Empty Desks:

DISCIPLINE & POLICING IN MONTANA'S PUBLIC SCHOOLS

INDIGENOUS STUDENTS DISPROPORTIONATELY PUSHED OUT

ACLU Montana

UNIVERSITY OF MONTANA

SCHOOL OF SOCIAL WORK

ACKNOWLEDGEMENTS

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The ACLU of Montana and the authors of this report are also deeply appreciative to the parents and students who shared their stories with us. All students have an equal right to an education regardless of race, ethnicity, (dis)ability, language, poverty, gender, or zip code. We hope that this report is one of the tools to create positive change and move toward educational equity in Montana.

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Section I:

EXECUTIVE SUMMARY

Students across Montana lost more than 18,000 days of instruction due to out-of-school suspensions during 2015-16 alone.

Faith was 13 years old when she received her first out-of-school suspension. Once, school officials suspended her for hugging her boyfriend too long. Another time, she was suspended because she was eating crackers in the hallway. Faith received twenty suspensions for minor incidents as a student.

Montana's public-school system denied Faith's fundamental right to an education by removing her from the academic setting for typical adolescent behavior. Faith's experience is not unique: students across Montana lost more than 18,000 days of instruction due to out-of-school suspensions during 2015-2016 alone. Native American students, students of color, and students with a disability disproportionately experienced days lost. The days lost – especially high among Indigenous students – demonstrate a core failure of Montana's schools to ensure educational equity for all students.

Montana Is Failing to Ensure Educational Equity

Public schools have a responsibility to provide all students with the support and resources necessary for high school completion. Students who graduate from high school are better situated for success in adulthood. Educational equity requires a fair and inclusive system that ensures the advantages of education are available to all students.[1] Educational equity:

- distributes resources in a way that ensure those with more need – often as a result of systemic and historical harms – receive support to overcome barriers to success, and
- removes counterproductive punishments, particularly those that are used disproportionately on some groups more than others.

Educational equity should be a guiding principle for all public-school systems. In order to achieve educational equity, school systems and the individuals who work within them must consider and plan how to address factors including historical trauma, poverty, race, culture, gender, and disability. This report focuses on two aspects of Montana's failure to ensure educational equity: **(a)** exclusionary discipline and **(b)** referrals to and arrests by law enforcement. Exclusionary discipline, referrals to law enforcement, and arrests disproportionally harm students with disabilities, students of color, and Indigenous students.[2]

Exclusionary Discipline

Exclusionary discipline is any type of discipline that removes a student from their usual educational setting. Out-of-school suspensions are a common type of exclusionary discipline. Students who miss academic and social learning opportunities experience life-long harms. Students who miss school are less likely to graduate and more likely to become ensnared in the criminal justice system. Student behavior and performance are not improved with exclusionary discipline.[3]

Referrals to and Arrests by Law Enforcement Officers

Law enforcement officers (LEOs) are regularly present on campus in many schools in Montana, like in many schools across the country. About one fifth of Montana's schools use law enforcement despite evidence that law enforcement presence in schools fails to make schools safer.[4] Schools with a law enforcement presence have higher rates of

exclusionary discipline. Schools with LEOs also have higher rates of exclusionary discipline for Indigenous students and students of color, as compared with white students.[5] Student interaction with law enforcement through referrals or arrests are higher when LEOs are regularly present at school. Students' education is disrupted, they are more likely to be pushed out of school, and they are more likely to become entrapped in the criminal justice system when LEOs are present at school.

Montana's Students Experience High Rates of Suspensions, Referrals, and Arrests

Students in Montana's K-12 public schools are suspended, referred to law enforcement, and arrested at higher rates than students in many other states.[6] In Montana schools during the 2015-2016 school year:

- Students lost 18,411 days of instruction due to out-of-school suspensions, which is about 12 days lost for every 100 students.
- Students were arrested 326 times and referred to law enforcement 1,121 times.
- Students were arrested in 33 schools throughout the state. Nearly half of all arrests occurred at two schools: 111 occurred at East Middle School in Great Falls and 50 occurred at Flathead High School in Kalispell.
- Students of all ages – including those in elementary school – lost days of instruction, were arrested at school, and were referred to law enforcement from school.

- Schools with LEOs present had nine times more arrests per 1,000 students and nearly four times as many referrals per 10,000 students than schools without LEOs.
- Approximately 20 percent of Montana's schools had the regular presence of a LEO.
- Eighty-six percent of all school-related arrests occurred in schools with a LEO present.

Native American Students, Students of Color, and Students with Disabilities Experience the Greatest Disparities in Discipline

Native American students, students of color, and students with disabilities experienced days lost, referrals, and arrests at higher rates than their peers. Students of color and white students show behavioral issues in school settings at roughly equal rates,[7] yet trends from across the country provide evidence that students of color commonly receive a disproportionate number of these harmful punishments. Students with disabilities also receive disproportionate punishment.

Montana is no exception to national disparity trends. Montana's schools in 2015-2016 had the following disparities:

- Native American students lost nearly six times the amount of instruction as white students and were arrested more than six times as often as white students.
- Black students lost nearly three times the amount of instruction as white students and Latinx students lost 1.5 times the amount of instruction as white students.
- Students with disabilities lost more than twice the amount of instruction as students without disabilities and were arrested twice as often as students without disabilities.

Public schools on reservations had more days lost per 100 students, higher arrest rates, and were more likely to have LEOs at schools. Patterns in the 2015-2016 data for Montana's public schools include:

- The ten schools with the greatest number of days lost per 100 students were located either on a reservation or in a border town (within 20 miles of a reservation boundary).
- Reservation arrest rates were disproportionately high: only 8 percent of students in Montana go to school on reservations, yet 13 percent of school-related arrests occurred on reservations. Students who attend schools on reservations are arrested at 1.6 times the expected rate.
- Schools on reservations are 2.2 times more likely to have a LEO present (40 percent, compared to 18 percent of schools not on a reservation).

Montana's Schools Do Not Have Adequate Mental Health Professionals

Too many students do not receive the support they need while at school. Students today experience record levels of depression and anxiety. Students experiencing issues with mental health may seek out support from school-based counselors, nurses, social workers, and psychologists. Schools across the nation with mental health providers see improved attendance rates, lower rates of exclusionary discipline, and higher graduation rates.[8] Many schools in Montana did not meet the recommended ratios of school-based mental health providers, especially social workers.

Harms of Colonization Are Compounded by Over-Disciplining Indigenous Students

This report provides historical context for how the harms of exclusionary discipline and over-reliance on police in schools are compounded by the legacy of colonization, historical trauma, and the overincarceration of Indigenous people.

Recommendations

Policy makers, school administrators, educators, advocates, parents, and students all have a role in ensuring and demanding that Montana's education system is equitable. Detailed recommendations are at the end of the report. Priority recommendations include:

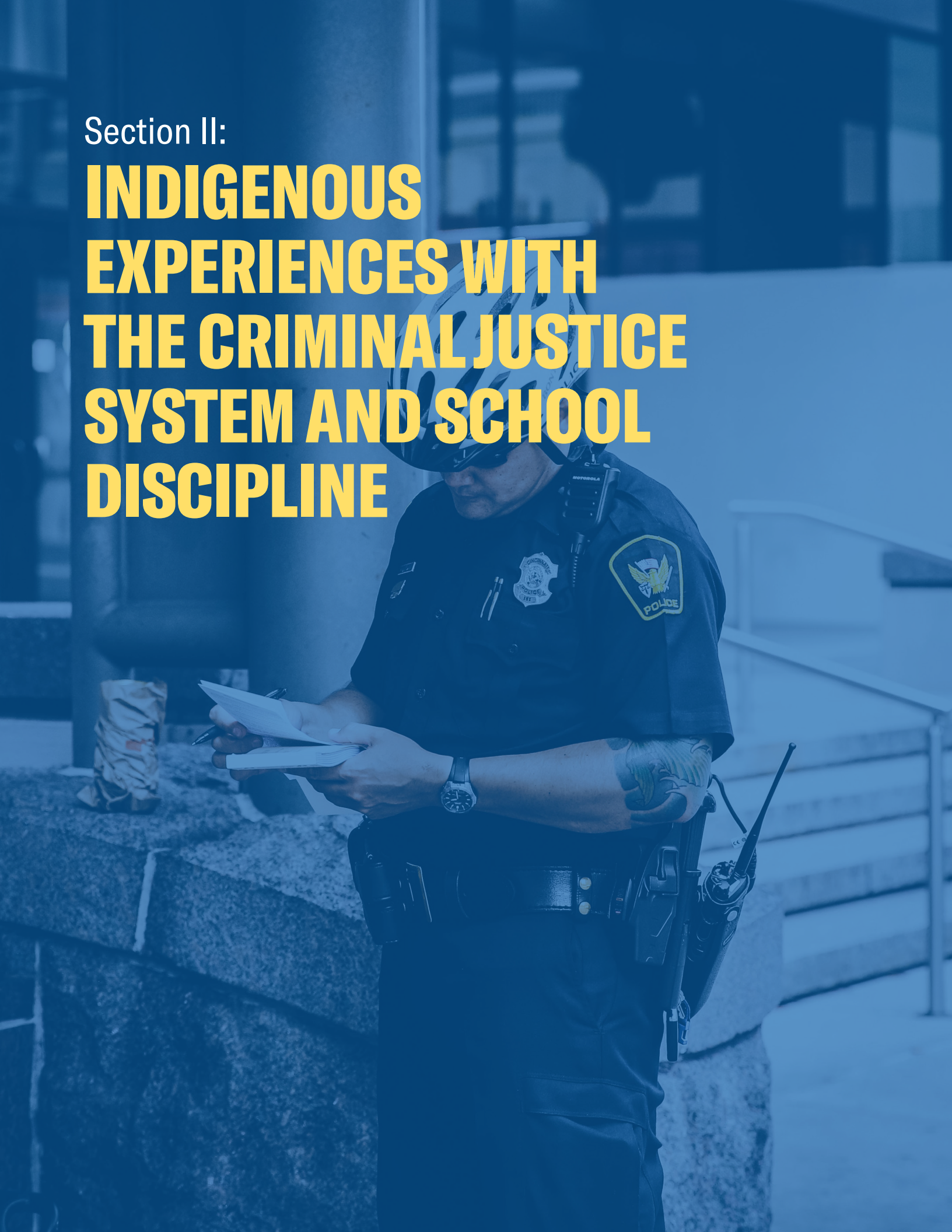
- Limit exclusionary discipline for all students.
- Ban the use of exclusionary discipline for students in sixth grade and below.
- End permanent and routine policing of schools. Limit law enforcement presence in schools to issues involving serious criminal law matters, where there is an imminent threat to student/staff safety.
- Fund the tools and training necessary to properly implement research-based alternatives that give educators more tools to positively manage student behavior. Tools include managing behavior in a more supportive way and using restorative justice approaches to discipline that are rooted in local Indigenous cultural practices when appropriate.
- Provide better campus mental healthcare services. Invest in and meet the recommended ratio for school-based support staff, including psychologists, nurses, counselors, and social workers.
- Establish detailed reporting practices for student discipline. Make student discipline reports readily available to the public.

METHODOLOGY

The data analysis includes two 2015-2016 academic year data sources: (a) aggregate school discipline data (days lost, referrals to law enforcement, and arrests) reported to the U.S. Office of Civil Rights known as the Civil Rights Data Collection (CRDC) and (b) graduation rates and school-level Indian Education for All data reported to the Montana Office of Public Instruction (OPI). Days lost are the days of instruction lost due to out-of-school suspensions. The number of days lost per 100 students is a ratio calculated using the days lost and students enrolled, in order to create a variable comparable across schools and groups. Similarly, arrest rates per 1,000 students and referral rates per 10,000 students are calculated with the total number of arrests, referrals, and student enrollment. Graduation rates are the percentage of students who graduated divided by the total number of students enrolled in their senior year. Comparisons of the number of times greater a group is compared to the state average are the school and/or group rate divided by the state rate. Schools are sometimes reported as reservation, border (within 20 miles of a reservation boundary), other rural, or other urban. A comparison of means analysis (One-way Analysis of Variance commonly known as ANOVA) were conducted with mean school disciplinary data and graduation rates in schools where a Law Enforcement Officer (LEO) or Security Guard are or are not present. Linear regressions were calculated to predict graduation rates with total days lost per 100 students and Native American days lost per 100 students.

The school reports for 2015-2016 Montana CRDC numbers had some data entry errors and inconsistencies, especially among students with disabilities enrolled. For example, several schools reported no students with disabilities enrolled, but also reported suspensions, arrests, and referrals for students with disabilities. Federal laws require reporting the data to the U.S. Department of Education; however, some schools may be out of compliance with federal requirements regarding reporting students with disabilities. Schools potentially under-reporting students with disabilities creates patterns of data errors impacting researchers' ability to accurately assess school level discipline disparities.

The U.S. Department of Education has acknowledged a technical error in the collection of data about the number of sworn law enforcement officers for 69,000 of the 96,300 schools nationwide, including some Montana schools. According to the U.S. Department of Education 2015-2016 Civil Rights Data Collections' Public Use Data File User's Manual, published in April 2018,"[t]he Sworn Law Enforcement Officers indicator question was inadvertently carried over from the 2013-14 data collection and displayed in the submission tool for 2015-16. This carryover caused a reporting issue with the SCH_FTESECURITY_LEO data element." The data set used for the data analysis in this report came from the latest LEO numbers available as of April 2018. As a result, users accessing the CRDC may encounter discrepancies regarding the number of law enforcement officers at a school depending on the version of the data file accessed.



Section II:

INDIGENOUS EXPERIENCES WITH THE CRIMINAL JUSTICE SYSTEM AND SCHOOL DISCIPLINE

Societies' approaches to criminal justice reflect their cultural context. Indigenous and colonial perspectives on response to crimes are often in tension.[9] Prior to colonization, Indigenous justice systems commonly emphasized maintaining relationships, responsibility, healing, and restoring harmony through restorative justice manners.[10] Indigenous healing of trauma focuses on events, as well as cumulative and historical trauma that include experiences with racism, forced assimilation, grief, and loss.[11] U.S. colonial criminal justice systems operate without consideration for Indigenous perspectives on justice and healing.[12] Many contemporary restorative justice practices function from colonial perspectives, rather than Indigenous perspectives and practices, despite the Indigenous roots of restorative justice concepts.[13]

Indigenous people experienced colonial criminalization of their culture,[14] which included the "suppression of culture and militaristic social control… controlling movement… [forcing Indigenous people to remain on or] go back to the reservation… [and if they were uncompliant they were] subjected to… violence."[15] Assimilation efforts targeted children and youth who historically were, and in many cases still are,[16] "confined in boarding schools, orphanages, jails, prisons, on reservations, and in institutions."[17]

Indigenous people commonly have individual or family experiences with incarceration, which sometimes are for crimes not committed.[18] Native Americans are more frequently arrested than whites, often receive harsher punishments,[19] and experience discrimination on all levels of the criminal justice system from arrests, to the courts, to treatment in prisons and jails, to community supervision.[20]

Even though Indigenous people are punished more often and more harshly by the colonial criminal justice system, "tribal defender Ann [Miller asserts that many crimes are] ...not violent, but just fail to conform to societal rules, [including]... mental health problems and addictions... coping with traumatic circumstances and toxic situations; … self-medicat[ing] with alcohol or drugs."[21] Indigenous student drinking and drug use are likely the result of trauma and internalized racism, which schools too often manage as a criminal behavior. Schools can more effectively manage these behaviors if they allow school support staff to identify and address the root causes of the behavior.

Higher arrest rates for Indigenous students are an ongoing legacy of punishing Indigenous students in school settings. Non-Indigenous students are typically not interrogated in the same manner, which results in less referrals and/or arrests.[22] For instance, in Indigenous contexts law enforcement officers often rely on confessions and signed statements collected by school employees.[23] Law enforcement in Indigenous school contexts often do

Indigenous populations' – including students' - experiences with law enforcement are often influenced by longstanding myths that label Indigenous people as deviant, bad, inferior, and criminal.[27] Salish author Dr. Luana Ross notes,

"Acknowledgement of the fact that law (a Euro-American construct) itself, and the administration of law, is biased against certain categories of people is crucial to understanding Native American criminality and the experiences of imprisoned Natives.... [D]eviance is socially constructed, crime statistics exhibit discretion in defining and apprehending criminals. Prisons, as employed by the Euro-American system, operate to keep Native Americans in a colonial situation.[28]"

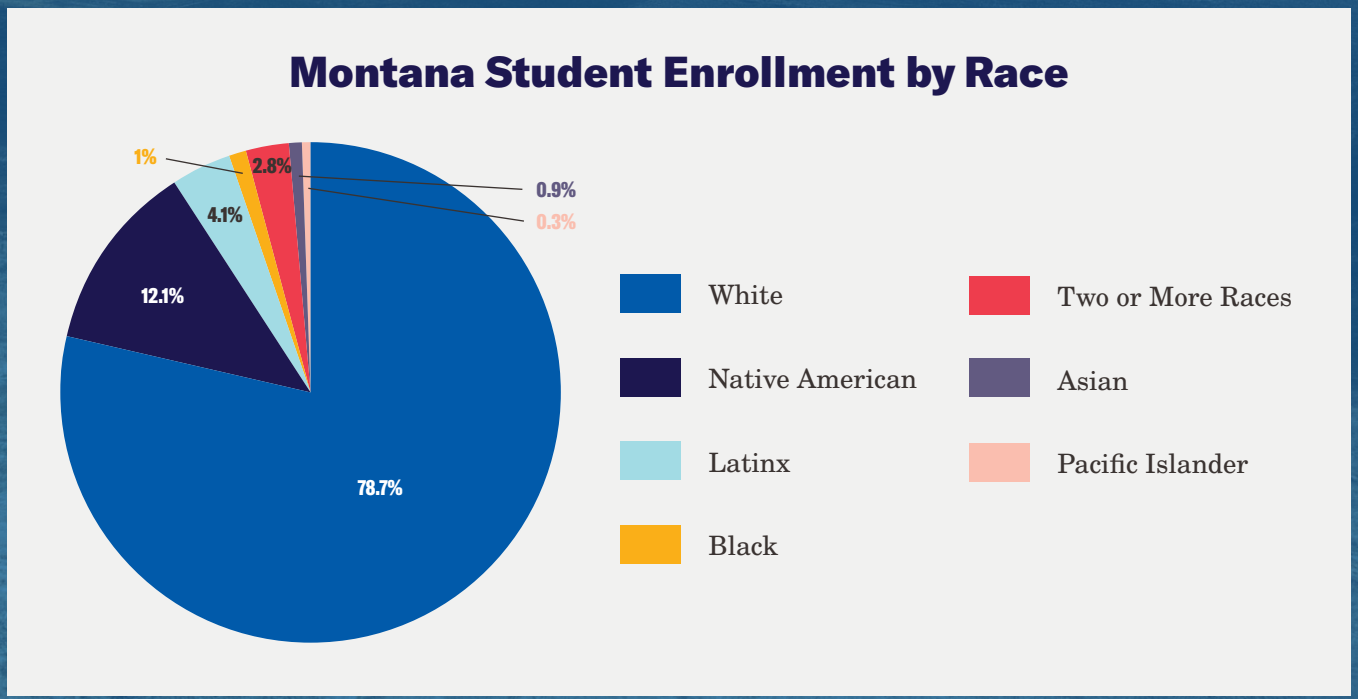
not follow required procedures from engaging with students after reading their Miranda Rights, to conducting interviews, investigating the allegations and gathering evidence.[24]

Indigenous students have decades of statistically significant differences in discipline incidents which contribute to higher rates of expulsion, higher rates of transferring schools, and lower graduation rates.[25]

Studies have shown that implicit bias – which is influenced by attitudes and stereotypes that we all hold based on our own experiences – plays a role in school discipline.[26]

Section III:

MONTANA DEMOGRAPHIC AND LEGAL CONTEXT



School Contexts

In the 2015-2016 school year, Montana had 421 elementary schools, 223 middle schools, 170 high schools, six elementary/middle schools, and one elementary/middle/high school.[29] Most of Montana's schools are in rural areas. Most schools in Montana have high rates of poverty among enrolled students.[30]

Nearly 80 percent of students in Montana are white. Native American students in Montana are about 12 percent of enrolled students, compared with a national rate of one percent, and white students

> Native American students in Montana are about 12 percent of enrolled students, compared with a national rate of one percent

are almost double the national rate of 46 percent.[31] Other racial groups are present in Montana's schools, but at much lower rates than the national average for public schools.[32] Eleven percent of Montana's students enrolled in public schools are registered with a disability, which is one-fifth lower than the national rate of 14 percent of students. Montana's lower disability enrollment rate may indicate both under-enrolling and/or underreporting of students with disabilities.

Suspensions and Expulsions

Montana state law allows teachers, superintendents, or principals to suspend students. Bringing a firearm to school is the only behavior that results in a mandatory and immediate out-of-school suspension and one-year expulsion under state law.[33] State law does not require schools to suspend students for any other behaviors. For behaviors not involving a firearm, a student may be suspended from school for an initial period not to exceed 10 school days.

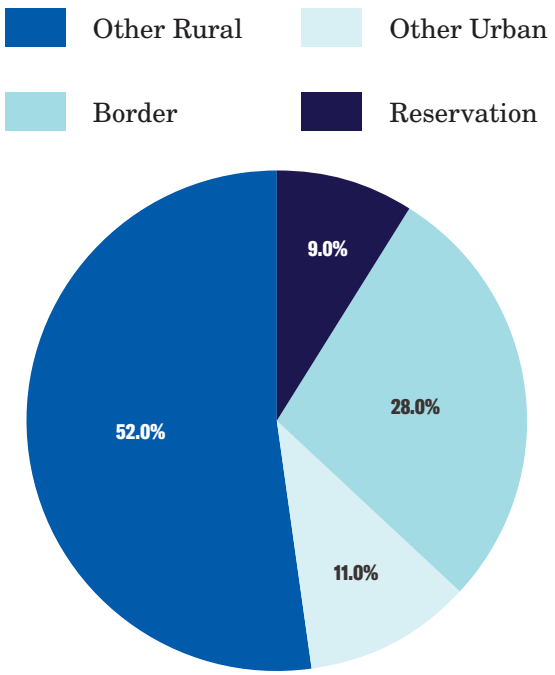
The same student can be given another suspension of 10 days at the school administrator's discretion, without returning to school, if the student is granted an informal hearing with the administrator prior to the additional suspension.[34] All other policies on suspensions are made at the district level.

Referrals to Law Enforcement and Arrests

Students in Montana can be referred to law enforcement for various alleged offenses or misbehaviors at school. Referrals can result in an arrest. School-related arrests occur when a student is arrested at school, a school-related activity, or when accessing school transportation to and from school or school related events. A student who brought a firearm to school must be referred to the appropriate law enforcement agency, according to state law.[35] All other policies on referrals and arrests are made at the district level.

Limited statewide statutes and regulations increase the risk of students being treated differently for the same behavior from one district to the next.

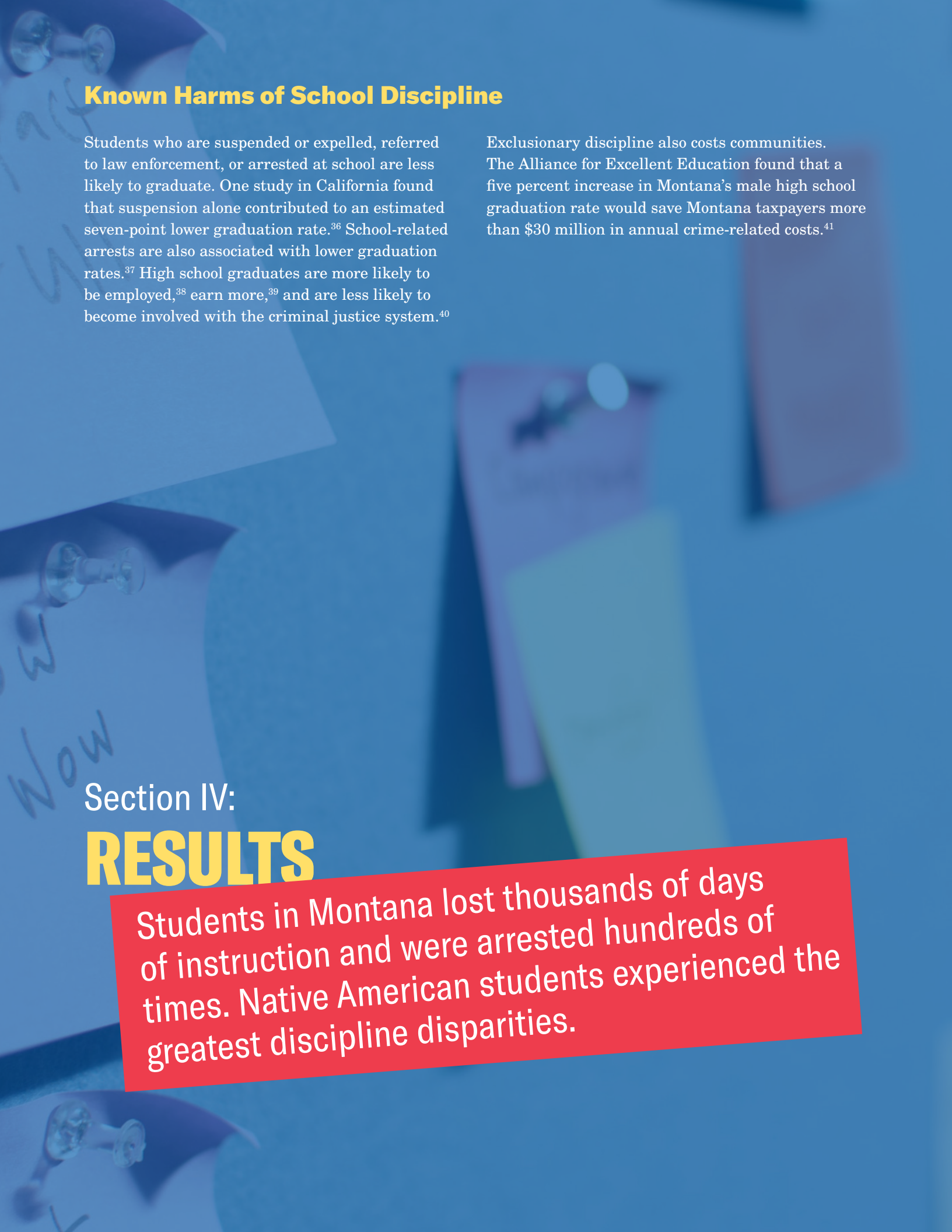
Montana School Contexts



Known Harms of School Discipline

Students who are suspended or expelled, referred to law enforcement, or arrested at school are less likely to graduate. One study in California found that suspension alone contributed to an estimated seven-point lower graduation rate.[36] School-related arrests are also associated with lower graduation rates.[37] High school graduates are more likely to be employed,[38] earn more,[39] and are less likely to become involved with the criminal justice system.[40]

Exclusionary discipline also costs communities. The Alliance for Excellent Education found that a five percent increase in Montana's male high school graduation rate would save Montana taxpayers more than $30 million in annual crime-related costs.[41]



Section IV:
RESULTS

Students in Montana lost thousands of days of instruction and were arrested hundreds of times. Native American students experienced the greatest discipline disparities.

