

Intergovernmental Intersections

How Indian Governments & the Power of Tribal Sovereignty are Impacting Educational Research, Policy & Practice



Presented by:

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Presentation Purposes

- Participants will consciously link the relevancy of sovereignty within education (connect)
- Participants will understand the legal concept of tribal sovereignty and educational policies relating to Native American students (inform)
- Participants will relate concepts of sovereignty to educational policy and programs through case studies (practice)
- Participants will utilize new information and resources so they may apply strategies within their own communities and educational contexts (extend)



Connecting Past Experiences

- **Group Exercise:** Imagine a time you were able to choose your own learning activity that was outstanding for you.....
 - What were you doing?
 - Were you in a formal setting or an informal setting?
 - Was it a graduate class, workshop, or a family, cultural, or community event?
- **Share the Learning Event & Discuss it with your Neighbor:**
 - Why did it make an impact on you?
 - Was it helpful?
 - Is the learning still helpful/relevant?
- **Group Discussion:** What characteristics made it an outstanding learning activity/event?

Using Sovereignty as a Lever for Powerful Educational Experiences





Understanding Sovereignty (General)

(D. Puzz, J.D., Native American Law Division, Best & Flanagan Law Firm, 2007)

- Sovereignty is an inherent right limited by Congress given to all federally recognized Tribes
- Special relationship with Federal Government unlike any other racial/ethnic group
 - Treaty
 - Spearfishing Rights
 - Reservation Lands
 - Trust Relationship
 - Trust Lands (no taxes, no easements)
 - Individual Indian Trust Accounts
 - Government-to-Government Relationship
 - Consultations with Tribal governments
 - No legislative or agency actions before consultations

Understanding Sovereignty continued...

(D. Puzz, J.D., Native American Law Division, Best & Flanagan Law Firm, 2007)

- Political relationship, not racial
 - Indian preference in hiring
 - Indian preference in procurement
 - Indian Child Welfare Act
- Multiple Citizenships
 - Citizen of the Tribal government
 - Citizen of the U.S. government
 - Citizen of the state government
 - Tribal members enjoy the rights afforded by all governments



Sovereignty Applied to Federal Education

- Tribal sovereignty has a profound impact on Native American students and families because there are provisions in the treaties, agreements between the US government and tribes, in federal statutes, and in other acts of Congress that federal government will “provide” for Indian education (TEDNA & NARF, 2006)
- Examples:
- Indian Education Act
- Indian Self-Determination & Educational Assistance Act
- Elementary & Secondary Education Assistance Act (currently known as No Child Left Behind)



For example in NCLB.....

- There is federal statute and policy language specifically addressing Indigenous students in all ten areas of the ESEA (NCLB) law:
 - Improving the Academic Achievement of the Disadvantaged
 - Preparing, Recruiting, and Training Highly Qualified Teachers and Principals
 - Language Instruction for Limited English Proficient and Immigrant Students
 - 21st Century Schools
 - Promoting Informed Parental Choice and Innovative Programs
 - Flexibility and Accountability
 - Indian, Native Hawaiian, and Alaska Native Education
 - Impact Aid Program
 - General Provisions
 - Repeals, Redesignations, and Amendments to Other Statutes
- No other racial/ethnic group is specifically addressed in the federal education law like Indigenous students are



Applying Principals of Sovereignty to Educational Contexts

- Tribal governments could be asserting their sovereignty more responsibly, creating innovative infrastructures that better serve local [educational] needs and culture (Tribal College Journal, 2004).
- Examples:
 - Tribal education codes
 - Tribal education director
 - Tribal education departments
 - Research review boards
 - Tribal colleges
 - Building infrastructures with other governments and educational agencies
 - Accountability, resolutions, and other fiscal, human, or program sanctions
 - Litigation and monitoring compliance



Case #1: Native American Student Completing PhD

- Tony is a Native American graduate student
- Completing PhD in curriculum at a “research one” university in the Southwest
- Dissertation study is looking at how traditional ways of gathering and using knowledge may impact contemporary educational service delivery to Native students
- Issues:
 - Ownership and authorship of study
 - Availability and oversight of IRB
 - Disconnect between mainstream processes and traditional practices
- *How can Tony complete his PhD to meet the academic and cultural rigor that is required?*
- **Group share ideas for strategies...**



Case #1: Strategies/Solutions

- Early and continuous communication to university IRB, department leadership, and academic advisor regarding culturally required Indigenous dissertation methods
- Negotiations of co-authorship for the study with academic advisor and shared ownership of the data; storage of data at Tribal organization and not the university
- Lack of own Tribal IRB, Tony sought the approval and continuous oversight of his Tribal language/culture committee (elected/government supported leaders)
- Use of shared IRB agreement between the University and appropriate Tribal agency (Tribal College in this instance) with approval from his Tribal language/culture committee



Case #1: Strategies/Solutions continued...

