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## Indian Education: Maintaining Tribal Sovereignty Through Native American Culture and Language Preservation

Nizhone Meza

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# INDIAN EDUCATION: MAINTAINING TRIBAL SOVEREIGNTY THROUGH NATIVE AMERICAN CULTURE AND LANGUAGE PRESERVATION

## I. INTRODUCTION

The United States government has attempted to accommodate, assimilate, and terminate the Indian since declaring its Independence.<sup>1</sup> Indian Education Policy was no different as it duplicated the general Federal Indian Policy making an indirect substantial impact on tribal sovereignty. This impact is felt today as traditional Native American languages are becoming extinct, and the future tribal leaders are struggling to perform on comparable levels with mainstream American students. Tribal sovereignty at its core is threatened by the upcoming generation of future leaders not knowing their traditional culture or language. Preserving Native American culture and language will not only improve the individual Native American student's success, but culture and language preservation will also preserve tribal sovereignty.

Part II of this Comment provides the background of Indian Education and its roots in general Federal Indian Policy. Part III looks at current Indian Education policy in terms of current federal legislation that attempts to remedy the effects of the assimilation period and policy. Part IV describes the current state of Indian Education, specifically as it relates to Native American student performance. Part V explores current proposals to both federal and state education policy that may aid in supporting tribal sovereignty through Indian Education, and Part VI concludes.

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<sup>1</sup> "Even before this country was a nation, the insensitive precedent had been cast to destroy Indian culture and tribal integrity by removing Indian children from their families and tribal setting." Manuel P. Guerrero, *Indian Child Welfare Act of 1978: A Response to the Threat to Indian Culture Caused by Foster and Adoptive Placements of Indian Children*, 7 AM. INDIAN L. REV. 51 (1979).

## II. INDIAN EDUCATION POLICY BACKGROUND

To understand the historical roots of Indian education, one must first understand the historical perspective of early Federal Indian policy. Much of the country's sentiment concerning the Indians is conveyed in the following excerpt:

A great general has said that the only good Indian is a dead one, and that high sanction of his destruction has been an enormous factor in promoting Indian massacres. In a sense, I agree with the sentiment, but only in this: that all the Indian there is in the race should be dead. Kill the Indian in him, and save the man.<sup>2</sup>

The purpose of Indian policy was civilization.<sup>3</sup> Early colonial laws and treaties soon contained provisions that included education.<sup>4</sup> Early treaties provided for farming and occupational instruction, while later treaties stipulated that children should be compelled to attend school.<sup>5</sup> The goal of early Federal Indian policy for Indian education was "to rescue [the Indian] from their troubled lifestyle."<sup>6</sup> During this assimilation period, there were three main priorities that emerged in Indian education:<sup>7</sup> "Those priorities were to teach the Indians to (1) read, write, and speak in English; (2) to encourage individual identity as opposed to tribal identity of Indian children by teaching them how to work and understand the possession of private property; and (3) to teach them Christianity."<sup>8</sup>

Boarding schools were established off reservation resulting in the removal of Indian children from their families, homelands, and tribes. Boarding schools were an attempt to

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<sup>2</sup> COHEN'S HANDBOOK OF FEDERAL INDIAN LAW § 1.04, at 76 (Nell Jessup Newton ed., 2012) (citing Richard H. Pratt, *The Advantages of Mingling Indians with Whites, in AMERICANIZING THE AMERICAN INDIANS: WRITINGS BY THE "FRIENDS OF THE INDIAN" 1880-1900, 260-61* (University of Nebraska Press 1973)) [hereinafter COHEN'S HANDBOOK].

<sup>3</sup> See generally *id.*

<sup>4</sup> *Id.* § 22.03[1][a], at 1396.

<sup>5</sup> *Id.* at 1396 n.4 (citing Treaty with the Eastern Band Shoshoni and Bannock art. 7, 1868, 15 Stat. 673; Treaty with the Navajo, U.S.-Navajo, art. 6, 1868, 15 Stat. 667 ("[P]roviding that the tribes will compel their children to attend school and ordering Indian agent to ensure strict compliance with stipulation.")).

<sup>6</sup> Aaron J. Stewart, *Acting for the Left Behind: How the Native Class Act Could Close the Gaps in American Indian Education*, 36 AM. INDIAN L. REV. 347, 350 (2012).

