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State-Tribal Relations Committee
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LANGUAGE IMMERSION CHARTER SCHOOLS ON RESERVATIONS AND POTENTIAL IMPACTS ON STUDENT OUTCOMES

During the 2015 – 2016 interim, the STRC looked at language immersion charter schools on reservations and their potential impacts on student outcomes. In this paper, I recap a presentation I made to the STRC at its July 2016 meeting in Helena. In the 2015 - 2016 school year, American Indians comprised about 6.6% of the state's population and 14% of Montana's K-12 enrollment.

OPI says there are 42 public school districts serving Montana's seven reservations and most have elementary, middle, and high schools. Those schools are located on public lands within reservation boundaries.

Looking at enrollment figures, you see the highest percentage of Indian students served by public schools in counties in which reservations are located. With the exception of Cascade and Lewis and Clark Counties. Cascade County, where the Little Shell Chippewa Tribe is headquartered, serves about 6.8% of the Indian students in Montana. Lewis and Clark County serves 2.4%.

In addition to public schools: there are 2 tribally-controlled BIE schools in Busby and Pablo. There are a handful of parochial schools on the Northern Cheyenne, Crow, Flathead, and Fort Peck Reservations. There are also two private immersion schools in Harlem and Arlee.

Regarding charter schools, there is no state charter school law in Montana. However, by administrative rule, schools may seek accreditation variances to create a charter school. The requirements are laid out in 10.55.604(11), ARM.

The first two charter programs were approved under this rule by the Board of Public Education in May 2016: the Bridger Charter Academy in Bozeman and the Lincoln County Vocational School of Innovation, serving students from Libby and Troy.

The rule requires these charters to be under the supervision and control of a locally elected board of trustees in an existing school district. This is different than a "traditional" charter school structure. Typically a charter school is publically-funded but governed by its own school board, not the local district board.

In addition to having its own board, a charter school has something called an authorizer (some states call it a sponsor). The primary purpose of an authorizer is to provide oversight to the charter school and enforce financial and academic accountability. Authorizers often oversee a number of charter schools. A state's charter school statute defines what kind of institutions can serve as charter authorizers – examples are the state department of education, local school districts, higher education institutions, non-profit organizations, and in some states there is a statewide authorizing board that is independent from the state department of education.

The authorizer is the entity that allows the charter school to operate. The charter school's board submits an application and, if approved, signs a contract with the authorizer that includes a number of provisions, including a defined number of years before the contract must be renewed and usually specific performance benchmarks that the charter school promises to meet within that timeframe.

When the contract expires, the charter school must submit an application to the authorizer to renew the contract. If the application is denied the school closes. If the renewal is approved then a new contract with new benchmarks and length of time is signed. This process repeats each time the contract expires.

The first charter schools in the country were created more than 20 years ago. According to the National Alliance for Public Charter Schools, there are now more than 6,700 charter schools in 42 states and the District of Columbia, serving nearly 3 million children.¹

Nationally, 67% of charter schools are nonprofit, single site schools. Twenty-percent are run by nonprofits with more than one school. Just under 13% are run by for profit companies.

In 1995, Congress imposed a moratorium that prohibits the opening of new Bureau of Indian Education (BIE) operated schools or the expansion of grade levels in existing BIE schools. Charter schools have been used as an alternative in some places.

According to the National Conference of State Legislatures, there are two ways states approach charter schools on reservations. Most commonly, charter schools open under a traditional charter school authorizer. This approach allows the charter school to have a governing board comprised of members affiliated with a specific tribe even though the authorizer may or may not be affiliated with a tribe.

For instance, in Michigan, where it's common for institutions of higher education to authorize charter schools, [Bay Mills Community College](#), the state's only tribally-controlled community college, authorized its first two charter schools in 2001. It now authorizes 42. However, only one is on BIA land serving a majority American Indian population. The others are in cities serving predominately African-American students.

Another approach is to allow individual tribes to serve as a charter authorizer. Oklahoma is the only state that has done this.

In 2012, the Cherokee Nation became the first tribe to authorize a charter school.² It is an immersion school that began as a language preservation program more than a decade before. In 2013-2014, the school served more than 90 children in preschool through sixth grade. According to the school's Web site, lessons are taught from a Cherokee cultural perspective while addressing Oklahoma educational objectives.³

The total number of charter schools on reservations is unclear. Data compiled by the National Alliance for Public Charter Schools found 31 charters schools on 19 reservations in 9 states in 2010. At that time, this accounted for 23% of public schools on BIA lands in those nine states and 15% of public schools on BIA lands across all states.

Just under 2,500 students were enrolled in those charter schools. On 15 of the reservations, charter schools were the only available public school option.

The U.S. Department of Education's South Central Comprehensive Center in Oklahoma used to keep a list of reservation charter schools, but it's no longer current. Jacob Tsoitigh, the center's Indian Education Technical Assistance Coordinator, says by his count the number of charter schools on reservations has decreased by half since 2012 due to a loss of momentum, partly attributed to loss or change in leadership of the schools.

