
Did You Know | Why It Matters | For Equity Now

Creating Equitable Learning Spaces for Indigenous Students



“Working alongside [Indigenous] students, families, and communities to build the kind of educational system that will serve them well – one that will open doors to both the future and the past – is a debt we owe to [them] and their ancestors.”

- Chen, Kigamwa, Macey, Rogers, Simon, Skelton, & King Thorius, 2013



Did You Know

Equitable Learning Environments for Indigenous Students Should Be Intentional

“It is the policy of the United States to fulfill the Federal Government’s unique and continuing trust relationship with and responsibility to the Indian people for the education of Indian children” (20. U.S. Code § 6101).

The federal government has the responsibility to educate American Indian, Alaska Native, and Native Hawaiian students due to the federal trust responsibility established through treaty obligations and constitutional authority. Historically, missionary groups hoping to Christianize tribal communities sought contracts to provide educational services (Reyhner & Eder, 2004). Congress later shifted towards boarding schools intended to provide an integrated curriculum composed of basic academic and vocational education to prepare Indigenous communities for an agrarian lifestyle (Lomawaima & McCarty, 2002). Congress then reversed its boarding school policy and began pushing to assimilate American Indian students into public education with the Indian Reorganization Act of 1934 (IRA or Wheeler-Howard Act; P.L. 73-383). The “Indian New Deal” refers to the first piece of central legislation that opened the doors to public schools for all American Indian children, yet within these schools, staff worked to eradicate Indigenous culture and language (Strommer & Osborne, 2014).

The U.S. Senate Subcommittee on Indian Education made formal recommendations to improve educational outcomes for Indigenous children through the Kennedy Report in 1969 (Senate Special Subcommittee on Indian Education, 1969), resulting in the Indian Education Act of 1972 (Title IV, P.L. 92-318), followed by the Indian Self-Determination and Education Assistance Act of 1975 (ISDEAA; P.L. 93-638). The Indian Education Act provided supplemental funding to public schools to meet the unique cultural needs of American Indian students. Congress wanted to assure “maximum Indian participation in the direction of educational as well as other Federal services” in order to bring about “effective and meaningful participation by the Indian people in the planning, conduct, and administration of those programs and services” (P.L. 93-638(a)-(b)). Tribal participation has remained a central requirement written into federal Indian education legislation since that time.

Congress’ 2001 reauthorization of the Elementary and Secondary Education Act of 1965 (20 U.S. Code § 6301) increased the scope of Indian education under Title VII and provided additional funding for local programming and infrastructure. Tribal governments, tribal education agencies (TEAs), state education agencies (SEAs), and local education agencies (LEAs) developed partnerships to work toward improving academic achievement for American Indian and Alaska Native students and strengthened culture and Native language programs with funding available through federal formula grants. However, Title VII came with No Child Left Behind’s (NCLB) high-stakes reform, a component of the law that served to compromise culture and “language revitalization initiatives [through] mounting pressures of externally imposed standards and the fierce public rhetoric surrounding school ‘accountability’” (Lomawaima & McCarty, 2002, p. 298). In order to avoid federal

sanctions, states focused available funds earmarked for supporting language and culture programs as a means to underwrite improving academic outcomes.

The Every Student Succeeds Act of 2015 (ESSA, P.L. 114-95) has the potential to address problematic federal legislation that dis-incentivizes creating learning environments reflective of the rich cultural and linguistic diversity of more than 600 state and federally recognized tribes found across the United States. For the first time, revenue streams have been opened to tribes and tribal organizations through grant opportunities; funds have been established for Native language immersion programs; tribal consultation is now mandated; and cooperative agreements between local, state, and tribal education entities are incentivized (Lee, 2016). However, ESSA shifts substantial authority from the federal government to state policymakers, making it questionable whether or not ESSA will meet federal Indian education policy goals or have a positive impact on self-determination and educational outcomes.

Educators are critical for implementing Indian education provisions in relevant, meaningful ways. Indigenous communities place high priority on education and preserving culture and language through school. Tribal consultation and partnerships at the local and state levels are key components for creating and sustaining nurturing learning environments.

ESSA supports tribal self-determination and education reform to improve academic achievement, however the ways in which schools implement the legislation will determine whether ESSA creates equitable learning spaces or maintains the status quo. Scholars and educators alike have long held that schools serving Indigenous students must be controlled and staffed by tribal members and include a “school curriculum [that] reflects the culture, language, teachings, and values of the tribe” (Tippeconnic, 1999, p. 39). Federal Indian education policy has been somewhat contradictory and “both fettered and enabled Indigenous educational control” (Lomawaima & McCarty, 2002, p. 283). Some states (e.g., Montana, New Mexico, and Washington) have established the importance of tribal self-determination in education reinforced through state legislation and have been instrumental in guiding the evolution of federal Indian education policy. Yet – despite over 40 years of research documenting the positive relationship between learning environments honoring students’ diverse cultural and linguistic backgrounds and improved academic outcomes – these nurturing spaces have not become normative features in schools serving Indigenous students. Intentional efforts on the parts of educators at the school and district levels to create equitable learning spaces for Indigenous students can both improve academic outcomes while sustaining Indigenous culture and language.