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

“Kill the Indian, save the [child]”<sup>9</sup> by taking Indian children from their families and communities and teaching them how not to be savage so they could fit into mainstream society as civilized beings. Educators believed that if children were no longer influenced by their parents and families, the children could be pushed “toward assimilation into American culture.”<sup>10</sup>

Early boarding schools “provided vocational and manual training and sought to systematically strip away tribal culture. They insisted that students drop their Indian names, forbade the speaking of native languages, and cut off their long hair.”<sup>11</sup> This idea is illustrated in Sherman Alexie’s *The Absolutely True Diary of a Part-time Indian* through an exchange between a teacher on the reservation and his tribal student:

When I first started teaching here, that’s what we did to the rowdy ones, you know? We beat them. That’s how we were taught to teach you. We were supposed to kill the Indian to save the child.

You *killed* Indians?

No, no, it’s just a saying. I didn’t literally kill Indians. We were supposed to make you give up being Indian. Your songs and stories and language and dancing. Everything. We weren’t trying to kill Indian people. We were trying to kill Indian culture.<sup>12</sup>

During the assimilation era, there was a strong belief that native “languages must be wholly eradicated.”<sup>13</sup> The Bureau of Indian Affairs policy was to encourage the abandonment of native languages by compelling students “to converse with each other in English,”<sup>14</sup> and students “should be properly rebuked or punished for persistent violation of this rule.”<sup>15</sup> Such policies led to the extinction of many native languages with many more on the brink of extinction “as those fluent in native language age and die.”<sup>16</sup> The extinction of native languages also has an

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<sup>9</sup> COHEN’S HANDBOOK, *supra* note 2, § 1.04, at 76.

<sup>10</sup> Stewart, *supra* note 6, at 350.

<sup>11</sup> Pratt, *supra* note 2.

<sup>12</sup> SHERMAN ALEXIE, *THE ABSOLUTELY TRUE DIARY OF A PART-TIME INDIAN* 35 (2007).

<sup>13</sup> COHEN’S HANDBOOK, *supra* note 2, § 22.03[1](a), at 1399.

<sup>14</sup> *Id.* § 22.03[4], at 1414 (quoting U.S. COMM’R OF INDIAN AFFAIRS, Ann. Rep., at CLI (GPO 1890)).

<sup>15</sup> *Id.*

<sup>16</sup> *Id.* (“By 2000, only 28% of people identifying as American Indian or Alaska Native reported speaking a Native language in their homes. . . . As of 1990, although

effect on tribal sovereignty as “native cultures begin to die with [the language].”<sup>17</sup>

The Association of American Indian Affairs conducted studies that found that federal boarding schools and dormitory programs contained “more than 17 percent of school age Native American children” with the Bureau of Indian Affairs schools holding 60 percent of those children.<sup>18</sup>

### III. CURRENT FEDERAL INDIAN EDUCATION POLICY

Although there are provisions regarding Indian education in over 150 treaties between tribes and the United States,<sup>19</sup> there are differing opinions, not explored in this Comment, on the extent and even on the existence of the United States’ legal responsibility for Indian education.<sup>20</sup> And while the Supreme Court has continually upheld the unique trust responsibility to the tribes as “domestic dependent nations,”<sup>21</sup> it is Congress and the Executive Branch that have agreed “that the federal government has a special responsibility for the education of Indian peoples.”<sup>22</sup> In fact, not only has Congress included Indian education in bills such as the Indian Self-Determination and Education Assistance Act and specific provisions in the No Child Left Behind Act, but also “Congress has codified this responsibility more explicitly in the Native American Education Improvement Act.”<sup>23</sup>

#### A. *Indian Education Act of 1972*

The Indian Education Act addressed the special educational and cultural needs of American Indian and Alaska Native

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over 150 Native languages were still spoken in homes, the vast majority were spoken by fewer than 1,000 people, and one-third by fewer than 100.” *Id.* at 1414 n.158 (citations omitted)).

<sup>17</sup> *Id.*

<sup>18</sup> *Id.* § 1.04, at 76.

<sup>19</sup> *Id.* § 22.03[1](a), at 1396.