The following section includes:

- A description of discipline data (days of instruction lost from out-of-school suspensions, referrals to law enforcement, and arrests);
- A summary of disparities by race, location, and disability.
- The impact of the presence of law enforcement officers (LEOs) on student discipline and graduation outcomes.[42]
- The impact of Indian Education for All on Native American student graduation rates.

Days of Instruction Lost

Montana's kindergarten through 12th grade (K-12) public school students lost a total of 18,411 days of instruction due to out-of-school suspensions during the 2015-2016 school year. Students in Montana lost instruction at a rate of 12 days lost per 100 students. Students of all ages – including elementary students – received out-of-school suspensions. Specifically:

- Elementary students lost 3,352 days of instruction;
- Middle school students lost 6,822 days of instruction; and
- High school students lost 8,237 days of instruction.

Days of Instruction Lost Connected to Lower Graduation Rates

Montana schools in which students lost more days due to out-of-school suspensions had lower graduation rates in 2015-2016. Higher rates of days lost for all students, Native American students, and students with disabilities predict lower graduation rates for the entire student body at statistically significant levels.[43]

Referrals and Arrests

Montana schools had 1,121 referrals to law enforcement and 326 school-related arrests during the 2015-2016 school year.[44] Students of all ages were referred to law enforcement and arrested.

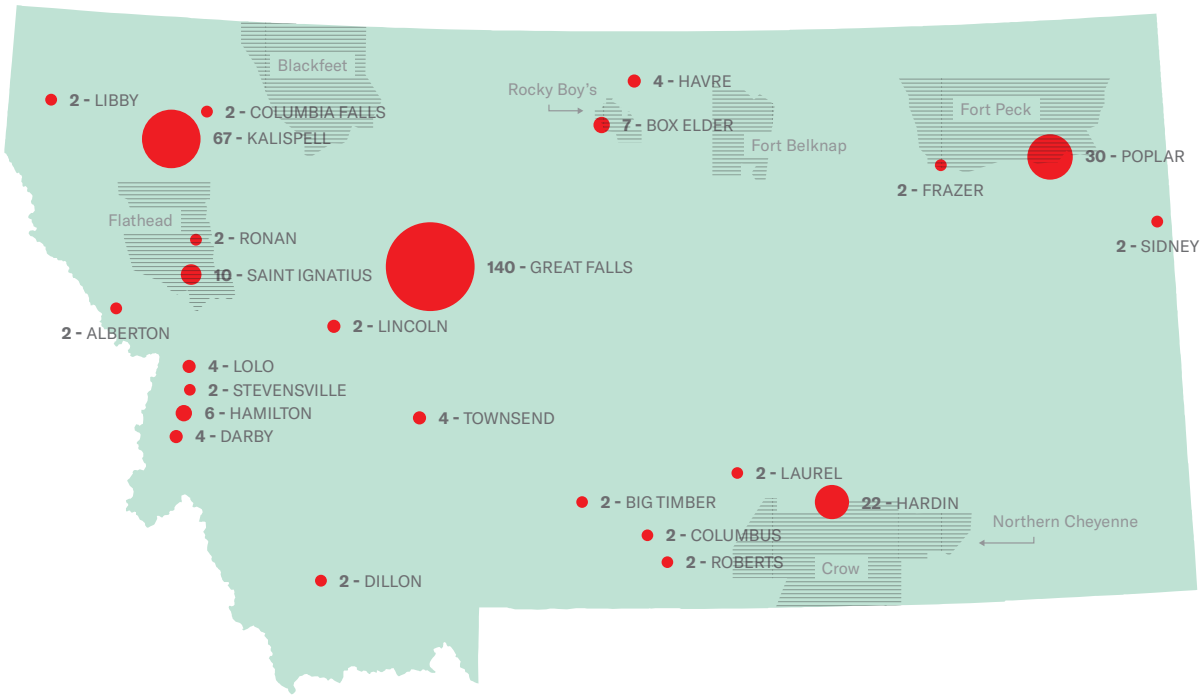
- Elementary school students received 104 referrals and were arrested 12 times
  - Referrals occurred at 33 elementary schools
  - Arrests occurred at three elementary schools
- Middle school students received 514 referrals and were arrested 192 times[45]
  - Referrals occurred at 46 middle schools
  - Arrests occurred at 15 middle schools
- High school students received 503 referrals and were arrested 122 times
  - Referrals occurred at 51 high schools
  - Arrests occurred at 15 high schools

Students were arrested in 33 schools throughout the state (see Table 4 on page 64). Nearly half of all arrests were at two schools: 111 at East Middle School in Great Falls and 50 at Flathead High School in Kalispell. East Middle School also referred the greatest number of students to law enforcement.

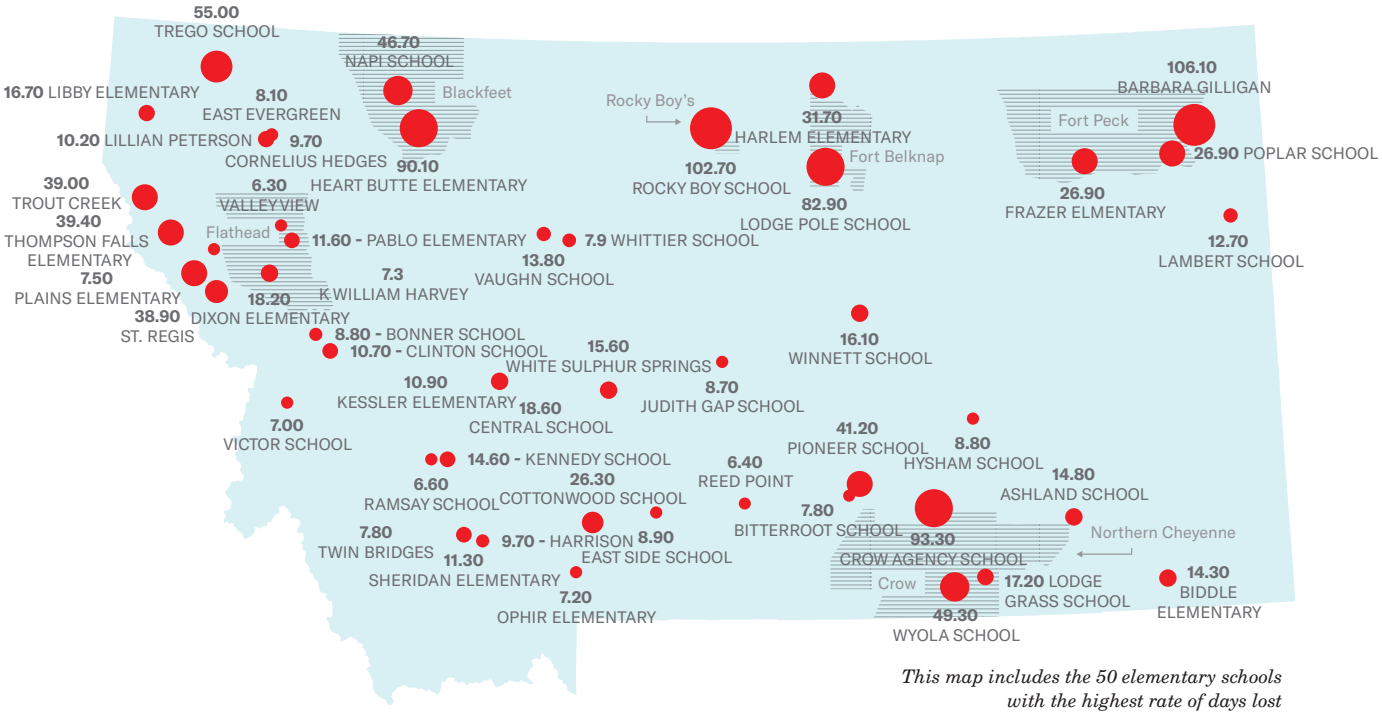
Disparities

Native American students and students with disabilities disproportionately experienced days lost, referrals, and arrests when compared with white students and students without disabilities, respectively. Researchers have found that students of color do not misbehave at higher rates.[46] Yet, in Montana, students of color and Native American students were suspended, referred to law enforcement, and arrested at higher rates than their white peers. Students with disabilities also experienced disproportionate rates of discipline.

Montana Schools with Arrests

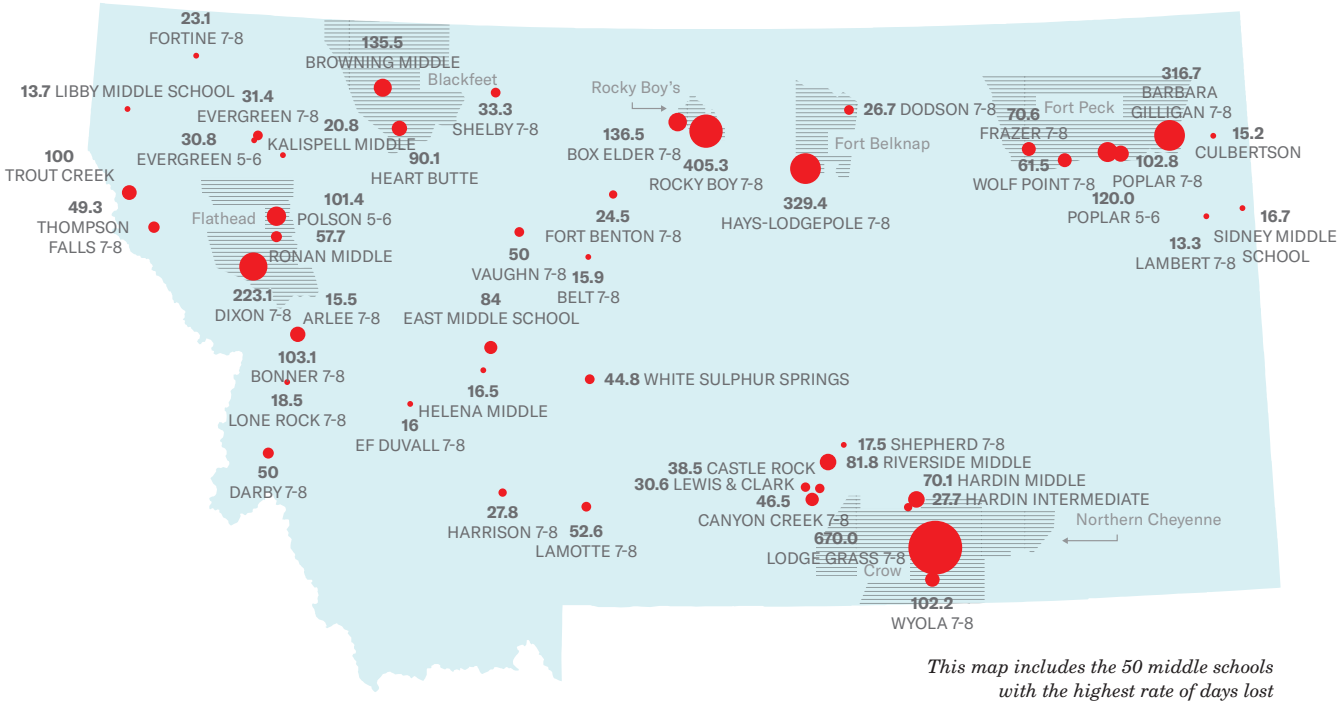


Days Lost per 100 Elementary School Students in Montana



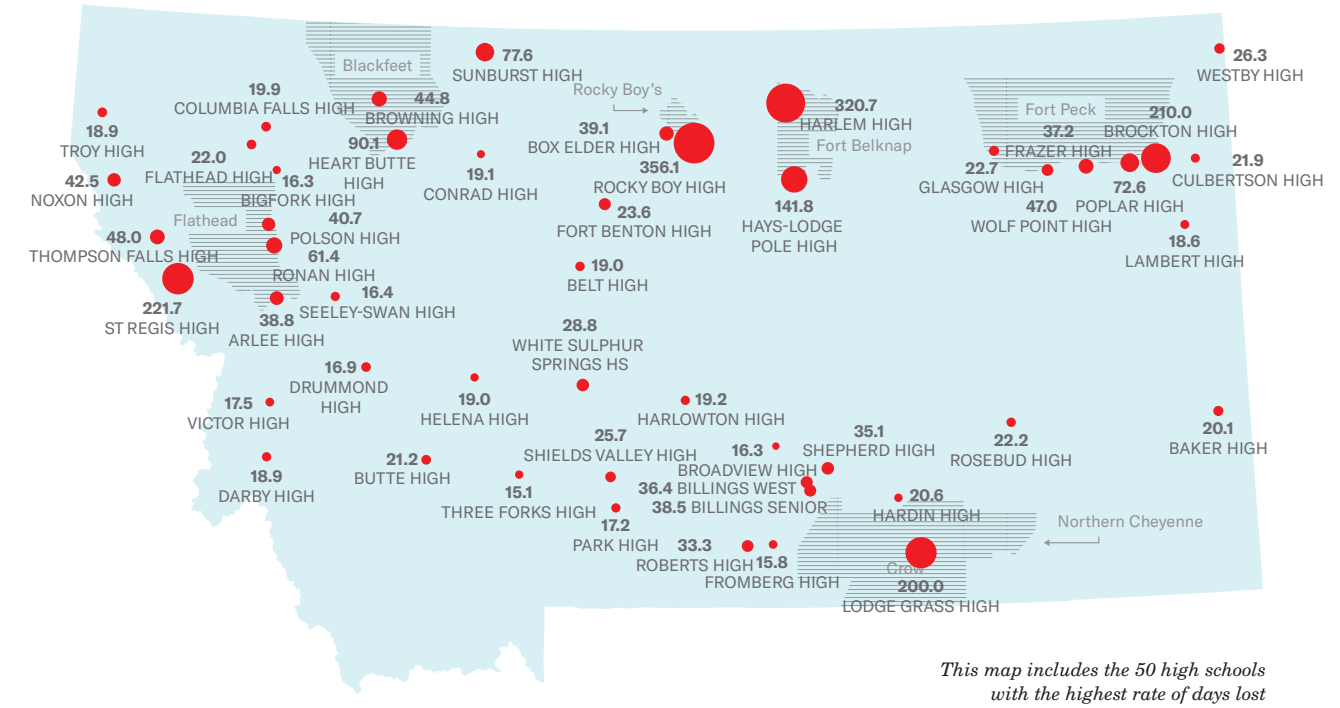
This map includes the 50 elementary schools with the highest rate of days lost

Days Lost per 100 Middle School Students in Montana



This map includes the 50 middle schools with the highest rate of days lost

Days Lost per 100 High School Students in Montana



This map includes the 50 high schools with the highest rate of days lost

The data reported to the federal Office of Civil Rights used in this report did not include the stated reasons for referrals and arrests, but research provides evidence that students of color are frequently arrested for common adolescent – not criminal – behavior.[47] The disparate discipline data by race or disability raise concerns about possible civil rights violations. Schools that receive federal funding – including all public schools – must ensure that discipline policies and procedures are not discriminatory under federal civil rights law.[48]

Disparities by Race

Native American students in Montana lost nearly six times more days of instruction than white students due to out-of-school suspensions during the 2015-2016 school year (see Figure 1). In the 2017-2018 school year, Native American suspension disparities continued at similar rates.[49]

Of the 30 schools that had the highest days lost for all students, 27 also had disparate rates for Native American students (see Table 1). State-wide data demonstrate that the disparities were widespread across many Montana schools. The schools with highest rates of suspensions for all students and Native American students had a variety of concentrations of Native American Students (one percent to 100 percent). This demonstrates a statewide issue with exclusionary discipline for Native American students regardless of whether Native American students are present in a high concentration.[50]

> Native American students experienced more discipline than other groups.

Figure 1. Days Lost/100 Students by Race

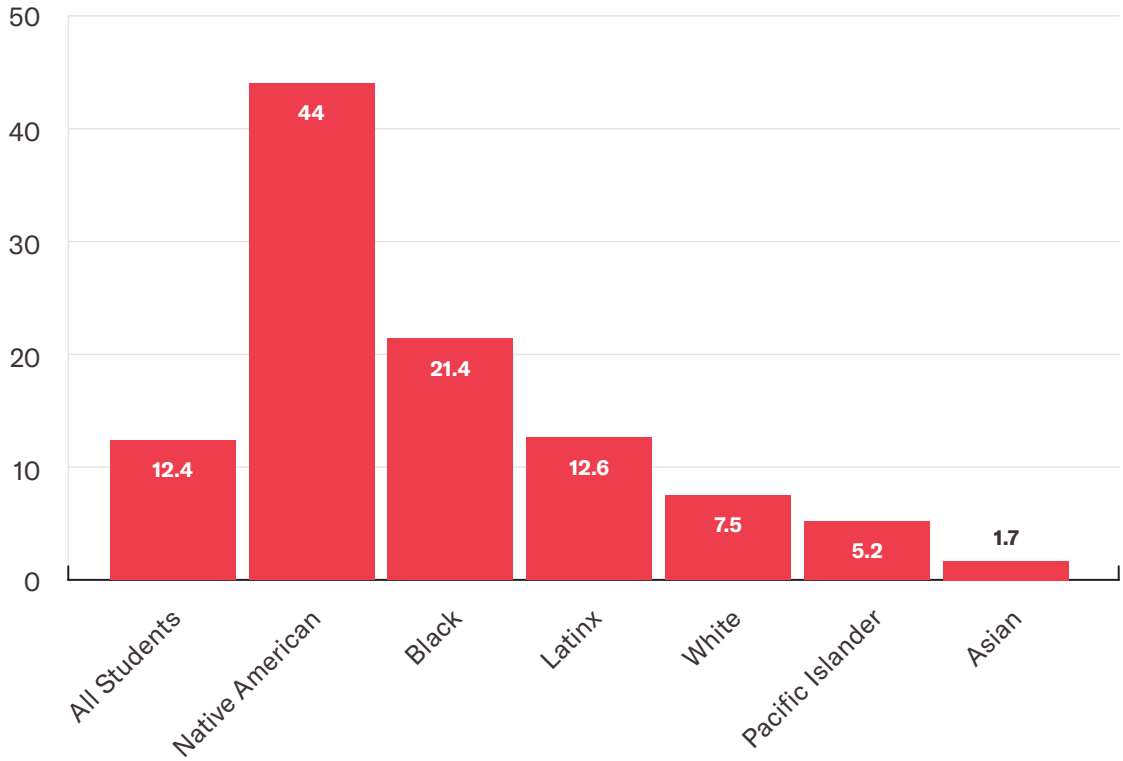


Table 1: 30 Schools Across Montana with the Highest Rate of Days Lost

School	Number of times state average of 12 days lost per student (days lost/100 students)	Number of times state average of 44 days lost per Native American student (days lost/100 Native American students)
Lodge Grass 7-8	56x state average (670)	15x state average (670)
Rocky Boy 7-8	34x state average (405)	12x state average (522)
Rocky Boy High School	30x state average (356)	9x state average (393)
Hays-Lodge Pole 7-8	27x state average (329)	7x state average (329)
Harlem High School	27x state average (321)	6x state average (272)
Barbara Gilligan 7-8	26x state average (317)	8x state average (336)
Dixon 7-8	19x state average (223)	6x state average (243)
St. Regis High School	18x state average (221)	0
Brockton High School	18x state average (210)	6x state average (247)
Lodge Grass High School	17x state average (200)	5x state average (206)
Hays-Lodge Pole High School	12x state average (142)	3x state average (142)
Box Elder 7-8	11x state average (137)	3x state average (141)
Browning Middle School	11x state average (136)	3x state average (139)
Poplar 5-6	10x state average (120)	3x state average (124)
Barbara Gilligan School (elem.)	9x state average (106)	3x state average (110)
Bonner 7-8	9x state average (103)	6x state average (250)
Poplar 7-8	9x state average (103)	2x state average (105)
Rocky Boy School (elem.)	9x state average (103)	3x state average (116)
Wyola 7-8	9x state average (103)	2x state average (102)
Polson Middle School	8x state average (101)	4x state average (174)
Trout Creek 7-8	8x state average (100)	n/a (no Native American students enrolled)
Crow Agency School (elem.)	8x state average (93)	2x state average (94)
Heart Butte High School	8x state average (90)	2x state average (90)
Heart Butte 7-8	8x state average (90)	2x state average (90)
Heart Butte Elementary	8x state average (90)	2x state average (90)
East Middle School	7x state average (84)	2x state average (84)
Lodge Pole (elem.)	7x state average (83)	2x state average (83)
Riverside Middle School	7x state average (82)	3x state average (125)
Sunburst High School	7x state average (78)	0
Poplar High School	6x state average (73)	2x state average (73)

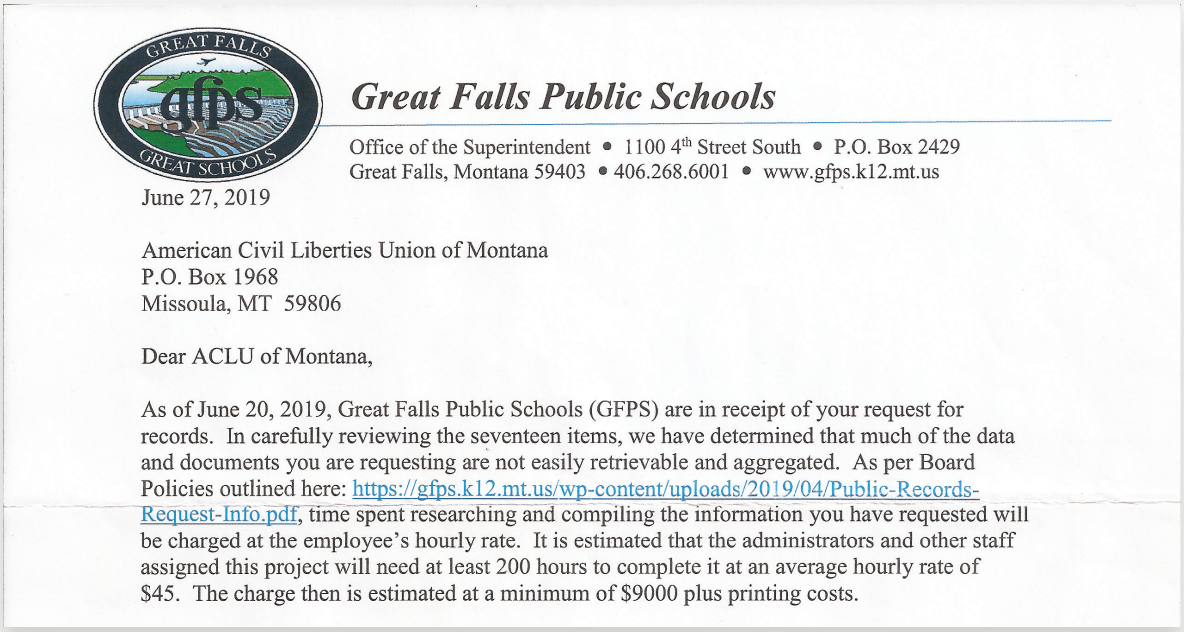
ONE-THIRD OF ALL SCHOOL-RELATED ARRESTS OCCURRED AT EAST MIDDLE SCHOOL IN GREAT FALLS

Over one-third of all school-related arrests in 2015-2016 occurred at East Middle School in Great Falls. Students at East Middle School were 67 times more likely to be arrested than their average peers in other schools across the state.

Native American students were disproportionately arrested at East Middle School. Native Americans made up about 19 percent of the school's population, but 56 percent of the arrests.

The Office of Civil Rights (OCR) data does not report the stated reasons for the referrals and arrests. The ACLU of Montana sent a Right to Know request to Great Falls Public Schools district requesting basic information about the policies governing law enforcement on their campuses and data about arrests, referrals, and suspensions. The district effectively denied the request by demanding such prohibitive costs that the ACLU of Montana could not continue. The district letter explained that the cost to the ACLU of Montana to receive this information would be more than $9,000.

