaa, 2012a; Carjuzaa, 2012b; Magone & Elser, 2009). However, recent years have seen direct legal challenges to the reform's efficacy, most notably through the ongoing *Yellow Kidney v. Montana* lawsuit and the subsequent passing of Montana House Bill 338 (HB338) (Mont. H.R., 2023).

In July 2021, Shana Yellow Kidney, a member of Blackfeet Nation and a mother of three elementary children within the Missoula school district, joined 28 students and parents alongside five Native nations to file a lawsuit against the Montana Office of Public Instruction (MOPI). The plaintiffs argued that the state had failed to systematically implement IEFA for decades, and on October 25, 2023, the Montana Eighth Judicial Court certified *Yellow Kidney v. Montana* as a class action lawsuit—the affected class being all present and future Montana K-12 students (Native American Rights Fund, 2024; Yellow Kidney et al., 2021). Passed in 2023 during the course of the ongoing lawsuit, HB 338 enacted major amendments to the language of the IEFA bill. Most notably, HB 338 shifted responsibility for ensuring schools meet IEFA requirements to state agencies and away from individual educational staff (Mont. H.R., 2023).

¹ My usage of the terms "Indian," "Native," and "Indigenous" is informed by Younging's Elements of Indigenous Style (2018). "Indian" is frequently a chosen identity label within Montana and appears within state policy language; I use it when referencing such documents or legal categorizations. "Native" is used to denote individual Native American people, communities, and nations. "Indigenous" reflects a broader epistemological perspective and/or scholarly body of thought, as implied in terms like "Indigenous education."

This recent scrutiny invites analysis of performative aspects of IEFA policies. Performativity in this sense can alternatively be defined as aspirational policy orientation that situates decolonizing conversation in the future tense, meanwhile deterring action that addresses the history of Indian schooling in the state in meaningful ways and action that allows for Indigenous educational sovereignty to be expressed in tandem with the public school system (Hopkins, 2020). I argue that prior IEFA implementation centered teacher cultural competency in ways that defer the goals of practical multicultural education into an undefined future time. Further, this delay demonstrates a systemic issue that is deeply interwoven with Indigenous educational equity: Indigenous classroom knowledge is often embodied, interpreted, and presented by non-Native teaching staff, a positioning that overshadows the collaborative role of Indigenous communities in shaping educational content and practices.

In this paper, I use a cultural competency framework informed by Culturally Relevant Pedagogy (CRP) to analyze the case of Indian Education for All (IEFA) in Montana and to explore implications of HB 338 on the collaboration between state educational agencies and Native nations, the role of teacher cultural competency training in multicultural education reform, and the broader narrative of Indigenous educational sovereignty within the Montana public school system. This case study prompts critical reflections on the intersection of policy, community advocacy, and educational practice in the realm of Indigenous multicultural education. Ultimately, a shift towards holistic, collaborative, and community-centered approaches in Indigenous education is imperative for IEFA to continue to evolve as an effective example of applied Indigenous CRP (Brayboy & Lomawaima, 2018; Ladson-Billings, 1995; McCarty & Brayboy, 2021; Paris, 2012).

STATE AND NATIONAL CONTEXT FOR IEFA

Montana contains 12 Native nations organized within eight Tribal governments; the Nakoda and Aaniiih Nations, Blackfeet Nation, Apsáalooke Nation, Assiniboine and Sioux Nations, the Chippewa Cree Tribe, the Confederated Salish and Kootenai Tribes, the Little Shell Chippewa Tribe, and the Northern Cheyenne Tribe share contemporary and historic land within Montana, and Native Americans make up around 6.5% of the state population (U.S. Census

Bureau, 2022). Further, most Native students attend public schools across Montana's 402 districts (many of which have under 200 total enrolled students; Hopkins, 2020) and constitute nearly 15% of the student population (Montana Office of Public Instruction, 2024). Around 89% of the state population—and 77% of the student population—is White (Montana Office of Public Instruction, 2024; U.S. Census Bureau, 2022). Comparatively, an estimated 96% of the state's teachers are White (National Center for Education Statistics, 2021) and only .09% of individuals currently enrolled in Montana's teacher preparation programs identify as American Indian/Alaska Native (Montana Office of Public Instruction, 2023).