<sup>20</sup> *Id.* § 22.03[1](b), at 1399.

<sup>21</sup> *Cherokee Nation v. Georgia*, 30 U.S. 1, 17 (1931) (holding that Indian tribes are “domestic dependent nations” whose “relation resembles that of a ward to his guardian,” and the federal government has certain obligations toward tribes); *Worcester v. Georgia*, 31 U.S. 515, 555 (1832) (interpreting the Treaty of Holston as a “nation claiming and receiving protection of one more powerful . . .” and acknowledging tribes as distinct political communities).

<sup>22</sup> COHEN’S HANDBOOK, *supra* note 2, at 1399 n.26.

<sup>23</sup> *Id.* at 1399 (citing 25 U.S.C. § 2000).

students through the Department of Education. The Act created the National Advisory Council.<sup>24</sup> It was also the source of funding for “research activities and various discretionary programs” and “‘basic’ funding to public school districts, tribes, and Bureau-funded schools based on eligible student enrollment.”<sup>25</sup> A wide variety of programs could use the basic funding as long as the program addressed “the culturally related academic needs of Indian children, promot[ed] high educational standards, included student performance goals and was developed with the active involvement of the Indian community and approved by a committee selected by Indian parents and students.”<sup>26</sup>

*B. No Child Left Behind—Title VII: Indian Education*

In 2001, the Elementary and Secondary Education Act was reauthorized as the No Child Left Behind Act (NCLB).<sup>27</sup> The Statement of Policy and Purpose of Title VII of NCLB, or Indian Education, was amended to read as follows:

Sec. 7101. Statement of Policy. 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. The Federal Government will continue to . . . ensur[e] that programs that serve Indian children are of the highest quality and provide for not only the basic elementary and secondary education needs, but also the unique educational and *culturally related* academic needs of these children.

Sec. 7102. Purpose. (a) Purpose – It is the purpose . . . to support the efforts . . . to meet the unique educational and *culturally related* academic needs of American Indian and Alaska Native students, so that such students can meet the same challenging State student academic achievement standards as all other students are expected to meet.<sup>28</sup>

Title VII of NCLB provides funding for research,

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<sup>24</sup> *Id.* (citing 20 U.S.C. 7471).

<sup>25</sup> *Id.*

<sup>26</sup> *Id.* (citing 20 U.S.C. §§ 7424–7425).

<sup>27</sup> No Child Left Behind Act of 2001, Pub. L. No. 107-110, 115 Stat. 1425 (codified as amended at 20 U.S.C. §§ 6301 et. al. (2012)), available at <http://www2.ed.gov/policy/elsec/leg/esea02/107-110.pdf>; see generally Cohen’s Handbook, *supra* note 2, § 22.03[3][b] at 1412.

<sup>28</sup> 20 U.S.C. §§ 7401 et seq. (emphasis added).

evaluation, data collection, technical assistance as well as direct assistance for programs that meet the unique educational and culturally related academic needs of American Indian and Alaska Natives.<sup>29</sup> Title VII also provides for the training of Indian persons as educators, counselors, and other professionals serving Indian people.<sup>30</sup>

In 2013, House Republicans attempted to bring a partisan bill to the Elementary and Secondary Education Act HR 5 that would have consolidated federal funds designated for special populations.<sup>31</sup> This was met with some resistance and Congresswoman McCollum issued the following statement:

I object in the strongest terms to this abandonment of our federal trust responsibility to Native American youth. Students throughout Indian Country are already bearing the brunt of sequestrations cuts to education. Now this partisan bill would strip away the guaranteed funding and the crucial academic and cultural supports that Native students need.<sup>32</sup>

Subsequently, the House voted to pass the Young-Gabbard-Hanabusa-McCollum Amendment to the Student Success Act which not only restored funding for students throughout Indian Country, but illustrated “the recognized need for the federal government to live up to its trust responsibility for our Native students by guaranteeing the funding needed to provide high quality culturally appropriate education.”<sup>33</sup>

### C. *The Native American Languages Act*

In stark contrast to the assimilation period, the Native American Languages Act<sup>34</sup> “specifically recognizes the

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<sup>29</sup> 20 U.S.C. § 7102(b)(1)–(4).

