

TITLE: Intergovernmental Intersections: How Indian Government & the Power of Tribal Sovereignty is Impacting Educational Research, Policy & Practice

ABSTRACT:

Educational policy and practice has not improved the status of American Indian children and families for the last 80 years (Bowman, 2007). This gap has resulted in a “school to prison pipeline” for Native American students (American Civil Liberties Union [ACLU], 2006). Tribal Governments are using their sovereign powers to enforce sovereign rights and litigate those who do not respect their authority. Within the context of federal law, this sovereign status makes Indians uniquely different than other minority groups because they have sovereign governmental power as other countries do. Tribal governments have their own ordinances, IRB processes, and intellectual and cultural property rights. Legal and political challenges to Indian sovereignty are often addressed in Tribal Court systems or on Tribal Reservations where mainstream researchers, state/federal educational officials, and local educational administrators do not have formal training or experience. During this paper presentation, the author will use case studies from projects worked on with the ACLU, National Congress of American Indians, state/federal governments, and Indian Tribes to highlight the tensions across the different intergovernmental levels. These cases will discuss implications and actual influences on educational policies, practices, and court decisions. Samples of intergovernmental agreements, protocols, and instruments will be shared.

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RESEARCH PAPER/PRESENTATION INFORMATION:

- **Problem Statement/Relevance to Conference:** The purpose of this paper is to introduce how the power of Native American governments and the legal concept of sovereignty are applied in public educational environments in ways that have created positive educational change for Native American students/families. As sovereign governments, Native American Tribes function on a government-to-government level with the federal government and other international governments. Tribal legislatures, Tribal Courts, and other legal/political powers that Tribes have significantly impact the way educational policy, practice, and programming is carried out on and off the Tribal Reservation. These issues have been challenged in many schools and through many legal systems, including courts with Tribal jurisdictions. Given this information, my presentation honors Indigenous culture and relates to the conference in the following ways: shares legal decisions in which Tribal jurisdiction was enforced regarding the education of Native American students; discusses educational policy and practice where sovereign Tribal governments have asserted their authority into mainstream educational institutions; and shares intergovernmental strategies, instruments, Tribal ordinances, and legal documents that have helped Indian and non-Indian governments (state, federal, municipal), universities, and school districts to more effectively work together.
- **Theoretical Framework:** I will use the legal framework provided by multiple tribes (each has their own unique perspective/laws); Native American Rights Fund legal documents; American Civil Liberties Union strategies; and the National Congress of American

Indians Policy Research Center resources as a framework. Indigenous epistemologies (Deloria and Wildcat, 2001; Grande, 2000; Indigenous Peoples Council on Biocolonialism, 2004; Mihesauah, 1998; Mihesuah & Wilson, 2004; Smith, 2004), oral history (Rains, Archibald, & Deyhle, 2000; Smith, 2004), critical tribal auto-ethnographic accounts (Brayboy, 2005; Pulitano, 2003), and de-colonization (Denzin, 2003; Wilson & Yellow Bird, 2005; Frideres & Gadacz, 2000) theories are used within the paper and will be employed during the presentation.

- Scholarship: Auto-ethnographic accounts by the author will be infused on cases that have been studied by the author over the last 10 years. Tribal and educational policies were analyzed in a way to address inequities in academic research including the use of oral histories, Indigenous scholars' citations and member checks, and inclusion of local Indigenous culture and language to gather, analyze, and develop conclusions or findings. These Indigenous strategies for data collection and inquiry address the culturally inappropriate methods, acculturation, and discontinuity between Western and Indigenous research (Grande, 2004; Nelson-Barber, LaFrance, Trumbull, & Aburto, 2005; Smith 2004; Yellow Bird, Bowman, Steichen, & Brandon, 2007). Indigenous techniques for inquiry were employed to capture data for the purposes of empowering Native American communities and individuals (Strang & von Glatz, 2001) using these tenants:
 - Embraces the spirit of Indigenous sovereignty and self-determination within an educational context;
 - Provides educational research for Tribal student, family, and community empowerment;
 - Legitimizes and liberates the Indigenous voice and perspective while deconstructing majority educational paradigms; and
 - Purposefully instructs and disseminates scholarly discourse within Native and non-Native publications, research and policy forums, public debates, and educational contexts.

Data sources informing this scholarly paper include: Tribal ordinances, Tribal education policies, memorandums of agreement between Tribal and non-Tribal governments, interviews, focus groups (talking circles), legal documentation from Tribal, state, and national organizations, and case study data.