Montana's geographical location, relative size, and demographics result in a significant proportion of Native students—a physical presence important to IEFA's national research relevance and one that complicates educational policy within the state. The National Center for Education Statistics (NCES, 2021), for instance, is unable to report the number of current Native teachers in Montana given the small sample size; this complication is referred to as the problem of the asterisk: "When data are sparse, or when few Indigenous students are reported in sample sizes, Indigenous peoples are placed under an asterisk with a note that data are insufficient to make reasonable claims" (referring here to the sparsity of descriptive data) (Brayboy & Lomawaima, 2018, p. 87). Brayboy and Lomawaima (2018) recognized the asterisk problem as indicative of the insufficiencies of contemporary research practices to accurately and adequately recognize the presence of Native nations within the United States in alignment with the obligations of a government-to-government trust relationship.

At the same time, the asterisk problem demonstrates the national value of Montana's multicultural education reforms; IEFA has opened an opportunity for empirical research to compare learning outcomes between Native and non-Native students, and among Native students enrolled in IEFA compliant and non-compliant districts. Indeed, such research has been an ongoing part of IEFA's implementation over the last 20 years (Bachtler, 2015; Carjuzaa, 2012a, 2012b; Magone & Elser, 2009; Ngai & Koehn, 2016). Thus, as Montana navigates the complexities of enacting broad multicultural education reform, it remains a pivotal location



within the United States for examining educational outcomes for Native students. The passing of HB 338 in conjunction with the ongoing lawsuit may motivate additional research and stands to complicate Montana's position as a cardinal site of Indigenous education reform. To date, several states have "taken a cue" from Montana (Hopkins, 2020, p. 156) in constructing multicultural policy initiatives: Washington in 2015, Oregon in 2017, Wyoming in 2017, North Dakota in 2023, and Connecticut in 2023 have passed similar Indigenous education bills within recent years (Haigh, 2021; Hopkins, 2020). A further 2019 report from the National Congress of American Indians found that, of the 35 states that contain federally recognized nations, nearly 90% of them have begun efforts to improve "quality and access to Native American curriculum" (Haigh, 2021, paras. 10-11). Within this national context, Montana is entering a third decade of IEFA implementation and remains the only state with Indigenous education protections included within the state constitution; IEFA has been examined as applied Indigenous multicultural education for the better part of two decades. In light of this national relevance, this case study investigates the Native criticism of IEFA outlined in *Yellow Kidney v. Montana* and raises the question: How does HB 338 address these concerns, and what role could it play in adapting IEFA for future application?

CONCEPTUAL FRAMEWORK

Contrasting Tokenistic Multicultural Education and Culturally Relevant Pedagogy

Multicultural education, as an umbrella term, typically focuses on promoting understanding, respect, and appreciation for cultural diversity among all students. It often involves incorporating diverse perspectives, histories, and experiences into the curriculum to foster intercultural awareness and empathy. The extent to which these goals are implemented across multicultural education reforms can vary widely (Lo Bianco, 2016). In discussing the implications of the *Brown v. Board of Education* decision 50 years after its implementation, Zirkel and Cantor (2004) described a difference between substantive multicultural education and multicultural reforms that fit under a tokenistic or "aspirational" approach. In their words, this first sort is "created, organized, and run" by multi-ethnic, racial, and cultural parties, and is "designed to thoughtfully address the educational needs and concerns of

all" (Zirkel & Cantor, 2004, p. 9). On the other hand, tokenistic multicultural reforms take a "*laissez-faire*" approach to content development and integration by fostering settings in which students encounter and interpret material from various cultural and ethnic backgrounds without explicit and/or consistent planning and implementation on the part of diverse administrators, faculty, and community partners (p. 11). Thus, the term "multicultural education" has been criticized by scholars like Zirkel and Cantor for its lack of specificity and inconsistent usage. For this reason, it is useful here to delineate between the characteristics of tokenistic multicultural education and a more specific approach to ensuring educational equity for racially diverse student populations.

In contrast, Culturally Relevant Pedagogies (CRP), developed by scholars like Gloria Ladson-Billings (1995) and Django Paris (2012), emphasize the express welcoming and valuing of students' cultural communities, experiences, languages, and perspectives into the curriculum and classroom space. This pedagogical approach aims to empower students by affirming their identities, recognizing the value in the cultural knowledge they and their communities bring into educational spaces, and providing them with opportunities to engage critically with their own cultural heritage alongside the cultures of others (Ladson-Billings, 1995). Paris (2012) further described how "we must ask ourselves if a critical stance toward and critical action against unequal power relations is resulting from such...practice" when assessing whether a reform or implementation meets these pedagogical goals (Paris, 2012, p. 94). These criteria for effective reform highlight how CRP situates itself in critical sociopolitical consciousness, emphasizing intentional consideration of the structural inequities that underlie educational systems. This systemic awareness lends itself to holistic reform implementations—the very thing missing from the *laissez-faire* tokenistic multicultural education that Zirkel and Cantor describe.

