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Native Education 101:

Basic Facts about American Indian,
Alaska Native, and Native Hawaiian Education

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Alaska Native, and Native Hawaiian Education

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*Keeping our
Commitment to
American Indians,
Alaska Natives, and
Native Hawaiians.*



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Demographics

- There are 562 federally recognized tribes in the United States and 4,500,000 U.S. citizens who identified themselves as having American Indian, Alaskan Native, or Native Hawaiian ancestry (U.S. Census 2005).
- Twelve states have more than 100,000 American Indians, Alaskan Native, or Native Hawaiians, including California, Oklahoma, Arizona, New Mexico, Washington, Michigan, Florida, Texas, New York, North Carolina, Hawaii, and Alaska (U.S. Census 2005).
- There are approximately 624,000 American Indian and Alaska Native students in the U.S. K–12 system (U.S. Department of Education, National Center for Education Statistics 2005).
- About 93 percent of all American Indian and Alaska Native students attend regular public schools, and 7 percent attend schools administered by the U.S. government’s Bureau of Indian Affairs (BIA), a system of 184 schools for educating American Indian students spread over 23 states. (U.S. Department of Education, National Center for Education Statistics 2005b).
- Only 71 percent of American Indians and Alaskan Natives have a high school diploma and only 11 percent have a Bachelor of Arts degree (U.S. Census 2005).
- The national graduation rate for American Indian high school students was 49.3 percent in the 2003–04 school year, compared to 76.2 percent for white students (EPE Research Center 2007).



Demographics

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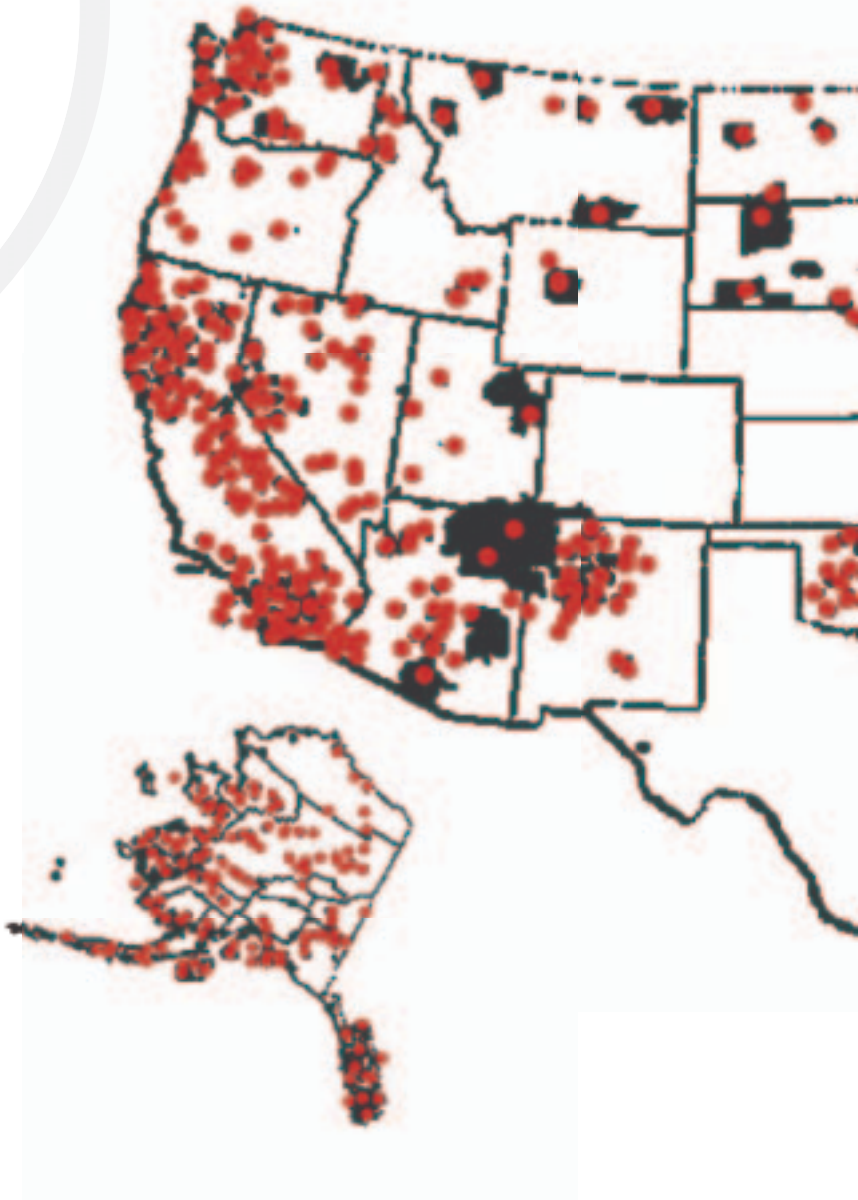
- Only 44.6 percent of American Indian males and 50 percent of American Indian females graduated with a regular diploma in the 2003–04 school year (EPE Research Center 2007).
- Nearly 75 percent of Alaska Natives over 18 had high school diplomas by 2000, and 6 percent of adult Alaska Natives had four-year college degrees (U.S. Census 2000).
- American Indian and Alaska Native students were more likely than students of other racial and ethnic groups to receive services under the Individuals with Disabilities Education Act (IDEA). Specifically, about 12 percent of American Indian and Alaska Native students received IDEA services in 2003, compared to 8 percent of white, 11 percent of black, 8 percent of Hispanic, and 4 percent of Asian/Pacific Islander students (U.S. Department of Education, National Center for Education Statistics 2005b).
- In 1998, American Indian and Alaska Native students made up 1.1 percent of the student population but just 0.87 percent of the student population in gifted education (U.S. Department of Education 2000).
- About 20 percent of students at BIA schools receive special education services (U.S. General Accounting Office 2001).

