IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

NAVAJO NATION, a federally recognized Indian tribe, et al., Plaintiffs, v. **SAN JUAN COUNTY**, a Utah governmental subdivision, Defendant.	Civil No. 2:12-cv-00039-RS Judge Robert J. Shelby Magistrate Judge Dustin B. Pead

EXPERT WITNESS REPORT OF DR. DONNA DEYHLE

The Educational Experiences of American Indians in San Juan, Utah, County Schools

Research Results Summary

The examination of the historical relationships between Indian and white communities in San Juan County, Utah, revealed two clear patterns: 1). Disparities in access to schools between whites and Indians and 2). Historical patterns of resistance to providing schools for Indian students. Contemporary educational practices in San Juan School District also show disparities in San Juan School District's efforts to educate American Indians, such as: 1). Pushing out academically challenged American Indian students into dropping out of schools; 2).

Disproportionate punishing disciplinary actions against American Indian students; 3). Vocational tracking of American Indian students; 3). Limited access to educational services; 4). Remedial curriculum; 5).Remedial reading courses. 6). Racial conflict in classrooms and school. 7). The lack of academic achievement impacts civil participation, including voting. These practices by educators and administrators in San Juan School district disadvantages American Indian students and, in turn, depresses their civic participation in San Juan County.

Tension between Indian and white populations in San Juan County, and racism and discrimination were recurring themes that emerged in my interviews over the past 30 years with white and Indian peoples. Racial discrimination by the dominant white population of San Juan County has lessened American Indian participation in civic participation. Indian students didn't trust their teachers, even good teachers who deeply cared about their students. Teacher represented members of the dominant white community, a community that has actively controlled the economic, religious, and political lives of the Indian communities for over 100 years. Many Indian students spoke repeatedly about feelings that they were treated as weak and poor students simply because they were Indians.

Over three and one half decades, and different test instruments, similar patterns of racial conflict and a lack of achievement among American Indian students as a group are consistent in San Juan School District: extremely low academic levels of reading and math skills. This contributes to a higher than average dropout rate. Higher levels of educational attainment are correlated with higher engagement in civic activities, including voting. Youth who dropout of school are less likely to participate in civic activities and voting. Poor schooling experiences were reported by a large majority of American Indian youth in San Juan County's schools.

American Indian students' educational experiences—which resulted in low levels of attainments-- in San Juan School District prepared them poorly to be voting community members.

Qualifications and Report Questions and Outline

I am a resident of Salt Lake City, Salt Lake County, Utah. I have been employed for 31 years at the University of Utah in the College of Education and the Ethnic Studies Program. I am currently a Full Professor in the Department of Education, Culture, and Society. In 2002, I was awarded the George and Louise Award for a Distinguished Career in Educational Anthropology from the American Anthropological Association. In 2009, I was awarded the Distinguished Scholar for Diversity Award from the College of Education at the University of Utah. In 2014, I was awarded the College of Education Research and Scholarship Award. I have not served as an expert witness in any previous lawsuit. I was hired by plaintiffs and compensated at the rate of $200.00 an hour. Attached is my vita which includes my academic qualifications and publications.

All of my professional teaching and research has centered on factors leading to the educational success and failure of minority youth in general, and American Indian youth in particular. In this report I focus on the educational experiences and academic achievement of American Indian students in San Juan School District (SJSD). My central research questions are as follows:

1). What were the educational experiences of American Indians in San Juan County from the late 1800s to 2014?

2). How did these experiences influence the civic participation of American Indians in San Juan County?

I will first present an overview of the cultural context of San Juan County, specially research on: Historical relations between American Indians and the United States; Historical relationships in San Juan County; Segregated schools for Indians and whites; Race relations between Indians and whites; and Racial attitudes and the schooling experience. This is followed by research data on: Academic achievement of American Indian students from 1977-2014; Dropouts and Graduates from 1980-2014; Dropouts and Pushouts: Why American Indian students leave school; Lawsuits and San Juan School District; Impact of educational attainment on civic participation; Post-high school educational attainment; and Disparity of disciplinary actions in San Juan School District.[1]

My research method, ethnography, is an approach to learning about the social and cultural life of communities, institutions, and other settings that is scientific; is investigative; uses the researcher as the primary tool of data collection; uses rigorous research methods and data collection; and emphasizes and builds on the perspectives of the people in the research setting. My ethnographic research is based on the following characteristics: It is carried out in a natural setting, not in a laboratory; involves face-to-face interactions with participants; it presents an accurate reflection of participants' perspectives and behaviors; it uses multiple data sources, including both quantitative and qualitative data; it uses inductive, interactive, and recursive data collection and analytic strategies to build local cultural theories; it frames all human behavior and belief within a socio-political and historical context; and it uses the concept of cultural as a lens through which to interpret results.[2]

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[1] Throughout this report I will use the term "Indian," "American Indian," or "Native" as broad terms which include the different groups in San Juan County. I use Navajo, Ute, and Piute, when I present data referring to this specific tribe. I use "white" and Anglo interchangeable. "Anglo" and "white" are widely used in the academic literature. All of these terms are used through interviews and conversations in San Juan County.

[2] LeCompte, Margaret and Schensul, Jean, *Designing & Conducting Ethnographic Research. Ethnographer's Toolkit*, Lanham, MD: Alta Mira Press, 1999.

Research in Educational Anthropology is based on a social science model which requires looking at historical forces when examining the academic success and failure of various minority groups.[3] The relations of Indian parents and students with San Juan County schools are partly a function of relations between Whites and Indians—a set of relations with a particularly troubled racial history. The data presented in the following sections are from my research findings based on ethnographic fieldwork starting in 1984. This research has been published in the top journals in education and anthropology, including the *Harvard Educational Review, the Review of Research in Education, the International Journal of Qualitative Studies in Education, and Anthropology & Education Quarterly*. My book, *Reflections in Place: Connected Lives of Navajo Women*, University of Arizona Press, has received two national awards of excellence.

Historical Relations between American Indians and the United States

During the early colonial periods of the United States, American Indians exchanged nearly 1 billion acres of land for promises of protection against invasion, for education, and for self-government in perpetuity. For almost 100 years, from 1778-1871, nearly 400 treaties solemnized the transactions—land in exchange for promises—between the federal government and Indian tribes and nations. In more than 100 of these treaties, educational services and facilities were promised, creating moral and legal obligations on the part of the federal government.