Defining Cultural Competency

Just as the umbrella of multicultural education can be further separated into different working definitions, so too can the idea of cultural competency. One such definition is exemplified throughout Hopkins's (2020) analysis of IEFA implementation. For Hopkins, cultural competency in this context is the overall work of "develop[ing]

the knowledge, skills, and awareness to interact with Montana tribes for the benefit of all students” (p. 166). Hopkins’s definition of cultural competency hinges on an attitude of preparation; preparatory cultural competency training is done with the goal of getting a non-Native teaching staff “prepared” for the actual decolonizing work that comes from recognizing Indigenous perspectives and educational sovereignty, and from restructuring the administration of public education to increase educational equity (p. 133). Implied in this definition is the way in which decolonization work gets delayed to an unspecified future time, effectively becoming aspirational rather than actionable. Further, this positioning centers White agency within the educational system by assuming that White educators will necessarily take leading roles in facilitating more equitable education structures. While fostering intercultural awareness and facilitation skills is an important goal within both multicultural education and CRP, a definition of cultural competency that ends here does not enact a “critical stance toward and critical action against unequal power relations” as per Paris’s definition (2012, p. 94).

However, more comprehensive definitions of cultural competency exist. Namely, the idea of “developing cultural competency” defined in Ladson-Billings’ CRP framework. Here, the goal is not merely individual skill acquisition through which educators gain the ability to respectfully engage and facilitate conversation surrounding multi-ethnic and multi-racial ideas and histories. Rather, cultural competency in a CRP framework necessitates the active support of students in “sustaining” and expressing their cultural and linguistic heritage while “simultaneously offering access to dominant cultural competence” (Paris, 2012, p. 95). Cultural expertise is already situated within a diverse student body and broader community rather than being solely relegated to the instructor. This latter definition also aligns with the ways in which effective Indigenous CRP in particular must be contextually specific:

Each initiative is a response to local conditions, histories, and desires that links academic development with the development of competencies designed to enable learners to access knowledge from and contribute to the wellbeing of their communities and wider social worlds. (McCarty & Brayboy, 2021, p. 439)


McCarty and Brayboy’s concept of Indigenous CRP highlights the contextual nature of cultural competency initiatives, which operate most effectively when tailored to local conditions, histories, and desires. This approach emphasizes the integration of academic development with competencies aimed at contributing to community well-being. For Native students especially, cultural competency extends beyond respectful engagement with diverse perspectives to include recognition of sovereignty, self-determination, and the promotion of “critical, accurate, and humanizing (re)presentations and remembering” (McCarty & Brayboy, 2021, pp. 439–440), or the ways in which Indigenous youth work to “re-form and re-story” educational practice within their learning environments (Mackey et al., 2020, p. 492).

Thus, similar to the definitional distinction drawn between tokenistic multicultural education and CRP, a distinction can be drawn between preparatory cultural competency training and cultural competency initiatives that align with Indigenous CRP. These contrasting definitions and their possible effects on policy development and outcomes form a useful framework for approaching the different expectations and interpretations of IEFA across Montana school districts and within published scholarship. Similarly, the question of where IEFA implementation fits amongst these juxtaposed definitions informs the analysis in this case study.

METHODS

Data Selection

Interactions with legal systems form a complicated historical backbone to how Native nations are positioned within the civil legal structures of federal Indian law (Watters et al., 2024). The history of IEFA implementation is no different, comprising fifty years of legal interaction between Native nations and Montana state educational entities since the inclusion of the Indian Education Clause in the State constitution in 1972. For this reason, key artifacts used for this case study are the legal and policy documents of the *Yellow Kidney v. Montana* suit and HB 338. This case study supplements this policy analysis with an examination of published research and dissertation work selected to understand how both Native and non-Native scholars in Montana have interpreted, assessed, and contextualized IEFA implementation; thus, academic writing included for the purposes of the case study is predominantly drawn from scholars working within the state of



Montana between 1999 and 2023. Finally, this case study draws from Tribal, state, and national news sources surrounding the *Yellow Kidney v. Montana* trial to better contextualize contemporary Native American activism and involvement in state education policy.