Demographics

(continued)

- American Indian and Alaska Native students are 1.53 times more likely to receive special education services for specific learning disabilities and 2.89 times more likely to receive such services for developmental delays than the combined average of all other racial groups (U.S. Department of Education, Office of Special Education Programs 2004).
- Fifteen percent of American Indian and Alaska Native eighth graders were categorized as students with disabilities in 2005, meaning they had or were in the process of receiving Individualized Education Plans, compared to 9 percent of all non-American Indian and Alaska Native eighth graders (U.S. Department of Education, National Center for Education Statistics 2006).
- The national graduation rate for American Indian high school students was 49.3 percent in the 2003–04 school year, compared to 76.2 percent for white students (EPE Research Center 2007).

Reservations and Native Lands





Important Community Issues and Concepts

- American Indians, Alaska Natives, and Native Hawaiians are the indigenous peoples of the United States. While many Native peoples have migrated to different locations, they have a strong attachment to place. In fact, there is archeological evidence of inhabitants here for over 50,000 years, which predates the land bridge theory of migration from Asia. For many centuries, Polynesians navigated and settled throughout the Polynesian triangle.
- There is tremendous diversity within the American Indian, Alaskan Native, and Native Hawaiian populations. Though American Indians and Alaska Natives comprise 1 percent of the total U.S. population, they make up 50 percent of the nation's languages and cultures, many of which exist nowhere else on the face of this planet.
- American Indians maintain a unique status as sovereign nations within a nation due to the treaties signed with the U.S. government, which recognizes tribal rights as sovereign in Article I, Section 8, clause 3 of the Constitution, where tribes are listed along with the other two sovereigns, foreign nations, and the states. Tribal status also is confirmed through the treaty-making power found in Article II of the Constitution.
- American Indians and Alaska Natives have struggled to regain their right of self determination and governance and to expand their opportunities for social, educational, and economic development. Native Hawaiians are seeking federal recognition to begin the process of self determination and governance through federal legislation.