In 1868, a treaty was signed between the United States of America and the Navajo Tribe returning 3.5 million acres of land to the Navajo people. Navajo peoples, imprisoned at Hwé'éldi, or Fort Sumner, New Mexico, since a forced relocation, a 300 mile journey known as the "Long Walk" in the winter of 1863-4, were finally allowed to return to parts of their homelands. The

[3] Norman K. Denzin & Yvonna Lincoln (Eds.) *The Sage Handbook of Qualitative Research.* Third Edition. Sages Publication. 2005.

treaty with the Navajo Nation in 1868, Article IX, established a responsibility to provide for the education of Navajo children, as stated below:

> *In order to insure the civilization of the Indians entering into this treaty, the necessity of education is admitted, especially of such of them as may be settled on said agricultural parts of this reservation, and they therefore pledge themselves to comply their children, male and female, between the ages of six and sixteen years, to attend school; and it is hereby made the duty of the agent for said Indians to see that this stipulation is strictly complied with; and the United States agrees that, for every thirty children between said ages who can be induced or compelled to attend school, a house shall be provided, and a teacher competent to teach the elementary branches of an English education shall be furnished, who will reside among said Indians, and faithfully discharge his or her duties as a teacher."*[4]

By 1885, the federal government increased its involvement and responsibilities in the education of American Indian youth with the creation of over 106 boarding schools. The educational policies at this time were based on a model of assimilation enforced in government boarding schools. These policies called for the eradication of American Indian histories, cultures, communities, and languages. In these boarding schools, the use of native languages by children was forbidden under threats of corporal punishment, semiskilled vocational training was encouraged for Indians, students were placed as laborers and domestics in white families' homes during vacation time, Native religions were suppressed, and visits from family were, at best, annual visits. Colonel Pratt, the Superintendent of the first Indian boarding school, spoke of the national assimilation policy for the education of American Indians,

[4] Donna Deyhle, "Reflections in Place", p. 13.

> *"I suppose the end to be gained, however far away it may be, is the complete civilization of the Indian and his absorption into our national life, with all the rights and privileges guaranteed to every other individual, the Indian to lose his identity as such, to give up his tribal relations and to be made to feel that he is an American citizen. If I am correct in this supposition, then the sooner all tribal relations are broken up; the better it will be for him and for the government and the greater will be the economy to both."* [5]

Viewed as a solution to the "Indian problem," the boarding school system, in essence, became the problem. Breakdown of tribal culture, alienation of Indian parents from the education of their children, and emotional, psychological, and mental anguish were the results of boarding school education. It is estimated that the boarding school experience effected nearly half of Navajo children born after 1940.[6]

These policies, Baca argued, in an article titled, "*Meyers v. Board of Education:* The *Brown v. Board of* Indian Country" were different than those experienced by Black children in the landmark desegration case, *Brown v. Board of Education*. "Indian children faced a different form of segregation—a segregation from themselves" and "Education, in one form or another, has long been a part of the war between American and Indians."[7]

In the late 1880s Superintendent Pratt used the term and visual image of Indians wrapping themselves with blankets to describe Indians as uneducated, unassimilated, un-Christian, and resistant to progress. Boarding schools could transform "blanket Indians." He produced a series of "before"—wrapped in a blanket—and "after"—dressed in dark suits and

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[5] Utley, R. (1964). Battlefield and classrooms: Four decades with the American Indian, the memoirs of Richard H. Pratt. New Haven, CT: Yale University Press.

[6] Smith, D. "The Integration of the San Juan County School District". *Blue Mountain Shadows* 21 (1999): 27-38. p. 28.

[7] Baca, Lawrence. "*Meyers v. Board of Education:* The *Brown v. Board* of Indian Country. University of Illinois Law Review, Vol, 2004

dresses—pictures of Indian students at a boarding school. Indians who have retained Native languages and cultures, and remain living with their families and communities on tribal land, have failed on the path to "civilization". When I started my research in 1984 in San Juan School District counselors and school officials used the phrase "back to the blanket" to describe students who refused to leave their homes to attend college or gain employment. Over 100 years after Pratt used this phrase to argue for the need for assimilatory education for Indians, it was still used to describe Indians students by educators in SJSD.

Historical Relationships in San Juan County

According to tradition, the Navajos have lived in southeastern Utah since the 1500s. The Navajo Nation today covers more than 16 million acres in Arizona, New Mexico, and Utah. Unlike Navajos from other parts of the reservation, who were removed to a prison camp by Kit Carson in 1868 during the "Long Walk," the Navajos here have never left their homeland. The same is true of the local Utes and Piutes. They claim occupation that predates the local white population and speak with pride of the last Indian conflict with the United States, the Posey War of 1923, which occurred in San Juan County.

The white population in this county arrived in the 1880s as settlers from the Church of Jesus Christ of Latter-day Saints (LDS), or, as they are commonly called, Mormons. Sent by Brigham Young, the 236 settlers were to start a colonizing mission among Navajo and Ute peoples and to increase the land base and religious influence of the LDS church throughout the region. Additional LDS groups moved into the area from Mexico during the Mexican Revolution.

The first district school in San Juan County (SJC) started in November 1880 in Montezuma Creek. A month later a log church and school was built as part of the Bluff City

fort. Both schools were in one-room crude log cabins and reflected the values of the predominantly Mormon community. By the early 1890s, sixty to eighty children were attending schools in the county; by 1894 the number had doubled. By 1914, both Monticello and Blanding enrolled students in the high school program. As more rural and isolated communities demanded local schools, more than two dozen single-room schools were open from the 1920s to the 1940s. White children had access to private or public schools throughout a geographical area of almost eight thousand square miles. Access to local public schools for Indians did not systematically occur until the late 1950s, more than sixty years after their white peers enjoyed a public education near their homes.[8]

With the discovery of uranium and oil in the country, in the 1950s, the student population increased 225 percent, from 800 students in 1948 to 1,800 in 1958. In *The First Forty Years: A History of San Juan High School 1914-1955,* all of the students were white. American Indian school age children and youth remained, for the most part, outside of San Juan School District schools. [9]

Over the first half of the 20th century the white population in San Juan County, predominately LDS, expanded and prospered. Although the American Indian populations also expanded, they remained poor with marginal public voices compared to the dominant white population. In a 1994 preface to Liebler's 1964 book, "Boil My Heart for Me," Paul Zolbrod provided a statistical context for the differences in living experiences between whites and Indians by 1940.

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[8] McPherson, R. *A History of San Juan County: In the Palm of Time.* Salt Lake City: Utah Historical Society, 1995.

[9] Shumway, H. *The First Forty Years: History of San Juan High School.* San Juan County, UT: Blue Mountain Shadows, 1994.

> According to the 1940 census, San Juan County overall had a population of 4,712, 1,443 of them Navajos. Countywide there were 1,328 dwelling units. Of those, 460 were equipped with flush toilets, 595 with refrigerators, and 670 with radios—all north of the San Juan River which marked the upper boundary of the Navajo Reservation. To the south, where the Navajos mostly lived, a mere 39 of 349 dwellings had private baths or running water. Three hundred twelve had no indoor toilets, and 297 had neither indoor nor outdoor facilities. Only 37 of those homes had any electricity.[10]

These disparities included an educational system that excluded Indians within the county's schools.

Segregated Schools for Indians and Whites

In the early 1940s, Father H. Baxter Liebler, a young Episcopalian minister from Greenwich, Connecticut, opened a mission a mile outside of Bluff to bring Christianity to Navajo people; a school for Indian children was built shortly after. The school in Bluff was all white. The school at the mission was all Indian. Father Liebler explained the closing of the "Indian school" in 1961.