Analysis

This inquiry uses a policy analysis of Montana House Bill 338 through a CRP framework. Further, this study rhetorically analyzes supplementary legal and policy documents as well as research done on IEFA implementation to evaluate how two key terms—multicultural education and cultural competencies—are presented and employed. Rhetorical critiques are nothing new in multicultural education spaces and frequently inform analyses on the efficacy of multicultural education programs (Bal, 2016; Banks, 2004; Lo Bianco, 2016; May, 1999). Aligning with these broader critiques, Indigenous scholars and educators have long expressed concerns about the lack of specificity implied by the broadly “multicultural” labeling of IEFA. Writing in 2006, Ellen Swaney—a member of the Confederated Salish and Kootenai Tribes and former director of American Indian/Minority Achievement in the Montana University System—voiced concerns that IEFA instruction “might end up trivializing highly complex cultural issues” by focusing only on “the best known and most easily demonstrated aspects of [Native] culture[s]” (p. 190). Swaney’s sentiment echoed critiques of un-substantive multicultural education which conceptualized culture “as mere inheritance of traditions, beliefs, and norms frozen in time,” a normative approach that minimized difference to further justify and reproduce existing social orders to the detriment of marginalized groups (Bal, 2016, p. 180).

For these reasons, an analytical approach that solidifies and elaborates upon functional definitions for the two key terms that have been centered throughout IEFA implementation—multicultural education and cultural competency—forms a useful base for assessing whether the stated goals of IEFA align with the actual implementation of the reform, and why conceptualizations of these terms appear to meaningfully differ between Native and non-Native assessments and perspectives. In doing so, this inquiry seeks to situate HB 338 within the recent critiques of IEFA given IEFA’s largely favorable presence within multicultural education research.

Positionality

As in all research, to accurately assess the value and use of this study, it is necessary to understand the perspective through which I have gathered and analyzed my data. I am a White, US-born scholar from Montana. My initial interest in this study was to explore the dissonances between the generally positive analysis and discussion of IEFA I’ve encountered in academic work, the critical perspective of Native communities evident through legal action like the *Yellow Kidney v. Montana* suit, and my own exposure to IEFA curricula; I completed both undergraduate and graduate work at the University of Montana, and had direct experiences (and non-experiences) of IEFA content throughout my own primary and secondary education. Additionally, my research interest centers on ways to foster meaningful and equitable connection between families and communities who approach education in ways peripheral or external to standardized educational structures, and those structures themselves. While my own experience within the Montana education system proved an important tool in contextualizing this study, my perspective on education and the school system was primarily formed and informed by that system itself, and as such is not immune to the systemic racial inequities that underlie public education spaces; it is inevitable that my ethnoracial background has influenced my interpretation of this case—in recognition of this, I’ve made efforts to bracket existing biases or preconceptions resulting from my personal experiences with IEFA and have centered the work of Indigenous educators and scholars in my conceptual framework and analytical approach. In this way, I sought to ensure that this study was sensitive and appropriate to the context that it discusses while working to supplement perspectives on IEFA within the broader discourse.

FINDINGS

History of IEFA

Indigenous scholars have long drawn a line between *Indian schooling* as a colonizing weapon of state acculturation and *Indigenous education* as an epistemological alternative, a site of resistive agency, and a form of cultural affirmation (Brayboy & Lomawaima, 2018). Between these two approaches to the education of Native students lies an axiological concern; as Inupiat scholar Leona Okakok wrote: “education is more than book learning, it is also value-learning” (as cited in

Brayboy & Lomawaima, 2018, p. 83). Processes of assimilative value learning have been the historic focus of state-implemented Indian schooling in Montana, as have educational approaches that seek to override or erase place-based philosophy and the relationships to land, personhood, and community that Indigenous education centers (Hopkins, 2020). These processes are not strictly things of the past; steeped in a history of Indian schooling as facilitated through public school and boarding school systems, modern public schooling in the state “continues to be a colonizing, assimilative institution in the lives of Native children and tribal communities” (Hopkins, 2020, p. 5). Importantly, Indigenous education is not tied solely to inclusive curriculum or content, but to differing knowledge and value frameworks that often operate in direct contradiction to the Western ways of knowing that inform the very structure of public education’s physical and pedagogical spaces (Ladson-Billings, 1995; Paris, 2012). Thus, in seeking to decolonize schooling, Native scholars, educators, and communities often avoid conflating ideas of “schooling” and “education” (Brayboy & Lomawaima, 2018; Deloria et al., 2018).