Educational Issues for Native Students

- The languages and cultures of American Indians, Alaska Natives, and Native Hawaiians are unique and too many indigenous languages are in jeopardy of disappearing altogether. The Hawaiian language is a single unifying language for the eight islands of Hawaii. Policy and resources are needed to restore and preserve indigenous languages and cultures.
- There is an increasing need for quality teachers in all public, federally funded, and tribal schools where native children are enrolled. Due to rural isolation, low teacher salaries, high poverty areas, and differences in languages and cultures, it is difficult to retain a teachers in schools serving Native students. Further, the need for special education teachers is growing since the representation of special education for Native students is 18 percent in many schools, almost double the rest of the student population at 10 percent.
- Native schools continue to be plagued by safety concerns with suspension and expulsion rates second only to African-American students; and they have the highest percentage of all groups to report injuries with weapons and fights on school grounds. In 2004, 22 percent of American Indian and Alaska Native high school students reported being threatened or injured with a weapon on school grounds in the previous twelve months compared to 11 percent of black, 9 percent of Hispanic, and 8 percent of white students (U.S. Department of Education, National Center for Education Statistics 2005).

Types of Schools for Native Students

Public Schools on Tribal Lands

Public schools on tribal lands are funded by individual states and are subject to state standards and assessments. These schools are operated and funded like the public schools that are not located on tribal lands. Public schools on and near tribal lands do receive federal impact aid dollars to partially redress the effect of tribal trust lands on state and local tax revenues.

Bureau of Indian Affairs Schools

There are only two education systems for which the federal government has direct responsibility: Department of Defense schools and federal and tribally operated schools that serve American Indian students—the Bureau of Indian Education (BIE) at the Department of Interior. BIE was recently established through reorganization of what had been the education responsibilities of the Bureau of Indian Affairs (BIA).

The federal government's responsibility for the education of Native peoples came about in response to specific treaty rights, as well as numerous statutes, court decisions, and other commitments. BIE has the responsibility for 184 elementary and secondary schools and dormitories (as well as some of the tribal colleges) located on 63 reservations, in 23 states and representing 238 different tribes.

BIE Operated Schools are Bureau of Indian Education operated and funded elementary, secondary day, or boarding schools, or Bureau-operated dormitories for students attending a school other than a Bureau school.

Types of Schools for Native Students

(continued)

Tribal Contract or Grant Schools are elementary schools, secondary schools, or dormitories that receive operating funds under a contract or grant with BIE/BIA under the Indian Self-Determination and Education Assistance Act [25 U.S.C. 450 et seq.] or under the Tribally Controlled Schools Act of 1988 [25 U.S.C. 2501 et seq.].

Tribally Controlled Community Colleges are located on or near reservation communities to provide post secondary learning opportunities for American Indian and Alaska Native students. There are currently 35.



Indian Education Legislation and Executive Orders

- ***Johnson-O'Malley (JOM) Act (1934)***: This law was created as a basic federal aid program with funds primarily earmarked for education, but they could be used for other purposes, such as medical attention, agricultural assistance, and social welfare.
- ***PL 81-874 (1958)***: This law amended JOM to include assistance for educating Indian children and the Johnson O'Malley program became a supplemental aid program.
- ***Special Senate Subcommittee on Indian Education (1969)***: This committee issued a final report, *Indian Education: A National Tragedy—a National Challenge*, that focused national attention on the educational situation of American Indian and Alaska Native students.
- ***Indian Education Act (1972)***: Established the Office of Indian Education within the U.S. Department of Education, as well as the National Advisory Council on Indian Education. Various parts of the Act authorized a formula program and several competitive grant programs for Indian children and adults.
- ***PL 93-380 (1974)***: This law amended the Indian Education Act to add a teacher training program and a fellowship program.

Indian Education Legislation and Executive Orders

(continued)

- ***Tribally Controlled Community College Assistance Act of 1978***, also known as the Tribal College Act is the legislation that authorizes(1) Title I: core operational funds for 25 Tribal Colleges; (2) Title II: core operational funds for Dine College; Title III: Tribal College endowment grants; and (4) Title IV: community economic development and support. In addition, funds are authorized for facilities, renovation and technical assistance.
- ***PL 100-297 (1988)***: This law made BIA-funded schools eligible to apply for formula grants and created an authorization for gifted and talented education.
- ***Native Hawaiian Education Act (1988)***: This law supports the authorization and development of innovative educational programs to assist Native Hawaiians. It was reauthorized as Title VII, Part B of the No Child Left Behind Act.
- ***Native American Languages Act, PL 101-477(1990)***: This law supports the use of Native American languages as a medium of instruction in order to encourage and support Native American language survival; educational opportunity; increased student success and performance; increased student awareness and knowledge of their culture and history; and increased student and community pride.