- Implications for AI/AN Educational Advancement: Participants will understand the legal concepts of Tribal sovereignty and how it is implemented in various educational contexts. Information given in this paper and presentation will provide participants with strategies, legal documents, and instruments created and used by Indian people so that education becomes relevant and enforces the use of Tribal political and legal power in the educational process. By using these strategies, concrete examples in the cases, and legal documents, participants will better prepared to address the complexities presented by Tribal Governments, Tribal Court Systems, and Tribal ordinances and Tribal educational policies as they intersect with non-Indian educational systems, policies, practices, and personnel. Participants will leave with perspectives of real life experiences of how the Tribal legal and political process works within non-Indian educational organizations. Furthermore participants will see how implemented Tribal ordinances/policies can be

used as a positive tool to impact educational policy, practice, and outcomes for Native American children and families attending public PK-Graduate institutions. Finally, participants will be provided one Native American point of view (the author) with the dissertation IRB process as well as multiple Tribal points of view on educational policy and practice through the materials and resources disseminated during the presentation. These authentic materials were authored by and created in the spirit of Tribal sovereignty and self-determined Indian people. The awareness, understanding, and use of these materials will help educators, administrators, and researchers work in a spirit of cooperation, mutual respect, equity, and cultural relevance for the Native American community (rural, urban, or Tribal Reservation) that they are in.

REFERENCES:

- Brayboy, B. (2005). Toward a tribal critical race theory in education. *The Urban Review*, 37(5), 425-446.
- Deloria, V., Jr., & Wildcat, D. (2001). *Power & place: Indian education in America*. Golden, CO: Fulcrum Resources.
- Denzin, N. K. (2003). *Performance Ethnography: critical pedagogy and the politics of culture*. Thousand Oaks, CA: Sage.
- Frideres, J. S. & Gadacz, R. R. (2000). *Aboriginal peoples in Canada: Contemporary conflicts* (6th ed.). Toronto: Prentice Hall.
- Grande, S. (2000). American Indian identity and intellectualism: The quest for a new red pedagogy. *International Journal of Qualitative Studies in Education*, 13(4), 343-359.
- Grande, S. (2004). *Red pedagogy: Native American social and political thought*. New York: Rowan & Littlefield Publishers, Inc.
- Indigenous Peoples Council on Biocolonialism (IPCB). (2004). *Collective statement on Indigenous peoples on the protection of Indigenous knowledge agenda item 4(e): Culture*. Retrieved May 2, 2007, from <http://www.ipcb.org/resolutions/htmls/pf2004.html>
- Mihesuah, D. A. (1998). *Natives and academics: researching and writing about American Indians*. Lincoln: University of Nebraska Press.
- Mihesuah, D. A., & Wilson, A. C. (Eds.). (2004). *Indigenizing the academy: Transforming scholarship and empowering communities*. Lincoln: University of Nebraska Press.
- Nelson-Barber, S., LaFrance, J., Trumbull, E., & Aburto, S. (2005). Promoting culturally reliable and valid evaluation practice. In S. Hood, R. Hopson, & H. Frierson, (Eds.). *The role of culture and cultural context* (61-85). Greenwich, CT: Information Age Publishing.
- Pulitano, E. (2003). *Toward a Native American critical theory*. Lincoln, NE: University of Nebraska Press.

Rains, F. V., Archibald, J., & Deyhle, D. (2000). Introduction: Through our eyes and in our own words--- The Voices of Indigenous Scholars. *International Journal of Qualitative Studies in Education*. 13(4), 337-342.

Smith, L. T. (2004). *Decolonizing methodologies: Research and indigenous peoples* (7th ed.). New York: Palgrave.

Strang, W., & von Glatz, A. (2001). *American Indian and Alaska native education research agenda: Research agenda working group*. Washington, DC: U.S. Department of Education.

Wilson, W. A., & Yellow Bird, M. (Eds.). (2005). *For indigenous eyes only: A decolonization handbook*. Santa Fe, NM: School of American Research Press.

Yellow Bird, M., Bowman, N., Steichen, M., & Brandon, B. (2007, November). An evaluation's identity crisis – implementing a federally funded prevention project evaluation within a sovereign tribal government context. Paper presented at the meeting of the American Evaluation Association, Baltimore, MD.

NOTE: Oct 26 is preferred date to present if my paper is chosen; presentation is dependent upon Tribal support for travel and conference expenses (request submitted and approval pending)