It is within this context that Montana’s 1999 IEFA bill enacted promises made in the so-called “Indian Education Clause”—a hard-won addition to the 1972 Montana state constitution—by encouraging both Native and non-Native K-12 students within the state to “learn about the distinct and unique heritage of American Indians in a culturally responsive manner” (Montana Office of Public Instruction, n.d.-b). Implemented as a broad educational reform, IEFA’s stated goals sought to promote cultural understanding and recognize and preserve the cultural heritage of Native nations within the Montana public school system. In pursuit of these goals, IEFA primarily sought to enhance teacher training and to ensure that educational materials were presented in a culturally sensitive manner and were reflective of Indigenous perspectives.

Central to IEFA was the construction of the Seven Essential Understandings, a set of “guiding principles” for the reform bill that outlined the basic knowledge about Native nations required for any “educated and contemporary Montana citizen” (Montana Office of Public Instruction, 2001, p. 1). These understandings ranged from statements about the legal creation of reservation land to acknowledgement of the diverse cultures,

languages, and histories of individual nations. The document was constructed in partnership between Native and non-Native members of the IEFA development team and published in an eBook format hosted on the Montana Office of Public Instruction’s IEFA website. The intended audience of this key document is IEFA’s referenced “educational personnel”—the majority non-Native teaching and administrative force that would “work cooperatively with Montana tribes ... when providing instruction or when implementing an educational goal” (Montana Office of Public Instruction, n.d.-b, p. 1); in addition to the Understandings themselves, this key document included the contextual background that led to the creation of IEFA—namely the ratification of the 1972 state constitution—visual examples of Tribal government crests, and detailed data on language, membership, and demographic information for each nation. Altogether, the Seven Understandings are presented as a comprehensive contemporary history of the Native nations within Montana—a format inaccessible to K-12 students within the state but rather designed to foster cultural awareness and competency among non-Native teaching staff.

Just as the Seven Understandings highlight teacher education and teacher cultural competency training as main mechanism of IEFA, teacher agency is centered in much literature published on the efficacy of the program’s culturally responsive teaching (Carjuzaa, 2012a, 2012b; Elser, 2012; Magone & Elser, 2009; McCarty & Brayboy, 2021; Ngai & Koehn, 2016). Indeed, teachers have been positioned as critical facilitators tasked with translating the state’s educational goals into IEFA-specific content lessons. In addition to the creation of the Seven Essential Understandings, the Montana Office of Public Instruction has dedicated a substantial amount of its IEFA funding and efforts towards the creation of teacher resources; available alongside *Essential Understandings Regarding Montana Indians*, MOPI developed an online database geared towards further teacher training “where educators can access research and data, publications, teaching tools, curriculum resources, lesson plans, recommendations for literature, and guidelines for evaluating and using resources” (Bachtler, 2015, p. 8). So thoroughly has this relationship between the education of teaching staff and IEFA efficacy been established, that a 2015 review of IEFA used





the amount of time teaching staff spent accessing MOPI's IEFA resource database as a key metric for effective implementation (Bachtler, 2015).

However, a lack of clear statewide accountability measures and variable district-to-district criteria for meeting IEFA expectations placed the burden of accessing, interpreting, and executing these resources largely on individual teachers. Within Bachtler's report, many teachers expressed frustration with the lack of cohesive and collaborative implementation, describing only "a general expectation from administrators, such as 'do IEFA once a month'" (Bachtler, 2015, p. 16). As is implied by the verb "do" in "do IEFA," this framework has been experienced as frustratingly vague by teaching staff, who have expressed confusion as to the curricular goals of IEFA. In a 2011 dissertation project focused on teacher experience with IEFA, Micki Abercrombie-Donahue noted different answers to this question. Some educators saw the primary goal as bringing Indigenous epistemologies into classroom spaces and felt inadequately prepared or positioned to undertake such a shift (p. 85). Others saw a lessening of achievement gaps for Native students as the main goal, and "wanted the implementation of IEFA to equip them with specific pedagogical strategies for improving the academic achievement of their Indian students" (p.138). What it means, then, to "do" IEFA has been a source of confusion and mixed interpretation among teaching staff, especially when considering that "doing" IEFA at the state level has primarily been to increase cultural competency among educators (Hopkins, 2020), with the expectation that these educators would then independently translate that competency into classroom practice.

