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Reclaiming Sovereignty in Education: The Case for Charter Schools in Native North and South Dakota

By Elizabeth Bailey¹, Villanova University

Background

Native students are often forgotten about in our nation’s discussion on education despite urgent need for reform.² A history of Indian education policy focused on removal, assimilation, and extratribal management has left massive institutional barriers that prevent Native youth from reaching their full potential. This is especially true in North and South Dakota, where Native youth make up a significant portion of the statewide student body but have some of the most concerning educational outcomes in the country.

For instance, while the high school graduation rate of White North and South Dakotans is over 90 percent, that of their Native peers is 72 percent in North Dakota and just 54 percent in South Dakota.³ Furthermore, by the most recent data available, over a third (35 percent) of Native North and South Dakotan fourth graders are chronically absent. By comparison, those rates are only 24 percent and 14 percent for White fourth graders in North and South Dakota, respectively.⁴ According to the National Assessment of Educational Progress (NAEP), Native students in both states also score consistently lower than their White peers in both reading and math proficiency (see table 1).

Table 1: Proficiency in the NAEP Standardized Test, 2019

Percent Reading Proficiency Among . . .		
	<u>White</u>	<u>Native</u>
South Dakotan Fourth Graders	41%	14%
South Dakotan Eighth Graders	37%	11%
North Dakotan Fourth Graders	38%	15%
North Dakotan Eighth Graders	36%	15%
Percent Mathematics Proficiency Among . . .		
	<u>White</u>	<u>Native</u>
South Dakotan Fourth Graders	51%	12%
South Dakotan Eighth Graders	47%	9%
North Dakotan Fourth Graders	49%	23%
North Dakotan Eighth Graders	43%	16%

Source: NAEP Data Explorer, <https://www.nationsreportcard.gov/ndecore/xplore/NDE>.

Accounting for these disparities is neither simple nor straightforward. There is a variety of complex socioeconomic factors that inhibit Native student achievement, from extensive child poverty to high incarceration rates.⁵ To achieve full parity in education, these issues will certainly need to be addressed, but their associated policy solutions are notoriously multifaceted and partisan. For this reason, it is unrealistic to expect legislation that approaches Native education from these angles anytime soon.

However, there is a simple, bipartisan policy approach that would immediately improve the educational outcomes of Native North and South Dakotan students—tribal school choice. Without statewide charter legislation, Native communities in both states have limited tuition-free options. A recent report from the U.S. Government Accountability Office (GAO) found that of the forty-four school districts in North and South Dakota where more than a quarter of the student body is Native, over half (56 percent) only offer traditional public schools.⁶

Here, Native students often face culturally irrelevant curriculums and insensitive environments. In 2018 the South Dakota Department of Education released “Oceti Sakowin Essential Understandings and Standards” (OSEU), a series of frameworks designed to make public school curriculums more culturally responsive to Native students.⁷ However, a 2022 state Department of Education survey of South Dakota’s teachers found that less than half have created (43 percent) or implemented (45 percent) a lesson plan using OSEU standards.⁸

This issue is of particular relevance because incorporating Native cultures and languages into curriculums is commonly cited as one of the most effective ways to improve academic achievement for Native students.⁹ For instance, Bureau of Indian Education (BIE) director and Cherokee Nation citizen Tony Dearman said that Native students are most “enthusiastic” about learning when teachers and administrators are “connecting what the students are learning to what they know in their world, . . . [to] the culture, the traditions, and the languages of their tribe.”¹⁰ Similarly, South Dakota’s Native American Student Achievement Advisory Council identified “the lack of culturally relevant curriculum and culturally responsive teaching methods” as a “major factor affecting the achievement of Native American students.”¹¹

The minority of Native communities in North and South Dakota that do have tuition-free options outside of traditional public schools do not fare much better in terms of what is available. Native students in these districts can elect to attend a BIE school, which may offer a culturally responsive education. But these schools are so chronically underfunded, underperforming, and structurally unsafe that the BIE has been barred from opening new educational programs by Congress since 1995 and has been on the GAO’s “high-risk” list of agencies and programs most in need of transformation since 2017.¹²

Native North and South Dakotans deserve better. Families should not have to choose between two failing school systems that have never met their children’s

cultural and educational needs. It is time to turn the page on antiquated systems that assume government control is best for Native education and begin listening to a solution that Native communities have long been advocating for—tribal school choice.