> This is not because we felt that the then suddenly available public school was sufficient, but because we wished to put no obstacle in the way of desegregation. The school in Bluff had definitely been for whites. There was no legislation, no ruling, no test case—it was simply accepted. We had an Indian school, and the county had a white school. For a time the county reckoned our school as part of its system, paying a teacher's salary and providing all supplies, from pencils to coal. But when the United States Supreme Court began to get excited about segregation, it began to look bad to have an Indian school and

[10] Liebler, H.B. *Boil My Heart for Me.* Salt Lake City: University of Utah Press, 1994.

a white school in Bluff.[11]

Four general schooling options were available to Indian students who lived in San Juan County: federal boarding schools, the Navajo community boarding school, mission schools and the Anglo or Navajo community day schools. Few day schools meant thousands of Indian children were without access to a local education.[12] Refusing to send their children to government boarding school, a group of Navajos from Aneth, lead by Bai-a-lil-le at the turn of the century demanded local schooling for their children. Superintendent William T. Shelton insisted that Navajo children near Aneth attend the Shiprock boarding school, which had opened in 1907, rather than attend schools in San Juan County. Some Navajo resisted such demands and were subsequently arrested.[13]

In 1926 Superintendent McKean, Consolidated Ute Agency, Ignacio, Colorado, wrote to the Commissioner of Indian Affairs in Washington D.C. to argue against providing a school for Indians in Allen Canyon. He had received a letter from Mrs. Stach, a Navajo woman teaching at Tohatchi Indian School, proposing a school in Allen Canyon. Superintendent McKean's words provide official reasons for not providing local schooling for Indian students.

> The plan proposed in her letter of establishing a school at Allen Canyon has received careful consideration by me in the past. At one time I recommended to the Office that a school be build in Allen Canyon, but after going over the situation more carefully, it was decided that it would be far more beneficial to the children and much less expensive to the Government to educate them at the Ute Mountain or some other school away from

[11] Liebler, H.B. *Boil My Heart for Me.* Salt Lake City: University of Utah Press, 1994.
[12] Smith, D. "The Integration of the San Juan County School District". *Blue Mountain Shadows* 21 (1999): 27-38. p. 28.

[13] Ibid.

> Allen Canyon. On account of the great distance from the railroad, the transportation of supplies would be prohibitive, the Indians are scattered over a large area, making it inadvisable to establish a day school. With the improved facilities at Towaoc, the children receive better instruction and by being taken away from the wild environment around Blanding, they are much benefited. I do not believe they run away from school anymore than the ordinary children.[14]

During the 1930s, Navajo children living on the northern part of the Navajo reservation had limited access to the federal Bureau of Indian Affairs boarding schools in Shonto, Tuba City, and Kayenta, Arizona; Navajo Mountain and Aneth, Utah; Towaoc, Colorado, and Shiprock, New Mexico. These schools were small—the Aneth boarding school held a maximum of forty students—and left hundreds of Navajo children without schooling. Mission schools included St. Christopher's Mission in Bluff, the Navajo Faith Mission in Aneth, and the Seventh-day Adventist school in Monument Valley. Two other schools operated for a short time in Allen Canyon and in Westwater for Indian students. The Ute dormitory in town was short lived, lasting only a decade and closed in 1941. A Blanding resident, Cleal Bradford, spoke of the experience of attending school with Ute students:

> Getting an education was not necessarily the Ute kids' highest priority in life. It hadn't been their idea to leave home and the freedoms of their lifestyle to have the values and ideals of a different culture imposed on them. Some of the children accepted it willingly, some grudgingly, and a few were downright rebellious.[15]

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[14] Letter from E. E. McKean, Superintendent, San Juan School District, to the Commissioner of Indian Affairs, Department of the Interior, Washington, D.C. (1925).

[15] Cited in , Smith, D. "The Integration of the San Juan County School District". *Blue Mountain Shadows* 21 (1999): 27-38. p. 30.

Albert and Gladys Lyman, founders of "Holta" (the Navajo word for school) the first Indian school in Blanding, located just west of town in an area called Westwater, faced resistance to their efforts to provide schooling for Indian students. The school was opened in 1946 using a $750 donation from the LDS church; they operated without the help of the school district or the State. As McPherson described, "Their difficult circumstances eventually forced them to move into town with their students, but not without first meeting local resistance from the white community. An assessment from the historian Robert McPherson concluded, "All of these schools generally struggled to obtain sufficient numbers of students, keep them involved in classroom activities, redirect traditional Native American values, and maintain a positive attitude toward learning."[16] In a analysis of education in San Juan School District researcher Donna Smith, concluded simply, "Prejudice in the Anglo communities of San Juan County proved to be a difficult obstacle for school integration…Between 1910 and 1930 San Juan School officials made no effort to recruit Indian children within the county."[17]

Surrounded by a resistance to allow Indian students in classrooms in San Juan School District, Indian youth started attending public schools in late 1950s. White parents fought hard to maintain their sons' and daughters' exclusionary white setting, arguing that the Indian children would bring the diseases of glaucoma and tuberculosis into their healthy schools. Hidden just below the surface were beliefs expressing the fear that Indian students would disrupt student discipline, dilute academic scholarship, and, in general, cause the decay of student morale. The president of the school board, George Hurst, explained, "It wasn't the kids' [who didn't want the Indians in school], the kids would go along. They used to say sheep and cattle can't get along

[16] McPherson, R. *A History of San Juan County: In the Palm of Time.* Salt Lake City: Utah Historical Society, 1995. p. 285.
[17] Smith, D. "The Integration of the San Juan County School District". *Blue Mountain Shadows* 21 (1999): 27-38. p. 32.

together on the range. Sheep and cattle get along alright. It's the sheep men and cowmen that can't get along."[18] Fear spread throughout Blanding about a "massive infusion of Navajo students."[19] Racist beliefs fueled stories that Indian parents only wanted to move to Blanding so that they would be closer to a new welfare office or to the alcohol sold in Monticello. "Others saw this migration as another step toward Navajo domination in the county, which would eventually lead to the decline of its white communities."[20]

This resistance to serve Indian children in public schools was openly spoke of in my interviews with teachers and administrators during my fieldwork in the 1980s. This was daily expressed with the arrival of the schools buses from the Navajo and Ute reservations. As a math teacher told me, "When the Ute bus arrives, my day is ruined." By law the San Juan School District had to accept the Indian students, but to many in the community, they were not welcome.[21]

Money was at the heart of the decision to admit Indian students into the public schools in the 1950s. Schools received dollar amounts for Indian student enrollments. Indian youth with parents living and working on federal land—the Ute and Navajo reservations—counted at twice the rate. For the first time, white school officials and community members saw Indian student enrollment as an economic asset, rather than a liability. As a prominent businessman explained, "For a while, Indian funds were educating the white kids."[22] This did not stop local opposition to

[18] Roberts, R., & Hurst, J. "Indian Education." *Blue Mountain Shadows* 9 (1991): 69-74.
[19] Shumway, G. "Blanding: The Making of a Community." In *San Juan County Utah: People, Resources, and History*, edited by A.K. Powell, 131-151. Salt Lake City: Utah State Historical Society, 1983.
[20] Smith, D. "The Integration of the San Juan County School District". *Blue Mountain Shadows* 21 (1999): 27-38, p. 33.