Many of the instructors in Abercrombie-Donahue's report felt that they had not achieved a level of cultural competency that would enable them to "do" IEFA effectively, and "were afraid of saying or doing the wrong thing [so] had chosen not to implement the IEFA curricula" (Abercrombie-Donahue, 2011, p. 91). Many of the participants further described experiences with Native students and families that they believed demonstrated "interpersonal mistrust and defensiveness," which made implementing IEFA more difficult (Abercrombie-Donahue, 2011, p. 91). This tension between overarching goals and practical implementation underscores the complex position of teachers within Montana's IEFA

framework, highlighting both their agency and the systematic challenges they have faced in translating policy into meaningful classroom practices. Further, this positioning of teaching staff as the key agents and site of IEFA reform efforts underemphasizes the supposedly collaborative role of local Native communities.

Recent Challenges to IEFA Implementation

In recent years, the efficacy of IEFA implementation has faced direct challenges, building towards a class action lawsuit filed by a coalition of K-12 students and parents in Montana, in collaboration with the Assiniboine and Sioux Tribes of the Fort Peck Reservation, Confederated Salish and Kootenai Tribes of the Flathead Reservation, Fort Belknap Indian Community, Little Shell Tribe of Chippewa Indians of Montana, and Northern Cheyenne Tribe, against the state board of education in 2021 (Native American Rights Fund, 2024). *Yellow Kidney v. Montana* challenged several aspects of IEFA, including the language of the bill itself and the lack of state-level accountability for and clear tracking of IEFA funds. An example of what the plaintiffs consider "improper use of funding" included the use of IEFA funds by one Montana elementary school to purchase a book titled: *Squanto and the Miracle of Thanksgiving*, a history of the holiday from an evangelical perspective which "'shows that the actual hero of the Thanksgiving was neither white nor Indian, but God,'" as stated in the book's Amazon summary (as cited in Yellow Kidney et al., 2021, p. 26). A further example from the Helena school district included another book purchased with IEFA funds, titled: *Born to be Wild: Little Marmots*. The language of the lawsuit described this purchase in the following way: "The book describes the physical characteristics and social habits of marmots ... The book does not situate marmots within the context of cultural significance, relevance, or meaning to American Indians in Montana" (Yellow Kidney et al., 2021, p. 26). IEFA received funding in 2005, six years after its initial implementation; that year alone, the legislature allocated more than seven million dollars to local districts to aid in IEFA implementation (Juneau & Broadus, 2006). However, IEFA funding decreased steadily in following years, and the tracking of these funds has never been especially robust; Bachtler's 2015 report likewise found that a lack of "meaningful accountability" for all aspects of IEFA implementation was a major weakness of the reform

(p. 35). For this reason, the funding criticisms raised by the plaintiffs is not especially new; however, these examples further suggest that the improper utilization of IEFA funds is wrapped up in a larger concern about the competency of educational personnel in choosing and incorporating materials into IEFA-centered content. Here, the foregrounding of teacher competency in IEFA implementation continues to be a major sticking point for Native community involvement: there is little confidence that these books—or IEFA content more generally—is being presented in ways informed by the cultures and histories of Native nations “in collaboration with local tribes” as is promised in the legislation (Montana Office of Public Education, n.d.-b).

As a primary plaintiff in this ongoing lawsuit, Shana Yellow Kidney continues to push against the vague language of “cultural heritage” that is employed in the constitutional clause. For Yellow Kidney, this positioning lends itself to further historicizing of Native nations within IEFA content implementation. She argues that IEFA has failed to recognize or promote Indigenous ways of knowing by not engaging with the current cultural knowledge that Native students and local Native communities bring into public school classrooms (Golden, 2023; Yellow Kidney et al., 2021, p. 29), and has instead deferred to the future expertise of non-Native teaching staff. Indeed, the Montana Board of Education’s initial defense in *Yellow Kidney v. Montana* was that “the Indian Education Clause does not confer any duty or responsibility on [the board of education] and is simply aspirational,” and that it is not up to the state to enforce content standards but only to provide educational personnel with funding and support (Eddy, 2023, p. 15). This idea of content as “aspirational” holds important ramifications for thinking about the goals of multicultural education within a public-school setting.

HB 338’s Changes to IEFA

As a partial response to this ongoing lawsuit, HB 338, passed in May of 2023, sought to adjust the language of IEFA by including three key changes:

1. A shift of responsibility for enforcing and implementing IEFA from “educational personnel” to “educational agencies.” Indeed, HB 338 eliminated the “educational personnel” language from IEFA entirely.
2. A definition of “educational agencies” highlighting state-level authority—specifically

the Board of Public Education and the Superintendent of Public Education.


3. A shift in language from IEFA “encouraging” both Native and non-Native students in the state to learn about the cultural heritage of Native nations to IEFA being a “requirement” of Montana public education (Mont. H.R., 2023).