Why It Matters

Tribal Self-Determination Towards Educational Equity

“It is the purpose of this part to support the efforts of local educational agencies, Indian tribes and organizations, postsecondary institutions, and other entities to meet the unique educational and culturally related academic needs of Indian students, so that such students can meet the challenging State academic standards” (20. U.S.C. § 6102).

An estimated 514,123 American Indian and Alaska Native students attend public elementary and secondary schools across the United States (NCES, 2017). Approximately 46% attend rural schools while the majority live off reservations or in urban areas (Faircloth & Tippeconnic, 2010). An additional 41,051 American Indian students attend one of the 183 Bureau of Indian Education (BIE) schools located on American Indian reservations in 23 states. These federally funded schools are operated by the BIE or local tribe through federal contract in accordance with policies and procedures developed within the Bureau (U.S. Department of the Interior, 2016). Students enrolled in BIE schools historically “perform 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).

Longitudinal data for American Indian and Alaska Native students’ academic achievement and graduation rates is often unavailable or incomplete. Indian education programs were better linked to academic accountability when Congress moved the Indian Education Act under the No Child Left Behind Act of 2001 (NCLB; P.L. 107-110). Prior to this, outcome data rarely listed Indigenous students as a separate group (Faircloth, 2004). Disaggregation of data has provided a clearer picture for educators, parents, and policymakers; illustrating American Indian and Alaska Native students’ academic outcomes across the nation (RMC Research Corporation, 2015). According to NCES, in 2005 and 2011, American Indian and Alaska Native students’ disaggregated results from the National Assessment of Educational Progress have consistently demonstrated student scores lower than their non-Native peers (NCES, 2012). Ninneman, Deaton, and Francis-Begay (2017) noted fourth and eighth grade reading and math scores reported in the 2015 National Indian Education Study report “were not significantly different from the scores in previous assessment years” (pp. 22-23). American Indian and Alaska Native students also tend to have the lowest graduation rates (44.1%) among their peers (69%; Faircloth & Tippeconnic, 2010).

ESSA incorporates important amendments that would facilitate equitable learning environments if tribes were afforded the authority necessary for 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. These amendments do not prioritize tribes’ decision-making authority over federal and state decision-making authority.

Policies mandate frameworks that honor the transfer of authority and shared decision-making to achieve equity. ESSA lacks equity accountability in several areas. First, ESSA does not require states or local education agencies to partner or contract with tribes, it only authorizes them to do so if they so choose. Second, while ESSA provides a substantial increase in funding linked to prioritizing tribal self-determination, tribes have little control over the standards, implementation, or assessment of educational programs. Third, ESSA provides funds for planning, development, and coordination of education programming with tribes, yet states and local education agencies retain all oversight and authority for programs. Fourth, an area tribe or Indian organization cannot apply for a formula grant unless an eligible state or local education agency fails to do so. Finally, tribal education agencies only supervise, keep records, administer, and manage programs in the event the state or local agency adopts a partnership structure that includes tribal administration (Mackey, 2017).



For Equity Now

Understanding Policy & the Transfer of Authority

The history of American Indian education summarizes an ongoing struggle for power between constitutionally recognized sovereigns (Lomawaima & McCarty, 2006). Therefore, understanding how Indian education policies affect tribal self-determination in education is the first step in dismantling colonial discourse and creating equitable learning spaces for Indigenous students. The key challenge in ESSA's amended legislation intended to strengthen the culture and language components for education programs in Indian Country is that it creates a gatekeeping hierarchy. In this hierarchy, the federal government prioritizes states' interests above tribes' interests. Diminishing federal authority while strengthening state authority may remove a layer of protection for tribal self-determination without educators intervening to implement ESSA's Indian education provisions as intended.

The devolution of power for oversight and accountability of the ESSA will require the tribal entities eligible for funding and services to use lessons learned from working with federal policymakers to develop collaborative, mutually beneficial relationships with state-level leaders and local educators to improve Native students' educational experiences. Further, state and local education agencies engaged in programs or initiatives supporting Indian education should intentionally examine the relationship between culturally relevant/culturally sustaining pedagogy and academic outcomes. Increased documentation strengthens advocacy in these areas.

Meet the Authors

This July 2018 issue of *Equity Dispatch* was written by Hollie Mackey,
and edited by:

Robin G. Jackson, Cesur Dagli, Seena M. Skelton, and Kathleen King Thorius

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>
- 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
- 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.



Copyright © 2018 by Midwest & Plains Equity Assistance Center

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

Disclaimer: Midwest & Plains Equity Assistance Center is committed to the sharing of information regarding issues of equity in education. Reference in this newsletter to any specific publication, person, or idea is for the information and convenience of the public and does not necessarily reflect the views and opinions of Midwest & Plains Equity Assistance Center. The contents of this document were developed under a grant from the U.S. Department of Education (Grant S004D110021). However, the content does not necessarily represent the policy of the Department of Education, and endorsement by the Federal Government should not be assumed.