Recommendation

To address the massive disparities in Native education, policy makers in North and South Dakota must pass legislation that will allow tribes to open public charter schools.¹³ This will greatly expand educational self-determination by giving tribes a greater say in their communities' futures. Additionally, the introduction of tribal charter schools will offer Native families another tuition-free option outside of traditional public and BIE schools.

Tribal charter schools will also be able to address the major barriers to education that Native students face in both states' traditional public and BIE schools. Namely, as Native students in traditional public schools struggle to connect their culture to the curriculum, tribal charter schools will be able to integrate Native languages, cultures, and philosophies into every lesson. While the BIE already operates by these principles, tribal charter schools will not be encumbered by the same federal bureaucracy and volatile funding processes that hold BIE schools back.

For these reasons, tribal charter legislation has received widespread support from many Native organizations, including the National Congress of American Indians and the National Indian Education Association.¹⁴ On a local level, Nick Tilson, citizen of the Oglala Lakota Nation and CEO of NDN Collective, said, "We want to have flexibility for Indian education to be able to innovate and create, and charter schools allow for that."¹⁵

Feasibility

In addition to Native support, tribal charter legislation presents a rare opportunity for both major political parties to work together on a simple yet impactful piece of legislation. Because its two main components—Indian policy and charter schools—are often seen as politically neutral, it is likely to garner bipartisan support. For instance, while it is true that Republicans typically favor school choice policies, charter schools still receive support from over a third (37 percent) of Democrats.¹⁶ Similarly, while Democratic policy makers are more likely to vote in line with Native interests, policies advancing Native communities are regularly endorsed on both sides of the aisle.¹⁷

The Republican-controlled state legislatures in North and South Dakota have already demonstrated support for Native communities. In 2018, South Dakota made it illegal for schools to "prohibit any Native American student from wearing an eagle feather, eagle plume, or an appropriate beaded graduation cap at a school honoring or graduation ceremony."¹⁸ And in 2021, North Dakota legislators

overwhelmingly passed S.B. 2304, which requires Native American history to be taught in all schools, on a 72–21 vote.¹⁹

Outside of North and South Dakota, Republican and Democrat policy makers alike support tribal charter schools. The National Alliance for Public Charter schools found that there are public charter schools on tribal lands in Arizona, California, Florida, Michigan, Minnesota, New Mexico, Oregon, Utah, and Wyoming, states with varied partisan politics.²⁰ The rare confluence of political support from Native communities, Republicans, and Democrats makes passing tribal charter legislation the most obvious policy decision that each state legislature can make in the fight to improve Native education.

Expected Outcomes

As demonstrated, Native community advocates across North and South Dakota have continually advocated for increased tribal involvement in the public school system. Therefore, with the authority to operate their own tuition-free schools in their own communities, tribes will be quick to seek charter approval. Nationwide, the data supports this. The National Alliance for Public Charter Schools notes that “in 2005, there were 19 charter school on 17 reservations in five states, and by the 2017–2018 school year, that number had increased to 31 charter schools on 22 reservations in 11 states.”²¹

Several case studies of Native charter schools have indicated that such schools produce Native students who are both academically successful and immersed in their cultures. One Harvard study closely examined three Native charter schools in three different states—Klamath River Early College in California, Pemaayev Emahakv Charter School in Florida, and Waadookodaading Ojibwe Language Immersion School in Wisconsin.²² Each school boasted English or reading test scores, graduation rates, and attendance rates well above local and state averages. For instance, all Native Klamath River students in the study graduated high school, compared to just 52 percent of Native Californians overall. Additionally, in all three schools, high academic achievement was paired with regular cultural engagement. At Pemaayev Emahakv, for instance, students spent ninety minutes per day with local tribal elders while also outperforming their local and state Native peers in reading, writing, and math.²³