[21] Deyhle, D. *Reflections in Place: Connected Lives of Navajo Women.* University of Arizona Press, p. 79.
[22] Roberts, R., & Hurst, J. "Indian Education." *Blue Mountain Shadows* 9 (1991): 69-74, p. 72.

Indian students sitting side by side with white students. George Hurst reflected on this racialized context.

> I remember when we put the first Indians in school. J. B. Harris was the principal and superintendent and I was elected to the school board. We put the first Indians in our public school here in Blanding. One fellow said that they would impeach J. B. Harris and 'that other son-of-a-bitch'… A very prominent man in the county said that. We have a lot of people right now [1971] that would kick them [the Indian students] all out of school if they could.[23]

A huge economic boom in oil and uranium helped increase funds for education. The assessed value of the district rose from $3 million to $153 million in the early 1950s. The school district moved from the poorest district per capita in the state of Utah to the wealthiest. Teachers' salaries were among the highest in the state. An impoverished school system could no longer be used as a rationale for the exclusion of almost half of the county's children. Even with the increase of revenues, Indian parents were not openly encouraged to enroll their children in San Juan County schools.

A letter from Walter Talbot, Superintendent of Public Education, Utah State Board of Education, on March 26, 1973 to the Kenneth B. Maughan, Superintendent of San Juan School District, over a study to build a school in Monument Valley is illustrative. Navajo parents had requested district consideration of a school in their community. District officials in San Juan County questioned using district resources in service of Indian students. San Juan Superintendent Kenneth Maughan was concerned over a study which, "fails to define the

[23] Smith, D. "The Integration of the San Juan County School District". *Blue Mountain Shadows* 21 (1999): 27-38, p. 33.

problems as we see them" and "the stated objectives conflict with the district's intended objectives" and "would the outcomes of the study be compatible with the district's fiscal capabilities, especially with the current trend to phase out several Federal Programs?" To this last questions, the State Superintendent of Public Educations responded,

> I suppose you would be in a much better position to answer that question than I. I could only comment in relation to fiscal capabilities of the district not its current practices. Unquestionably the district is fiscally capable of doing much more than it presently is doing. An analysis of your wealth per student would show that your district is by far the wealthiest district in the state. When compared to the effort your district is making the least effort of any district. If your effort were as great as that of many other districts in the state there are few limits you could not reach.

The persistence of one Navajo parent, Hugh Benally, started the dismantling of segregation in San Juan School District. In the 1950s, Hugh Benally purchased a section of state land in Montezuma Creek and paid property tax on this land which, by law, was required to be used to fund the local school; schools which his own children –because they were Indians--were denied access. He demanded the rights as a taxpayer to have his children attend the local schools his taxes supported. He challenged the practices that required Indian students to seek their education only in boarding schools outside of San Juan County schools. He wanted his children to have the same rights of access to public education as white children had in the SJSD. After three denied requests, the district conceded to Benally's arguments, and in 1964 his son, Clyde Benally, became the first non-foster-child Indian to graduate from San Juan High School.[24]

[24] Smith, D. "The Integration of the San Juan County School District". *Blue Mountain Shadows* 21 (1999): 27-38, p. 33. Gary Shumway, "Blanding: the Making of a Community." In *San Juan County Utah: People, Resources, and History.* Salt Lake City: Utah State Historical Society, 1983, p. 149.

The examination of the historical relationships between Indian and white communities as presented in this section revealed two clear patterns:

1). Disparities in access to schools between whites and Indians.

2). Historical patterns of resistance to providing schools for Indian students.

Race Relations between Indians and whites,

There is tension between the Indian and white populations in San Juan County, and racism and discrimination were recurring themes that emerged in my interviews over the past 30 years with white and Indian peoples. Below are examples that are representative of the hundreds of comments I recorded during my research.

One Navajo parent said, "We know that they don't like us. It would help if they would change their attitude toward us." Another Navajo said, "Some people don't like Indians, but others do. They should treat us all equal. Just like people." And a young Navajo woman said, "I think that most of them think Navajos are disgusting. That is what I think." Many whites expressed their perceptions of Indians as lazy, unmotivated, undependable workers who had drinking problems and who were irresponsible and uncaring parents. A local café waitress summed up the comments of many whites: "After you live with the Indian a while you get real prejudiced. I don't trust them." Her boss, the café owner, echoed a common theme. "There is only one good Navajo worker in 10,000. They just work to get money, no pride in what they do. They are here today and gone tomorrow. They are not responsible." A teacher who had taught in the district for 33 years explained it this way: "The whites came here to be friends of the Indians and bring the gospel. They did a lousy job of both." And a white high school student, who considered himself new to the district, reflected on the local attitudes towards Indians, "I moved here from California five years ago. There you would be real proud to be an Indian.

Everyone wanted to have a little Indian blood in them. But here it's just the opposite. They are treated like they don't exist."

Reflecting on the white-dominant town community of Blanding, a Navajo woman who has been a part of my research for 30 years said,

> The way I see it, it seems like the whites don't want to get involved with the Indians. The whites make fun of the Indians. How they act and stuff like that. The way we dress. They think we're bad. We drink. Our family drinks. That is how they think of us. Dirty. Ugly. That is what they think of us.

She had taken a damaged pickup truck in for repair and refused to pay for a sloppy paint job. "They didn't even sand off the red paint. What did he think? I was a dumb Indian? That's how they treat Indians here." I was told by white community members that this is called an "Indian job"—work that does not have to meet white customers' standards. The word "Indian" attached to an object or phrase refers to "lower," "cheap," or "undesirable." At the grocery store, Spam is called "Indian steak." At the state liquor store, Tokay wine is called "Indian wine." And when whites spoke to me about the "Indian way," the message paints pictures of people living in squalor, filth, and poverty in log or mud hooghans on the reservation, attempting to practice long-gone and ineffective ceremonies. None of these images were beautiful. Although both sides assumed the prevalence of hatred and discrimination towards Indians, such attitudes were not universal. Some whites and Indians spoke to me of friendship between groups and expressed genuine concern about each other's wellbeing. Most spoke of unchanging racial hostility in the community towards Indians. A Navajo teacher explained, "It's all the same. The same as it was twenty years ago. They (whites) think they have changed, but it is the same. They are all prejudiced. You have been coming down here for twenty years, Donna, and it's the same. You

saw what they did to my kids, and now they are doing it to my grandkids. It's all the same."

Racial Attitudes and the Schooling Experience

Unless otherwise footnoted, all of the quotes in this section come from my own fieldwork. These quotes appear in: Deyhle, Donna, *Reflections in Place: Connected Lives of Navajo Women*, University of Arizona Press, 2009.