This report's focus is the impact of discipline and law enforcement involvement on educational equity, but the Great Falls Public Schools response highlights the need to also address Montana's transparency and data collection laws. Community members do not have the tools to hold their government officials accountable without an open and transparent government.



GREAT FALLS gfps GREAT SCHOOLS

Great Falls Public Schools

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June 27, 2019

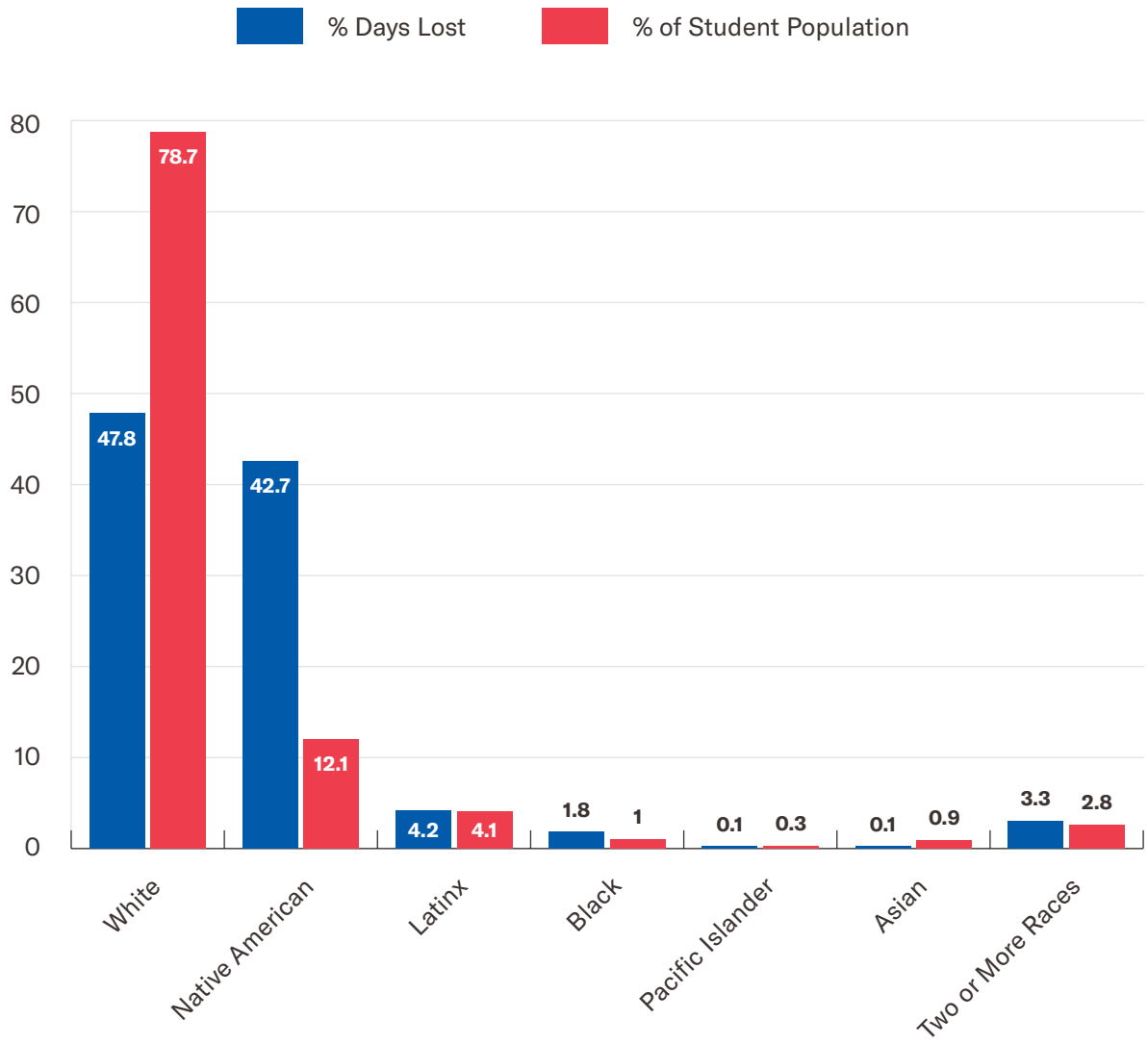
American Civil Liberties Union of Montana
P.O. Box 1968
Missoula, MT 59806

Dear ACLU of Montana,

As of June 20, 2019, Great Falls Public Schools (GFPS) are in receipt of your request for records. In carefully reviewing the seventeen items, we have determined that much of the data and documents you are requesting are not easily retrievable and aggregated. As per Board Policies outlined here: https://gfps.k12.mt.us/wp-content/uploads/2019/04/Public-Records-Request-Info.pdf, time spent researching and compiling the information you have requested will be charged at the employee's hourly rate. It is estimated that the administrators and other staff assigned this project will need at least 200 hours to complete it at an average hourly rate of $45. The charge then is estimated at a minimum of $9000 plus printing costs.

Native Americans made up about 12 percent of the student population, but had 43 percent of the days lost. In comparison, white students made up 79 percent of the student population, but only experienced 48 percent of the total days lost.

Figure 2: Percent of Days Lost and Percent of Student Population



SOME GOOD NEWS

More Than Half of Montana's Public Schools Did Not Use or Report Out-Of-School Suspensions in 2015-2016; Less Than Five Percent of Schools Had Student Arrests.

Students at 420 schools did not have any days lost due to out-of-school suspensions. Schools with no days lost had higher graduation rates than schools with days lost.[51] Most of the schools with no days lost had a higher percentage of white students enrolled[52] than the schools that had days lost, and had less than the state average of Native American students enrolled.[53] The schools with no days lost identified and reported a higher percentage of students with disabilities enrolled (69 percent of schools) than the state average (51 percent). Seven schools with 99 to 100 percent Native American students had no days lost including: three schools in Browning (Browning Elementary, K. W. Bergan School, and Vina Chattin School), three schools in Pryor (Plenty Coups High School, Pryor 7-8, and Pryor Elementary School), and one school in Lame Deer (Lame Deer 7-8).

While Montana has a high school-related student arrest rate, all of the arrests in 2015-2016 occurred at 33 schools – less than five percent of the schools in the state. About nine percent of Montana's students attended those schools. Referrals occurred at roughly 16 percent of the schools in Montana.

Montana does have some systems in place to support students and keep them in the classroom. The Montana Behavioral Initiative (MBI) is a Multi-Tiered System of Support approach some schools use that create behavioral supports and a culture that establishes social, emotional, and academic success for all students.[54] Comprehensive School and Community Treatment (CSCT) programs are under the Department of Public Health and Human Services and work through local school districts to hire subcontractors who provide school-based behavioral health services for children with Serious Emotional Disturbances.[55] The Every Student Succeeds Act (ESSA) is a new federal law that supports Montana's Office of Public Instruction in assisting underperforming schools. Through ESSA, OPI has identified schools that need targeted and comprehensive support and helps implement plans to improve outcomes. Furthermore, the Center for Restorative Youth Justice (CRYJ) collaborates with local teachers, administrators, counselors, and parents to refer most minor in possession (drugs, alcohol, and tobacco), theft, and other related warning signs to them to divert students from criminal justice system involvement. CRYJ works with Flathead and Glacier High Schools in Kalispell, Columbia Falls High School, and Whitefish High School.

OUT-OF-SCHOOL SUSPENSIONS NEARLY COST FAITH HER FUTURE

One day, Faith was suspended for eating crackers in the hallway. Another day, she was suspended for hugging her boyfriend too long. Faith was suspended for going into the in-School Suspension Room to see a friend and give them a Gatorade. She was given out-of-school suspension in each of these and other instances.

Lois, her grandmother, was exhausted and growing impatient. Her granddaughter, at the time a sophomore in high school, had been suspended 20 times. Faith begged her principal to stay in class when faced with a suspension. Lois also plead with the principal for an explanation for why her granddaughter was being suspended so often for such small things.

She was not getting any answers, so Lois went to a school board meeting to plead her granddaughter's case. At the meetings, the principal publicly admitted to suspending the student 20 times. Faith was never suspended again after that night.

The students at Faith's school are 98 percent Native American, with a mostly white staff. Lois thinks the lack of connection between the white teachers and Native students may be part of the reason her granddaughter was suspended so often. "I even talked to the teachers about being more compassionate with the students. They should talk to their students and learn what is going on with their lives. Instead, it seems like they too often simply suspend them."

Faith was set on graduating from high school even after facing so much discipline, but it was a challenge. "It should have been easier," said Lois. "The school system kept Faith down. We challenged the system and she rose above, but I know a lot of kids who don't graduate after being treated so unfairly."

Faith's goals are to become a veterinarian, live out in the country, and have a "whole bunch of dogs." Lois hopes the school will provide better cultural training for their teachers and staff as one way to make it better for the next generation of students. She hopes that students are given the tools and respect needed to graduate and become leaders. She hopes the school stops suspending so many kids. "We need to do better by our students. They are our future," said Lois.

Managing student behavior in the classroom is a challenging part of teaching. Schools with an adequate number of mental health and support staff can problem solve and respond productively to students who are being disruptive instead of relying on discipline. Schools with adequate support staff are better equipped to support teachers and create a school-wide approach to creating positive and supportive environments for the school community.

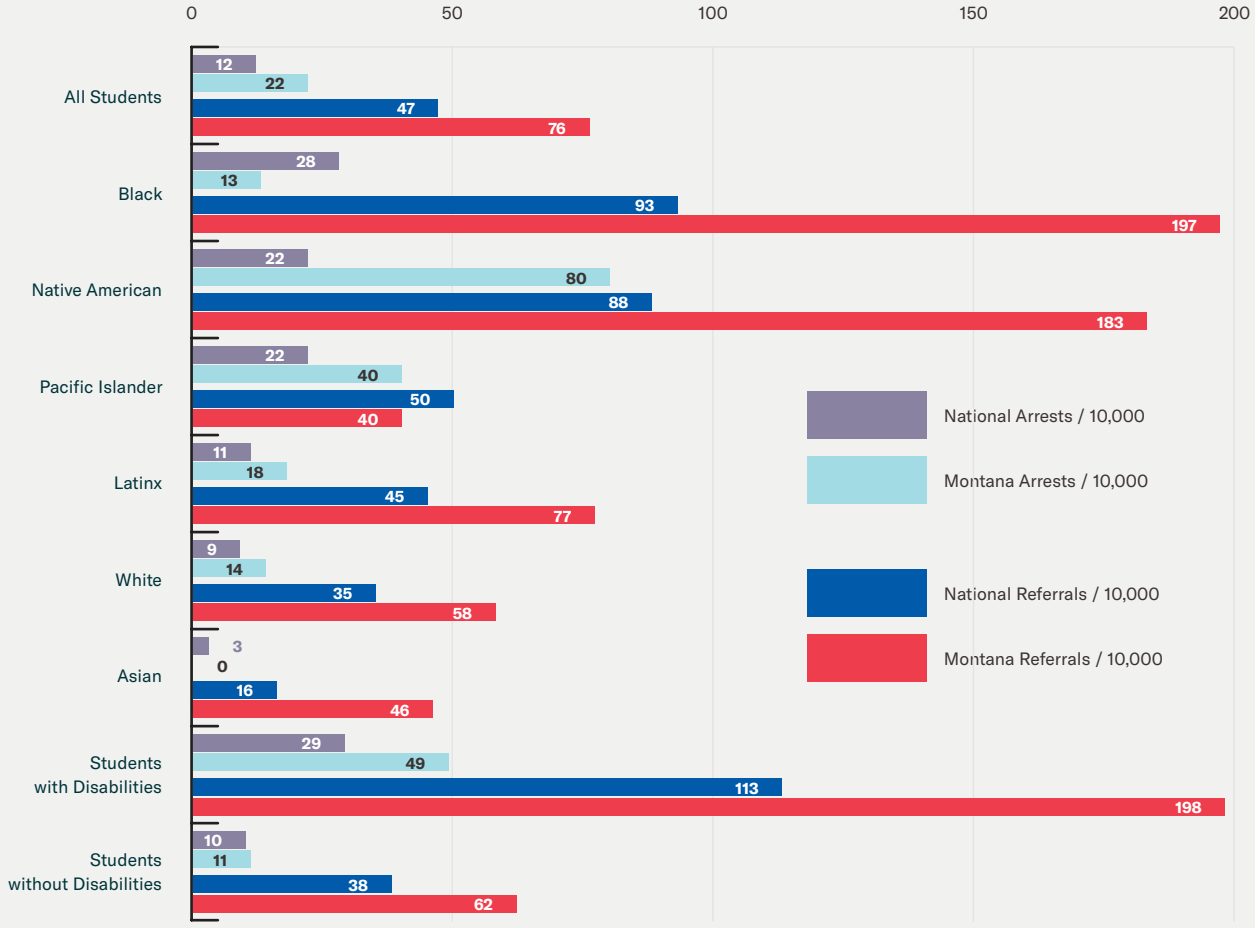
REFERRALS AND ARRESTS: MONTANA HIGHER THAN THE NATIONAL AVERAGES

Montana's students were referred to law enforcement and arrested at higher rates than the national average for all students. Native American students in Montana were arrested at school nearly four times the national average and were referred to LEOs more than twice the national average. Latinx and white students also experienced higher rates of referrals and arrests than the national average. Students with disabilities were nearly twice as likely to be referred or arrested in Montana compared to the national average.

Montana was:

- Higher than the national average on rate of referrals in all categories except Pacific Islander students.
- In the top 10 states for arrests rates of Native American and Pacific Islander students.
- Above the national average on arrest rates in all categories except Black and Asian students.

Referrals & Arrests by Race and Disability per 10,000 Students: Montana Compared with National Numbers



NATIVE AMERICAN STUDENTS EXPELLED AT DISPROPORTIONATE RATES

Students in Montana lost 18,411 days of instruction, which does not include days lost from expulsions. The state expulsions are relatively small overall. Yet, Native American students were expelled at disproportionate rates compared to their white peers. Twenty-seven Native American students were expelled during the 2017-2018 school year compared to 17 white students.[56] Native Americans were expelled at three times the rate of white students, given the relative student population.[57]

Native American students were referred to and arrested by law enforcement more often than their white peers (see Figures 3 and 4). Native American students were arrested six times more than white students and referred to law enforcement three times as often.

Figure 3: Referrals per 10,000 Students by Race

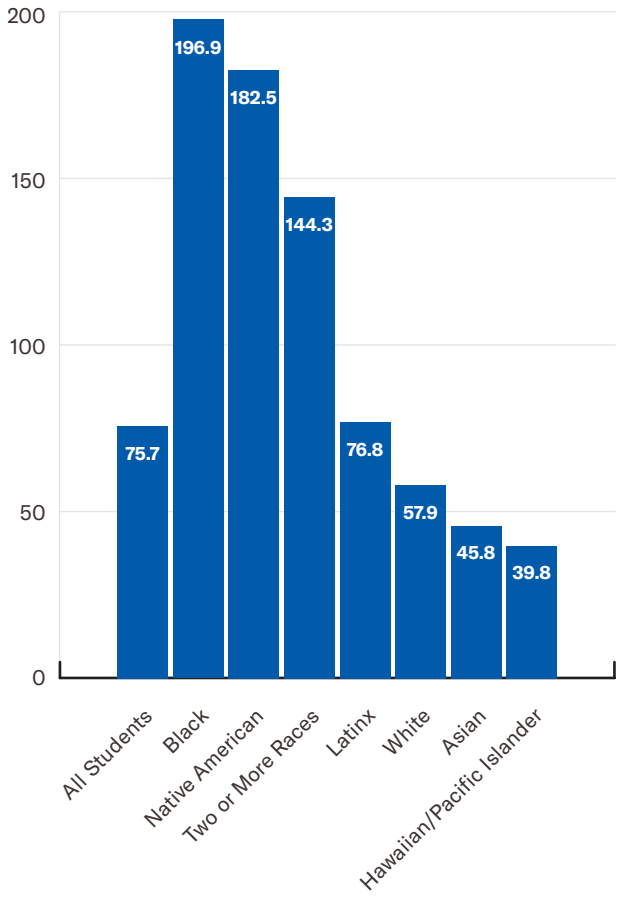


Figure 4: Arrests per 1,000 Students by Race

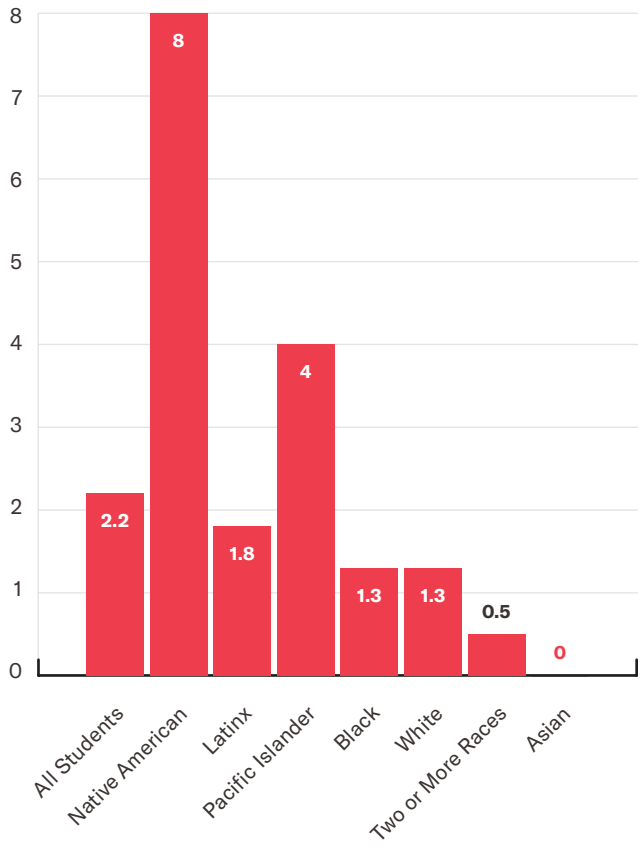
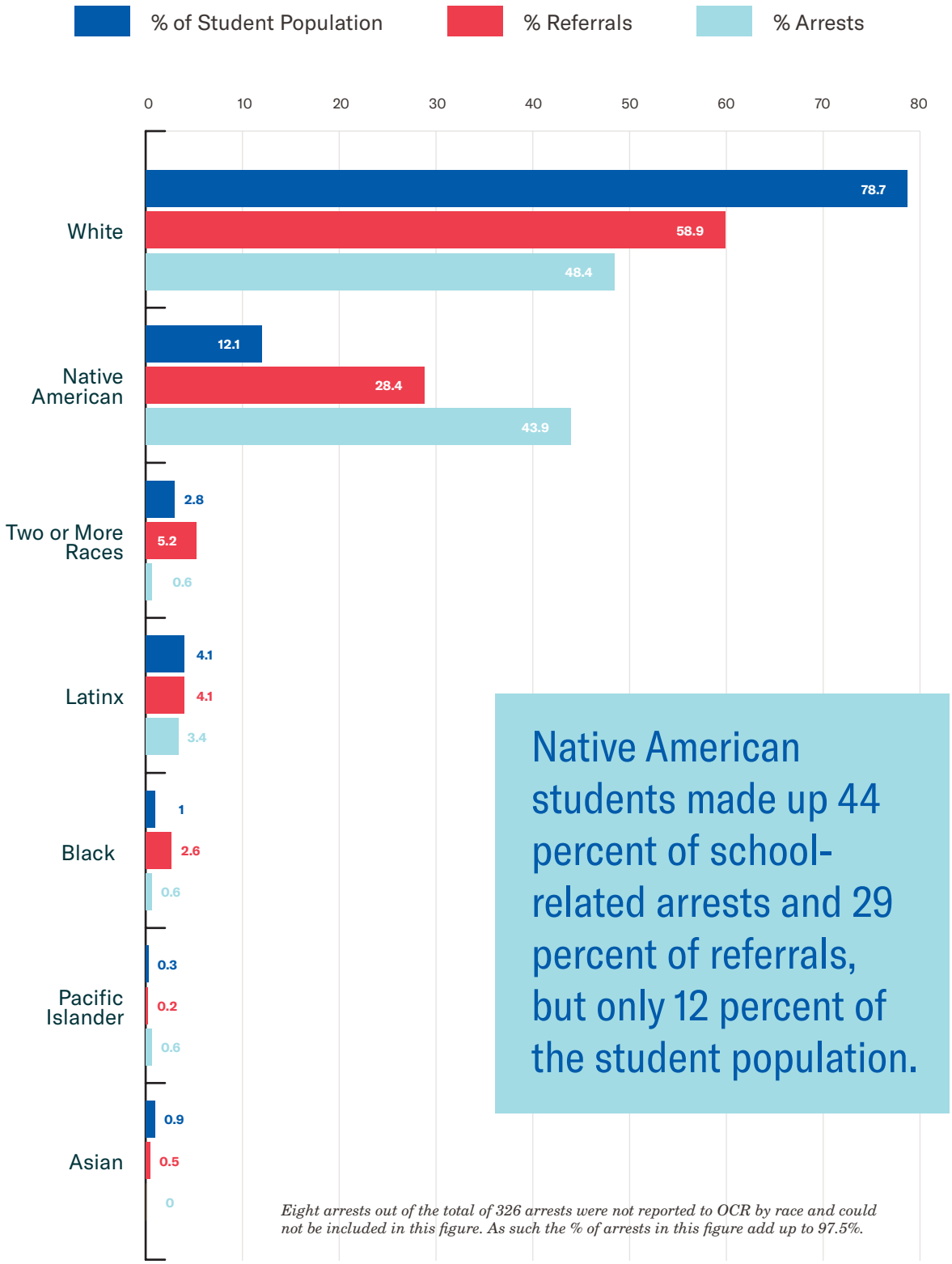


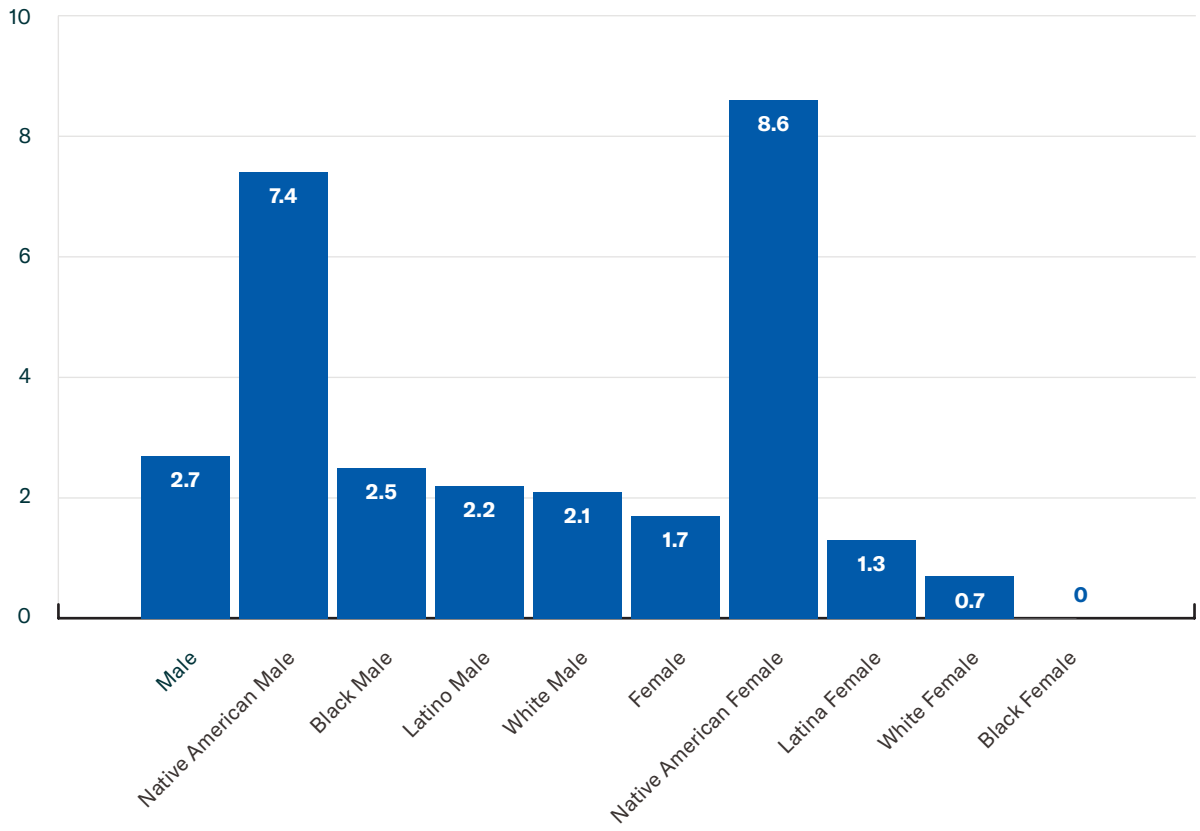
Figure 5: Percent of Arrests, Referrals, and Student Population, by Race



Native American students made up 44 percent of school-related arrests and 29 percent of referrals, but only 12 percent of the student population.

Eight arrests out of the total of 326 arrests were not reported to OCR by race and could not be included in this figure. As such the % of arrests in this figure add up to 97.5%.

Figure 6: Arrests per 1,000



Native American students also experienced disparities in school-related arrests by gender (see Figure 6). Native American females were arrested at a higher rate than any other subgroup of race and gender.

Native American females made up 12 percent of the female population, but 62 percent of the female student arrests. Native American females were arrested more than 12 times the amount as white females. Native American males were arrested more than 3.5 times the amount as white males.