In this way, HB 338 sought to offset the focus on individual teaching staff by increasing the responsibility held by state educational agencies. Coupled with these shifts in language, HB 338 introduced more rigorous requirements for the tracking of funds (Mont. H.R., 2023, p. 4). Notably, HB 338 shifted authority towards state agencies; within the typically conservative political landscape of Montana, a shift in educational power to state rather than district agencies was a significant move, one succinctly acknowledged by Elsie Arntzen, the state superintendent of Montana: “‘Until this last session, we had no authority’” (as quoted in Dempsey, 2023). For state educational agencies, HB 338 not only reaffirmed the responsibilities of the state for implementing IEFA but served to further bolster state authority in this matter.

Whether this consolidation of power towards state agencies is the favored outcome of said agencies, however, is a different matter. Despite Arntzen’s statement, the board of education—as the main defendant in the ongoing lawsuit—has maintained a position that deflects state responsibility. This deflection continued into April of 2023, when an amendment to HB 338 was suggested, proposing to change the language from “requirement” back to “encouragement.” While initially passed, this amendment was later overturned in a 75-25 do-not-concur motion (Wagner, 2023). Thus, the stakes of HB 338 for the state board of education are multifaceted; while HB 338 stands to both strengthen state control over local school board content implementation, it further stands to hold state agencies responsible for both the creation and implementation of educational content in a way that is counter to the typical political leaning of the state, and in a way that surpasses a merely tokenistic—or “aspirational”—approach.

For Native students and communities in the state, HB 338 continues a long battle around Indigenous educational sovereignty “in which knowledge systems, knowledge production, cultural values, and children’s lives are on the line” (Brayboy &





Lomawaima, 2018, p. 83). Locally, HB 338 represents the most recent step in over 50 years of deliberate and focused advocacy, legal action, and activism on the part of Native nations in Montana to secure constitutionally protected education reform. Further, the potential effects of HB 338—and the added scrutiny to IEFA that has occurred through its negotiation and passing—may serve to bolster the ongoing lawsuit raised against the State of Montana.

DISCUSSION

Substantive multicultural education within a CRP framework requires ongoing collaborative effort. Effective Indigenous CRP models “should push and pull the institutions that implement them, forcing them to be more efficient, accountable, and engaged in the lives of the students and communities with and for whom they partner and work” (McCarty & Brayboy, 2021, p. 440). In this context, IEFA—through initiatives like the development of the Essential Understandings and similar teacher education materials created alongside Native nations—embodies some aspects of CRP. Yet, in other respects—most notably the question of who is “doing” the work of enacting this multicultural education reform—IEFA instead aligns with Zirkel and Cantor’s concept of tokenistic multicultural education (2004). To the extent that IEFA implementation has predominantly assigned classroom Indigenous expertise and the integration of cultural knowledge into curricular content to non-Native teaching staff, it has not effectively taken a stand against “unequal power relations,” as per Paris’s (2012) understanding of the goals of CRP (p. 94). Further, a major priority within IEFA implementation has been to increase the preparatory cultural competency of White educators, an approach that neglects to engage effectively with the goals and priorities of Indigenous CRP.


This aligns with the overall trajectory Hopkins traced for both IEFA and similar initiatives in other states. In assessing the efficacy of Maine’s Indigenous education policies, Hopkins (2020) concluded that educators’ “inability to attune to the needs of tribal communities, their inclination to feel frustrated by the low participation [of Native students and communities], and their unwillingness to accept their privileges and benefits from the settler colonial structure reveal a lack of readiness” to engage in the decolonizing action necessary for the future of

Indigenous multicultural education (p. 166). Pieces of this analysis can similarly apply to Montana’s IEFA implementation, at least when considered in connection with the teacher frustrations Abercrombie-Donahue identified in 2011; however, this approach again emphasizes the future-oriented emphasis on readiness, thus evoking a similar positioning as the state’s aspirational reform defense.

Consequently, the prevailing focus on cultural competency within IEFA implementation denotes a preparatory phase wherein non-Native educators seek to “develop skills for the difficult, challenging and messy decolonizing conversations” that will need to take place if Indigenous education and public schooling are to coexist in educational spaces (Hopkins, 2020, p. 166). While this skill-building holds important implications for the future of equitable education in Montana, it results in an implementation that prioritizes the future comfort and leadership skills of a majority non-Native teaching and administrative staff over the present experiences of Native students in the state and further works to delay broader structural reforms. In this way, a definition of cultural competency that is only comprised of Hopkins’s (2020) metrics of teacher readiness aligns with critiques of the aspirational approach of IEFA’s multicultural education and again fails to prioritize the goals of Indigenous CRP models.