<sup>30</sup> *Id.*

<sup>31</sup> Levi Rickert, *House Republicans Attempt to Dismantle Vital Education Funding to Indian Country*, NATIVE NEWS NETWORK (July 18, 2013, 12:10 PM), <http://www.nativenewsnetwork.com/house-republicans-attempt-to-dismantle-vital-education-funding-to-indian-country.html>.

<sup>32</sup> *Id.*

<sup>33</sup> *US House Votes to Keep Indian Education – Title VII – Funding Intact*, Native News Network (July 20, 2013, 7:20 AM), <http://www.nativenewsnetwork.com/US-house-votes-to-keep-indian-education-funding-intact>.

<sup>34</sup> The text reads:

The Congress finds that—

(1) the status of the cultures and languages of Native Americans is unique and the United States has the responsibility to act together with Native Americans to ensure the survival of these unique cultures and languages;

importance of indigenous language, including Native Hawaiian and Native Pacific Islander languages, and the policy of the United States to work with native communities to ensure their survival.”<sup>35</sup> It has been noted that native language programs may be necessarily incorporated to ensure student achievement. This realization comes after generations of children have been denied an appropriate education due to the failure of addressing the needs of native speakers.<sup>36</sup> The Act recognized official Native American government languages as well as the rights of tribes “to use native languages as a medium of instruction.”<sup>37</sup> The purpose of the Act was not only to ensure equal access to education, but its purpose was also “to support indigenous language survival, cultural awareness, and student success and self-confidence.”<sup>38</sup> The Act encouraged “teaching native languages in the same manner, and with the same status, as foreign languages.”<sup>39</sup>

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(2) special status is accorded Native Americans in the United States, a status that recognizes distinct cultural and political rights, including the right to continue separate identities;

(3) the traditional languages of Native Americans are an integral part of their cultures and identities and form the basic medium for the transmission, and thus survival, of Native American cultures, literatures, histories, religions, political institutions, and values;

(4) there is a widespread practice of treating Native Americans languages as if they were anachronisms;

(5) there is a lack of clear, comprehensive, and consistent Federal policy on treatment of Native American languages which has often resulted in acts of suppression and extermination of Native American languages and cultures;

(6) there is convincing evidence that student achievement and performance, community and school pride, and educational opportunity is clearly and directly tied to respect for, and support of, the first language of the child or student;

(7) it is clearly in the interests of the United States, individual States, and territories to encourage the full academic and human potential achievements of all students and citizens and to take steps to realize these ends;

(8) acts of suppression and extermination directed against Native American languages and cultures are in conflict with the United States policy of self-determination for Native Americans;

(9) languages are the means of communication for the full range of human experiences and are critical to the survival of cultural and political integrity of any people; and

(10) language provides a direct and powerful means of promoting international communication by people who share languages.

25 U.S.C. § 2901 (1990).

<sup>35</sup> COHEN’S HANDBOOK, *supra* note 2, at 1415 (noting that there has only been one court to consider a claim under the Act which held “that most of the Act did not create enforceable rights.”).

<sup>36</sup> *Id.*

<sup>37</sup> *Id.*

<sup>38</sup> *Id.* (citing 25 U.S.C. § 2903(3)).

<sup>39</sup> *Id.* (citing 25 U.S.C. § 2903(8)).



Amendments to the Native American Programs Act in 2006 “authorized funding for immersion programs and other programs designed to restore native languages as living languages, by funding ‘Native American language nests’ for children under the age of seven, ‘Native American language survival schools’ for school age students, and restoration programs, including native language and culture camps.”<sup>40</sup>

#### IV. CURRENT STATE OF INDIAN EDUCATION

Native American students continue to perform at a much lower rate than the general population.<sup>41</sup> It is estimated that 81 percent of Indian students read below grade level.<sup>42</sup> In 2005, it was estimated that only 50.6 percent of Native American students graduated from high school.<sup>43</sup> Furthermore, American Indians and Alaska Native students have significantly lower than average scores “on both the math and verbal portions of the Scholastic Aptitude Test (SAT)” and are the least likely ethnic group to attend college.<sup>44</sup>

American Indian Education policy can no longer be limited to the federal level. The 2010 Census revealed that about 70 percent of the American Indian and Alaska Native population now live in metropolitan areas.<sup>45</sup> About 90 percent of all American Indian and Alaska Native students attend regular public schools with only 7 percent attending schools administered by the United States Bureau of Indian Affairs.<sup>46</sup>

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<sup>40</sup> *Id.* at 1415–16 (citing 42 U.S.C. § 2991b–3(b)(7)).