Indian Education Legislation and Executive Orders

(continued)

- **PL 102-524 (1992):** This law amends the Native American Languages Act to provide for grants to assist Native Americans in assuring the survival and continuing vitality of their languages.
- **PL 103-382 (1994):** This law reauthorized the Indian Education Act as Title IX, Part A of ESEA. The reauthorization of the formula grants was amended to require a comprehensive plan to meet the academic and culturally related academic needs of American Indian and Alaska Native students.
- ***Alaska Native Educational Equity, Support, and Assistance Act (1994):*** The purpose of this act is to recognize the unique educational needs of Alaska Natives; authorize the development of supplemental educational programs to benefit Alaska Natives; supplement existing programs and authorities in the area of education; and provide direction and guidance to appropriate federal, state, and local agencies to focus resources, including resources made available under this act, to meet the educational needs of Alaska Natives. This law was reauthorized as Title VII, Part C of the No Child Left Behind Act of 2001.
- ***Executive Order on Tribal Colleges and Universities*** (No. 13021) was initially issued October 19, 1996 by President Clinton, with President Bush signing a second on July 3, 2002 (No. 13270). The Executive Order reaffirms the important role

Indian Education Legislation and Executive Orders

(continued)

Tribal colleges play in reservation development by directing all Federal departments and agencies to increase their support to the colleges. The Executive Order is an important reminder the tribal colleges are constituents of the entire Federal government and elevates the profile as accredited higher education institutions.

- ***President's Executive Order on Indian Education (2000)***: As a result of the White House Conference on Indian Education, the Executive Order was designed to establish federal inter-agency coordination of all Indian education, including research, and regional forums for state level coordination.
- ***PL 107-110 Indian Education (2001)***: This law was reauthorized as Title VII, Part A of the No Child Left Behind Act. The formula grants were to be based upon the challenging state content standards and student academic achievement standards, used for all students. The grants were to assist Indian students in meeting those standards.
- ***President's Executive Order on American Indian and Alaska Native Education, No. 13336 (2004)***: This Executive Order was designed to assist American Indian and Alaska Native students in meeting the challenging student academic standards of the No Child Left Behind Act in a manner that is consistent with tribal traditions, languages, and cultures.

Indian Education Legislation and Executive Orders

(continued)

- *Esther Martinez Native American Languages Act, PL 109-394 (2006)*: This law provides for grants for Native language immersion schools, language nests, and language restoration programs.
- *Head Start Act (1965)*: The Head Start Act authorizes the Indian Head Start programs, which operate on 188 of the 562 federally recognized tribes.





Frequently Asked Questions about Indians

What is federal recognition?

- Federal recognition of an Indian tribe involves official acknowledgement by the U.S. of the political status of that tribe as a government. Members of a federally recognized tribe are eligible for federal programs designed to fulfill the federal “trust responsibility” to tribes, including those offered for Indian people by the Indian Health Services. The process of attaining federal recognition is long, complex, extremely difficult, and does not necessarily guarantee success.

What is the trust responsibility?

- The federal trust responsibility derives from the fiduciary relationship between the U.S. and Indian tribes, which has been likened in court cases to the relationship between a trustee and a beneficiary. Since the U.S. holds the vast majority of Indian lands, money, and resources in “trust” status, it is required to manage those lands and resources in a manner most beneficial to the tribes and individual Indian people.

• *What is the government-to-government relationship?*

The government-to-government relationship between Indian tribal governments and the U.S. government has existed since the formation of the U.S. and has been reaffirmed by every president since Richard Nixon. The U.S. government and all of the executive agencies historically dealt and continue to deal with Indian tribes not as special interest groups or individuals, but as they treat the states—as governments.