There used to be a Native American Alliance for Charter Schools in New Mexico, run by a former University professor, but the organization is now defunct.

¹ <http://www.publiccharters.org/get-the-facts/public-charter-schools/faqs/>

² NAPCS, Public Charter Schools Growing on Native American Reservations, August 2013.

³ <http://www.cherokee.org/Services/Education/ImmersionSchool.aspx>

Mr. Tsotigh says there is a new push to reinvigorate charter schools on reservations. The Walton Foundation, begun by the founders of Walmart, is funding a sovereign schools project. Also, the Native American Community Academy, a charter school in New Mexico, received a Department of Education grant to build a network of charter schools.

Regarding performance of charter schools on reservations, the 2010 analysis found 39% of charter schools on land administered by the Bureau of Indian Affairs made Adequate Yearly Progress. That's seven points higher than BIE schools but lower than other public schools. For comparison, in Montana in 2010, 73% of all public schools made adequate yearly progress.

In Montana, a 2013 study said there is a "profound and demonstrable gap" between the achievement of Indian and non-Indian students. The 2014 Montana American Indian student achievement data report found the special education rate for Indian students was 14.3% and for White students it was 10.9%.

The same report compares reading, math, and science proficiency scores on the state Criterion Reference Test for Indian and White students over a 5 year period and shows that Indian students underperformed their White peers every year by more than 20 percentage points in reading and more than 30 percentage points in math and science.

Testing data from the two tribally-controlled BIE schools in Busby and Pablo during the 2011-2012 school year show students in those schools fall far behind their Indian peers in Montana's public schools and their White peers.

So how do we turn this around and can charter schools help?

The reports reviewed in preparation for the July 2016 meeting, and the information heard this interim about language preservation and immersion programs, indicate that tapping into the strengths of Indian language and culture show potential to bolster student engagement in school and improve learning and outcomes.

A professor at Arizona State University says what works to bring about success in school involves many components. He used an example of tribes with gaming who, as an incentive, withhold casino revenue payments to youth until they graduate from high school. The professor says it's motivating for some but for others it depends on the family and community and the value of education and how that's instilled in young people.⁴

In 2011, the National Indian Education Association commissioned a study by researchers at Harvard's Native American Program to look at whether continuity between Indian culture and school culture could positively influence educational outcomes. The NIEA said charter schools founded specifically to meet the educational needs of Indian students represent a potentially crucial point of intervention.

The researchers postulated that the schools could enable the assertion of tribal control, provide focus and priority to specific needs of Indian students and communities, allow for the integration of culture and language, and create opportunities for research of successful educational practices.⁵

The study looked at three charter schools on reservations in Florida, Wisconsin, and California. And found that while the schools differed in their demographics and teaching practices, they shared a broader vision of transformative community change. The schools serve as a means for mobilizing and empowering the local communities to assess their own needs and determine their own solutions. The researchers said this improves educational outcomes for the children and is a profound expression of self-determination and tribal sovereignty.⁶

⁴ National Charter School Resource Center, Charter Schools Offer Option for Aiding Native Education, July 2012 Newsletter.

⁵ Ewing, Eve L. and Meaghan E. Ferrick, For This Place, for These People: An Exploration of Best Practices Among Charter Schools Serving Native Students, page 6.

⁶ Ibid, page 61.

As the schools got up and running, they were shaped by the existing assets, interests, and desires of the community as well as the availability and parameters of their state's charter law, political stability within tribal government, existence of alliances with the local school district, and financial independence of the tribe.

The California school opened in 2005, serves grades 6 through 12 and had 42 students at the time of the study. The school's founder developed the idea while in graduate school and initiated conversations within the community, ultimately getting the support of the Yoruk Tribe. The school includes instruction in the Yurok language.

Instruction is setup very differently at the California school. Each student develops an individual learning plan and addresses the various performance standards at his or her own pace, guided by an advisor who oversees a group of students who are roughly the same age, called a cohort. The advisor also teaches a subject area, but is intended to be a consistent source of guidance for their assigned students. School staff say this effectively eliminated discipline issues because each student had a close bond with one consistent teacher.

The second school in Florida opened in 2007 as a result of a parent-directed effort and was designed as a partial language immersion program. It serves kindergarten through 8th grade with an enrollment of 261 at the time of the study. Two-thirds of its funding comes from the Seminole tribe and the remaining third from state grants.

Students and parents there say that having a school directly on the reservation makes attendance easier and provides better access for parent involvement. Instructionally, the school separates academic subjects and cultural curriculum. Students spend 90 minutes a day taking classes with tribal elders and community members who are employed directly by the tribe. In contrast, the academic teachers are led by the principal. None of them are enrolled tribal members, but each is given a crash course in Seminole culture, history, and tribal government. The lack of tribal members as academic teachers is not by choice, the school hopes to inspire future Indian educators.