In explaining why Indian students do so poorly in school, a white teacher stated, "I know why. They make it all the way to high school without being able to read. First, there is no support at home for academic work; in fact, some students were almost punished for doing academic work. And second, it's the local attitudes of the whites. They think, 'dumb Indians' and it has worn off on the Indians. Then they act like they are dumb, 'cause the whites expect it." Another teacher, who had expressed a great deal of concern and empathy for her Indian students three years prior, told me, "You are not going to like what I say about Indians now. I am a racist! I'm not kidding. Working with these Indian kids makes you a racist. They just sit there and do nothing." Another teacher said, "The good Navajo students are being pushed out of the academic classes because of white peer pressure or because teachers don't want them in their class. I even tried a seating chart that forced integration, Indian/white, Indian/white. But I gave it up. The white kids just talked over the Navajo kids like they weren't even there." A science teacher described the consequence of this racial treatment: "They see a staff of all whites, and then Mormon. And they feel oppressed. And the students know that they are the bottom of the levels. They feel occupied and pressured and they respond with hostility and cut themselves off from the school."

Late in the fall of 1984 the principal of San Juan high school (SJHS) sent a letter to all of his teachers. He started his letter, "I apologize if what I say offends," and ended with "Sorry if I

have offended—I believe that I have told the truth." He wrote,

> I believe that we have a serious problem in the way we view Indian students. I have defended our faculty to a variety of parents, all of whom believe strongly that the faculty of San Juan High are openly prejudiced against Indians students. I have defended us even to the point of verbal shouting matches with at least two Navajo fathers and one Navajo mother. I still maintain that no one of us is openly and consciously biased. However, I really feel that we have a problem of generalization that is affecting our overall relationships with Indian students and their families. I have noticed, and am guilty of it also, that we talk about "those Indian students." Very seldom do we specify particular Indian students by name as problems; it is always just "those Indian students." Do we ever refer to problem Anglo students as "those Anglo students"? Rather, we always refer to them as individual students, with names, who are problems…. I really believe that the single most important effort we can make with our Indian students is to genuinely get to know them and to convey to them that they have worth and are important in your classes and in the school. Admittedly, we have jerks in the school, of all colors and sizes. Let's refer to them by name and attempt to be supportive of all students.[25]

The principal at SJHS recognized the racial divisions in his high school, "I've got two schools here, Indian and white. They just don't seem to fit together. It has always been like this." Racial disparity was presented as a normal fact of history. Looking at the school's 1985 yearbook bore out this image. White students are shown lounging around cars, leaning against motorcycles and 4 by 4 trucks, walking on the school grounds and in homes around the

[25] This was from an open letter put in all the faculty and staff mailboxes on November 15, 1984.

community. Over a three-year period, 1985-1987, only 10 candid photographs showed Indian students and they were all in schools, classrooms or hallways. The double page pictures of "School Favorites" showed no Indian faces. There were no Indian students in the National Honor Society, on Student Council, or as cheerleaders. A few Indian students were in band, the Future Farmers of America, and Future Business Leaders of America. One Ute student was on the football team and a few Indian students were on the track, wrestling, and basketball teams. No Indians were class officers or "Dream Dates." These yearbooks exemplified the place for Indians in the school.

I was sitting with two Navajo students on a hallway bench during lunch one day when they were signing each other's yearbooks. "Look," one said, "Here on the first page is the homecoming queen." The full-page, glossy, color photograph showed a smiling blond wearing a crown and a pink formal. "Now look at us." She flipped to the last page of the yearbook. A matte, black-and-white photograph showed a smiling "Indian princess." "It's still the Indians at the back of the bus. That's what they think of us." The next year the faculty advisor for the yearbook, who openly expressed contempt for Indian students, resigned. That year the Indian princess smiled in color across the page from the homecoming queen. The following year it was back to the back of the bus. Although in color, the Indian princess's photograph had shrunk by half and appeared on the next to the last page. In 1992 I asked the faculty yearbook advisor about the Indian royalty, whom I could not find in the yearbook. He smiled and enthusiastically pointed to one tiny picture on the general page titled "Indian Club": "Look, here it is. Great looking isn't it?"

I had extensive conversations with school counselors and I always asked about the racial conflict I had seen in several classes. Frequently the focus of the conflict was on the behavior of

Indian students. "Yes, we have a bit of a problem. But kids are just kids and some don't like each other. The real problem is peer pressure." By this he meant Indian against Indian.

> We have some Indians kids that could compete with any of the Anglos. The ones that have yuppie parents. But some of them don't have the motivation to go on to college. And their relatives don't encourage them. Some get girlfriends pregnant and then they have blown it. One came to me and told me his father had said that he had to "get off the rez" in order to make something of himself. Now, that's progress when the parents will say that.

He explained, "The traditional Indians put the others down. It's the problem with their culture. If one does good the others make fun of him, saying he or she is trying to be better." Two teachers entered the counselor's office and overhead his last comment. They both nodded their heads in agreement. One illustrated the point graphically with a story about lobsters:

> You know what they say about lobsters? You can put them in water this high [indicating a depth of a few inches] and they won't get out. As soon as one tries to climb out the others pull him back in [Laughter]. That's what it is like with the Indians. As soon as one of their kind tries to better himself, the others pull him back in.

"Yeah," said the counselor, "The Navajo are real jealous people. It's hard for young Navajo students who do well in school."

Teacher's lowered expectations of Indian students were frequently expressed to me. Teachers expected little of their students, and dismissed the very occupations the school was providing for Indian students as less intellectually challenging because these jobs were only "working with their hands". A vocational education teacher explained, "Our expectations for these Indian students are just too high. We judge them against the norms of the others [whites],

and it is just too much for these students." I was in her class one day and witnessed her preparing her students for an upcoming test:

> "Now, this section is for you to decide what is the best answer to what takes abstract problem skills. What job would take thought or abstract problem solving skills to perform? Carpentry, sports, cosmetology, or journalism?" One boy quickly shouts, "Carpentry!" "No," the teacher replied, "What takes abstract thought? Thinking with the head versus the hands." The student persisted, "Carpentry. It takes math and measuring and all sorts of thinking." "No," the teacher again replied, "It is working with your hands. What takes abstract thought?" One student shouted, "cosmetology?", followed by another that said, "Sports?" Shaking her head she replied, "Journalism. It takes thought. The others are working with your hands. You use your hands for cosmetology, sports, and carpentry. You use your head for journalism." The students were not convinced. One boy firmly argued, "Boy that teacher is crazy. My father is a carpenter. And it takes a lot of thought." There were only a few minutes left in the class. Students started to gather their materials, ignoring the teacher, who still stood in front of the class with the test. Raising her voice over the talking students she said, "I understand you all have a science test on Thursday. I was planning on having the test on Chapter 9 and 10 on Thursday. But that would be too much for you. It is too much for you to be thinking about all of this at once. So I will put this test off until Friday. Two chapters and a science test to study for is too much for your brains." Without a glance at her, students left the room. Navajo students talked about this particular class with disgust. "She is always putting Navajo students down." The teacher, on the other hand spoke confidently of her rapport with Navajo students, "Look, did you see how excited they were in my class. They talked! Most

Navajo are quiet and they don't talk, because of their culture, you see." The school administration admitted she was one of the weakest teachers, but argued that it was hard to get teachers to move to such an isolated place and, "At least she is certified."