> Native American females were arrested more than 12 times the amount as white females.

Students on reservations had statistically significant higher rates of days lost, referrals to law enforcement, and arrests.[58] Seventy-five percent of the 30 schools with the highest rates of days lost were on reservations and an additional five were in border communities.[59] That pattern continues: students attending schools on reservations were more likely to be suspended in 2017-18 than those who attended schools not on a reservation.[60]

All of the 326 school-related arrests in 2015-2016 occurred at only 33 schools of the 821 public schools reporting data. Five of the 10 schools with the highest rate of arrests per 1,000 students were located on a reservation or bordered a reservation. Only 37 percent of all schools in Montana are located on a reservation or border a reservation. Therefore reservation and border communities were overrepresented in the 10 schools with the highest arrest rates (see Table 4 on page 64).


Member
User
Trip
Admin
Register TEAM
Credentials
organize A TRIP
Destination
members
Transport + Housing
Food
DASHBOARD

Native American students in urban settings also experienced higher rates of days lost than their peers. For instance, in comparison to white students, Native American students had:

- Seven times the rate of days lost at Washington Middle School in Missoula.
- More than five times the rate of days lost at Capital High School in Helena and Great Falls High School.
- More than four times the rate of days lost at Skyview High School in Billings, Sentinel High School in Missoula, Helena High School, and Helena Middle School.
- More than three times the rate of days lost at Hellgate High School in Missoula and Billings Senior High School.

Native American students experienced the highest disparities in days lost, but other racial/ethnic groups also experienced discipline disparities.

- Black students lost nearly three times more days than white students and were referred to law enforcement at more than three times the rate of white students.
- Latinx students lost 1.5 times more days than white students and were arrested at 1.4 times the rate of white students.
- Pacific Islanders were arrested at three times the rate of white students.

Disparities for Students with Disabilities

About half of Montana's schools had at least one student registered with a disability, and students with disabilities made up about 10 percent of Montana's student population. Students with disabilities may experience discipline for a behavior that is a manifestation of their disability. Students with disabilities have a legal right to "reasonable accommodation" and should not be disciplined or punished for manifestations of their disability. In Montana, students with disabilities experienced suspensions, arrests, and referrals at rates much higher than those without disabilities (see Figure 7).

Students with Disabilities:

- Lost more than double the days of instruction as students without disabilities.
- Were referred to LEOs more than three times as often as students without disabilities.
- Were arrested 2.5 times as often as students without disabilities.

Twenty-two schools in Montana had students with disabilities who were arrested (see Figure 8). Twenty of those schools had disproportionately high arrest rate percentages for students with disabilities when compared to the percent of students with disabilities enrolled. For instance, at eight of the schools, students with disabilities made up 100 percent of the arrests even though students with disabilities made up less than 15 percent of the student population. Some schools reported zero students with disabilities in the student population, but still had arrests of students with disabilities. Reporting arrests of students with disabilities without reporting students with disabilities could be a result of under reporting students with disabilities or data errors.

Figure 7: Rates of Arrests, Days Lost, and Referrals for Students with and without Disabilities

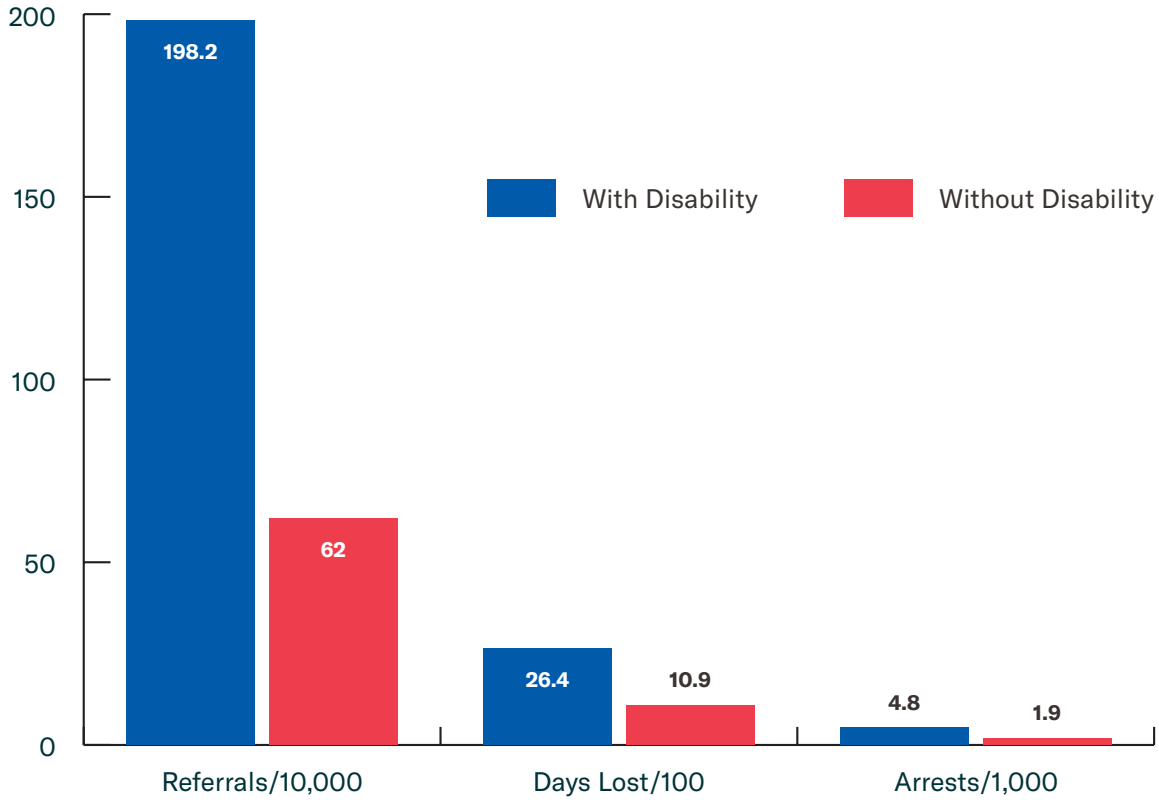
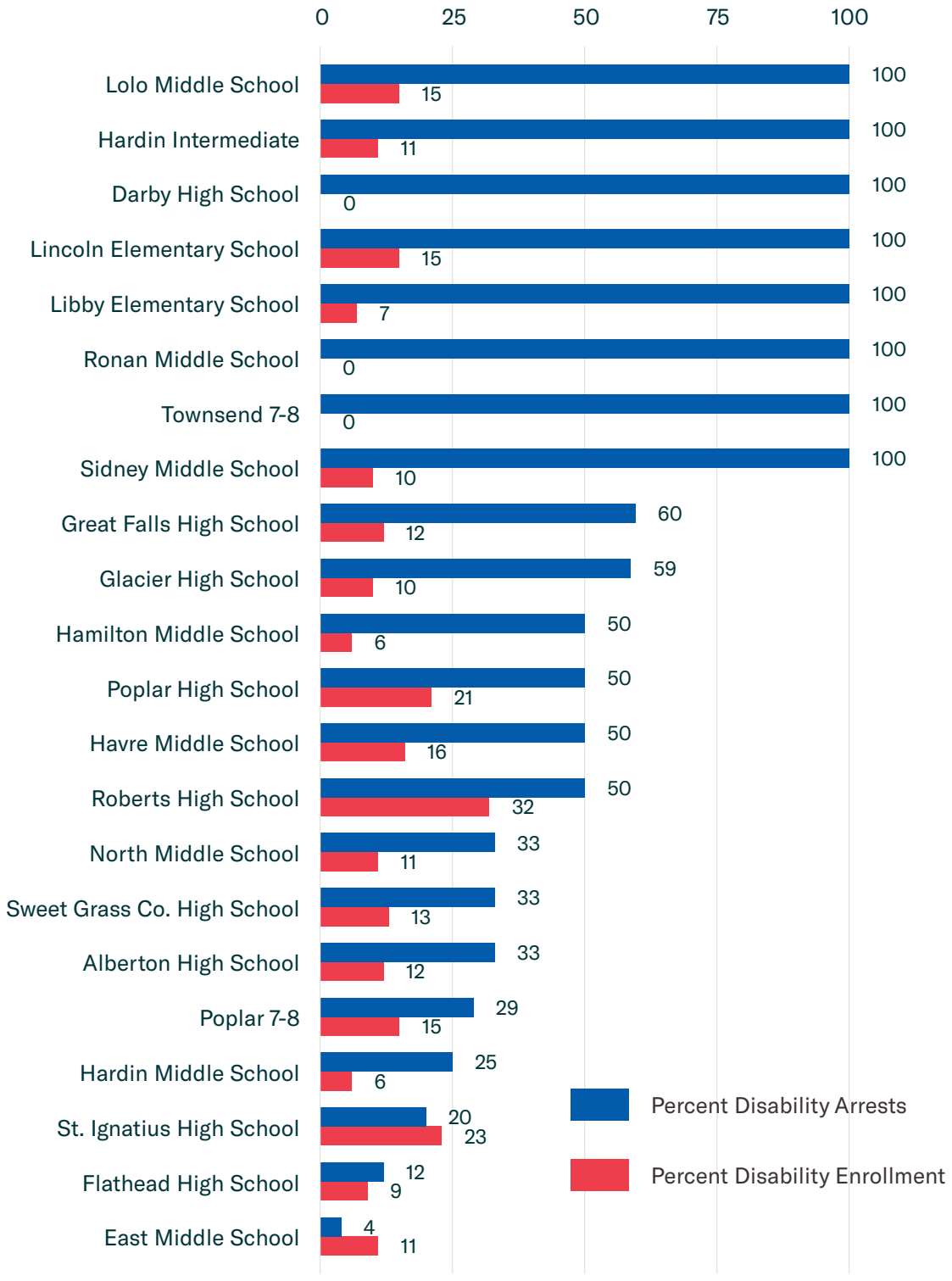


Figure 8: Percent Disability Enrollment vs. Percent Disability Arrests



The schools listed in this figure are the only schools in Montana in which arrests of students with disabilities were reported.

MONTANA HIGH SCHOOL FAILED TO SUPPORT, AND INSTEAD EXPELLED, A STUDENT WITH DISABILITIES

Going into her junior year of high school, Kristina had never been disciplined at school. She was working toward her dual dreams of going to culinary school and becoming a nurse.

In September 2018, Kristina was diagnosed with bipolar disorder and anxiety. Her mom, Lana, asked her high school on the Fort Peck reservation to work with her to create and implement a 504 plan for Kristina, soon after her diagnosis. A 504 plan is developed to ensure that a student who has a disability receives reasonable accommodations to remove barriers to the learning environment.[61]

Kristina's school did not know how to respond. Some administrators said that 504 plans were only for students with physical disabilities. Some administrators had never heard of a 504 plan. Some argued with the diagnoses and said Kristina seemed fine.

Kristina went through her junior year without a 504 plan. She began to receive detentions and suspensions for behaviors that were common manifestations of bipolar disorder, including swearing or "being argumentative." In one instance in October 2018, she pushed a piece of furniture across the room after getting frustrated with her teacher's behavior. Her science teacher relentlessly asked why her twin sister, Jacie – who has epilepsy – could not sit in front of a computer screen for more than 20 minutes. Her teacher should have been ensuring that Jacie was provided reasonable accommodations for her disability, but instead, Kristina felt like he was mocking her sister in front of the whole class. Nobody got hurt. She was sent to detention.

Kristina (right), with her sister Jacie

Kristina continued to receive out-of-school suspensions. Lana would get phone calls from a teacher or school administrator who would say "I just can't handle her, I need you to come get her." The length of suspensions varied from one or two days to ten days. Kristina was suspended indefinitely in December of 2018. To Lana, the reasons for the suspensions were not clear. The school made no attempt to make sure Kristina had access to schoolwork during her suspensions. Lana continued trying to get the school administration to implement a 504 plan that would help Kristina manage her symptoms in a supportive way throughout the same time period.

The instructional days Kristina lost undoubtedly harmed her. "The discipline was way too harsh," said Lana. "What made it

Table 2: The 10 Schools with Most Days Lost/ 100 Students with Disabilities

Rank	School	Days Lost per 100 Students with Disabilities (state average = 26)	Days Lost per 100 Students without Disabilities (state average = 11)	Number of Times Rate of Students with Disabilities Days Lost/100 Compared to Students without Disabilities	Percent of Student Population that is Native American	Percent of Student Population that is White	Located on a Reservation?	Days Lost Per 100 All Students (state average = 12)
1	Lodge Grass 7-8	1375	532	2.6	100%	0%	Yes – Crow	670
2	Rocky Boy 7-8	936	335	2.8	78%	4%	Yes – Rocky Boy's	405
3	Poplar 7-8	688	1	688	98%	2%	Yes – Fort Peck	103
4	Lodge Grass High School	688	169	4.1	97%	1%	Yes – Crow	200
5	Bonner 7-8	650	63	10.3	6%	85%	No	103
6	Rocky Boy High School	515	320	1.6	91%	2%	Yes – Rocky Boy's	356
7	Rocky Boy School (elem.)	413	82	5	89%	5%	Yes – Rocky Boy's	103
8	Wyola 7-8	250	80	3.1	100%	0%	Yes – Crow	103
9	Darby 7-8	229	22	10.4	0%	90%	No	50
10	Box Elder 7-8	225	124	1.8	97%	3%	Yes – Rocky Boy's	137

worse in Kristina's case was that months before she started getting suspended for her behavior, I asked the school to work with me to create a 504 plan for my daughter. They didn't." Lana ended up filing a complaint with the U.S. Department of Education, Office of Civil Rights.

Kristina's suspensions could have – and should have – been avoided entirely. Her education should not have been interrupted.

Lana refused to give up and fought for the rights of her child. As a result, Kristina is back in school for her senior year.

"I hope Kristina makes it through high school and can achieve her dreams," said Lana. "She never should have gotten kicked out of school in the first place. It shouldn't take a complaint to the federal government for schools to do everything they can to support all kids, regardless of their circumstances. It's not only about my kids – I know many other families dealing with this. The system needs to change."

Overlap Between Native American Students and Students with Disabilities Disproportionally Harmed by Harsh Discipline

Public schools have an obligation under federal civil rights law to protect students with disabilities from discrimination. Students with disabilities are ensured equal educational opportunity by law.

Students with disabilities often need individualized assessments and support through 504 plans or Individualized Educational Plans.[62] Yet, students with disabilities across the United States and in Montana are too often over-disciplined and over-criminalized instead of receiving the resources they need.

Native American students with a disability experience even greater discipline disparities than Native American students without disabilities.[63] Eight out of the 10 schools with the highest days lost per 100 students with disabilities were located on reservations and had a majority of Native American students (see Table 2 on page 35). Six of those eight schools had white students in attendance, but white students did not experience any days lost.

A 2019 U.S. Commission of Civil Rights report noted that students of color "are often overrepresented in special education and tend to experience more segregation, more disciplinary actions, and worse academic outcomes than their white peers."[64] Research on a national level provides evidence that Native American students are 70 percent more likely to be identified as having disabilities than their peers and four times as likely to be identified as having developmental delays.[65]

More research is needed to more fully understand days lost, referrals, and arrests in Montana's schools and the intersectionality of Native American students who have disabilities. One theory worth exploring is that Native American students may be over-identified in some schools as students with disabilities. Alternatively – as demonstrated in Kristina's story – some students with a disability may be attending a school that does not recognize their disability, does not offer additional supports, and thus those students are punished instead of given support they need.

NATIVE AMERICAN ARRESTS IN SCHOOL MIRROR DISPROPORTIONATE RATES OF ADULT INCARCERATION FOR NATIVE AMERICANS IN MONTANA

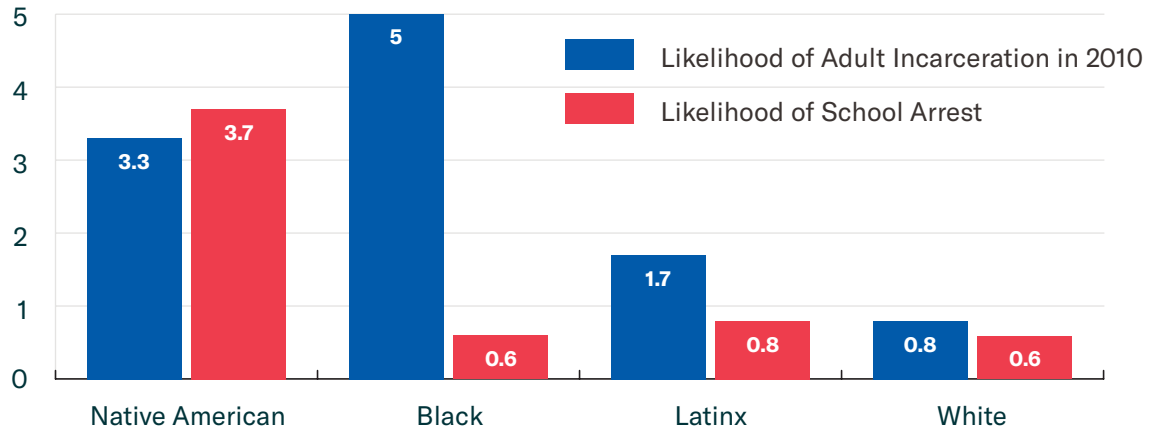
Nationwide, students who experience exclusionary discipline are more likely to become involved in the criminal justice system.[66] Montana school-related arrests for Native Americans mirror the disproportionate rates of adult incarceration for Indigenous people in Montana.

Native American adults were 3.3 times more likely to be incarcerated in Montana in 2010 and Native American primary and secondary students were 3.7 times more likely to be arrested in schools during the 2015-2016 academic year. Native Americans were 6.6 percent of Montana's total population in 2010, yet they made up 22 percent of the adults who were incarcerated or under community supervision.[67] Similarly, Native Americans were seven percent of Montana's total population in 2015, yet they made up 17 percent of total arrests.[68] During the 2015-16 school year, Native Americans made up 12 percent of the student body, but 44 percent of school-related arrests.

In schools, Native American females were 12 percent of the female student population, yet were 62 percent of female school-related arrests. Similarly, in Montana, Native American women made up 36 percent of all who were incarcerated, despite making up less than seven percent of the population.

Criminal justice processes for Indigenous people are known to sometimes result in harsher punishments such as longer or more severe sentencing.[69] The discipline trends in schools for Black and Latinx students did not mirror the disproportionalities in Montana's criminal justice system, where Black adults have the greatest likelihood of any race of being incarcerated.

Figure 9: Likelihood of Adult Incarceration in 2010 and Likelihood of School Arrest



Likelihood was calculated by dividing the percent of a certain population incarcerated in Montana (or arrested in Montana's schools) by the percent of that population in the state (or in Montana's schools).

Students Attending Schools with Law Enforcement Officers Have Lower Graduation Rates and Experience More Discipline, Referrals, and Arrests.

Forty percent of schools on reservations have a LEO. The following results report a difference in days lost, referrals rates, and arrests for students when a LEO is present in schools.

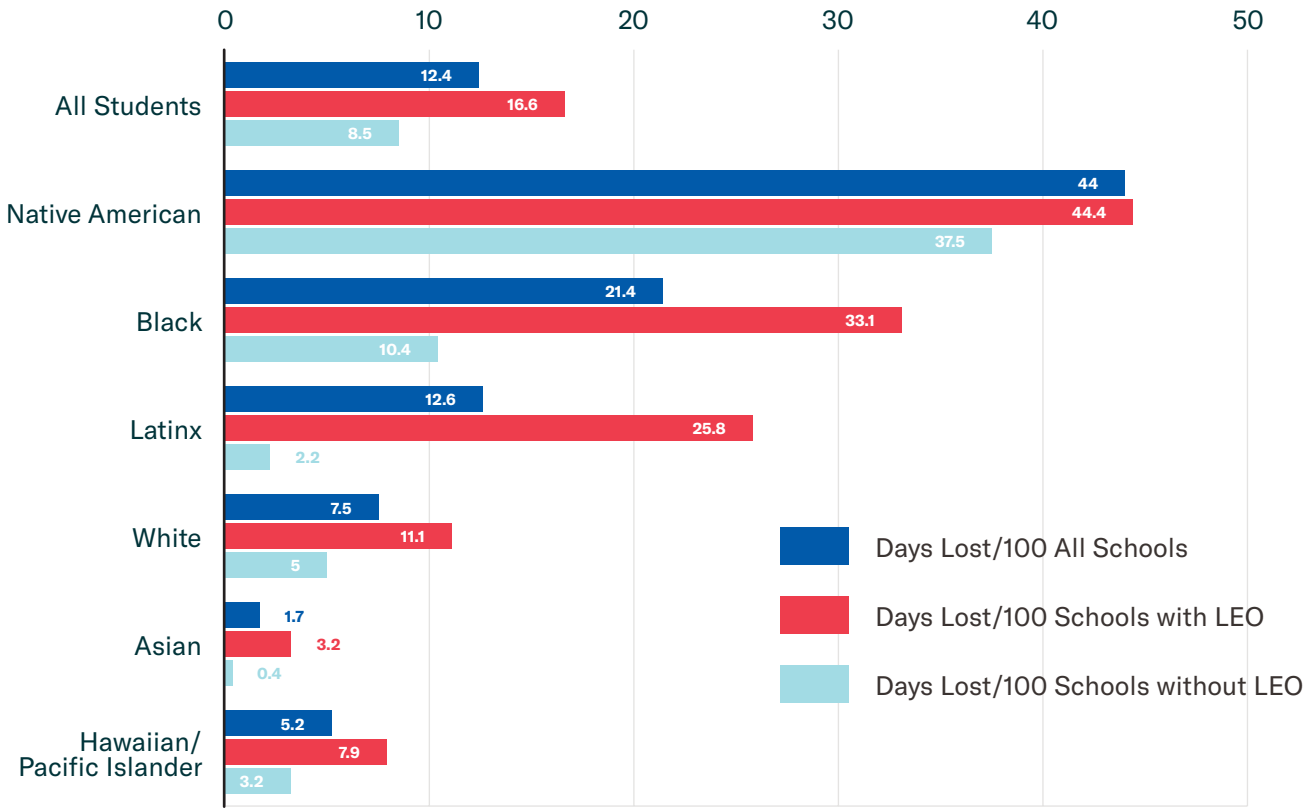
Graduation Rates and LEOs

- Montana schools with LEOs had lower graduation rates than Montana schools without LEOs.[70]
- In 2016, graduation rates at schools with a LEO were 4.1 percentage points lower than schools without a LEO.[71]

Days Lost and LEOs

- Schools with LEOs had higher rates of days lost across all racial/ethnic demographics.[72]
- Latinx students had the greatest rate disparity with LEO presence: Latinx students who attended schools with a LEO lost nearly 12 times the days as Latinx students who attended school without a LEO.

Figure 10: Days Lost/100 by Race in Schools with and without Law Enforcement Officers



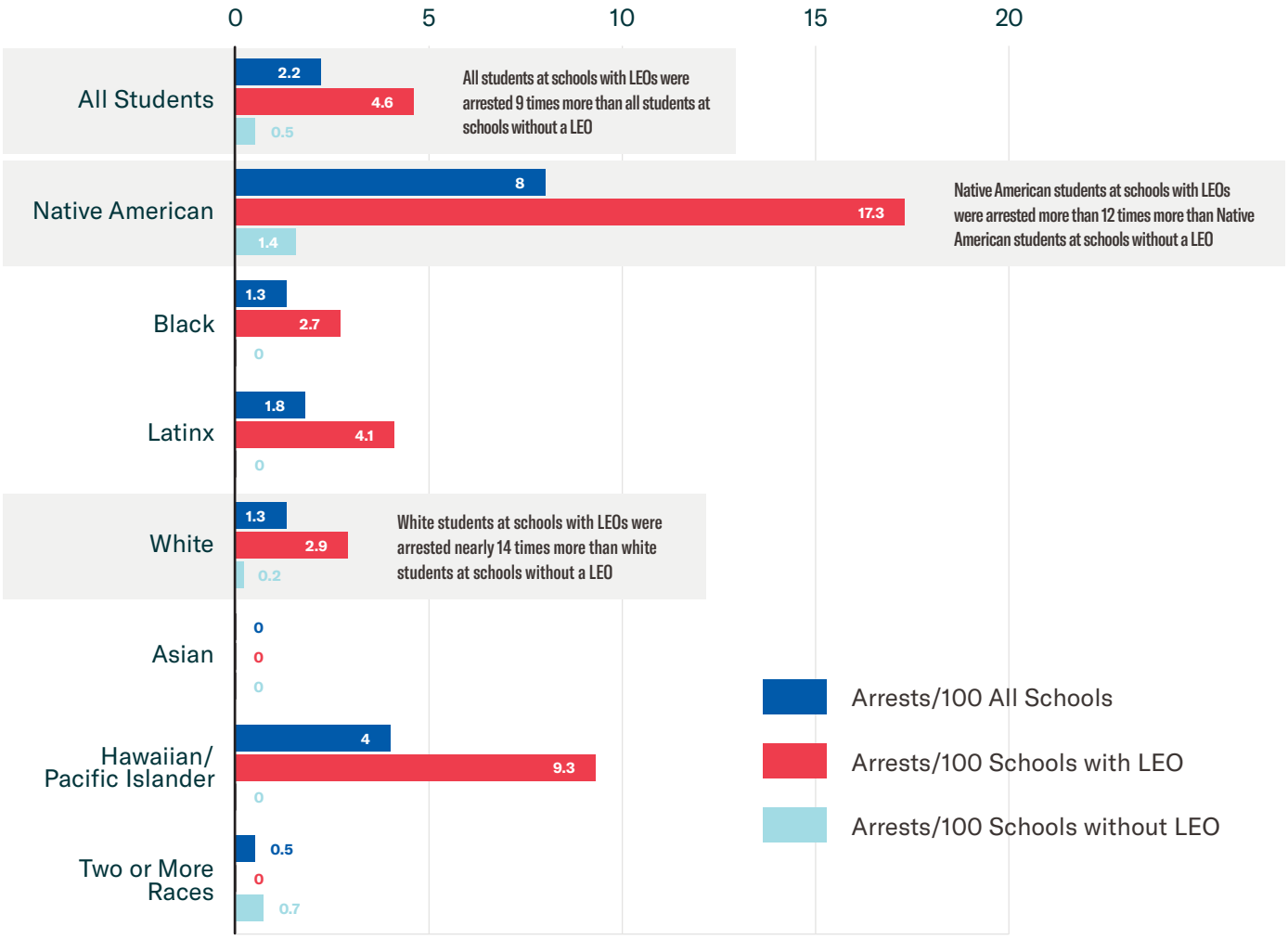
LAW ENFORCEMENT OFFICERS IN MONTANA'S SCHOOLS

The presence of law enforcement officers (LEOs) in schools throughout the United States contributes to schools relying too heavily on referrals and arrests to manage student behavior. Nationally, the presence of police in schools dates back to the 1950s, but LEO presence greatly increased in the late 1990s in response to the false perception that school-based crime was on the rise.[74] In 1975, only one percent of schools had police officers.[75] Today, nearly half of all public schools have police officers.[76] No conclusive evidence demonstrates that school policing makes students safer.[77] Furthermore, police in schools do not improve educational outcomes or mental health. Instead, data show that police in schools can cause harm, create less inclusive school climates, and lead to greater criminalization of students – especially students of color.[78] Research also connects police presence with lower graduation rates.[79]

Montana has no state laws regarding the training or the duties of LEOs in schools – often called School Resource Officers, or SROs. Districts make decisions about training LEOs. LEO specific roles and responsibilities are often described in a Memorandum of Understanding between the district and local police force. Some LEOs in Montana undergo a 40-hour training, and sometimes an additional 24-hour advanced class; however, the training is not required by law. LEOs have a lot of contact with students. Yet the one-week training is inadequate to prepare them to work with students.[80] As this report shows, schools in Montana with LEOs experienced higher rates of exclusionary discipline, referrals and arrests, and lower graduation rates.

