

## EQUITABLE EDUCATION FOR INDIGENOUS STUDENTS: THE DEBT WE OWE



Welcome to Equity Digest! This newsletter is for education stakeholders (e.g. community members, caregivers) who have an interest in supporting educational equity in their school communities. What is educational equity? Educational equity can be defined as beliefs, actions, and policies that enable all students to have access to and participate in quality learning environments and experience successful outcomes. Each Equity Digest explains the concepts and findings of the latest academic research surrounding a particular equity-focused topic. The intent of this periodical is to relay equity concepts and supporting research, “digesting” key findings so you can draw informed conclusions. The Digest also offers ways that you can advance equitable practices in your school community. Enjoy!

### Get Informed

#### [The Torrid History of Indigenous Education](#)

The legislation behind the public education of Indigenous students has a torrid past, and remains problematic to this day. This Equity Digest explores the history of American Indian education policy, examines equity issues in current Indigenous education legislation, and discusses tribal oversight and authority as a requirement to achieve equitable education for Indigenous students.

We have all heard the old adage, “Those who do not remember the past are doomed to repeat it.” That’s why it’s essential to learn about past Indigenous education policy--to move forward from our nation’s egregious policies and to work toward policy and practice that supports educational equity for Indigenous students. After hundreds of years of policy with the aim of assimilation that has worked to erase Indigenous languages and cultures, we need policy and practice that is intentional about establishing equitable environments for Indigenous students. It’s important to understand how federal Indigenous educational policy has shifted strategies and goals over time





and to understand why current federal policy is still problematic.

Federal treaty and constitutional authority mandate that the federal government has a legal responsibility to educate American Indian, Alaska Native, and Native Hawaiian students (Mackey, Jackson, Dagli, Skelton, & King Thorius, 2018). Christian missionaries who sought educational contracts for Indigenous education held the goal of converting tribal communities to Christianity (Reyhner & Eder, 2004). Later, the government supported boarding schools where children were removed from their families and immersed in European-American culture, forced to remove indigenous cultural signifiers (Reyhner & Eder, 2004), have European-American style haircuts, and forbidden to speak their Indigenous languages (Lomawaima & McCarty, 2002). With the Indian Reorganization Act of 1934 (IRA or Wheeler-Howard Act; P.L. 73-383), Congress moved to an assimilation strategy with this “Indian New Deal,” supporting the integration of American Indian students into public schools, where educators and staff attempted eradication of Indigenous tribal cultures and languages (Strommer & Osborne, 2014).

Not surprisingly, amid these oppressions, educational outcomes for Indigenous students were not as high as their White peers. In order to address these disparities, the U.S. Senate Subcommittee on Indian Education issued formal recommendations in the Kennedy Report (Senate Special Subcommittee on Indian Education, 1969), which manifested in federal legislation as the Indian Education Act of 1972 (Title IV, P.L. 92-318) and the Indian Self-Determination and Education Assistance Act of 1975 (ISDEAA; P.L. 93-638). The Indian Education Act sought to better meet the unique needs of Indigenous students by providing supplemental funding

specifically for supporting tribal participation “in the planning, conduct, and administration of those programs and services” [P.L. 93-638(a)-(b)]. This is the first federal legislation that supported tribal participation in American Indian education, and tribal participation is a key component of all subsequent federal Indian education legislation (Mackey et al, 2018).

The 2001 Congressional reauthorization of the Elementary and Secondary Education Act of 1965 (20 U.S. Code § 6301) increased the scope of Indian education under Title VII of the No Child Left Behind Act. Title VII provided additional funding for tribal involvement in Indian education, thus facilitating partnerships between tribal governments, tribal education agencies, local education agencies, and state education agencies, with the goal of increasing academic outcomes for American Indian and Alaskan Native students, as well as beefing up Native culture and language programs with federal formula grants.

This is the first legislation that combined tactics to improving public education of Indigenous students—through both tribal participation and through boosting culture and language programs. However, since the “high stakes reform” of Title VII of the No Child Left Behind Act focused on academic achievement enforced through federal sanctions, states attempted to avoid sanctions through re-directing the funds allocated for Indigenous culture and language programs to focus solely on improving academic outcomes (Mackey et al, 2018, p.2).