Frequently Asked Questions about Indians

(continued)

- ***What is tribal sovereignty?***

Prior to the arrival of Europeans, Indian tribes enjoyed all the rights of any sovereign power within their territories. Through the course of European expansion and the establishment of the U.S., those powers have been partially diminished. Notably, however, in almost every case, if Congress has not acted expressly to diminish the sovereign power of a tribe, than the tribe retains that power. Congress also may expressly reaffirm inherent powers of tribes and has done so in recognizing certain powers of tribes in environmental statutes. Today, tribes have substantial power to regulate tribal land, taxes, zoning, resources, and the conduct of tribal members. Tribes also retain power, in certain situations, to regulate the conduct of nonmembers, including non-Indians, although the jurisdictional boundary has been subject to substantial adjustment in recent federal court cases and remains one of the most litigated areas in federal Indian law.

- ***What is meant by self-determination and self-governance?***

First developed under President Nixon in consultation with Indian tribal leaders, the Indian Self-Determination and Education Assistance Act was signed by President Ford in 1975. This act promotes the contracting by Indian tribes of federal programs enacted for the benefit of Indian people. As a result, for the past 25 years, tribes have been contracting to operate programs directly at the tribal level. More recently, self-governance policies have been enacted enabling tribes to enter into one agreement with the Department of the Interior to manage and redesign BIA and with the Department of Health and Human Services with regard to Indian Health Service programs, rather than to enter into separate contracts for each program.

Frequently Asked Questions about Indians

(continued)

- *Does the federal government pay all expenses—health care, housing, and college tuition—for individual Indians?*

In general, no. The federal government provides basic health care for all Indian people through the Indian Health Service. Unfortunately, these health programs have been inadequately funded for many decades, and Indian people have the worst health status of any group in the country as a result. The Department of Housing and Urban Development provides some housing on Indian reservations, but Indians have the highest rate of homelessness and overcrowding. The federal government provides some educational assistance to tribal colleges, but higher education generally is not provided and remains beyond the reach of most Indian people.

- *Does the federal government pay for Indian education?*

There are approximately 600,000 American Indian and Alaska Native students attending K–12 programs in the U.S., 450,000 of these attend public schools, while 50,000 attend BIE-funded schools. Within the BIE school system—one of only two federally operated school systems—funding for Indian schools is the sole responsibility of the federal government, while both state and federal resources provide public school education funding. Local education agencies (LEAs) and their surrounding communities also have the ability to pass bond initiatives in order to build or repair local school buildings. Tribal and BIA schools, on the other hand, must rely on the federal government to ensure that their academic and construction needs are being met. A backlog of nearly \$1 billion in school construction and improvement needs as well as shortfalls in classroom and administration dollars speak to the need for increased federal commitment to support the BIE school system.

Frequently Asked Questions about Indians

(continued)

- ***What is the Tribal Colleges and Universities Movement?***

The first tribal college was established in 1968 in response to unmet higher education needs of American Indians. Tribal colleges and universities (TCUs) generally serve geographically isolated populations that have no other means of accessing education at the post-secondary level. As a result, they are essential in providing educational opportunities for American Indian students. TCUs provide higher education that is uniquely tribal. They strive to provide culturally relevant curricula, extended family support systems, and community educational services to overcome the socioeconomic challenges that face many American Indians.

Currently the 35 TCUs offer two-year associate degrees in more than 400 majors to nearly 30,000 students with six colleges offering baccalaureate degrees and two offering master's degrees. Additionally, approximately 180 vocational certificate programs are offered through tribal colleges.

The American Indian Higher Education Consortium (AIHEC) serves as the collective and unifying voice of the 35 colleges and universities. AIHEC provides leadership and influences public policy on American Indian higher education issues through advocacy, research, and program initiatives; promotes and strengthens indigenous languages, cultures, communities, and tribal nations; and through its unique position, serves member institutions and emerging TCUs.

Native Organizations to Know



National Indian Education Association

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(202) 544-7290 phone
www.niea.org

United South and Eastern Tribes, Inc.

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Nashville, TN 37214
(615) 872-7900 phone
www.usetinc.org

American Indian Higher Education Consortium

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(703) 838-0400 phone
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www.aihec.org

National Congress of American Indians

1301 Connecticut Ave, NW, Suite 200
Washington, DC 20036
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National Indian Head Start Directors Association (NIHSDA)

P. O. Box 6058
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National Indian Impacted Schools Association

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Native Organizations to Know

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Notes





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