About 15 percent of Montana's schools – serving about 42 percent of Montana's students – have a LEO regularly present.

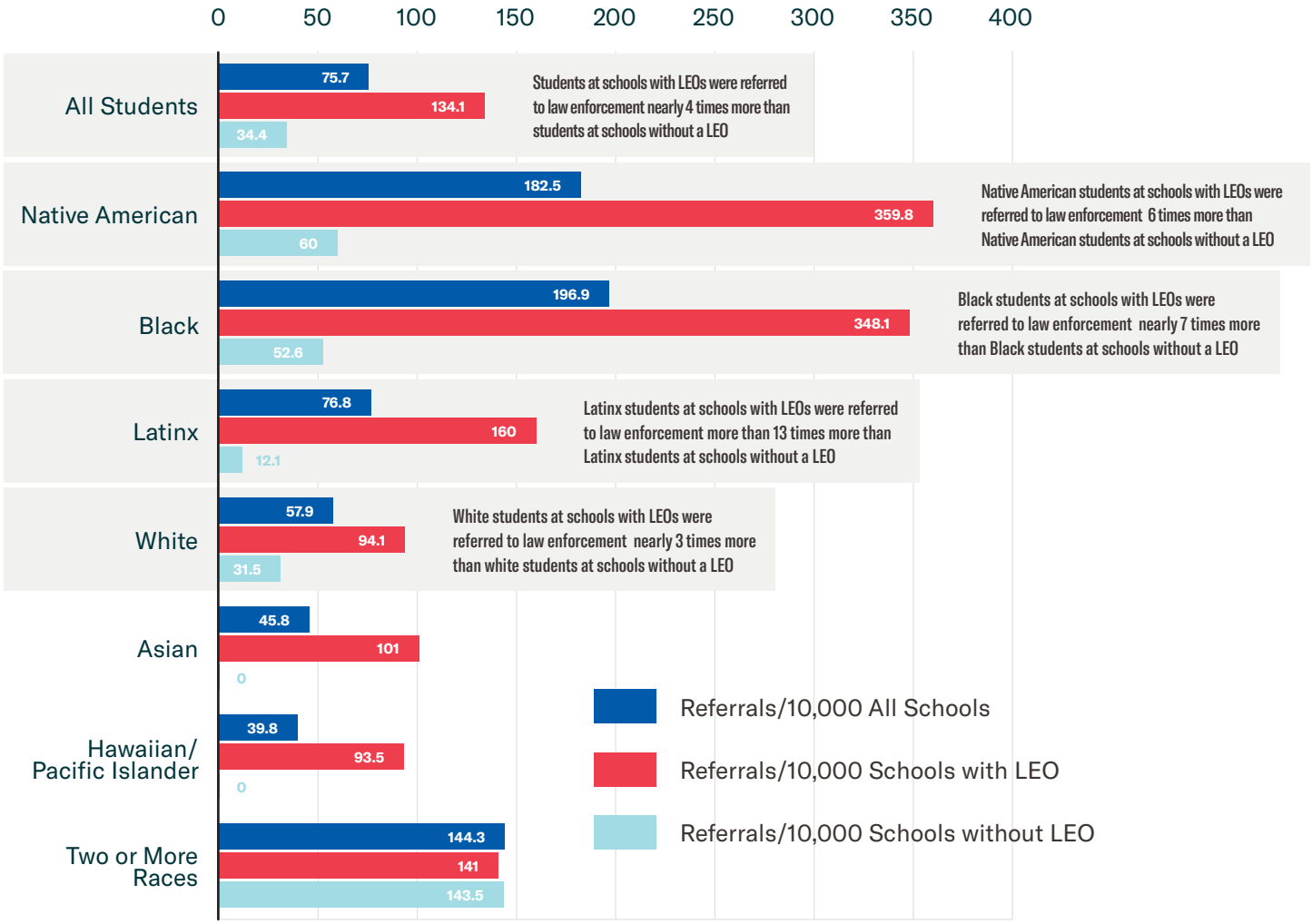
Figure 11: Arrests/1,000 by Race in Schools with and without Law Enforcement Officers



Arrests and Referrals and LEOs

- Eighty-six percent of school-related arrests (281 of the 326) in Montana occurred at schools with the regular presence of a LEO.[73]
- Schools with LEOs had 9.2 times the arrests and four times the referrals than schools without LEOs.

Figure 12: Referrals/10,000 by Race in Schools with and without Law Enforcement Officers



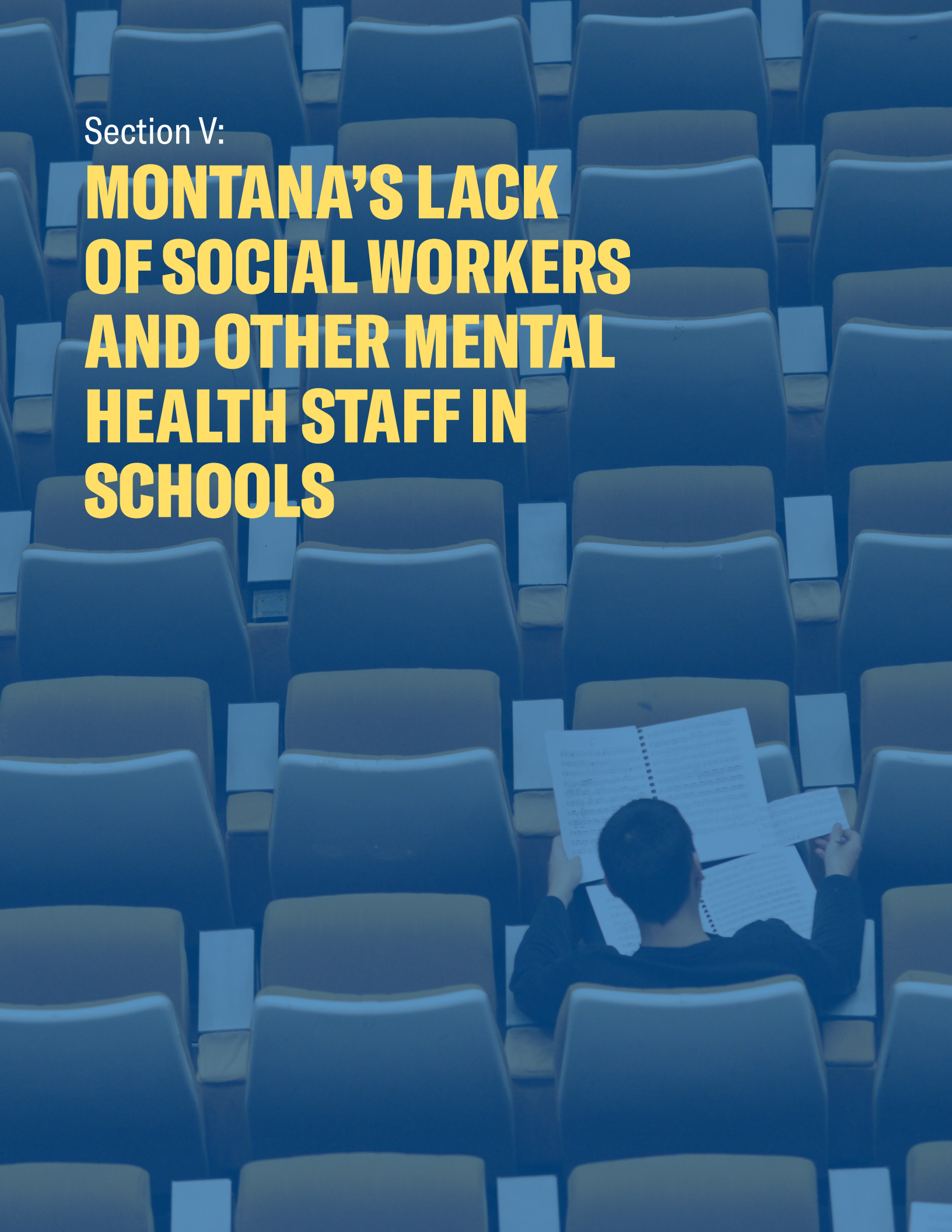
Indian Education for All and Native American Student Graduation Rates

Initial analysis of Montana's Indian Education for All 2015 implementation in schools provides evidence that schools with the Office of Public Instruction (OPI) Indian Education Division training for Instructional Staff have higher Native American graduation rates.[81]

Examples of schools with the OPI training for instructional staff and higher Native American graduation rates include Heart Butte (81%), Arlee (81%), and Ronan (77%), which have the highest Native American graduation rates for schools with over 60% Native American students enrolled. Thus, the initial results indicate that training for administrators and instructional staff is associated with increased achievement for Native American students.

Section V:

MONTANA'S LACK OF SOCIAL WORKERS AND OTHER MENTAL HEALTH STAFF IN SCHOOLS



Students experiencing issues related to mental health, poverty, or other challenges benefit from adequate support staff in schools. The following section describes student mental health; school support staff roles and known outcomes when schools meet recommended student-to-support staff–ratios; and a summary of improved student outcomes in schools with social workers.

Student Mental Health

Students today experience record levels of depression and anxiety.[82] Indigenous students have high rates of Adverse Childhood Experiences[83] and higher odds of post-traumatic stress disorder, depression, and drug use due to historical trauma and other consequences of colonization.[84] In Montana, the youth suicide rate is almost triple the national rate.[85] Indigenous high school students in Montana are more likely than their white peers to report seriously considering suicide or to report having attempted suicide one or more times in the past twelve months.[86]

> In Montana, the youth suicide rate is almost triple the national rate.

One example in Montana is Fort Peck, where students have a high suicide rate that sometimes co-exists with zero tolerance policies and harsh and arbitrary disciplinary practices at some of the public schools on the reservation.[87]

School Support Staff Roles and Known Outcomes

Mental health staff in schools provide vital services for students and help address barriers to success.

- School psychologists support students' ability to learn and teachers' ability to teach. They use their expertise in mental health, learning, and behavior, to help children and youth succeed academically, socially, behaviorally, and emotionally.[88]
- Social workers help ameliorate barriers such as poverty, inadequate healthcare, community violence, homelessness, and other issues that impact students and their ability to attend and participate meaningfully at school.[89]
- School counselors help students in the areas of academic achievement, career paths, and social/emotional development.[90]
- School nurses provide critical support to behavioral and mental health, facilitate optimal development, and advance academic success.[91]

Support staff are also essential for appropriate assessment of and support for students with autism or other developmental or intellectual disabilities.

Nationwide data provides evidence that schools that employ school counselors, social workers, nurses, and psychologists see improved attendance rates, lower rates of exclusionary discipline, improved graduation rates, and improved school safety.[92]

Montana's School Support Staff Ratios

Many schools in Montana do not reach the recommended ratios for support staff. About 13 percent of schools do not have any support staff at all. Most of Montana's schools lack social workers. The state is nearly 10 times the recommended ratio of 250:1 for social workers and worse than the national average.[93]

Table 3 shows that throughout Montana:[94]

- Schools in all contexts (reservation, border, urban, and rural settings) did not meet recommended ratios for social workers.
- Reservation, border, and urban schools also did not meet the recommended ratios for psychologists.
- Urban schools also did not meet the recommended ratios for counselors or nurses.

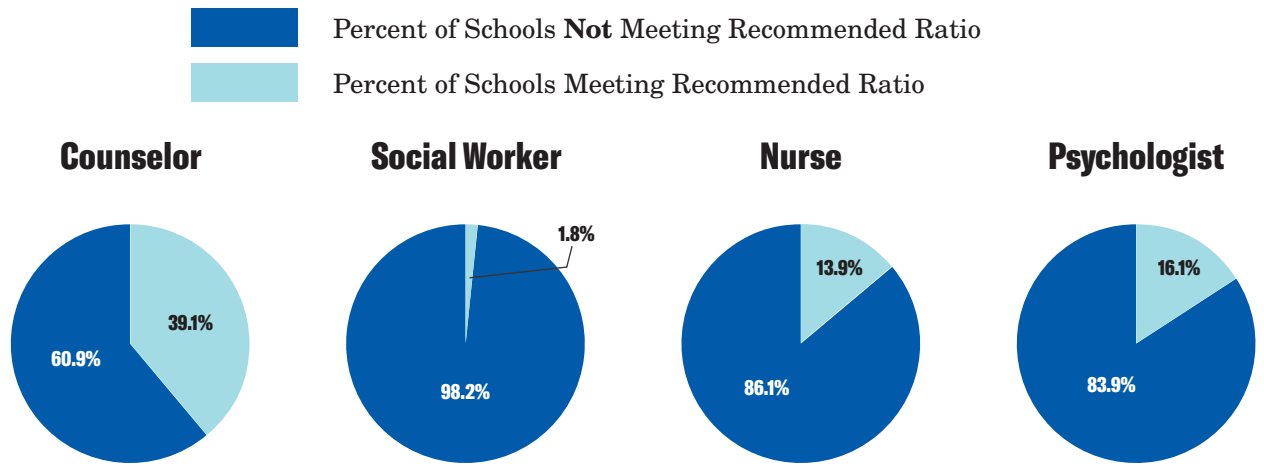
Table 3: National and State Recommended Support Staff Ratios and Montana Ratios for Schools in Rural, Urban, Border and Reservation Contexts.[95]

	Recommended Ratio	National Ratio	Montana Ratio	Montana Other Rural Ratio	Montana Other Urban Ratio	Montana Border Ratio	Montana Reservation Ratio
Counselor	250:1	444:1	207:1	145:1	365:1	238:1	162:1
Social Worker	250:1	2,106:1	2,475:1	1506:1	9532:1	2389:1	3290:1
Nurse	750:1	936:1	707:1	547:1	1892:1	587:1	720:1
Psychologist	700: 1	1,526:1	698:1	432:1	1074:1	899:1	921:1

Support Staff in Montana's Individual Schools

Many schools throughout Montana do not meet the recommended ratios. Schools in urban areas have the highest ratios, leaving more students without vital support staff. Thirteen percent of Montana schools have no support staff (103 of 822 schools). Eight percent of the schools on reservations have no support staff (6 of 75 schools). The majority of individual schools in Montana do not meet the recommended ratios for social workers (98 percent), nurses (86 percent), psychologists (84 percent), or counselors (61 percent).

Recommended Ratios for Support Staff in Montana's Schools



THE RACES OR ETHNICITIES OF TEACHERS AND SCHOOL ADMINISTRATORS PLAY A ROLE IN STUDENT OUTCOMES

Research provides evidence that when Black students have just one Black teacher between grades three and five, the chance they will drop out declines by nearly 30 percent.[102] Anecdotal evidence shows that Native American students also benefit from having Indigenous teachers and administrators. While Montana's public schools have about 12 percent Native American students, less than 2.5 percent of Montana's teachers are Indigenous.[103]

Individual Reservation School Support Staff and Law Enforcement Presence

As a collective group, schools on reservations on average met the ratio for nurses and counselors. However, when reservation schools are analyzed at the individual school level, they were more likely to have LEO presence and no support staff.[96] Reservation schools with LEO presence had lower levels of support staff than schools in other rural areas, in border towns, or in urban areas.[97] Forty percent of Montana schools on reservations (30 out of 76) lacked at least one support staff (counselor, nurse, psychologist or social worker). All of the reservation schools with LEO presence were missing at least one of the four types of support staff.

Schools with Social Workers Have Better Outcomes for Their Students

Schools in Montana with social workers had higher graduation rates.[98] As Figures 13, 14, and 15 demonstrate, they also had lower rates of days lost for students with disabilities, referrals, and arrests.[99] Only one school with a social worker had arrests, and only two schools with a social worker had referrals. None of the schools meeting the recommended social worker ratio had arrests for students with disabilities.[100]

Even though social workers provide a vitally needed service that is known to improve student outcomes, only about seven percent of Montana's schools had a social worker present. Only 15 schools in Montana (two percent) met the recommended ratio of social workers. All of the Montana schools that met the recommended student to social worker ratio received Title I funding, which indicates a concentration of poverty among the students.[101] The schools meeting the recommended social worker ratio were most commonly in rural locations (66.7 percent), then border communities (26.7 percent), and then on reservations (6.7 percent). The schools resourced with social workers were disproportionately where majority white students attend. Native American students would also benefit from social worker presence in schools.

Eight schools with 63 percent or more Native American students had social worker(s) present including six schools in Browning (Browning Elementary, Middle and High Schools, Napi School, KW Bergan School, and Vina Chattin School), as well as St. Ignatius Middle School and Babb School.

Schools that meet the recommended ratio of social workers have the least amount of referrals, arrests, and days lost.

Figure 13: Impact of Social Workers on Individual School Average Referrals per 10,000 Students

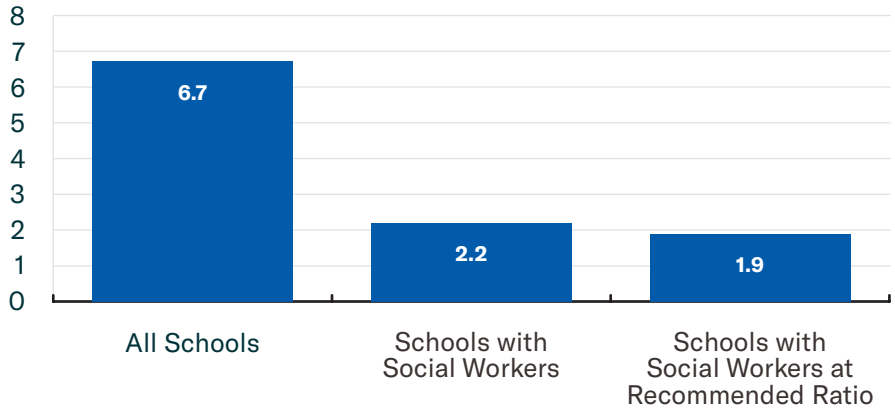


Figure 14: Impact of Social Workers on Individual School Average Arrests per 1,000 Students

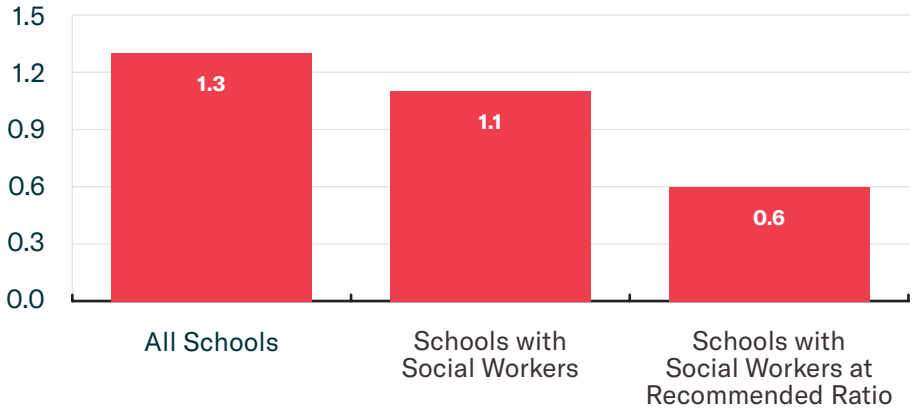
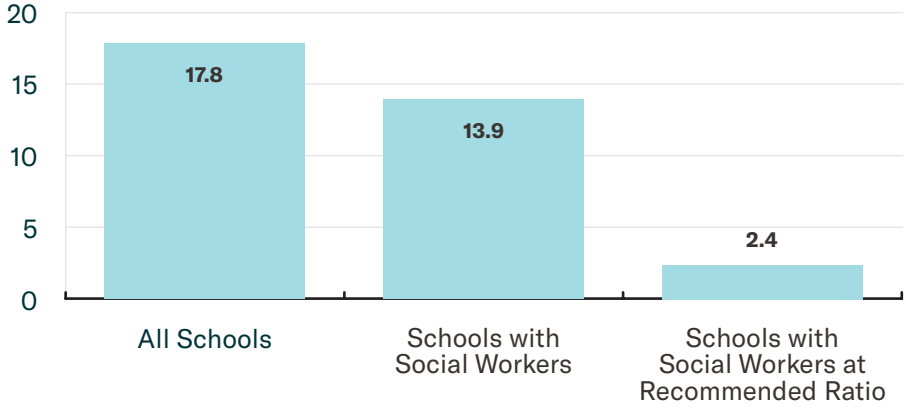


Figure 15: Impact of Social Workers on Individual School Average Days Lost per 100 Students



THE SCHOOL WITH THE MOST ARRESTS IN MONTANA EMPLOYED VIRTUALLY NO SUPPORT STAFF

East Middle School in Great Falls had the highest number of school-related arrests in the state. Native Americans comprised 19 percent of students, which is nearly four times the percentage of Native American students in Montana's other urban schools. In the 2015-2016 school year, East Middle School had: 1 Full Time Equivalent (FTE) Law Enforcement, no social worker or nurse, and a combined .7 FTE counselor (.2 FTE) and psychologist (.5 FTE). The student to counselor ratio of 3,755:1 was 15 times the recommended ratio, and the student to psychologist ratio of 1,502:1 was over twice the recommended ratio. To meet the recommended ratio, East Middle School should employ three social workers, three counselors, one psychologist, and one nurse to work with their 751 students.

Section VI:

HISTORICAL BACKGROUND ON INDIGENOUS EDUCATION IN THE UNITED STATES

By George Price and
Joyce Silverthorne

The disparate treatment of Indigenous students in Montana cannot be fully understood without connecting it to the history of Indigenous education in the United States. Indigenous people experience historical and intergenerational trauma at individual, family, and community levels.[104] Indigenous students' families and ancestors in the United States have had land and resources stolen, children seized, and been abused and neglected in boarding schools and other educational settings. Textbooks and curricula in schools that Indigenous students attend erase Indigenous people, culture, and history, or portray them in racist ways.[105] Public school administrators and teachers who seek to understand and address issues Indigenous students face in school must begin by learning this history.

The U.S. federal policies related to Indigenous people occurred in six stages including:

- Colonization/Colonial Period: 1492 - 1800s
- Treaty Period: 1789 - 1871
- Assimilation Period - Allotment and Boarding School: 1879 - 1934
- Tribal Reorganization Period: 1934 - 1958
- Termination and Relocation Period: 1953 - 1971
- Self-determination Period: 1968 – Present[106]

While these stages are a good tool to provide a general overview of the history, in reality, the stages do not break down into such neat chronology. There was often overlap between different stages, and some stages never completely ended. For instance, assimilation was the primary agenda for educating Indigenous children until the 1980s, and still is – in many cases – a driving force.

Education Prior to Colonization

Indigenous education did not begin with the arrival of European colonists. Tribal communities educated children for thousands of years before European settlement. Tribal education had varied methods and elaborate processes. Original tribal methods of education included, among many others:

- Direct instruction in practical life skills and technologies;
- Transmission of moral values through storytelling;
- Instilling a strong sense of identity and connection through telling tribal history;
- Participating in ceremonies.

Indigenous educational practices and traditions helped sustain and preserve tribal cultures for many generations.