The question remains whether the changes HB 338 applies to IEFA are well positioned to shift the intention of cultural competency towards an implementation informed by CRP. Elaborating on how CRP can be effectively translated into a holistic view of IEFA reform to further educational equity for Native students and communities helps explore this question.

Hodge’s (2019) study into the effects of educational structures on teacher decision-making within the classroom highlighted the interplay among structural elements of educational tracking, teacher beliefs, and curriculum delivery. Hodge’s research suggested that relying solely on teacher competency is an insufficient way to address the needs of diverse classrooms. Hodge concluded that “school and district leaders must attend to school organization and teacher beliefs, as well as curriculum” (Hodge, 2019, p. 668). Key here is the need for more holistic understandings of



education systems; because of their embedded position, Native and non-Native teachers alike are influenced by the structures in which they operate and may thus reiterate injustices that are entrenched within those structures, despite personal identities, beliefs, or intentions. While Hodge's study differs in context from IEFA, his overarching recommendation resonates with the sentiments expressed by Julie Cajune, Salish educator and former director of American Indian education for the Flathead Reservation in western Montana. Cajune contends that "individual teachers can do phenomenal things, but nothing [in education] is going to change systematically ... until power is shared" (as cited in Carjuzaa et al., 2015, p. 203). Cajune here argues both for the primacy of systematic change within educational administration and for the deliberate inclusion of both Native teaching and administrative staff and broader Native communities at all levels of reform implementation.

Central to this argument is the need for holistic approaches to the very structures of schooling, an aspect that the previously teacher-centered implementation of IEFA failed to address. This aligns with the concept of Indigenous CRP put forth by McCarty and Brayboy (2021), which emphasized an education "rooted in place and context, with attention to curriculum, pedagogy, assessments, accountability, teacher knowledges, [and] community engagement," among other factors (p. 439). The shifting of responsibility towards state agencies, coupled with the introduction of more rigorous ways of tracking IEFA funding introduced through HB 338, better addresses the need for accountability and structural assessment, though much work remains to be done to ensure that power is shared. ●



IMPLICATIONS AND CONCLUSIONS

HB 338's amendments to IEFA, particularly the shift in responsibility to state educational agencies, demonstrates the complex relationships among policy, community advocacy, and educational practice in matters of multicultural education. Key to HB 338's revisions are the role of teaching staff in IEFA implementation and the need for greater collaboration with local Native communities when approaching the integration of the heritages and cultures of Native nations into public school classrooms. The introduction of HB 338 to the ongoing legacy of Indigenous education reform in the state of Montana brings a stronger sense of accountability to the implementation of IEFA, potentially working to shift state application of multicultural education away from an "aspirational" model by specifying a requirement for actionable and centralized steps through funding accountability and ongoing collaboration with Native nations. Although HB 338 does not include definitive actionable steps, these overarching goals recognize the ways in which an aspirational view of multicultural education combined with a limited definition of the purposes of instructor cultural competency work to delay decolonizing public education.



Given the history and reality of Indian schooling in Montana as a colonizing force, the ongoing narrative surrounding HB 338 opens the possibility for decolonizing conversation around Montana public schooling; however, the shifts enacted by HB 338 alone are unlikely to result in the holistic structural changes needed for the equitable educational environments described in a CRP framework. Decolonizing conversation and meaningful action will require recognizing the educational sovereignty of Native nations in Montana. The intentional and continuous involvement of Native communities in both the creation and implementation of education policy, as well as the recognition of the assets Native students bring to their classrooms, are steps towards a more holistic expression of the multicultural education IEFA purports to enshrine.

Additionally, educational staff can work to center the cultural, linguistic, and community wealth of Native K-12 students, intentionally moving away from deficit framings and historicizing perspectives. In this way, Indigenous knowledge can be situated within Native students and communities, and the work of building cultural competency can become a shared responsibility.

As Montana navigates these complexities, it continues to serve as a pivotal site for examining educational outcomes for Native students in a national context. For this reason, HB 338's potential impact extends beyond legal amendments within a single state. This bill characterizes a moment in an ongoing struggle for educational sovereignty and the recognition of Indigenous epistemologies within public schooling systems. Further research is needed to explore the long-term impact of HB 338 on educational outcomes for Native students, on the effectiveness of state-level implementation strategies, and on the collaboration between educational agencies and Native communities.●



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