The Every Student Succeeds Act of 2015 (ESSA, P.L. 114-95) is the current federal legislation that governs Indigenous education. ESSA has many positive attributes in terms of Indigenous education—it provides grant opportunities for tribes and tribal organizations, funds Native language immersion programs, requires tribal consultation, and incentivizes collaboration between, tribal, local, and state education agencies (Lee, 2016).

ESSA could overcome problematic federal legislation that dis-incentivizes the creation of culturally and

linguistically rich educational programming for Indigenous students; however, ESSA shifts a large amount of power from federal to state authority, making it unclear if this legislation will meet federal Indian education policy goals or contribute positively to educational equity for Indigenous students (Mackey et al, 2018).

Schools also play a huge role in determining if the implementation of ESSA will indeed support educational equity for Indigenous students. There are 40 years of research that support the positive relationship between a culturally responsive and sustaining classroom and positive outcomes. In essence, a nurturing learning environment that values students’ cultures helps students learn. However, culturally responsive and sustaining practices are still not the norm in schools that serve Indigenous students, who, according to ESSA, have “unique educational and culturally related academic needs” (20. U.S.C. § 6102). Creating equitable learning spaces for Indigenous students must be very intentional, supporting and sustaining Indigenous cultures and languages, which will in turn improve academic outcomes (Mackey et al, 2018).



## Why You Should Care

### Establishment of Equitable Learning Spaces for Indigenous Students Requires Tribal Input



There are over 500,000 American Indian and Alaskan Native K-12 students in the U.S. (NCES, 2017), with Bureau of Indian Education (BIE) schools on

reservations in 23 states with a high concentration in several states in our region of coverage, including the Dakotas, Nebraska, Oklahoma, and Wisconsin. There are over 600 state and federally recognized tribes in the United States. Odds are if you haven't yet encountered an Indigenous student, you will, particularly if you reside in or around these areas.

There is little longitudinal data about American Indian and Alaskan Native students as a group before 2001 (Faircloth, 2004). The data that were available about American Indian student outcomes from the BIE schools showed that these students “perform[ed] at much lower levels than American Indian students attending public schools...and those attending schools with high minority populations” (U.S. Bureau of Indian Education, 2015, p. 5).

Once data started being disaggregated by group for Indigenous students, test scores from 2005 and 2011 National Assessment of Educational Progress indicated that Indigenous students across the nation scored lower than their non-Native peers (NCES, 2012). Similar lower outcomes for Indigenous students were seen in the 2015 National Indian Education Study for fourth and eighth grade reading and math scores (Ninneman, Deaton, & Francis-Begay, 2017), as well as the lowest graduation

rates (Faircloth & Tippeconnic, 2010).

Something in the public education system is still clearly not working for Indigenous students. These poor outcomes make us take a step back and examine the learning environment—what is it about our system that is preventing Indigenous students from benefitting? What constitutes an equitable learning environment for Indigenous students?

ESSA contains amendments that would promote equitable learning environments for Indigenous students if tribes were given authority and self-determination, including “strengthening State-Tribal Education Partnerships and Cooperative Agreements, making tribal consultation guidelines more stringent, increasing application opportunities for Impact Aid, and significantly increasing funding for Native language immersion” (Mackey et al, 2018, p.4). However, this policy still doesn't prioritize tribal authority over federal or state authority. In fact, ESSA doesn't require states or local education agencies to work with tribes at all. Tribal partnerships with state and local education agencies must be maintained if the policy is to support the creation and maintenance of sustaining nurturing learning environments for Indigenous students (Mackey et al, 2018).

While an increase in funding supports tribal self-determination and working with tribes, tribes still have no oversight on educational programming. Tribes and tribal education agencies are still perceived as “second class” to states and local education agencies, as they cannot even apply for a formula grant unless an eligible state or local education agency did not apply for that grant. If a state or local education agency partners with a tribal education agency, that tribal education agency has only an administrative role over the programs (Mackey, 2017), directing the operations of the programs but not being asked for input into the design and implementation of the programs.

It is essential to understand how educational policy affects tribal self-determination so that we can disrupt and dismantle traditional colonial discourse and work toward more equitable learning environments for Indigenous students. While the amendments to ESSA were designed to strengthen Indigenous language and culture programs, the power struggle continues through the gatekeeping hierarchy of ESSA policy, which prioritizes states' interests over tribes' interests (Mackey et al, 2018).