It is clear that some of the teachers were happy to be teaching Indian youth and spoke out in support of their students, urging them to "stand up" for their rights. They were the ones who continually moved around their classrooms providing constant feedback to the students, and who talked about wanting to bring new and meaningful information into their classes. Many were frustrated with the minimal impact they had on student achievement.[26]

The racial feelings expressed by whites throughout the community were echoed by Indian students when they spoke of their experiences in their classrooms. The attitudes and actions of their white peers were evidence of multi-generational racism. One Navajo parent told a high school vice-principal, who had gone to school with her 20 years ago, "You know what it is like for the high school kids. You used to do the same things the kids are doing now against Indians. You remember when you put the pins in my seat? All the things that you used to do to Indians. It is still going on here and now. You did it, and now your kids are doing it." Many Indian students spoke of mistreatment from their peers and teachers:

--"Some of them are all right, but they are prejudiced against the Indian students. Like they look at us when we ask questions like, 'Oh, I'm tired of trying to help you.' They care about the students that don't need help."

--"He is prejudiced. He talks about Navajos and welfare. 'You all listen, you aren't going to be on welfare like the other Navajos.' He shouldn't talk like that! And then the white students say things like that to us. Like all Navajos are on welfare. I'm not like that. We work

[26] Deyhle, D. "Constructing failure and maintaining cultural identity: Navajo and Ute School Leavers". *Journal of American Indian Education*, winter (1992), p. 32.

for what we have. He shouldn't say things like that. It makes us feel bad."

--In explaining why Indian students sat together in their classrooms I was told, "We don't feel wanted, so we sit together."

--"I think it was just the way the high school is run. They care more about the white kids than they do the Indian kids. Like my math teacher. He didn't care about if I passed the class or not. I don't know how I passed, but I did. And the principal just yells at you. They just don't care."

--"The teachers really don't listen to the Indians much. Like an Indian would raise up their hand. These white teachers don't want to take the time to work with Indians. Then they just look at them and they ignore their hands and stuff like that. But when a white person, a white student, raises up their hand, they'll go to them first. So it's like whites, they get served first and then the Indians last… Probably because they want the Indians to be dumb…They probably think the Navajos don't know much."

--"It was just like they wanted to put us aside, us Indians. They didn't tell us nothing about careers or things to do after high school. They didn't encourage us to go to college. They just took care of the White students. They just wanted to get rid of the Indians."[27]

--"I didn't care to finish high school. It was not that important. You see, I was just learning the same thing over and over. Like the teachers didn't expect anything of you because you were an Indian. They put you in general education, basic classes, and vocation. They didn't encourage college bound classes."[28]

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[27] Donna Deyhle, "Constructing Failure and Maintaining Cultural Identity: Navajo and Ute School Leavers," 24-25.
[28] Ibid, p. 37

--"I feel that kind of resentment towards school. I feel cheated out of my own culture."

--"I had fights with white girls and us Navajo girls were the ones taken to the office. The white girls lied to the principal."

--"School sucks! I don't like the way the teachers treat me."

--"It's a drag man. It's boring."

At SJHS Indian students enrolled for, but often quickly dropped, advanced academic courses when they saw few Indian faces in their classrooms. A teacher explained, 'I had one Navajo girl in my physics class. She said the Whites didn't want her in class so she gave up. If she really cared about her education she would have stuck it out. The Indian students don't care about school.' This student explained, 'I was the only Indian! So I moved back to basic math. I knew it all 'cause I had it before. But it was all Indian and I felt better. I was the top in that class.' Only six students were enrolled in advanced placement courses at that year. Both schools encouraged students to emphasize vocational courses in their school careers. A principal explained, 'We need to recognize the needs of the people in this local area. I'm not saying we should ignore the academic classes. But the vocational training is where the jobs are for the local Navajo people" [29]

Mistrust of teachers was often justified. A past superintendent explained what he called the 'cultural problem' to me, "Some of our older teachers hold traditional views of Indians," and "wiping the slate clean" of these teachers would help the Indian students. "Our Indian students learn which teachers don't like them and avoid them. Just ask the principal, he can even supply

[29] Donna Deyhle, "Constructing Failure and Maintaining Cultural Identity: Navajo and Ute School Leavers," 37.

you with their names." I did not need to ask their names. These teachers openly revealed their feelings towards Indian students.[30]

In an interview in 2008 a Navajo woman reflected on her experiences in SJSD during the 1980s. "When I think back on it and think about schools, I wish those teachers had helped us Native American kids. With our work. Not to ignore us. Not to be ignorant. And what I hear now, from relatives, is that it is still going on! It is so sad.' This led us to talk about experiences Indian students were having. 'I hear that teachers say to kids in the hall, 'Speak English. Not Navajo.' That is ridiculous! It's because they don't like the Navajo students, and it's because those teachers don't understand Navajo, and they are afraid the kids are talking about them'"

In May 2015 I interviewed a school administrator and a high school teacher. They had been educators in San Juan School District for over 30 years. They both spoke of the tension between school officials and Indian students, and had attended the Monument Valley High School graduation ceremony the week before our interview.

> They [school administrators] don't seem comfortable with Navajo students. They don't like them. The superintendent came to graduation last week and you could see he was not happy. He fell asleep on the stage! Very disrespectful. They are not comfortable around Navajo students and their parents.

Indian students didn't trust their teachers, even good teachers who deeply cared about their students. The teacher represented a member of the outside white community, a community that has actively controlled the economic, religious, and political lives of the Indian communities. Issues in the larger community were often mirrored inside classrooms. A look at the larger structural factors in the community gives light and credibility to students' feelings of

[30] Ibid. p. 31.

discomfort and that they felt unwanted in school. Many Indian students spoke repeatedly about feelings that they were treated as weak and poor students simply because they were Indians.

Academic Achievement of American Indian Students: 1977-2014

In this section I present academic test scores starting from 1977 to 2014 from a variety of different standardized tests. In ethnographic methodology the researcher is seeking patterns, over time, to determine regularity and frequencies in order to understand the social, educational, cultural phenomena in a community and its schools. I present here my understanding of the educational experiences of American Indian students in San Juan School District.

In my research, over these three and one half decades, and different test instruments, similar patterns of a lack of achievement among American Indian students as a group are consistent: extremely low academic levels of reading and math skills.

In 1985 I attended a principals' meeting with Indian parents in the district. The 1977-1984 California Test of Basic Skills (CTBS) scores for San Juan High School were presented in this meeting. The scores were separated by ethnicity, giving both the white and Indian students' scores. The principal from SJHS spoke first. "I will be very frank about the problems your children have in school." On an overhead projector he showed the breakdown of Indian and white test scores from 1977-1984 on the California Test of Basic Skills. In both mathematics and reading, the Indian students scored an average of 2 1/2 years behind their white peers.