Assimilation Period via Boarding Schools

Colonial assimilation treated Indigenous cultures as inferior and sought to replace Indigenous cultures with colonial culture.[107]

The Assimilation period in the U.S. was from 1879 – 1934, even though the practices of assimilation continued far past 1934. During this time, U.S. colonists acquired tribal homelands to generate wealth through extracting, marketing, and consuming the bounty of those lands. The pre-existing occupation and use of these lands by other human societies was problematic for the colonists. Settlers acquired land in the colonial period and treaty period with brutal, deceitful, and unethical practices.[108]

Colonists propagated dehumanizing stereotypes about the Indigenous inhabitants of the land as a justification for their actions. Settler stereotypes labeled Indigenous people as different from themselves and more like "the wild beasts" than their fellow humans. Colonists justified taking of lands by falsely declaring that Indigenous peoples were nomadic, continually moving to find food, and had "no settled habitations."[109] Nearly all the Indigenous peoples of the Eastern and Southwestern U.S. lived in settled village societies and were

cultivators of a wide variety of food crops prior to colonization. Yet colonists promoted stereotypes to themselves and Indigenous people via religion and education systems. Indigenous people were displaced from their homelands or lived in small remnants of those lands not yet taken. Indigenous people were pressured to live by colonial laws and practice the colonists' religion.

English, French, and Spanish "schooling" for Indigenous children and adults was conducted under colonial law and religious directives, usually in church or mission buildings. Colonial education falsely asserted that Indigenous people had no civilization, culture, or humanity worthy of respect or preservation. The colonial approach called for political subordination of Indigenous people and cultural and religious conversion "in the white man's image."[110] Educational indoctrination continued well into the 20th century, and many of the themes of colonial teachings and practices have been carried forward in today's public education.

"Colonial education falsely asserted that Indigenous people had no civilization, culture, or humanity worthy of respect or preservation.

Off-reservation "Indian boarding schools" are the most prominent example of the colonist method of using education to assimilate. Boarding schools started operating in the U.S. in 1879.[111] Some still operate today.[112] U.S. boarding schools were modeled after the "manual labor" schools that began in the 1820s to create skilled factory laborers for the industrial revolution. But boarding schools also had a more aggressive social and cultural conditioning component.

Richard Pratt founded the Carlisle Indian Industrial School, which was the first of the Indian boarding schools. Pratt's philosophy of education for Indigenous people was, "Kill the Indian to save the man." Carlisle had a reputation for strict, military style discipline. The Carlisle model was eventually adopted by the Bureau of Indian Affairs.[113] Boarding schools focused on deculturizing and reforming Indigenous people.

The U.S. had 25 Indian boarding schools by 1900. Indigenous children were taken, often by force, from their families and transported hundreds of miles away to these schools across the U.S. At the boarding schools, Indigenous children were stripped of their clothes, their hair was cut short, and their heads were dowsed with kerosene, under the myth that all Indians had lice. They were then forced to put on military-style school uniforms. Indigenous children were forbidden to speak their languages and were forced to keep silent until they learned English. The boarding schools also forbade Native songs and spiritual practices. The students were taught that their entire cultures were "the fruit of the devil." Boarding school employees used various punishments including physical, psychological, and sexual abuse. The schools had small rooms or outbuildings that they used for the punishment of solitary confinement. Some children froze to death when school employees forgot they were in a solitary confinement outbuilding. Indigenous students' parents were also subject to violence if they refused to send their children to boarding schools or traveled away from the reservation without colonial permission.[114] Many children tried to escape from these schools or died by suicide. Some students died from various illnesses. School cemeteries graves often neglect to identify the children who died at the boarding school.

The curricula at boarding schools included basic literacy, math, and science. However, schools focused on industrial arts and agriculture for males and home economics for females. Students experienced hands-on instruction through forced labor to maintain the school facilities. For example, students cleaned buildings and grounds. Students were "hired out" to work on local farms and businesses during summers. Farmers and business owners typically paid the schools directly for the child labor and students received room and board for their labor.

Figure 16. Photos of Indigenous Youth Before and After Attending Boarding School[116]

THE U.S. HAD 88 RESERVATION BOARDING SCHOOLS IN 1908

The U.S. had 88 reservation boarding schools in 1908, with a total enrollment of 10,905 and average attendance of 9,573.[117] Montana had seven reservation boarding schools with a combined enrollment of 638 students in 1908. Montana boarding schools included: Blackfeet, Crow, Pryor Creek, Flathead, Fort Belknap, Fort Peck, and Tongue River. Fort Peck Boarding School opened in 1881 and had an average attendance of 109 students.

Students occasionally earned small sums of spending money from summer work, but were not allowed to go home to see their families. Some students never saw their family again after arriving at the school.

Boarding schools focused on cultural subordination and transformation, rather than on academic achievement. Promotional and fund-raising materials mailed to philanthropists and potential donors demonstrate this. Boarding school pamphlets and brochures featured student before-and-after photos (see Figure 16). Schools wanted to convey that they were succeeding in transforming "savages" into "civilized" Christian human beings.

Indigenous individuals and communities experienced harmful consequences from boarding schools, including:

- Alienation from their families and tribes;
- Loss of language and culture;
- Low self-esteem and negative self-images, resulting in internalized racism, which also contributed to various forms of self-destructive behavior;
- Difficulties fitting well into either the Euro-American world or the world they came from;
- Distrust of and aversion towards Euro-American formal education, institutions, and people; and
- Disruption and degradation of Indigenous child-raising traditions and nurturing processes.[115]

An Overview: Federal Involvement in Indigenous Education Beginning in 1927

After initial assimilation efforts via boarding schools, the U.S. government's approach to Indigenous people evolved over time, including evaluation of board school assimilation efforts via the Meriam Commission (1927), tribal reorganization (1934-1958), termination and relocation from reservations to urban areas (1953-1971), and self-determination (1968-present). Indigenous students' experiences in educational systems shifted with the federal government approaches.

Reservation and Boarding School Conditions

The U.S. government formed the Meriam Commission in 1927 to investigate the conditions on Indian Reservations and in boarding schools. The commission focused on four aspects of social life:

- employment and income
- education – including whether the boarding schools were succeeding in their mission
- health conditions
- housing conditions

In 1928, the Meriam Commission reported grave deficiencies in all four areas and made recommendations for the government to intervene and provide necessary assistance. The Meriam Commission recommended that Indigenous students attend community schools and for educational systems to abolish a Uniform Course of Study that emphasized settler colonial culture. The recommendations were delayed until 1934 due to the stock market crash and Great Depression.

Allotment, Termination, and Relocation Periods: Education After Boarding Schools

Tribal reorganization, termination, and relocation periods resulted in Indigenous students attending different types of schools. Education systems served the general function of assimilating Indigenous students into the norms, standards, and values of the Euro-centric society regardless of the school location or type. Some Indigenous students attended on-reservation boarding schools that allowed parents to visit their children occasionally.[118] When large non-Indigenous settler populations lived on reservations, Indigenous students often attended on-reservation public schools. The Urban Indian Relocation Program sought to move Indigenous families to urban work forces. As a result, urban Indigenous population numbers have increased greatly since the 1950s.[119] Urban-dwelling Indigenous students attended integrated public schools. Indigenous students were generally treated as inherently inferior, taught with low expectations about their intellectual potential by most teachers, punished more often than non-Indigenous students, and were usually the last to be called upon or encouraged in classroom activities. Indigenous students developed self-doubts about their abilities, potential for success, and general acceptance in U.S. society.

Tribal Reorganization and Self-Determination Periods

In 1934, the federal government made efforts to reverse the original goal of assimilation of Indigenous people into U.S. society and started to recognize Indigenous people's right of self-determination.[120] The Indian Reorganization Act of June 18, 1934, also known as the Wheeler-Howard Act, was the centerpiece of what has been often called the "Indian New Deal." The U.S. government moved Indigenous-related affairs from the War Department to the Department of Interior, which reflected a major philosophical change.

The Indian New Deal spurred changes in Indigenous education. Curriculum committees serving Indigenous people began to incorporate tribal languages and customs in new bilingual syllabi.

The U.S. government continued to mandate that Indigenous students attend federal schools but subsidized education and created community day schools on tribal lands through the Johnson-O'Malley Act of 1934.

Despite some federal efforts to improve Indigenous students' access to education, the federal government identified the same problem once again more than 30 years later. In 1969, a report titled "Indian Education: A National Tragedy, a National Challenge," found that "national policies for educating American Indians are a failure of major proportions."[121] The report, commonly referred to as the Kennedy Report, asserted that the failures of Indigenous education were largely due to continued forced cultural assimilation.

The landmark Indian Education Act of 1972 established a comprehensive approach to meeting the unique needs of Indigenous students. The Act tried to rectify disparities including education outcomes in Indigenous communities. The Act created the Office of Indian Education Programs and the National Advisory Council on Indian Education within the Department of Education. These changes marked the beginning of enlisting states to assume a stronger role.

Federal efforts to improve Indigenous student education included sporadic policies in the 1970s through the 2000s, which resulted in only marginally improved outcomes.[122] Policies in the 1970s shifted fiscal responsibility and improved autonomy for local decisions. Examples of local autonomy include tribally managed schools, local hiring, and Indian School Boards. Policy changes in the 2000s focused on improving student outcomes under the No Child Left Behind Act and Every Student Succeeds Act, which provided for parent and tribal engagement in education programs.

Indigenous Education at the State Level

The Montana state government shares responsibility for Indigenous students' education. The Montana Constitution, as adopted in 1972, guarantees equality of educational opportunity and equity in funding. The Montana Constitution also recognizes the cultural heritage of Indigenous people and states Montana's commitment to the preservation of their cultural integrity.

Specifically, in Article 10, Section 1:

> **(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 the American Indians and is committed in its educational goals to the preservation of their cultural integrity.
> **(3)** The legislature shall provide a basic system of free quality public elementary and secondary schools. The legislature may provide such other educational institutions, public libraries, and educational programs as it deems desirable. It shall fund and distribute in an equitable manner to the school districts the state's share of the cost of the basic elementary and secondary school system.

The state of Montana also enacted a series of policies, called Indian Education for All, outlining specific means for recognizing and preserving local Indigenous heritage.

Indian Education for All

The Montana legislature followed up on the constitutional mandate by passing the Indian Education for All Act (IEFA) in 1999 which states that:

> **(a)** every Montanan, whether Indian or non-Indian, be encouraged to learn about the distinct and unique heritage of American Indians in a culturally responsive manner; and
> **(b)** every educational agency and all educational personnel will work cooperatively 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.

In 2001, the state Superintendent of Public Instruction signed a policy statement to recognize, honor, and facilitate the implementation of Indian Education for All.

Despite some effort at the state level, in 2005, a district court found that Montana had failed to recognize the distinct and unique cultural heritage of the American Indians and commit to the preservation of their cultural integrity in its educational goals. The *Columbia Falls Elementary School District v. State*[123] case resulted in Montana allocating $2 million dollars to fund IEFA implementation and tribal cultural curriculum development. Despite this result, IEFA implementation remains spotty, and Montana's lowest performing schools continue to be reservation schools with high percentages of Indigenous students.[124]

All Levels of Government Have a Role in Ensuring Educational Equity

The federal and Montana state governments have exerted decades of effort to learn from tribes, work with tribal governments, and implement policies and laws meant to ensure educational equity for Indigenous students. Yet, the federal government and the state of Montana have not adequately addressed the harm done in the name of education and have not ensured that Indigenous students have equitable access to education. As a result, too many Indigenous students still do not have the tools, resources, or support they need to succeed in school.

About the Authors

Dr. George Price (Assonet band of the Wampanoag tribal nation of Massachusetts) retired from a 33-year teaching career in May of 2018. George taught 10 years at Two Eagle River School (a K-12 Bureau of Indian Education School in Pablo, Montana), 3 years at Salish Kootenai College (a Tribal College in Pablo, Montana), and 20 years at the University of Montana in Missoula, Montana. George taught Native American Studies, American History, and African American Studies.

Joyce Silverthorne (Salish) is a certified teacher and administrator. Joyce retired as the Director of Tribal Education Department for the Confederated Salish and Kootenai Tribes of the Flathead Indian Reservation in 2007. Joyce served as a policy advisor at the Office of Public Instruction. Joyce made enormous contributions toward implementing Indian Education for All, working with school systems on and off the reservation and serving as a gubernatorial appointee to the Montana Board of Public Education for 10 years. Joyce is knowledgeable of the history and development of Indian Education for All, as well as the challenges and success of putting the language of the Act into action.

FEDERAL INVOLVEMENT IN INDIGENOUS EDUCATION BEGINNING IN 1927

1927

A U.S. government commission was formed—**the Meriam Commission**—to investigate the conditions on Indian Reservations and in the boarding schools.

1928

The Meriam Commission reported there were **grave deficiencies in all four areas:** employment and income, education, health conditions, and housing conditions.

1929

Stock market crashed, which put off any plans for addressing education for Indigenous people.

1934

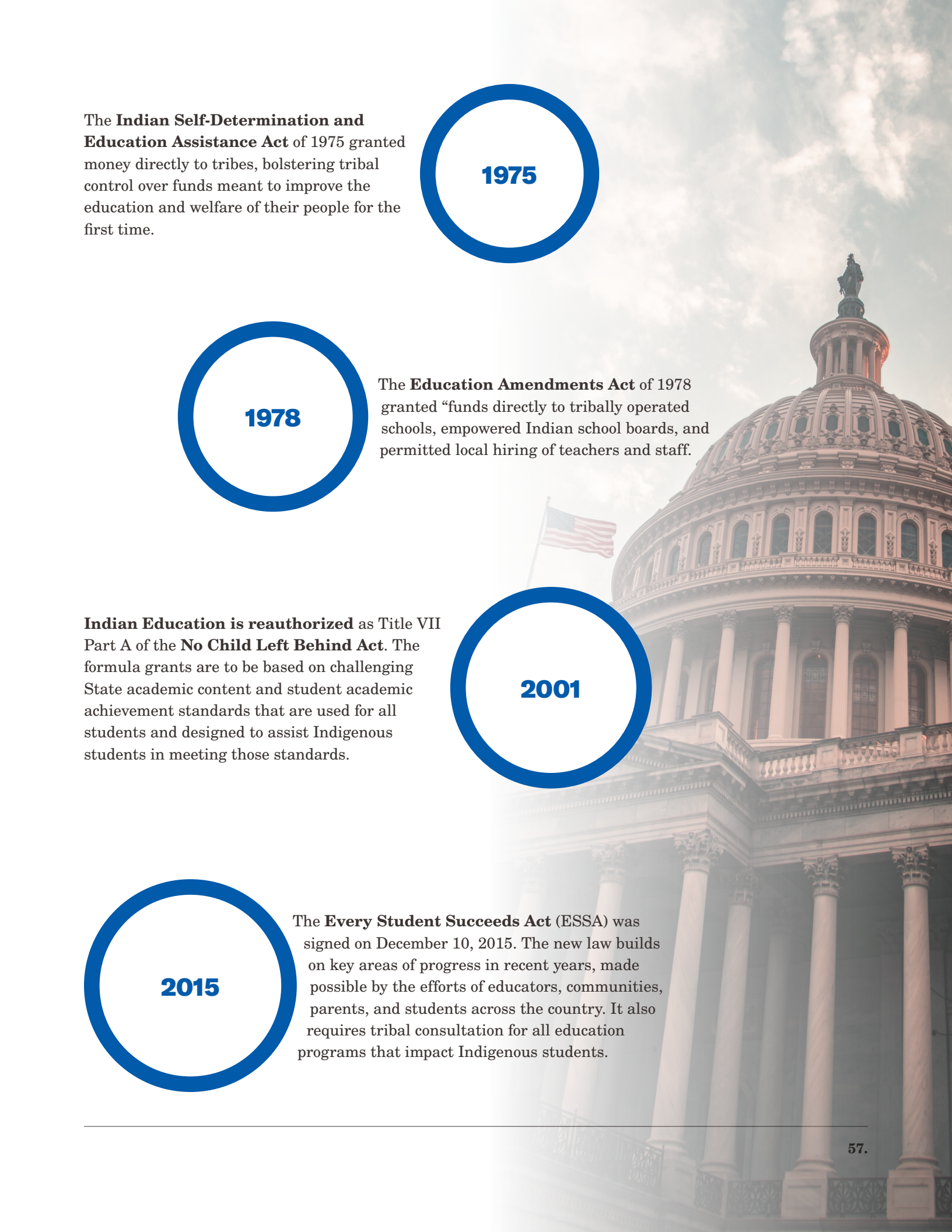
Indian Reorganization Act of June 18, 1934, also known as the **Wheeler-Howard Act**, was the centerpiece of what has often been called the "Indian New Deal".

1969

A report titled **"Indian Education: A National Tragedy, a National Challenge,"** more commonly referred to as the **Kennedy Report**, found that, "national policies for educating American Indians are a failure of major proportions" – largely due to continued forced cultural assimilation.

1972

The **Indian Education Act** of 1972 was passed, which established a more comprehensive approach to meeting the unique needs of Indigenous students.



The **Indian Self-Determination and Education Assistance Act** of 1975 granted money directly to tribes, bolstering tribal control over funds meant to improve the education and welfare of their people for the first time.

1975

1978

The **Education Amendments Act** of 1978 granted "funds directly to tribally operated schools, empowered Indian school boards, and permitted local hiring of teachers and staff.

Indian Education is reauthorized as Title VII Part A of the **No Child Left Behind Act**. The formula grants are to be based on challenging State academic content and student academic achievement standards that are used for all students and designed to assist Indigenous students in meeting those standards.

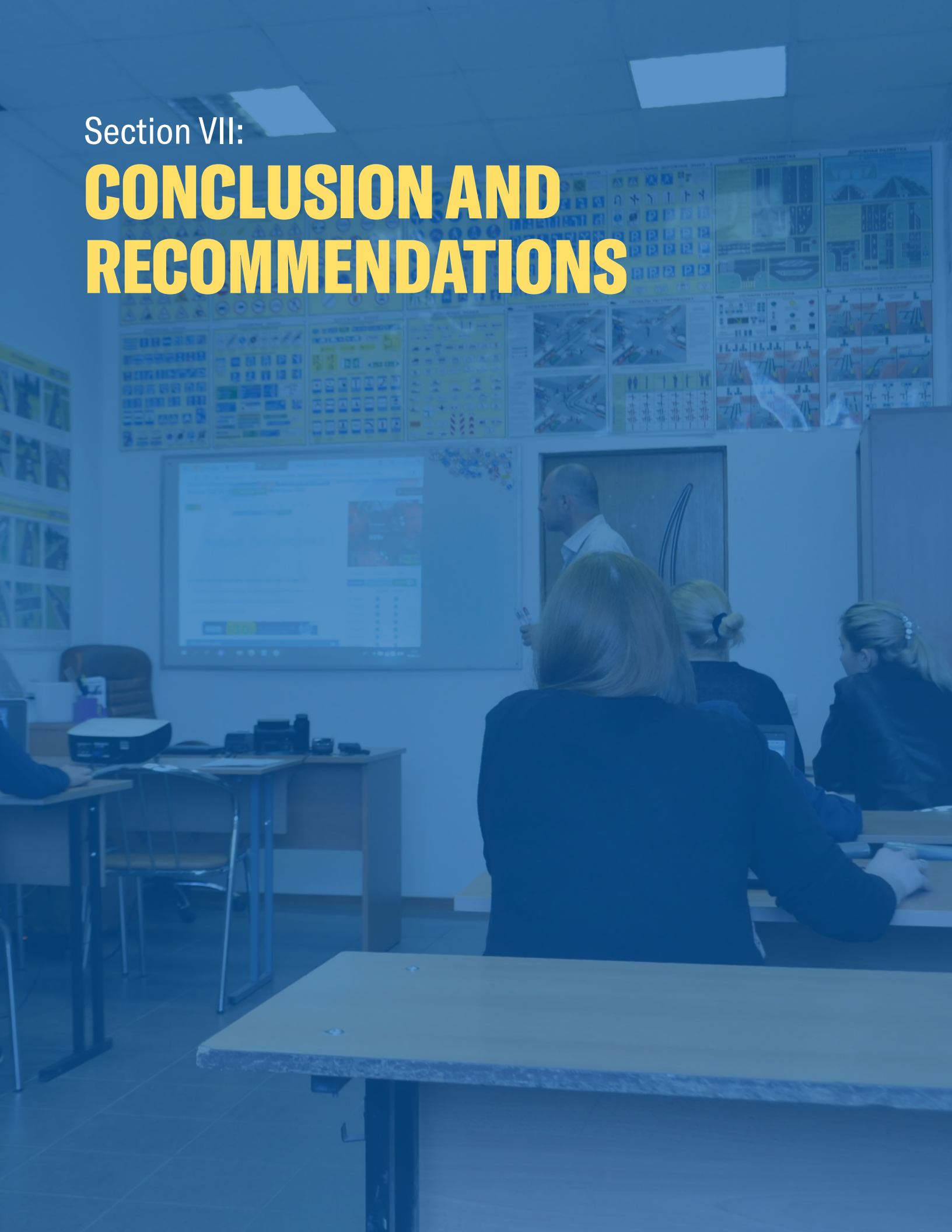
2001

2015

The **Every Student Succeeds Act** (ESSA) was signed on December 10, 2015. The new law builds on key areas of progress in recent years, made possible by the efforts of educators, communities, parents, and students across the country. It also requires tribal consultation for all education programs that impact Indigenous students.

Section VII:

CONCLUSION AND RECOMMENDATIONS



Educational equity should be a guiding principle for Montana's public schools. Educational equity is achieved when all students are part of a system that is fair and inclusive and have equal opportunity for success.

Too many students in Montana – disproportionately Native Americans, students of color, and students with disabilities – are set up to fail. Students who are forced out of school or who are disciplined through interactions with law enforcement are less likely to graduate and are more likely to become entangled in the criminal justice system throughout their lives. Criminal justice system involvement initiates an unforgiving and counterproductive cycle that not only harms individual students and their families, but also harms communities.

Too many students in Montana – disproportionately Native Americans, students of color, and students with disabilities – are set up to fail.

Exclusionary discipline and referrals to and arrests by law enforcement create harms that do not impact all groups equally. For example, Indigenous students' experiences with historical trauma, as well as economic, health, and mental health disparities resulting from centuries of colonization, discrimination, and unfair treatment are compounded by the harms of exclusionary discipline and over-reliance on police in schools.

Montana must address patterns of historic and contemporary educational disparities in order to create equal opportunity for all students of various identities across race, household income, culture, gender, or disability. Montana must stop relying on ineffective and counterproductive discipline practices to address student behavioral issues in school. Montana should embrace culturally safe and evidence-based models to address student behavior.

Montana schools should invest in school-based mental health staff to create supportive and welcoming school environments for all students. Montana's schools should be places where students can learn from their mistakes.

"Culturally safe" environments are respectful, reciprocal, and do not suppress or invalidate different cultures.[125] "Culturally grounded" practices seek family and community inclusion and affirm families' cultural, racial, and linguistic identities. Culturally safe and grounded practices in schools would contribute to improved equity, access, and outcomes.[126]

Recommendations

Elected officials, administrators, and educators have a duty to create and implement policies and procedures that stop the unnecessary use of exclusionary discipline and reliance on law enforcement, prevent discipline disparities, and give clear guidance to schools and the education community. Public officials and administrators must also work to create a cultural shift through community engagement, resource allocation, and better implementation of the Indian Education for All (IEFA) act.

Discipline policy change is one component of addressing disparities in discipline. Student success in Montana's public school system will always be harder for some until all stakeholders in Montana's education system understand and view all students as deserving of compassion, empathy, dignity, and support. Native American students, students of color, and students with disabilities are a starting place for building statewide changes to empathetically support student success.

School administrators and employees can achieve a greater understanding of Indigenous communities and break down barriers that lead to disparate treatment through programming, revised allocation of existing funding, and greater implementation of IEFA. Public and school administrators can create systemic changes to address the disparities noted in this report by considering and implementing the specific actionable items below.

For State Lawmakers

1. Ban zero tolerance discipline policies.
2. Require school districts to hold informational trainings for students and guardians on their rights, including disciplinary procedures and grievance processes.
3. Limit the ability of school administrators to use exclusionary discipline to actions involving violent behavior, and only after other interventions fail, including conferences with parents/guardians, restorative justice interventions, referrals to counselors, Individualized Education Plans, or other evidence-based interventions.
4. Prohibit teachers from administering exclusionary discipline.
5. Prohibit exclusionary discipline for students in sixth grade and under.
6. Require a clear, fair, and streamlined process for students to challenge suspensions – both the suspension itself and the length.
7. Require education continuity for students who are suspended.
8. End permanent and routine policing of schools. Limit law enforcement presence in schools to issues involving serious criminal law matters that constitute an imminent threat to student/staff safety.
9. Until police presence in schools is eliminated, prohibit police involvement in school disciplinary matters, clarify the role and authority of LEOs with a regular school presence to ensure that the role of LEOs is to ensure school safety, not criminalize adolescent conduct; create minimum training requirements for LEOs with a regular school presence that require post-certification training in issues specific to youth to handle the numerous, unique mental and physical issues that students face.
10. Implement safeguards to ensure transparency and accountability around all LEO actions and mandate that schools collect and report the details of each incident in which LEOs used force on students, ensuring proper redactions to protect the privacy of individual students.
11. Reform and update IEFA and ensure it is relevant to modern Indigenous cultures, peoples, and issues. Allocate increased funding to the Montana Advisory Council on Indian Education to ensure adequate resourcing of and compliance with IEFA mandate.