<sup>41</sup> *Latest Education Week Report: We Must Do Better for Native Youth*, NATIVE NEWS NETWORK (June 7, 2013), <http://adambeachfoundation.org/jun-7-latest-education-week-report-we-must-do-better-for-native-youth-nativenewsnetwork/>.

<sup>42</sup> Jason Amos, *National Indian Education Study: Fewer than One in Five American Indian and Alaska Native Eighth Graders Read At or Above Grade Level*, ALLIANCE FOR EXCELLENT EDUCATION (May 19, 2008), <http://all4ed.org/articles/national-indian-education-study-fewer-than-one-in-five-american-indian-and-alaska-native-eighth-graders-read-at-or-above-grade-level/>.

<sup>43</sup> *American Indian and Alaska Native Students and U.S. High Schools*, ALLIANCE FOR EXCELLENT EDUCATION (Nov. 28, 2008), <http://all4ed.org/reports-factsheets/american-indian-and-alaska-native-students-and-u-s-high-schools/> [hereinafter ALLIANCE].

<sup>44</sup> Alison McKinney Brown, *Native American Education: A System in Need of Reform*, 2 KAN. J.L. & PUB. POL’Y 105, 105 (1993).

<sup>45</sup> Timothy Williams, *Quietly Indians Reshape Cities and Reservations*, N.Y. TIMES, April 13, 2013, [http://www.nytimes.com/2013/04/14/us/as-american-indians-move-to-cities-old-and-new-challenges-follow.html?pagewanted=all&\\_r=0](http://www.nytimes.com/2013/04/14/us/as-american-indians-move-to-cities-old-and-new-challenges-follow.html?pagewanted=all&_r=0).

<sup>46</sup> ALLIANCE, *supra* note 43.

As a result, state education policy impacts the education of Native American and Alaska Native students more than federal policy. The influence of United States Indian Education policy on the independent sovereign states is limited and dependent on each individual state and its state school board's understanding of federal funds that are intended to benefit the American Indian and Alaska Native student. As a result, there are sporadic effects on Indian education.

Tribal sovereignty is indirectly being affected by the education of the future generation. There are an estimated 209 indigenous languages still spoken in America with 562 recognized sovereign tribal nations in the United States.<sup>47</sup> A recent survey<sup>48</sup> by the National Indian Education Study (NIES) showed that a higher percentage of students at Bureau of Indian Education (BIE) schools reported having more knowledge of their American Indian/Alaska Native history than in low-density public schools.<sup>49</sup> Children are the tribes' most vital resource to tribal sovereignty, but without student success in education and the foundational knowledge of culture and language, tribal governments may be left ill prepared.

## V. THE FUTURE OF INDIAN EDUCATION

The future of Indian Education remains unknown. However, the preservation of culture and language is beginning to be recognized federally and by a few states as an indirect means to improve the state of Indian Education. Proposed federal legislation includes financial support for preserving American Indian cultures and languages. State support varies between individual states as well as discrepancies of program implementation among individual school districts within the same state. When all major players influencing the education

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<sup>47</sup> *Id.*

<sup>48</sup> Results were separated "for three mutually exclusive categories based on the type of school and proportions of AI/AN students: low density public schools [where] less than 25 percent of the student body is AI/AN; high density public schools [where] 25 percent or more of the students are AI/AN; [and] . . . (BIE) schools [that] serve AI/AN students almost exclusively." *National Assessment of Educational Progress: National Indian Education Study*, NATIONAL CENTER FOR EDUCATION STATISTICS, [http://nces.ed.gov/nationsreportcard/nies/nies\\_2011/survey\\_sum.aspx](http://nces.ed.gov/nationsreportcard/nies/nies_2011/survey_sum.aspx) (last visited Sept. 18, 2014).