In 1975 at SJHS, Indian students averaged 0.89 out of a possible 4.0 grade point average (almost all 'Ds, no Cs). In 1984 the student average was up to 1.38 (Ds and Cs). Very little change had occurred over a decade. "I wish I could tell parents why scores had not improved much. Possible problems were the long traveling distance to school and the lack of attendance."

He then spoke of the "culture shock between these two worlds," that explained school failure on Indian families' culture and language.

> There is a tremendous shock up there, mostly Anglo kids, and the students move from different teachers. They are really kinda getting lost. At home they speak Navajo. In the halls they speak Navajo. But in the classroom they speak English, maybe only 15 minutes a day. Unless students speak the language on a regular basis, they have problems. They need to do homework. Parents cannot be blamed for this, that's not your fault that you have not been able to help. But your grandchildren will have a better time, because your son will sit down with his children to help. It's a slow process. What you do at home and at school are worlds apart. For the most part your students are doing a good job.

The Indian parents were not convinced their children were "doing a good job." They were also not convinced that their lives represented "another world." They persisted in wanting to know why their children did so poorly academically at SJHS. "Our kids are behind, why won't you meet the needs of our kids? If students are having problems, what about people who are on payroll at the school? What are they doing? Why do we still have this problem?" The principal listened and shook his head:

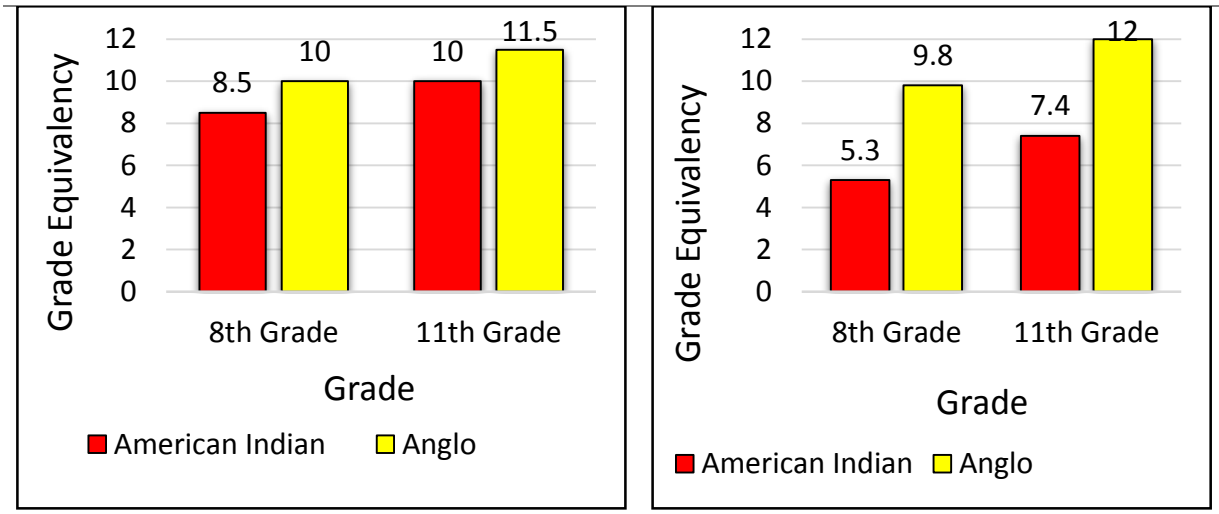
> We are doing everything we can think of. The teachers are faced with classrooms in which Anglo students are two grade levels above and the Indian students two grade levels below. It's difficulty to meet the needs of both groups. That's why Indian students get lower grades, because they are always competing with the whites who always get the As. The teachers get mad sometimes at Anglo students, too. But there is improvement among the Indian students.

The reading and math test results in Figures 1 and 2 are presented as the average of eight yearly scores, from 1977-1984 presented at this meeting. The numbers represent grade equivalency. The average of these 8 years are as follows: At the 8th grade Indian students are scoring at grade level 8.5 in math. Their Anglo peers are scoring two grade levels higher than the 8th grade, 10.0. At the 11th grade Indian students are scoring one grade level behind in math, 10.0. Their Anglo peers are scoring at grade level, 11.5. Over these eight years Indian students consistently scored 1.5 grade levels behind their Anglo peers in math. At the 8th grade level Indian students are "at grade level" in math, but by the time they are tested again in the 11th grade they have slipped behind by one grade level.

The academic performance of Indian students in reading is extremely low. At the 8th grade Indian students are scoring 5.3 in reading, almost three grade levels behind. Anglo students are scoring 9.8 in reading, almost two grade levels above. In the 8th grade there is a five year gap between the reading scores of Indian and Anglo students. At the 11th grade Indian students are scoring 7.4, almost 3.5 grade levels behind. The Anglo students are scoring 12.0, one grade level above. In the 11th grade there is a 4.5 grade level gap between the reading scores of Indian and Anglo students. The reading test scores show that at the 8th grade Indian students are reading at the 5th grade level and that they will only improve to about the 7th grade level in the 11th grade. They start the 8th grade three years behind in their reading and never make up this deficiency in high school.

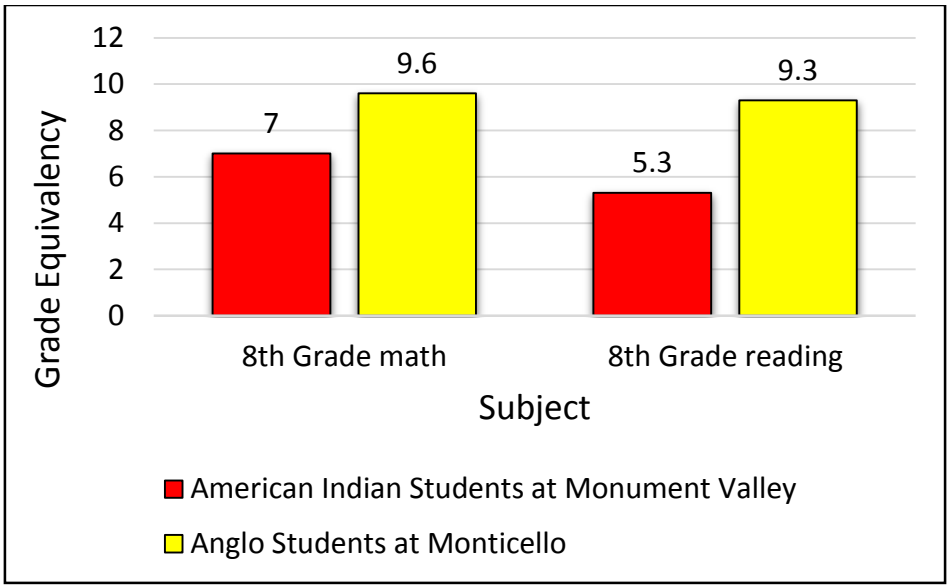
Figure 1
Combined Average of CTBS Math Scores 1977-1984
San Juan High School

Figure 2
Combined Average of CTBS Reading Scores 1977-1984, SJHS



I have also examined the 1985-1987 CTBS 8th grade reading and math scores for Monticello High School (MHS), with a 98% Anglo population, and Monument Valley High School (MVHS), with a 99% Navajo student population. The average of these three years' test scores also show similar patterns between Indian and Anglo performances. At the 8th grade Indian students at MVHS are scoring 7.0 in math, one grade level behind their grade level. The Anglo students at MHS are scoring 9.6, 1.5 grade levels above their grade. At the 8th grade Indian students at MVHS are scoring 5.3 in reading, almost 2.5 grade levels below their grade level. The Anglo students at MHS are scoring 9.3, almost 1.5 levels above their grade level. At least at the 8th grade level, Indian students have shown very little gains in reading from 1977, when the average was 5.0, to 1987 when the average was 5.6. This speaks to the consistent problem for non-native English speakers in the district—these students have extremely limited reading skills which had not been improved by district instruction for a decade (see Figure 3).