For School Board Members

1. Ensure that codes of conduct for students eliminate subjective and vague language that leaves the door open for biased implementation.
2. Put in place an appeals and complaints process for students and families and that is fair, clear, and not unduly burdensome.
3. Create clear policy for how a disciplinary action may be taken and by whom, and clear policy for how a student will complete work while absent and be reintegrated into school after a disciplinary absence.
4. Limit exclusionary discipline practices to actions involving violent or threatening behavior, and only after other interventions fail, including conferences with parents/guardians, restorative justice interventions, referrals to counselors, Individualized Education Plans, or other evidence-based interventions.
5. Establish detailed reporting practices for student discipline, including the race and (dis)ability of the student and the reason an action was taken. Make these reports readily available to the public.
6. Consult with relevant stakeholders including tribal authorities, Indian Parent Advisory Councils, teachers, and students when drafting new discipline policy.
7. If LEOs are in schools, draft clear MOU agreements with LEOs and agencies and review those agreements annually with public consultation, consultation with tribal officials, and Parent Advisory Groups.

8. Require extensive SRO training for appropriate actions and prohibited behaviors when dealing with students and particularly students with disabilities.
9. Prioritize and fund better campus mental healthcare services; invest in and meet the recommended ratio for school-based mental health staff including psychologists, nurses, counselors, and social workers; and seek further education and training in recognizing students in need of help or at risk of suicide.
10. Prioritize restorative justice models that resolve disciplinary issues in a cooperative and constructive manner.
11. Create funding allocations in consultation and accordance with the directive of tribes to restrict the use of ImpactAID funds to ensure:

    a. Resources are allocated to programming and services that increase the chance of success for Indigenous students.

    b. Programming increases interactions between school employees and Indigenous communities.
12. Form and empower Indian Parent Advisory Committees (IPAC) to:

    a. Be in control of Johnson O'Malley funds in accordance with federal law.

    b. Have funding available for meetings, transportation, and materials.

    c. Have a voting seat on school board.

    d. Be included in program and curriculum planning.

For Administrators and Educators

1. Increase use of inclusionary and restorative disciplinary practices. Conduct disciplinary training for teachers and administrators on prevention, conflict resolution, and mentoring.
2. Focus on positive behavior modification instead of disciplinary practices.
3. Increase number of Indigenous administrators, educators, paraprofessionals, and support staff.
4. Conduct twice yearly training for students and parents on their rights and clearly explain disciplinary procedures and grievance processes.
5. Keep detailed records of behavioral responses used in classrooms, including alleged behavior, action taken, and demographics of student. Make these records easily available to guardians.
6. Conduct annual training for teachers and administrators on the needs of students with disabilities, including 504 and Individualized Education Plans (IEP), to ensure equal access to education and unbiased discipline.
7. Implement programs that increase interaction between teachers, administrators, and Indigenous families and communities:

    a. Encourage staff and administration to seek opportunities to learn about and understand Indigenous people and communities;

    b. Find opportunities to conduct athletics practices and events in Indigenous communities and create space for traditional games in the athletic departments.

    c. Increase culturally relevant programming.
8. Hire advocates from tribal nations who can support Indigenous students in schools and act as a liaison between teachers and administrators and the school's Indigenous families and communities.

    a. Implement mentoring programs, connecting older students, community leaders, and advocates with younger students in need of support.

    b. Use advocate-student partnerships for anti-bias training, cultural education for staff and administration, and historical education.
9. Create a more welcoming, safe, and familiar environment for Indigenous students and guardians by implementing changes to school culture, for example:

a. Honor Indigenous leaders by naming or renaming facilities.

b. Provide excused absences for births, deaths, ceremonies, and cultural celebrations like pow wows.

c. Arrange classrooms in circular formations instead of always in rows, facing the front and dissuading interaction with each other and the teacher.

For Students and Guardians

1. Demand clear explanations and careful review of disciplinary policies and procedures. Learn your rights and those of your child at school, including the procedures for disciplinary processes and appeals.
2. For parents or guardians of students with disabilities, keep careful track of your students IEP or 504 plan. Make sure the plan is accurate and implemented consistently and respectfully.
3. Promptly notify your guardian of unfair discipline and, for guardians, promptly follow the grievance procedure and keep detailed records of the incident including time, place, people involved, behavior discipline, and type of discipline.
4. Demand to be consulted in accordance with federal requirements.

For Law Enforcement

1. Complete anti-bias training that focuses on appropriate actions when working with young people, people with disabilities, students of color, and Indigenous populations.
2. In consultation with the school district, establish clear policies for the appropriate role of law enforcement in schools.
3. Move away from on-site SRO presence and instead make law enforcement available for as-needed meetings with faculty and students to discuss concerns, ask questions, and report issues.
4. The Police Officer Standards and Training Council should require additional training and certification for officers who are placed in schools, in consultation with juvenile justice and student advocacy organizations.

Table 4: The 33 Montana Schools with Arrests

School	Total Number of Arrests	Number of Times the State Average of 2.2 Arrests per 1,000 Students (Arrests/1,000 students)	Number of Times the State Average of 1.3 Arrests per 1,000 White Students (Arrests/1,000 White students)	Number of Times the State Average of 8 Arrests per 1,000 Native American Students (Arrests/1,000 Native American students)	Number of Times the State Average of 1.3 Arrests per 1,000 Black Students (Arrests/1,000 Black students)	Number of Times the State Average of 1.8 Arrests per 1,000 Latinx Students (Arrests/1,000 Latinx students)
East MS (Great Falls)	111	67x state average - (147.8)	71x state average - (92.6)	55 x state average - (446)	0	0
Box Elder 7-8	7	50x state average - (111.1)	0	14x state average - (114.8)	n/a	n/a
Poplar 5-6	10	36x state average - (80)	n/a	10x state average - (82.6)	0	n/a
Lincoln HS	4	34x state average - (75.5)	0	0	0	n/a
St Ignatius HS	10	32x state average - (72.5)	50x state average - (65.6)	11x state average - (89.6)	0	0
Poplar 7-8	14	29x state average - (65.1)	0	8x state average - (66.4)	n/a	n/a
Alberton HS	2	25x state average - (57.1)	0	n/a	n/a	n/a
Roberts HS	2	25x state average - (55.6)	0	n/a	0	n/a
Frazer HS	2	21x state average - (46.5)	n/a	5x state average - (46.5)	n/a	n/a
Darby HS	4	17x state average - (37.7)	0	0	0	0
Flathead HS	50	16x state average - (36.4)	24x state average - (32.1)	0	118x state average - (153.8)	84x state average - (152.2)
Hardin MS	16	16x state average - (36.3)	25x state average - (32.8)	4x state average - (38.8)	0	0
Whittier School (Great Falls)	8	13x state average - (30.2)	23x state average - (30.8)	5x state average - (44)	0	0
Poplar HS	6	13x state average - (29.9)	n/a	3x state average - (30.2)	n/a	n/a
Townsend 7-8	2	8x state average - (17.5)	14x state average - (18.9)	n/a	n/a	0
Hamilton MS	6	7x state average - (17.3)	10x state average - (13)	0	0	50x state average - (90.9)
Lolo MS	4	7x state average - (13.8)	0	0	0	0
Glacier HS	17	6x state average - (12.8)	7x state average - (9)	9x state average - (71.4)	0	30x state average - (54.1)
Sweet Grass Co HS	2	5x state average - (12.3)	9x state average - (12.7)	0	0	n/a
Hardin Intermediate	4	5x state average - (11.2)	0	2x state average - (14.9)	0	0
Great Falls HS	15	5x state average - (10.1)	6x state average - (8.1)	2x state average - (18.2)	0	0
Columbus HS	2	4x state average - (10.1)	9x state average - (11.8)	0	0	0
Havre MS	4	4x state average - (9.5)	0	5x state average - (44)	0	0
Dillon MS	2	4x state average - (8.4)	7x state average - (9.9)	0	n/a	0
North MS	6	3x state average - (8.3)	7x state average - (10.2)	0	0	0
Sidney MS	2	3x state average - (6.3)	5x state average - (7.5)	0	0	0
Stevensville HS	2	2x state average - (6.2)	5x state average - (6.9)	0	n/a	0
Cecelia Hazelton School	2	2x state average - (5.5)	4x state average - (6.2)	0	0	0
Ronan MS	2	2x state average - (4.6)	0	state average - (7.2)	0	0
Hardin HS	2	2x state average - (4.3)	0	state average - (6.2)	n/a	0
Libby ES	2	state average - (3.2)	0	0	0	0
Columbia Falls HS	2	state average - (3.1)	2x state average - (3.4)	0	n/a	0
Laurel Middle School	2	state average - (3.1)	2x state average - (3.4)	0	0	0

Note. *n/a notates schools with no students of that group reported in the school. Darby, Libby, and Townsend reported 100 percent disability arrest but 0 students enrolled with disabilities.*

Table 4: The 33 Montana Schools with Arrests (cont'd)

Number of Times the State Average of 4.8 Arrests per 1,000 Students with Disabilities (Arrests/1,000 students with disabilities)	Number of Times the State Average of 3.9 Arrests per 1,000 Pacific Islander Students (Arrests/1,000 Pacific Islander students)	Number of Times the State Average of 0 Arrests per 1,000 Asian Students (Arrests/1,000 Asian students)	Number of Times the State Average of .5 Arrests per 1,000 Students of Two or More Races	Number of Times the State Average of 1.9 Arrests per 1,000 Students without Disabilities (Arrests/1,000 students without disabilities)	Law Enforcement Officer Present
10x state average - (50)	0	0	0	83x state average - (159.5)	1
0	n/a	n/a	n/a	67x state average - (127.3)	0
n/a	n/a	0	n/a	42x state average - (80)	1
24x state average - (117.6)	n/a	n/a	n/a	29x state average - (55.6)	0
13x state average - (62.5)	n/a	n/a	0	39x state average - (75.5)	0.3
26x state average - (125)	n/a	n/a	n/a	28x state average - (54.6)	1
n/a	n/a	n/a	0	0	0
n/a	n/a	n/a	n/a	0	0
n/a	n/a	n/a	n/a	24x state average - (46.5)	0
24x state average - (117.6)	n/a	n/a	0	11x state average - (22.5)	0
10x state average - (49.2)	0	0	n/a	18x state average - (35.1)	1
32x state average - (153.8)	n/a	0	n/a	15x state average - (28.9)	1
0	0	n/a	0	17x state average - (33.5)	0
18x state average - (87)	n/a	0	n/a	11x state average - (22.5)	1
n/a	n/a	n/a	0	0	0
9x state average - (45.5)	n/a	0	0	6x state average - (13.2)	0.3
18x state average - (90.9)	n/a	0	0	0	0
16x state average - (78.1)	73x state average - (285.7)	0	n/a	3x state average - (5.8)	1
24x state average - (117.6)	n/a	n/a	n/a	0	0
18x state average - (87)	n/a	0	n/a	3x state average - (6)	1
10x state average - (50.3)	0	0	0	2x state average - (4.6)	1
0	0	n/a	0	6x state average - (11.4)	0.5
4x state average - (22.5)	0	n/a	0	3x state average - (6)	1
0	0	0	0	5x state average - (9.9)	0
4x state average - (22.5)	0	0	0	3x state average - (6.3)	1
8x state average - (42.6)	0	0	0	0	0
0	n/a	0	0	3x state average - (6.9)	1
0	n/a	n/a	0	3x state average - (5.8)	0
8x state average - (40)	0	0	0	0	0.3
0	n/a	0	0	2x state average - (4.6)	1
9x state average - (45.5)	n/a	0	0	0	0
0	0	0	0	2x state average - (3.5)	1
0	0	0	0	2x state average - (3.6)	1

Tables 5, 6 and 7 include the 50 elementary schools, middle schools, and high schools with the highest days lost per 100 students. Disparities were frequently higher for Native American students, students of color, and students with disabilities.

Table 5: 50 Elementary Schools with Most Days Lost/100 Students

School	Total Days Lost	All Students	Native American Students	Black Students	Pacific Islander Students	Latinx Students	White Students	Asian Students	Students with Disabilities	Students without Disabilities	# of LEO
Barbara Gilligan School	104	106.1	110.6	n/a	n/a	0	n/a	n/a	209.1	93.1	0
Rocky Boy School	384	102.7	116	n/a	0	0	0	n/a	413	82.3	0
Crow Agency School	305	93.3	93.8	n/a	n/a	n/a	0	n/a	7.7	100.7	0
Heart Butte ES	182	90.1	90.1	n/a	n/a	n/a	n/a	n/a	n/a	90.1	0
Lodge Pole School	92	82.9	84.4	n/a	n/a	n/a	0	n/a	43.5	93.2	1
Trego School	11	55	n/a	n/a	n/a	n/a	53.8	n/a	n/a	45	0
Wyola School	36	49.3	49.3	n/a	n/a	n/a	n/a	n/a	n/a	49.3	0
Napi School	208	46.7	46.9	n/a	n/a	0	50	n/a	n/a	46.7	0
Pioneer School	28	41.2	1400	n/a	n/a	0	0	0	n/a	41.2	0
Thompson Falls ES	82	39.4	0	n/a	n/a	0	32.6	n/a	0	52.9	0.5
Trout Creek School	16	39	n/a	n/a	n/a	n/a	43.2	n/a	n/a	2.4	0
St Regis School	44	38.9	0	0	n/a	0	42.7	n/a	n/a	38.9	0
Harlem Elementary School	107	31.7	33.2	n/a	n/a	n/a	14.3	n/a	n/a	31.7	0
Poplar School	128	30.3	30.6	n/a	n/a	n/a	0	n/a	30.2	30.4	1
Superior ES	45	28.5	0	n/a	0	0	31.7	0	0	34.1	0
Frazer ES	21	26.9	27.6	n/a	n/a	n/a	0	n/a	136.4	9	0
Cottonwood School	5	26.3	n/a	n/a	n/a	n/a	26.3	n/a	n/a	0	0
Central School	49	18.6	0	14.3	n/a	0	13.1	n/a	95.8	1.4	0
Dixon ES	10	18.2	50	n/a	n/a	50	0	n/a	80	4.9	0
Lodge Grass School	34	17.2	17.3	n/a	n/a	n/a	0	n/a	27.6	15.4	1
Libby ES	106	16.7	0	550	n/a	0	17.3	0	46.2	14.9	0
Winnett School	5	16.1	n/a	n/a	n/a	n/a	16.1	n/a	n/a	0	0
White Sulphur Springs ES	15	15.6	n/a	n/a	n/a	0	17	n/a	0	17	0
Ashland School	9	14.8	16.4	0	0	0	0	0	29.4	9.1	0

Note. *n/a notates schools with no students of that group reported in the school. The cells highlighted in yellow indicate likely data reporting errors where students with disabilities enrolled were reported as 0, but then the same school reported days lost for students with disabilities.*

Table 5: 50 Elementary Schools with Most Days Lost/100 Students (cont'd)

School	Total Days Lost	All Students	Native American Students	Black Students	Pacific Islander Students	Latinx Students	White Students	Asian Students	Students with Disabilities	Students without Disabilities	# of LEO
Kennedy School	42	14.6	45.5	250	50	25	6.3	0	26.7	13.3	0.14
Biddle School	1	14.3	n/a	n/a	n/a	n/a	14.3	n/a	n/a	14.3	0
Vaughn School	15	13.8	0	n/a	n/a	0	17.6	n/a	0	14.9	0
Lambert School	9	12.7	0	0	n/a	0	15.5	n/a	14.3	11.3	0
Pablo ES	27	11.6	14.4	0	0	25	4.9	0	22.5	9.5	0.25
Sheridan ES	11	11.3	0	n/a	n/a	0	13.4	0	23.5	8.8	0
Kessler ES	29	10.9	0	0	n/a	0	12	n/a	53.3	2.3	0
Clinton School	16	10.7	0	0	0	100	10.1	n/a	34.2	2.9	0
Lillian Peterson School	46	10.2	30.8	0	n/a	0	10.2	0	15.7	9.6	1
Harrison School	3	9.7	n/a	n/a	n/a	n/a	9.7	n/a	n/a	9.7	0
Cornelius Hedges School	42	9.7	6.3	14.3	0	0	10.3	0	27.1	7	0
East Side School	27	8.9	0	0	n/a	71.4	8.1	n/a	1.3	11.6	0.25
Hysham School	3	8.8	0	n/a	n/a	0	12	n/a	75	0	0
Bonner School	21	8.8	20	0	0	0	9.3	n/a	37	5.2	0
Judith Gap School	2	8.7	n/a	n/a	0	n/a	10.5	n/a	n/a	8.7	0
East Evergreen School	34	8.1	0	n/a	0	18.2	8.4	0	9	8	0
Whittier School	21	7.9	4.4	10	0	0	11.5	0	11.8	7.9	0
Twin Bridges School	8	7.8	0	0	n/a	0	9.4	0	0	9.4	0
Bitterroot School	30	7.8	0	0	n/a	0	10.5	0	0	8.5	0
Plains ES	19	7.5	20	0	0	0	7.8	0	12.5	7.4	0
K William Harvey ES	29	7.3	4	0	0	0	12.2	50	0	8.6	0.25
Ophir ES	11	7.2	n/a	n/a	n/a	0	7.7	0	0	7.6	1
Victor School	9	7	n/a	n/a	0	0	7.8	n/a	20	4.6	0
Ramsay School	8	6.6	100	n/a	n/a	n/a	3.4	n/a	25	5.7	0.5
Reed Point ES	3	6.4	0	n/a	n/a	n/a	7	n/a	37.5	0	1
Valley View School	2	6.3	0	n/a	n/a	n/a	8	n/a	n/a	6.3	0

Table 6: 50 Middle Schools with Most Days Lost/100 Students

School	Total Days Lost	All Students	Native American Students	Black Students	Pacific Islander Students	Latinx Students	White Students	Asian Students	Students with Disabilities	Students without Disabilities	# of LEO
Lodge Grass 7-8	268	670	670	n/a	n/a	n/a	n/a	n/a	1375	532.5	0
Rocky Boy 7-8	381	405.3	521.9	n/a	0	0	0	n/a	936.4	334.9	0
Hays-Lodge Pole 7-8	112	329.4	329.4	n/a	n/a	n/a	n/a	n/a	n/a	308.8	1
Barbara Gilligan 7-8	95	316.7	335.7	n/a	n/a	50	n/a	n/a	0	270	0
Dixon 7-8	29	223.1	242.9	n/a	n/a	50	550	n/a	75	200	0
Box Elder 7-8	86	136.5	141	n/a	n/a	n/a	0	n/a	225	123.6	0
Browning MS	420	135.5	138.9	n/a	n/a	n/a	0	n/a	n/a	135.5	0
Poplar 5-6 School	150	120	124	n/a	n/a	n/a	0	n/a	n/a	120	1
Bonner 7-8	67	103.1	250	n/a	n/a	50	100	n/a	650	63.1	0
Poplar 7-8	221	102.8	104.7	n/a	n/a	n/a	0	n/a	687.5	0.5	1
Wyola 7-8	47	102.2	102.2	n/a	n/a	n/a	n/a	n/a	250	80.4	0
Polson MS	281	101.4	174.3	525	n/a	0	45.5	0	187.1	89.9	0.25
Trout Creek 7-8	8	100	n/a	n/a	n/a	n/a	100	n/a	n/a	0	0
Heart Butte 7-8	182	90.1	90.1	n/a	n/a	n/a	n/a	n/a	n/a	90.1	0
East MS (Great Falls)	631	84	151.8	95.5	0	0	75.4	0	25.4	91.4	1
Riverside MS	480	81.8	124.5	23.1	0	121.4	54	0	141.1	69.9	0.5
Frazer 7-8	24	70.6	70.6	n/a	n/a	n/a	n/a	n/a	n/a	70.6	0
Hardin MS	309	70.1	76.5	0	n/a	61.5	41	0	80.8	69.4	1
Wolf Point 7-8	67	61.5	80	n/a	n/a	0	90	n/a	52.9	67.4	0
Ronan MS	251	57.7	67.5	20	0	14.3	45.6	0	73.5	55.8	0.25
LaMotte 7-8	10	52.6	n/a	n/a	n/a	n/a	52.6	n/a	n/a	52.6	0.02
Darby 7-8	29	50	n/a	n/a	n/a	n/a	55.8	n/a	228.6	22.4	0
Vaughn 7-8	8	50	n/a	n/a	n/a	0	80	n/a	n/a	0	0
Thompson Falls 7-8	36	49.3	0	0	n/a	0	62.1	n/a	0	58.1	0.25

Note. *n/a notates schools with no students of that group reported in the school. The cells highlighted in yellow indicate likely data reporting errors where students with disabilities enrolled were reported as 0, but then the same school reported days lost for students with disabilities.*

Table 6: 50 Middle Schools with Most Days Lost/100 Students (cont'd)

School	Total Days Lost	All Students	Native American Students	Black Students	Pacific Islander Students	Latinx Students	White Students	Asian Students	Students with Disabilities	Students without Disabilities	# of LEO
Canyon Creek 7-8	20	46.5	0	n/a	n/a	0	54.1	n/a	142.9	23.3	1
White Sulphur Springs 7-8	13	44.8	n/a	n/a	n/a	0	52	n/a	50	37.9	0
Castle Rock 7-8	315	38.5	53.1	40	n/a	46.2	36.7	0	57	36.2	0.5
Polson 5-6 School	75	33.9	74.7	0	n/a	0	11.8	n/a	145.5	21.4	0.15
Shelby 7-8	26	33.3	42.9	0	n/a	0	37.7	n/a	n/a	33.3	0
Evergreen 7-8	54	31.4	0	0	0	0	34.5	0	69.6	26	0
Evergreen 5-6 School	53	30.8	0	n/a	0	75	33.1	n/a	34.4	30.7	0
Lewis & Clark MS	235	30.6	0	42.9	0	89.6	29.4	0	53.1	27.5	0.5
Harrison 7-8	5	27.8	n/a	n/a	0	n/a	31.3	n/a	n/a	27.8	0
Hardin Intermediate	99	27.7	29.5	0	n/a	0	28.4	14.3	164.7	21.3	1
Dodson 7-8	4	26.7	57.1	n/a	n/a	n/a	0	n/a	n/a	26.7	0
Fort Benton 7-8	12	24.5	n/a	n/a	n/a	0	27.9	n/a	150	12.2	0
Fortine 7-8	3	23.1	n/a	n/a	n/a	n/a	23.1	n/a	n/a	7.7	0
Kalispell MS	227	20.8	20.6	0	0	0	22.3	0	48.2	17	0
East MS (Butte)	122	19.4	0	0	0	28.6	20.4	0	5.7	21.4	0.14
Lone Rock 7-8	10	18.5	0	0	0	0	21.7	0	0	27	0
Shepherd 7-8	37	17.5	0	400	n/a	14.3	14.7	0	18.2	17.6	0
Sidney MS	53	16.7	0	0	0	0	19.8	0	12.2	17.7	0
Helena MS	112	16.5	58.1	0	n/a	26.5	12.6	n/a	47.7	10.5	0.5
E F Duvall 7-8	12	16	n/a	0	n/a	n/a	17.9	n/a	n/a	19.7	0
Belt 7-8	7	15.9	0	0	n/a	n/a	17.5	n/a	n/a	11.4	0
Arlee 7-8	9	15.5	21.4	n/a	n/a	0	0	n/a	27.3	13.6	0.33
Culbertson 7-8	7	15.2	15.4	n/a	n/a	0	16.1	n/a	0	0	0
Libby MS	24	13.7	0	n/a	n/a	50	14.4	0	0	14.6	0
Swan River 7-8	6	13.6	n/a	n/a	n/a	n/a	15	n/a	28.6	9.1	0
Marion 7-8	4	13.3	n/a	n/a	n/a	0	18.2	n/a	n/a	10	0

Table 7: 50 High Schools with Most Days Lost/100 Students

School	Total Days Lost	All Students	Native American Students	Black Students	Pacific Islander Students	Latinx Students	White Students	Asian Students	Students With Disabilities	Students Without Disabilities	# of LEO
Rocky Boy HS	381	356.1	392.8	n/a	n/a	0	0	n/a	515	319.5	0
Harlem HS	449	320.7	272.4	n/a	n/a	n/a	792.3	n/a	0	440.2	0
St Regis HS	102	221.7	0	250	n/a	300	227.5	n/a	n/a	221.7	0
Brockton HS	84	210	247.1	n/a	n/a	n/a	0	n/a	n/a	210	0
Lodge Grass HS	268	200	206.2	n/a	n/a	0	0	n/a	687.5	169	0.5
Hays-Lodge Pole HS	112	141.8	141.8	n/a	n/a	n/a	n/a	n/a	25	140.5	1
Heart Butte HS	182	90.1	90.1	n/a	n/a	n/a	n/a	n/a	n/a	90.1	0
Sunburst HS	52	77.6	0	0	n/a	0	94.5	n/a	n/a	77.6	0.2
Poplar HS	146	72.6	73.4	n/a	n/a	n/a	n/a	0	173.9	59.6	1
Ronan HS	212	61.4	68.5	150	0	42.9	54.5	0	42.5	63.5	0.25
Thompson Falls HS	84	48	0	n/a	n/a	37.5	51.7	0	64.3	47.5	0.5
Wolf Point HS	93	47	52.8	n/a	n/a	0	40	0	85.7	42.1	0
Browning HS	250	44.8	46.2	n/a	0	0	0	n/a	0	45.7	0
Noxon HS	31	42.5	28.6	0	n/a	0	50	0	n/a	42.5	0
Polson HS	196	40.7	62.8	25	0	57.9	30.3	n/a	141.9	31.1	0.2
Box Elder HS	45	39.1	41.3	n/a	n/a	0	0	n/a	0	44.6	0
Arlee HS	47	38.8	60.3	n/a	n/a	25	0	n/a	110	34.6	0.33
Billings Sr HS	711	38.5	54.4	73	0	53.1	18.3	0	43.8	38	1
Frazer HS	16	37.2	37.2	n/a	n/a	n/a	n/a	n/a	85.7	23.3	0
Billings West HS	673	36.4	86.1	135.5	0	77.1	29.5	0	110.4	30.3	1
Shepherd HS	91	35.1	0	0	n/a	0	39.2	0	10.3	40.5	1
Roberts HS	12	33.3	n/a	0	n/a	n/a	35.3	n/a	n/a	0	0
Skyview HS	495	33.3	102.9	63.2	0	35.5	24.3	200	84.5	29.2	1