- Use of an elder's / traditional knowledge council to guide study (traditional leaders)
- Use of references, methods, and instruments that primarily came from Indigenous sources (over 90%)
- Inclusion of supportive academic advisor and committee with Tribal IRB, Tribal culture/language committee, and elder/traditional knowledge council
- Gifts to traditional and elected Native leaders as well as inclusion of a plan to “give back” when the study was done
 - Information for historical/cultural library
 - New policy and procedures
 - Documentation/storage of example research protocols



Case #2: Native American Special Education Student Forced out of School

- Tom is a Native special ed student (ED)
- Attending a public elementary school
- Poor family with low educational levels
- Older brother 1st to graduate college in family so Tom wants to as well
- Issues:
 - Forced out of public school
 - Emotional outbursts instigated by school staff
 - Use of police for discipline to remove from school
 - Ordered removal resulting in truancy
 - Teacher not allowed to work with Tom
- *How can Tom be helped so he is safe and participating in school?*
- **Group share ideas for strategies...**



Case #2: Strategies/Solutions

- Special education staff meets with student, family, and teacher
- Tribal Education Director called, advocate for the student
- Family was encouraged privately by Tom's teacher to advocate on behalf of their child
 - Go to Tribal clinic for a secondary evaluation
 - Go to Tribal Council for political support
 - Suggestion to go to Tribal Court
- Regional educational advocate for Tom
- State educational advocate for Tom
- State ordered an external evaluation of the entire matter

The background of the slide features a vertical strip on the left side showing several ears of corn. The top ear is mostly husked, with the white silk hanging down. Below it, a more developed ear of corn is visible, showing the rows of kernels. The image is in a warm, sepia-toned color palette.

Case #3: Toxic Educational Environment for Native Students/Families

- Morgan Public School District serves a large Indigenous student population (nearly 33%)
- Low/no representation of Native staff at administrative, board, or educator level and in curriculum
- Low family participation levels
- Issues:
 - Past external finding by state agency uncovered toxic educational environment, use of law enforcement to disproportionately contact Native students, and exceptionally high failure and graduation rates.
- *How can the public school and Tribal community work together to change this situation?*
- **Group share ideas for strategies...**



Case #3: Strategies/Solutions

- Use of NARF/TEDNA Model Protocol to Address Tribal, Local, State, and Federal Education Issues (2006)
- Regularly scheduled consultations and attendance at school and tribal board meetings by all stakeholders
- Use of cooperative agreements (NARF, 2005)
- Use of outside facilitator and/or creation of a legal memorandum of understanding with measures
- Decolonization Handbook (Wilson & Yellow Bird, 2005)
- Rights of Indian Tribes Handbook (ACLU & Pevar, 2004)



Case #3: Strategies/Solutions continued...

- External evaluation and monitor
 - Learn Ed Nations inventory (2002)
 - NARF Tribal/State Ed interview instrument (2006)
 - NCAI (2000) Tribal/State Partnership Strategies, Instruments, and Policies Manual
 - Review and strengthen Tribal educational codes
 - Determine baseline/longitudinal impact of education
 - Co-construct common performance measures
 - Evaluate regularly (formative/summative)
 - Widen stakeholder group to include school, community, Tribe, youth, elders, adults, administration, faculty, traditional leaders



Sharing Resources

- Share resources from solutions slides
- Discuss resources as needed
- Share ideas for resources from audience members
- Additional resources are at www.nbowmanconsulting.com
(click Indigenous education, Indigenous evaluation, BPC publications, or Indigenous interest links)



Wrapping Up.....

- Questions & Answers
- Other Discussion
- Follow Up Needed (if applicable)
- PP Sign Up Sheet Reminder
- Select Names for Give Aways
- Gift of Tobacco for Participants
- Laapi uch kneeywal (see you next time....we do not say “goodbye”)

Anushiik (we appreciate) your Participation and Please Travel Safely Home.....



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