<sup>49</sup> See National Center for Education Statistics (2012), *National Indian Education Study 2011* (NCES 2012-466) Institute of Education Sciences, U.S. DEPARTMENT OF EDUCATION available at <http://nces.ed.gov/nationsreportcard/nies>.

of Native American students work together, the state of Indian education has the potential to make a dramatic turn.

### A. *Continued Support for Culture and Language Preservation*

#### 1. *H.R. 5 – Student Success Act*

The recently proposed Student Success Act contains many provisions that indirectly preserve tribal sovereignty by restoring traditional culture and language to Indian Education. The bill would revise the current Title VII Indian Education program and consolidate federal funds designated for special populations.<sup>50</sup> The Student Success Act would add activities that could be supported by grants such as Native American language immersion programs and Native American language restoration programs.<sup>51</sup> However, the pending Student Success Act has garnered mixed reactions. While the House passed the bill with amendments, H.R. 5 only has a 20 percent chance of passing the Senate.<sup>52</sup> As of the date of this publication, the bill remains in Senate Committee.<sup>53</sup>

#### 2. *BUILD Act*

The Building upon Unique Indian Learning and Development Act (BUILD) would expand programs for Native American schools to encourage learning in the children's Native language and culture and would direct the Comptroller General to conduct research on culture and language to identify the factors that improve education and health outcomes.<sup>54</sup>

### B. *Encourage State Support of Culture and Language Preservation*

With the growing urban population of Native American students subject to state regulations and local school boards, the responsibility for Indian Education no longer lies solely

<sup>50</sup> H.R. Res. 303, 114th Cong. (2013) *available at* <https://www.govtrack.us/congress/bills/113/hr>.

<sup>51</sup> *Id.*

<sup>52</sup> *Id.*

<sup>53</sup> H.R. 5, 113th Cong. (2013) *available at* <https://www.govtrack.us/congress/bills/113/hr5>.

<sup>54</sup> S. 1131, 113th Cong. (2013) *available at* <https://www.govtrack.us/congress/bills/113/hr5>.

with the federal government.<sup>55</sup> States and local entities carry a responsibility for the education of Native American students.<sup>56</sup> In *Meyers v. Board of Education*, a U.S. District Court concluded “that each of the governmental entities involved . . . has an obligation to see that the [Native American students] receive appropriate educational opportunities.”<sup>57</sup> Arguably, this includes providing educational opportunities that meet the unique needs of Native American students including aspects of traditional culture and language.

### 1. *Cultural Awareness*

#### a. *General curriculum.*

The general curriculum should include the historical perspective of the American Indians.<sup>58</sup> Success stories of prominent American Indian figures should be acknowledged and celebrated. American Indian students should be able to stand tall and be proud of their culture, language and heritage. All students should know that American Indians are not historical artifacts or just figures of the past but are contributing members of society today.

#### b. *Implementation of Title VII programs.*

Title VII Indian Education programs should be implemented in all public schools serving Native American students. Such programs build a student’s cultural foundation and connections to the tribe, thereby preserving the tribe’s most vital resource and ultimately, tribal sovereignty. Public school districts are not required to have Title VII Indian Education programs because such programs run on federal grants. However, such programs can have a profound impact in the lives of students that not only contribute to student educational success but preserve a student’s connection to his

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<sup>55</sup> *Meyers v. Bd. of Educ.*, 905 F. Supp. 1544, 1564 (1995) (“[T]he court concludes that Congress did not intend the federal government to be the sole provider of Indian education, nor did it intend federal law to preempt state and local obligations to provide educational services for Native Americans.”).

<sup>56</sup> *Id.*

<sup>57</sup> *Id.*

<sup>58</sup> *Indian Education Forum-Student Success*, UTAH STATE OFFICE OF EDUCATION: INDIAN EDUCATION, <http://www.uen.org/indianed/teacherresources/forum.shtml> (last visited Sept. 18, 2014).

culture and his tribe.