Even more promising, however, are the positive outcomes demonstrated at Native charter schools in low-income areas. Poverty is pervasive in North and South Dakotan tribes, with 31 percent and 50 percent of each state’s respective Native communities living below the poverty line.²⁴ For comparison, at Waadookodaading, 43 percent of the local Native community lives below the poverty line. Despite this, 100 percent of third- through fifth-grade students demonstrated reading proficiency, compared to just 63 percent of their Native peers in the nearby traditional public schools. Waadookodaading teachers credit “the deep conceptual knowledge of [the Ojibwe] language” for their students’ outstanding achievements.²⁵

Another Native charter school that has demonstrated significant success in the Native American Community Academy (NACA) in Albuquerque. NACA starts in sixth grade, meaning that when students arrive, they are often behind their peers due to some of the same barriers that face Native North and South Dakotan students.²⁶ Testing data confirms this—only 12 percent of NACA's sixth graders demonstrate proficiency in reading, compared to 28 percent of their state and local peers. However, by eleventh grade, NACA students have surpassed their peers, with 56 percent of students demonstrating reading proficiency. NACA also boasts a high school graduation rate of 75 percent, twenty percentage points higher than the state average for Native students.²⁷

Taken together, the evidence suggests that Native charter schools positively impact each student's academic and cultural development, even in the face of poverty and previous low achievement. This is the future that Native North and South Dakotan students deserve. With political support possible from all sides, North and South Dakota are perfectly positioned to make tribal charter schools a reality.

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Endnotes

¹ Disclaimer: I intern at the National Indian Education Association (NIEA). The views expressed in this paper are entirely my own and should not be taken as those of NIEA.

² A note about terminology: *Native*, *Indigenous*, *Native American*, *American Indian*, *Indian*, *Alaska Native*, and *Native Hawaiian* are all terms that are used to refer to the aboriginal peoples of what is now the United States. To avoid confusion, I will use tribally specific names, such as *Ojibwe* or *Lakota* whenever possible. If a collective term is more appropriate, I will most often use the term *Native*. However, because the US government uses *Indian*, I will occasionally use this term to describe certain data or policies.

³ National Center for Education Statistics 2021.

⁴ Kids Count Data Center 2022.

⁵ World Population Review 2022; Vera Institute 2019a; 2019b.

⁶ GAO 2019.

⁷ South Dakota State Board of Education 2018.

⁸ South Dakota Department of Education 2022.

⁹ See: Apthorp, D'Amato, and Richardson 2002; Demmert and Towner 2003; Kisker et al. 2012; White House 2014; South Dakota NASAAC 2015.

¹⁰ Education and Labor Congressional Subcommittee 2022.

¹¹ South Dakota NASAAC 2015.

¹² National Alliance for Public Charter Schools 2013; GAO 2022.

¹³ Even though tribal charter schools are operated by tribes, they are open to all students, regardless of racial or ethnic background. Still, Native charter schools in other states most commonly attract Native students.

¹⁴ National Congress of American Indians 2017; National Indian Education Association 2017.

¹⁵ Pfankuck 2019.

¹⁶ Barone, Laurens, and Munyan-Penney 2019.

¹⁷ For Democratic alignment with Native interests, see Conner 2014.

¹⁸ South Dakota Legislature 2022.

¹⁹ Kickingwoman 2021.

²⁰ National Alliance for Public Charter Schools 2013.

²¹ Wolfe and Sheridan-McIver 2022.

²² Ewing and Ferrick 2012.

²³ Ewing and Ferrick 2012.

²⁴ World Population Review 2022.

²⁵ Ewing and Ferrick 2022.

²⁶ NACA 2019.

²⁷ NACA 2019.



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Hoover Institution, Stanford University
434 Galvez Mall
Stanford, CA 94305-6003
650-723-1754