## Moving Forward

### Toward Educational Equity for Indigenous Students

Historically, federal Indigenous education policy has focused on the colonialization mentality and the eradication of Indigenous culture and language. It's important to understand the damage done by past and current federal policies in order to understand why it's so important to have tribal self-determination.

It's time for Indigenous students to reclaim and reaffirm their identities and tribal authority through transformative systemic change in the public education system and Indigenous education policy. It's time to work alongside Indigenous students, families, and communities to provide the equitable education that every student deserves—it's the debt we owe.



## References

Every Student Succeeds Act of 2015, Pub. L. No. 114-95, U.S. Code § 6301 et seq. (2015).

Faircloth, S. C. (2004). Understanding the impact of U.S. federal education policies on the education of children and youth with disabilities. *International Studies in Educational Administration*, 32(2), 32-46.

Faircloth, S. C., & Tippeconnic III, J. W. (2010). *The dropout/graduation crisis among American Indian and Alaska Native students*. Los Angeles, CA: The Civil Rights Project.

Indian Education Act, Title IV, Pub. L. 92-318 (1972).

Indian Reorganization Act of 1934, Pub. L. 73-383 (1934).

Indian Self-Determination and Education Assistance Act of 1975, Pub. L. 93-638 (1975).

Lee, T. H. (2016). 9 ways the new education law is a win for Indian Country. *Indian Country Today Media Network*. Retrieved from <http://indiancountrytodaymedianetwork.com/2016/02/01/9-ways-new-education-law-win-indian-country-163237>

Lomawaima, K. T., & McCarty, T. L. (2002). When tribal sovereignty challenges democracy: American Indian education and the democratic ideal. *American Educational Research Journal*, 39(2), 279-305.

Lomawaima, K. T., & McCarty, T. L. (2006). *To remain an Indian: Lessons in democracy from a century of Native American education*. New York, NY: Teachers College Press.

Mackey, H. J. (2017). The ESSA in Indian Country: Problematizing self-determination through the relationships between federal, state, and Tribal governments. *Educational Administration Quarterly*, 53(5), 782-808. <https://doi.org/10.1177/0013161X17735870>

Mackey, H.J. (2018). Creating equitable learning spaces for Indigenous students. *Equity Dispatch*. Midwest & Plains Equity Assistance Center (MAP EAC). Retrieved

from: <https://greatlakesequity.org/resource/creating-equitable-learning-spaces-indigenous-students>

National Center for Education Statistics. (2012). *National Indian education study 2011*. Washington, DC: U.S. Department of Education.

National Center for Education Statistics. (2017). *The condition of education: Racial/ethnic enrollment in public schools*. Retrieved from [https://nces.ed.gov/programs/coe/indicator\\_cge.asp](https://nces.ed.gov/programs/coe/indicator_cge.asp)

Ninneman, A. M., Deaton, J., & Francis-Begay, K. (2017). *National Indian Education Study 2015 (NCES 2017-161)*. Washington, DC: U.S. Department of Education.

No Child Left Behind Act of 2001, Pub. L. No. 107-110, § 115, U.S. Code § 6301 et seq. (2002).

Reyhner, J., & Eder, J. (2004). *American Indian education: A history*. Norman, OK: University of Oklahoma Press.

RMC Research Corporation. (2015). *Underuse of Title VII funding for Indian education in Arizona, Nevada, and Utah*. Phoenix, AZ: West Comprehensive Center at WestEd.

Strommer, G. D., & Osborne, S. D. (2014). The history, status, and future of tribal self-governance under the Indian Self-Determination and Education Assistance Act. *American Indian Law Review*, 39(1), 1-75.

Tippeconnic III, J. W. (1999). Tribal control of American Indian education: Observations since the 1960s with implications for the future. In K. G. Swisher & J. W. Tippeconnic (Eds.) *Next steps: Research and practice to advance Indian education* (pp. 2-21). Charleston, WV: ERIC/CRESS.

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## About the Midwest & Plains Equity Assistance Center

The mission of the Midwest & Plains Equity Assistance Center is to ensure equity in student access to and participation in high quality, research-based education by expanding states' and school systems' capacity to provide robust, effective opportunities to learn for all students, regardless of and responsive to race, sex, and national origin, and to reduce disparities in educational outcomes among and between groups. The Equity by Design briefs series is intended to provide vital background information and action steps to support educators and other equity advocates as they work to create positive educational environments for all children. For more information, visit <http://www.greatlakesequity.org>.

## Disclaimer

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