An example of this impact comes from the small community of Spanish Fork, Utah. The high school graduation rate for Native American students in the district was only 37 percent in 1998.<sup>59</sup> It was noted that students were unsure of society and because “their cultural influence was no longer part of the classroom, Native American students felt out of place.”<sup>60</sup> The high school’s American Indian student graduation rate has tripled since the implementation of the Title VII Indian Education program by the district.<sup>61</sup> Traditional songs and dances helped students remember where they came from as they discovered who they were.<sup>62</sup> The graduation rate climbed to 92 percent within four years and has not dropped below 80 percent since then.<sup>63</sup> Students were able to transcend expectations by making connections from their heritage to the lessons in their textbooks.<sup>64</sup>

## 2. *Language Preservation*

There are a few states that have recognized the importance of the tribal sovereigns within their borders and have enacted legislation that supports cultural and language preservation. One impressive example of state legislation concerning the preservation of Native American culture is Montana’s Indian Education for All.<sup>65</sup> “The Indian Education for All is Montana’s constitutionally required program that teaches Native American culture in classes throughout the public school system.”<sup>66</sup> Additionally, in 2013, a bill that preserves Montana’s several Native American languages was approved in the Senate and headed to the House. It was noted that for some tribes in Montana, there were “only a few remaining speakers

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<sup>59</sup> *Id.*

<sup>60</sup> *Id.*

<sup>61</sup> Devon Dolan, *Community Increases High School’s Graduation Rate to 92 Percent*, KSL.COM (Feb. 20, 2014, 10:41 PM), <http://www.ksl.com/?nid=148&sid=28791198#Alkw39LVMAOYp6qE.01>.

<sup>62</sup> *Id.*

<sup>63</sup> *Id.*

<sup>64</sup> *Id.*

<sup>65</sup> Mike Dennison, *Senate Advances Bill to Help Preserve Native American Languages*, INDEPENDENT RECORD (Feb. 27, 2013, 7:50 PM), [http://helenair.com/news/legislature/senate-advances-bill-to-help-preserve-native-american-languages/article\\_9dce6bc6-8151-11e2-a9f9-001a4bcf887a.html](http://helenair.com/news/legislature/senate-advances-bill-to-help-preserve-native-american-languages/article_9dce6bc6-8151-11e2-a9f9-001a4bcf887a.html).

<sup>66</sup> *Id.*

of their native tongues.”<sup>67</sup> The bill and funding for this pilot program was approved and taken from the Indian Education for All budget with a hope that future funding would be from the general state treasury.<sup>68</sup> The pilot program provides funding for the tribes to “develop writings, audio-visual programs, story-telling, language classes and other language-preservation steps . . . .”<sup>69</sup> One lawmaker who participated in an Indian language class said, “It was amazing for me to learn about how the happiness and health of the people within [an Indian tribe were] directly correlated to the tribe knowing their history and their language.”<sup>70</sup>

The foreign language requirement for many schools is an opportunity for students to learn a different language. For the Native American student, it could be an opportunity to connect to the past and cultural roots of who they are. Connecting to the past helps propel individuals into the future with a vision of who they can become. Building students’ self-confidence and self-esteem would result by allowing Native languages to meet the foreign language requirement. North Carolina recently passed a bill that allows the Cherokee language to satisfy its state-mandated high school foreign language requirements.<sup>71</sup> The mere fact that Native Languages are important enough to count as a graduation requirement builds the view of the importance of the Native culture and therefore builds the individual student’s identity. Many more states should seriously consider following North Carolina’s example by allowing Native languages to meet the foreign language requirement for high school graduation.

## VI. CONCLUSION

Indian Education has evolved over the years with legislation impacting a variety of issues. Tribal sovereignty is often a forgotten aspect of Indian education policy. It is indirectly affected by tribes’ most vital resource to tribal

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<sup>67</sup> *Id.*

<sup>68</sup> *Id.*

<sup>69</sup> *Id.*

<sup>70</sup> *Id.*

<sup>71</sup> *Language Bill Praised by Chief of the Eastern Band of Cherokee Indians*, NATIVE NEWS NETWORK (July 19, 2013), <http://nativenewsnetwork.com/language-bill-praised-by-chief>.

sovereignty: their children. When students lack the foundational knowledge of culture and language and find little success in education, tribal governments may ultimately be left suffering the consequences, which could dramatically impact tribal sovereignty at its very core. Without leaders who know their traditional culture or language, tribal heritage and civilization is lost. Native American culture and language preservation will not only improve individual student success but will help preserve tribal sovereignty.

*Nizhone Meza*