The third school in Wisconsin is a full-language immersion school serving pre-K through fifth grade students. It is hosted within a BIE facility (pre-K through 12). It is funded mostly by private foundations and competitive grants with minimal support from the sponsoring public district.

Classes there are intergenerational with multiple grade-level students and a teacher, teaching aide, and first language tribal elder meeting together. The researchers found this creates a climate of mutual learning. The school also hosts a community language night every week where parents and tribal members can come learn Ojibwe.

After learning about each of the three schools, the researchers focused on their commonalities in their search for best practices.

- All had small schools and small class sizes.
- They had strong, visionary leaders and paid careful attention to leadership development and succession to ensure stability and consistency
- The schools are designed to be a cultural match to the contemporary community; they're focused not just on their cultural history but also their cultural evolution – they reflect the modern community.
- Successful intergovernmental relationships: the interaction of state law, the local district, and the tribal level. Of particular importance was the stability of the tribal government. A stable government has the potential to fund its own activities or collaborate with other governmental agencies instead of relying on federal or state funds that may undermine tribal control.
- All three schools established formal and informal alliances and relationships beyond their walls with parents, community, organizations, and elders. Formally, the schools carved out intentional space to encourage active parent and community involvement. At two schools, parents and community members are directly involved in decisionmaking and leadership positions. One has representation on the school board. At the other school, there is annual community construction of content standards and learning goals.
- Each school had a team of highly educated, passionate staff committed to the overarching purpose and vision of the school and advancing and honing their craft.

Part of the study's selection criteria for these three schools included performance. Initially the researchers searched for schools that performed as well or better than the same state or district-wide schools, but ultimately included schools that performed above average in one subject area even if they didn't fare well in another.

The California school had mixed performance results when compared with other Indian students in the local school district. The charter school students outperformed their Indian peers in the local district in English Language Arts, but underperformed in math. The same appears true when compared with statewide test results. However, the charter school's graduation rate was 100% according to the study. California as a whole was 67.2% according to the state department of education's website.

The school in Florida was the highest achiever. It had a 97% attendance rate and outperformed all other Indian students on the Florida Comprehensive Assessment Test. Looking at Florida's statewide test results, it appears the school outperformed everyone by at least three percentage points and in math, the school appeared to be ahead by 14 percentage points.

Like the California school, the school in Wisconsin had mixed results. It far outperformed its Indian student peers in the local district and in the state with a perfect score on the reading assessment. But the school's students lagged behind in math. Wisconsin's teachers credit their students' excellence in reading and writing with the deep conceptual knowledge of language and grammar nurtured by learning two languages.⁷

Changes in state testing and reporting requirements hampered efforts to see how the schools' performance holds up over time. Recent comparative data was not available or the available data was not apples to apples and conclusions couldn't be drawn.

Stepping away from the Harvard study, there is a group of charter schools in Hawaii that uses the concept of "education with Aloha", which aims to engage students with Native Hawaiian culture, language, history, and the local environment. The first school opened in 2000 and now there are more than a dozen.

Their founder says the schools have shown tremendous progress with students the state department of Education had not been able to move forward. She told the U.S. Senate Indian Affairs Committee that the charter schools' graduation rates were 10% higher than conventional schools. Eighty-percent of students met or exceeded proficiency in reading on the state assessment in 2009-2010. Math continued to be a concern, however.

The founder says compassion plays a critical role for students in the charter schools' culture, saying the students identified it as the primary change agent: an informal school structure based on caring and mutual respect.

Switching back to the Harvard study, researchers identified at least two challenges for the charter schools:

- Teacher recruitment. Training and grooming new teachers is challenging as the schools need educators with cultural knowledge and language fluency. At one of the schools, teachers are expected to provide an exceptionally high level of individualized instruction and to be involved with the community beyond school hours.
- Lack of a cohesive network between charter schools to share resources and engage in collaboration.

In a National Charter School Resource Center report, a Northern Michigan University professor says managing the administration of tribal charter schools can also be challenging due to the mix of federal, tribal, and state funding and the different regulations, policies, and cultures that come with them. He says educators from the outside may find it difficult to adapt to cultural differences and bridge historic distrust between tribal communities and non-Indian teachers.

Ultimately, the Harvard study seems to conclude that charter schools may be a double-edged sword for tribal communities. Charter schools offer local control and opportunities to assess individual needs and develop solutions but tribes may be beholden to the states and laws under which the charter schools are established, weakening their sovereignty.

In discussions among staff at LSD, the Office of Public Instruction, and the National Conference of State Legislatures, it seems tribes in Montana could establish their own charter schools now without a state charter law. However, the schools would not be eligible for state funding, which could be the crux of the question.

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⁷ Ibid, page 48