Note. *n/a notates schools with no students of that group reported in the school. The cells highlighted in yellow indicate likely data reporting errors where students with disabilities enrolled were reported as 0, but then the same school reported days lost for students with disabilities.*

Table 7: 50 High Schools with Most Days Lost/100 Students (cont'd)

School	Total Days Lost	All Students	Native American Students	Black Students	Pacific Islander Students	Latinx Students	White Students	Asian Students	Students With Disabilities	Students Without Disabilities	# of LEO
White Sulphur Springs HS	17	28.8	0	n/a	n/a	n/a	30.9	n/a	14.3	33.3	0
Westby HS	5	26.3	n/a	n/a	n/a	n/a	26.3	n/a	n/a	26.3	0
Shields Valley HS	18	25.7	0	n/a	n/a	0	28.1	n/a	n/a	22.9	0
Fort Benton HS	67	23.6	125	0	n/a	0	21.8	0	143.8	8.5	0
Glasgow HS	56	22.7	46.2	0	n/a	300	19.7	0	141.7	9.8	1
Rosebud HS	4	22.2	n/a	n/a	n/a	n/a	12.5	n/a	n/a	22.2	0
Flathead HS	302	22	0	69.2	0	69.6	20.5	0	43	20	1
Culbertson HS	14	21.9	30.8	n/a	n/a	0	20.4	n/a	25	20.3	0
Butte HS	255	21.2	38.5	125	0	47.8	18.8	0	30.6	20.4	1
Hardin HS	95	20.6	21.8	n/a	n/a	36.4	16	0	130.4	14.9	1
Baker HS	30	20.1	0	n/a	n/a	n/a	21.6	0	85.7	13.3	0
Columbia Falls HS	128	19.9	20	n/a	0	68.4	19.5	0	73.8	13.9	1
Harlowton HS	14	19.2	700	0	n/a	n/a	0	n/a	n/a	19.2	0
Conrad HS	25	19.1	0	0	n/a	n/a	21.7	0	n/a	19.1	0
Belt HS	16	19	0	0	n/a	50	18.4	n/a	0	21.9	0
Helena HS	300	19	65.8	10.7	n/a	0	16.7	n/a	73.3	13.5	1
Troy HS	24	18.9	n/a	n/a	n/a	n/a	18.9	n/a	0	22.4	0
Darby HS	20	18.9	0	0	n/a	25	20.2	n/a	100	6.7	0
Lambert HS	8	18.6	0	n/a	n/a	0	21.6	n/a	n/a	18.6	0
Victor HS	21	17.5	0	n/a	0	0	20.4	n/a	21.4	17	0
Park HS	88	17.2	0	n/a	n/a	10	18.2	0	129.8	5.8	0
Drummond HS	14	16.9	0	n/a	n/a	0	19.2	n/a	17.6	16.7	0
Seeley-Swan HS	18	16.4	0	0	n/a	0	18.6	n/a	23.5	15.6	1
Broadview HS	8	16.3	n/a	n/a	n/a	0	18.6	0	0	16.3	1
Bigfork HS	47	16.3	375	0	n/a	20	11.5	0	20	15.9	0
Fromberg HS	6	15.8	n/a	n/a	n/a	n/a	19.4	n/a	85.7	0	0
Three Forks HS	27	15.1	n/a	0	0	0	16	n/a	9.1	15.5	0.33

Table 8: 31 Montana Schools with the Highest Referrals/10,000 Students

School	Total Referrals	Number of Times the State Average of 76 Referrals/10,000 Students (Referrals/10,000 Students)	Number of Times the State Average of 183 Referrals/10,000 Native American Students (Referrals/10,000 Native American Students)	Number of Times the State Average of 56 Referrals/10,000 White Students (Referrals/10,000 White Students)	LEO Present
Frazer High School	21	6x state average (488.4)	27x state average (4883.7)	n/a	0
Dixon 7-8	4	4x state average (307.7)	31x state average (5714.3)	0	0
East Middle School (Great Falls)	199	3x state average (265)	36x state average (6618.7)	30x state average (1720.2)	1
Lima High School	4	3x state average (250)	n/a	43x state average (2500)	0
White Sulphur Springs 7-8	6	3x state averaage (206.9)	n/a	41x state average (2400)	0
Marion 7-8	4	2x state average (133.3)	n/a	31x state average (1818.2)	0
Lambert 7-8	2	2x state average (133.3)	n/a	0	0
Frazer 7-8	4	1.5x state average (117.6)	6x state average (1176.5)		0
Box Elder 7-8	7	1.5xstate average (111.1)	6x state average (1147.5)	0	0
Ronan High School	37	1.4x state average (107.2)	8x state average (1436.5)	11x state average (620.7)	0.25
LaMotte 7-8	2	1.4xstate average (105.3)	n/a	18x state average (1052.6)	0.02
Cottonwood School	2	1.4x state average (105.3 (1.4x)	n/a	18x state average (1052.6)	0
Shields Valley High School	7	1.3x state average (100)	0	19x state average (1093.8)	0
St Regis 7-8	2	at state average (87)	n/a	18x state average (1052.6)	0
Poplar 5-6 School	10	at state average (80)	5x state average (826.5)		1
Poplar 7-8	17	at state average (79.1)	4x state average (805.7)	0	1
East Middle School (Butte)	49	at state average (77.9)	13x state average (2400)	11x state average (626.1)	0.14
Lincoln High School	4	at state average (75.5)	0	14x state average (816.3)	0
West Yellowstone HS	4	at state average (75.5)	0	15x state average (869.6)	1
St Ignatius High School	10	at state average (72.5)	5x state average (895.5)	11x state average (655.7)	0.3
Absarokee High School	6	less than state average (69.8)	n/a	13x state average (731)	0
Winnett School	2	less than state average 64.5	n/a	11x state average (645.2)	0
Culbertson High School	4	less than state average62.5	8x state average (1538.5)	7x state average (408.2)	0
Columbus High School	12	less than state average 60.3	0	6x state average (355)	0.5
Alberton High School	2	less than state average 57.1	n/a	11x state average (645.2)	0
Roberts High School	2	less than state average 55.6	n/a	10x state average (588.2)	0
Bainville 7-8	2	less than state average 55.6	0	0	0
Thompson Falls 7-8	4	less than state average 54.8	0	6x state average (344.8)	0.25
Flathead High School	72	less than state average 52.4	5x state average (909.1)	8x state average (462.4)	1
Frazer Elementary	4	less than state average 51.3	3x state average (526.3)	0	0
Hays-Lodge Pole High School	4	less than state average 50.6	3x state average (506.3)	n/a	1

Among the 31 Montana Schools with the Highest Number of Referrals per 10,000 Students:

- Black students were referred at above average rates of 197/10,000 Black students at East Middle School in Great Falls, Lambert 7-8, Ronan High School, and Flathead High School.
- Latinx students were referred at above average rates of 77/10,000 Latinx students at East Middle School in Great Falls, East Middle School in Butte, Columbus High School, Bainville 7-8, and Flathead High School.
- Asian students were referred at above average rates of 46/10,000 Asian students at East Middle School in Great Falls.
- Students with disabilities were referred at above average rates of 198/10,000 students with disabilities at all of these 31 schools except for Cottonwood School, St. Regis 7-8, Winnett School, Alberton High School, and Roberts High School.

Endnotes

1 Organization for Economic Co-operation and Development. (2008). Ten Steps to Equity in Educating. Retrieved from https://www.oecd.org/education/school/39989494.pdf.

2 The term Indigenous is used throughout the report to refer to American Indian, Alaska Native or Native American. American Indian and Native American are used interchangeably. The term Native American is used in reference to data because other student populations (such as Pacific Islanders and Latinx) may also identify as Indigenous. The ACLU of Montana recognizes and respects each student's tribal affiliation and would use tribal affiliation if possible.

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6 Suspensions are described by days lost. Days lost are the days of instruction lost due to out-of-school suspensions. The number of days lost per 100 students is a ratio calculated using the days lost and students enrolled, in order to create a variable comparable across schools and groups. Similarly, arrest rates per 1,000 students and referral rates per 10,000 students are calculated with the total number of arrests, referrals, and student enrollment.

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42 Results are reported via statistically significant mean difference between groups or regressions identifying significant predictors of outcomes like graduation rates when possible.

43 Days lost per 100 students, days lost per 100 Native American students, and days lost per 100 students with disabilities in the 2015-2016 academic year all predict lower 2016 graduation rates. The overall state rate of student days lost in high school (19.4 days lost/100 students) likely contributed to a 2.5 percent drop in 2016 graduation rates. The overall state rate of days lost due to out of school suspensions for Native American students in high school (60.5 days lost/100 students) likely contributed to a 3 percent drop in 2016 graduation rates. The overall state rate of days lost for students with disabilities in high school (42.6 days lost/100 students) likely contributed to a 3 percent drop in 2016 graduation rates.
High school graduation rates in 2016 are predicted by days lost per 100 students for all students in 2015-2016. Days lost per 100 students predicts 27% of the variance in 2016 graduation rates. As the rate of days lost per 100 students increases by 1-day graduation rates fall by .13 percent ($p<.001$). In other words, as days lost per 100 increase by 7.7 days graduation rates would decrease by 1 percent.
Days lost per 100 Native American students predicts 11% of the variance in 2016 graduation rates. As the rate of days lost per 100 Native American students increased by 1-day graduation rates fall by .05 percent ($p<.001$). In other words, as days lost per 100 increase by 20 days, graduation rates would decrease by 1 percent.
Days lost per 100 students with disabilities predicts 19% of the variance in 2016 graduation rates. As the rate of days lost per 100 students with disabilities increased by 1 day, graduation rates fall by .07 percent ($p<.001$). In other words, as days lost per 100 increase by 14 days, graduation rates would decrease by 1 percent.
The contribution of days lost per 100 to state graduation rates was calculated by dividing the rate for days lost per 100 for each group by the predicted number of days per 1 percent drop in graduation rates.

44 The federal definition of a referral to law enforcement is an action by which a student is reported to any law enforcement agency or official, including a school police unit, for an incident that occurs on school grounds, during school-related events, or while taking school transportation, regardless of whether official action is taken. Citations, tickets, court referrals, and school-related arrests are considered referrals to law enforcement. The federal defi-

nition of school-related arrests is an arrest of a student conducted on school grounds, during off-campus school activities (including while taking school transportation), or due to a referral by any school official. All school-related arrests are considered referrals to law enforcement. U.S. Department of Education, Civil Rights Data Collection, Master List of 2015-2016 Definitions, https://ocrdata.ed.gov/Downloads/Master-List-of-CRDC-Definitions.pdf.

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48 Title VI of the Civil Rights Act of 1964, Pub. L. 88-352, July 2, 1964, codified at 42 USC. §2000d et seq.; Section 504 of the Rehabilitation Act of 1973, 29 USC. §701 et seq., § 794.

49 Montana Office for Public Instruction. (2018). American Indian Student Achievement Data Report. Retrieved from https://opi.mt.gov/Portals/182/Page%20Files/Indian%20Education/Indian%20Student%20Achievement/Docs/2018IndianAchievementWData.pdf?ver=2019-06-03-133735-950.

50 The 59 schools that had the most days lost per 100 for all Montana students, that also had Native American students enrolled, were also above the state average of 44 days lost per 100 Native American students.

51 The mean graduation rate for the 43 high schools that reported having no days lost is 93% compared with an 87% graduation rate for the 141 schools with days lost ($p < .001$). The 151 Montana high schools reporting graduation rates in 2015-2016 have a statistically significant 2 percent lower graduation rate for every day lost ($p < .001$). Days lost explain 27% of the variance in graduation rates.

52 96 percent had 50 percent or more white students.

53 45 percent had no Native American students enrolled, compared to 35 percent statewide.

54 See more about MBI here: https://www.mcpsmt.org/Page/9173.

55 Montana Office of Public Instruction. (2018). Evaluating Comprehensive Schools and Community Treatment. Retrieved from http://opi.mt.gov/Portals/182/Page%20Files/Suicide%20Prevention/CSCT/CSCT%20Evaluation%20and%20Recommendations%20Document%20ADA.pdf

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57 Native American students were expelled at a rate of 1.5/1,000 students. White students were expelled at a rate of .5/1,000 students. Native Americans are enrolled in Montana's

schools at 12 percent. White students are enrolled at 78 percent.

58 Days lost per 100 students is higher in reservation schools (67/100 students) compared to schools in border towns (8/100), other urban (6.6/100), and other rural (4.5/100) ($p < .001$). Native American days lost per 100 students is higher in reservation schools (73.7/100 students) compared to border (14.8/100), other urban (6.8/100), and other rural (3.9/100) ($p<.001$). Arrests per 1,000 students are higher in reservation (5.4/1,000) compared to border (2.8/100), other urban (.6/100), and other rural (.6/100) ($p < .001$). Referrals per 10,000 students are higher in reservation (23.8/10,000) compared to border (3.8/10,000), other urban (11.5/100), and other rural (4.3/100) ($p < .001$).

59 For this report, we defined schools that bordered reservations as schools that were 20 miles from a reservation boundary.

60 Montana Office for Public Instruction. (2018). American Indian Student Achievement Data Report. Retrieved from https://opi.mt.gov/Portals/182/Page%20Files/Indian%20Education/Indian%20Student%20Achievement/Docs/2018IndianAchievementWData.pdf?ver=2019-06-03-133735-950.

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63 Montana students overall were arrested at a rate of 2.2 per 1,000 students. Montana students with disabilities were arrested at a rate of 4.9 per 1,000 students and students without disabilities were arrested at a rate of 1.9 per 1,000 students. Montana Native American males with a disability were arrested at a rate of 10 per 1,000 students. The arrest rate for Native American males with disabilities is nearly twice the rate of Montana students with disabilities.

64 US Commission on Civil Rights. (2019). Beyond Suspensions: Examining School Discipline Policies and Connections to the School-to-Prison Pipeline for Students of Color with Disabilities. Retrieved from https://www.usccr.gov/pubs/2019/07-23-Beyond-Suspensions.pdf.

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70 The presence of LEOs or security guards in Montana's schools is associated with lower graduation rates when compared to schools without LEOs or security guards. In 2016, graduation rates at schools with a LEO or SG (mean = 84.5%) was 5.7 percentage points lower than schools without a LEO or SG (mean = 90.2%; $p = .01$). In 2017, graduation rates at schools with a LEO or SG in 2015-2016 (mean = 84.2%) was 5.4 percentage points lower than schools without a LEO or SG (mean = 89.6%; $p < .05$).

71 The mean graduation rate at schools with a LEO was 85.9 percent. The mean graduation rate at schools without a LEO was 90 percent.

72 Montana schools with LEO presence have a statistically significant higher level of days than schools without LEO presence for total days lost/100 students ($p < .05$), days lost/100 Black students ($p < .001$), days lost/100 Latinx students ($p < .001$), and days lost/100 Asian students ($p < .05$).

73 Montana schools with LEO presence have a statistically significant higher level of arrests than schools without LEO presence for total arrests/1,000 for all students ($p < .01$), arrests /1,000 Native American students ($p < .01$), arrests/1,000 for Latinx students ($p < .05$), and arrests/1,000 white arrests ($p < .001$).

74 Lindberg, M. (2015). False Sense of Security. Teaching Tolerance. Retrieved from http://www.tolerance.org/sites/default/files/general/False%20Sense%20of%20Security%20-%20TT50.pdf.

75 U.S. Department of Health, Education and Welfare. (1978). Violent Schools - Safe Schools, The Safe School Study Report to the Congress, I. Retrieved from https://www.ncjrs.gov/pdffiles1/Digitization/45988NCJRS.pdf.

76 National Center for Educational Statistics (NCES 2018-036) and Bureau of Justice Statistics (NCJ 251413). (2017). Indicators of School Crime and Safety. Retrieved from https://nces.ed.gov/pubs2018/2018036.pdf.

77 ACLU. (2018). Whitaker, A. Cops and no Counselors. Retrieved from https://www.aclu.org/sites/default/files/field_document/030419-acluschooldisciplinereport.pdf.

78 ACLU. (2018). Whitaker, A. Cops and no Counselors. Retrieved from https://www.aclu.org/sites/default/files/field_document/030419-acluschooldisciplinereport.pdf.

79 Weisburst, E.K. (2018). Patrolling Public Schools: The Impact of Funding for School Police on Student Discipline and Long-term Education Outcomes. Retrieved from https://drive.google.com/file/d/1XbO7qyNWB-4Fz54nGXJuej-yRhvTa5kMF/view.

80 Sample description of SRO duties and training: https://ci.billings.mt.us/237/School-Resource-Officer.

81 Schools with the in-school OPI Indian Education instructional staff training in 2015 had higher rates in 2015-2016 ($p < .05$). The OPI Indian Education training accounts for 37% of the variance in graduation rates.

82 ACLU. (2018). Whitaker, A. Cops and no Counselors. Retrieved from https://www.aclu.org/sites/default/files/field_document/030419-acluschooldisciplinereport.pdf.

83 Adverse childhood experiences include experiencing or witnessing abuse (emotional, physical, or sexual) or neglect, having incarcerated family members, or other similar life experiences.

84 Brockie, T. N., Dana-Sacco, G., Wallen, G. R., Wilcox, H. C., Campbell, J. C. (2015). The relationship of Adverse Childhood Experiences to PTSD, depression, poly-drug use and suicide attempt in reservation-based Native American adolescents and young adults. American Journal of Community Psychology, 55(3-4), 411-421.

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86 Montana Office of Public Instruction. (2019). Montana Youth Risk Behavior Survey – High School Results. Retrieved from https://opi.mt.gov/Portals/182/Page%20Files/YRBS/2019YRBS/2019_MT_YRBS_FullReport.pdf?ver=2019-08-23-083248-820.

87 Healy, Melina Angelos. (2014). Montana's Rural Version of the School-to-Prison Pipeline Schools Discipline and Tragedy on American Indian Reservations. Montana Law Review. Retrieved from https://scholarship.law.umt.edu/cgi/viewcontent.cgi?article=2351&context=mlr.

88 National Association of School Psychologists. Retrieved from https://www.nasponline.org/about-school-psychology/who-are-school-psychologists.

89 National Association of Social Workers. Retrieved from https://www.socialworkers.org/Practice/School-Social-Work.

90 American School Counselor Association. Retrieved from https://www.schoolcounselor.org.

91 National Association of School Nurses. Retrieved from https://www.nasn.org/faq#aboutsn.

92 ACLU. (2018). Whitaker, A. Cops and no Counselors. Retrieved from https://www.aclu.org/sites/default/files/field_document/030419-acluschooldisciplinereport.pdf.

93 ACLU. (2018). Whitaker, A. Cops and no Counselors. Retrieved from https://www.aclu.org/sites/default/files/field_document/030419-acluschooldisciplinereport.pdf.
The methodology the ACLU used to reach these ratios was dividing the total number of students in Montana (148,000) by the number of reported support staff (school counselors, nurses, psychologist, and social workers) in Montana.

94 Ratios in the table are total number of students enrolled in the state divided by total number of that support staff in the state.

95 The number in the table are based on the total student enrollment in rural (45,636), urban (38,032), border (52,081), and reservation (12,338).

96 Schools in Reservation contexts have a statistically significant higher rate of the presence of LEO and no Support Staff ($p < .05$) than schools in border, urban, and other rural contexts.

97 Schools on reservations have LEO presence and less support staff (mean = .86) at 3.3 times the rate of other rural contexts (mean = .26), 3 times the border contexts (mean = .29), and 2.3 times urban contexts (mean = .38).

98 Schools with a social worker had higher graduation rates (92 percent versus 89 percent in all Montana's schools in 2016 and 94 percent versus 89 percent in 2017.

99 Schools with social workers had referral rates of 1.9/10,000 students versus 6.7/10,000 students, individual school arrests rates of .6/1,000 students versus 1.3/1,000 students, and individual school days lost or 2.4/100 students versus 17.8/100 students.

100 School focused means are calculated for each individual school and then the group means for the individual school are calculated including the mean for individual schools and the means for schools with and without social workers.

101 U.S. Department of Education. Improving Basic Programs Operated by Local Educational Agencies. Retrieved from https://www2.ed.gov/programs/titleiparta/index.html.

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109 John Winthrop, declared Indigenous people had "no settled habitations" a year before he even set foot in the U.S. and became the governor of Massachusetts Bay Colony
Winthrop, J. (1629). General Considerations for the Plantation in New England. Winthrop Papers, 2. Boston, MA: Massachusetts Historical Society.

110 Lomawaima, K. T. (1999). The Unnatural History of American Indian Education. In Swisher, K.G. and Tippenconnic J.W. (Ed.) Next Steps: Research and Practice to Advance Indian Education. Charleston, W.V., ERIC Clearinghouse on Rural Education and Small Schools.

111 One boarding school in Virginia, Hampton Institute, was founded in 1877—two years before the first all-Indian boarding school, Carlisle Indian Industrial School, was founded in 1879. Hampton was founded primarily for African American children of former slaves, but a large number of Native American children were also sent there, even long after the founding of the Indian boarding schools. See, Hultgren, Mary Lou, and Paulette Molin. To Lead and to Serve: American Indian Education at Hampton Institute, 1878-1923. Charlottesville: Virginia Foundation for the Humanities and Public Policy in cooperation with Hampton University, 1989, and, Lindsey, Donald F. Indians at Hampton Institute, 1877-1923. Urbana: University of Illinois Press, 1995.

112 Even though a few of the old boarding schools still exist, they changed their anti-Native-culture agenda and methods during the 1970s and 1980s, led by Native American rights activists and the American Indian Self-Determination and Educational Assistance Act of 1975.

113 The Bureau of Indian Education is a division of the U.S. Department of the Interior. The BIE funds 183 elementary/secondary schools on 64 reservations across 23 states, with a total enrollment of about 42,000 students. The BIE operates Blackfeet Dormitory in Browning, Montana, and also currently funds two schools in Montana: Two Eagle River School on the Confederated Salish and Kootenai Reservation, and the Northern Cheyenne Tribal School – both of which are operated by tribes via a contract or grant. This report focuses on public schools in Montana, and so these three BIE schools are not included in the analysis and discussion.

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119 The rapid increase in numbers of urban-dwelling Indigenous people in the 1950s and 1960s was due mostly to federal policies aimed at deculturizing and absorbing them into the general population through "terminating" reservations (Congressional Termination Resolution of 1953), along with sovereign tribal nationhood, and relocating Indigenous people to large urban areas (the Relocation Act of 1952). Those policies ended officially in 1968, during the Lyndon Johnson administration, with the American Indian Civil Rights Act of 1968. Fixico, D. L. (1986). Termination and Relocation: Federal Indian Policy, 1945-1960, University of New Mexico Press.

120 Wilma, D. (2000). Wheeler-Howard Act (Indian Reorganization Act) Shifts U.S. Policy Toward Native American Right to Self-Determination on June 18, 1934. Retrieved from https://www.historylink.org/File/2599.

121 U.S. Senate Committee on Labor and Public Welfare. (1969). Indian Education: A National Tragedy – A National Challenge. Retrieved from https://files.eric.ed.gov/fulltext/ED034625.pdf.

122 In addition, the following Federal efforts were made with the intent to improve Indigenous student's education:

- 1975: The Indian Self-Determination and Education Assistance Act of 1975 granted money directly to tribes, bolstering tribal control over funds meant to improve the education and welfare of people in the tribes.
- 1978: The Education Amendments Act of 1978 granted "funds directly to tribally operated schools, empowered Indian school boards, permitted local hiring of teachers and

staff, and established a direct line of authority between the Education Director and the Assistance Secretary – Indian Affairs."

- 2001: Public Law 107-110 Indian Education is reauthorized as Title VII Part A of the No Child Left Behind Act. The formula grants are to be based on challenging State academic content and student academic achievement standards that are used for all students and designed to assist Indigenous students in meeting those standards.
- 2015: The Every Student Succeeds Act (ESSA) amends the Indian education programs as Title VI, Part A of the Elementary and Secondary Education Act. The new law builds on key areas of progress in recent years, made possible by the efforts of educators, communities, parents, and students across the country. ESSA also initiates tribal consultation for all education programs that impact Indigenous students.

123 Columbia Falls Elementary School District No MEA MFT v. State. Retrieved from https://caselaw.findlaw.com/mt-supreme-court/1076609.html.

124 Montana Office of Public Instruction. (2018). American Indian Student Achievement Data Report Fall 2018. Retrieved from https://leg.mt.gov/content/Committees/Interim/2017-2018/Education/Meetings/Sept-2018/AI%20Student%20Data%20Report%20Fall%202018.pdf.

125 Ramsden, IH (1992) Cultural safety in nursing education in Aotearoa at the Year of Indigenous Peoples Conference, Brisbane.

126 Marsiglia, F. F. & Kulis, S. (2009). Diversity, Oppression & Change: Culturally grounded social work. Chicago, IL: Lyceum Books.

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