Figure 3
CTBS 8th Grade Reading and Math Scores
Monticello and Monument Valley High Schools
1985-1987



In an interview, two 30 year veteran educators from SJSD both argued that low reading scores of American Indian students have been persistent educational problems since they have been educators in SJSD. They explained, "We get students out of elementary school that are 3 or 4 grade levels behind in reading. All the faculty at MVHS work real hard, and we get them up to about 7th or 8th grade. We have been making progress. It's slow. But you can only get them so far when they are so far behind when they come to high school." This reading disparity is evident in the score differences in the above test score data. In other words, the reading disparity between whites and Indians have been consistent over the past 30 years.

Stanford Achievement Test: 1990-1991

In district testing in 1990 the Stanford Achievement Test was used instead of the CTBS. These test scores are reported in national percentile figures; 50% is the national mean, a percentile score of 7% means that 93% of the students taking the test scored higher. The scores

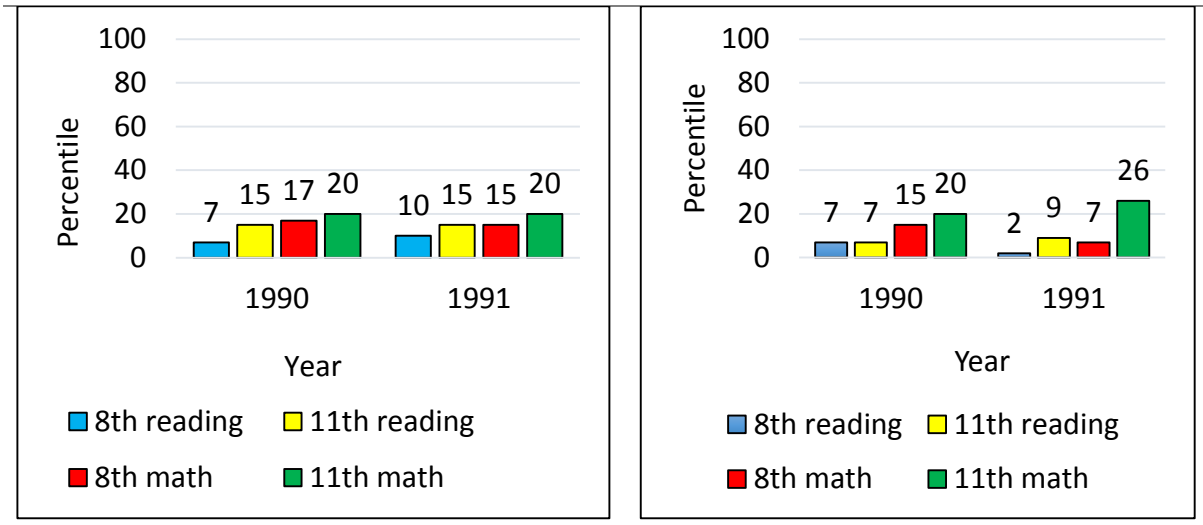
from 1990 and 1991 also show the same pattern of Indian students scoring extremely low in reading. The following scores are a matter of public record. Reported here are scores from the two high schools located in the southern half of the district with the largest American Indian populations in the district: Whitehorse High School (WHHS) and Monument Valley High School (MVHS) (Figures 4 and 5 below).

At the 8th grade students at WHHS scored at the 7th percentile in reading during 1990 and at the 10th percentile in 1991. At the 11th grade students at WHHS scored at the 15th percentile in reading during 1990 and at the 15th percentile in 1991. The test scores are even lower at MVHS. At the 8th grade, students at MVHS scored at the 7th percentile in reading in 1990 and at the 2nd percentile in 1991. At the 11th grade students at MVHS scored at the 7th percentile in reading in 1990 and at the 9th percentile in 1991.

At the 8th grade students at WHHS scored at the 17th percentile in math during 1990 and at the 15th percentile in 1991. At the 11th grade students at WHHS scored at the 20th percentile in math in 1990 and at the 20th percentile in 1991. The test scores are even lower at MVHS. At the 8th grade students at MVHS scored at the 15th percentile in math in 1990 and at the 7th percentile in math in 1991. At the 11th grade students at MVHS scored at the 20th percentile in math in 1990 and at the 26th percentile in 1991.

Figure 4
SAT Scores for WHHS in Reading and Math
1990-1991

Figure 5
SAT Scores for MVHS in Reading and Math
1990-1991



An examination of the test score data presented in this section shows a clear and consistent pattern of limited reading and math skills among American Indian students in San Juan School District schools. In my study this is a critical factor in the high dropout rate, the poor academic performance of Indian students in schools, and their limited skills after they have graduated. This critical factor limits their post-high school opportunities, employment, and negatively affects civic participation.

Criterion-Referenced Testing: 2004-2013

In the early 2000s, the state of Utah changed its form of student assessment from the Scholastic Achievement Test (SAT) to Criterion-Referenced Testing, or CRT. The CRT assessment tests are used to "…measure and assess the knowledge, skills, and abilities of students in the three Core Curriculum areas of English Language Arts, Mathematics, and Science as outlined in the Utah Core Curriculum".[31] These assessments are broken into two categories, proficient and non-proficient, then further broken down by four levels of proficiency.

[31] This information was taken from the Utah State Office of Education website, retrieved from: http://utah.ptfs.com/awweb/awarchive?item=26140.

Displayed in the figures below are summaries of CRT data scores for schools in the San Juan School District for years 2005-2013. Scores will be reported for grades 4 & 6 for elementary schools and 8th and 11th grade math and language arts for high school.[32] Monument Valley High School and Whitehorse High School have large majority Indian student populations. San Juan High School is racially mixed, with a majority white student population, 59%, while Indians make up approximately 36% of the total.[33] Monticello High School has a large majority white student population.[34]

The racial and ethnic breakdown of the four primary (elementary and middle) schools that will be included in this analysis is similar to the demographic breakdown of the high schools. In other words, there are majority white schools and majority Indian schools, with the exception of Blanding, which has 1/3 Indian students and approximately 2/3 white students, with a small percentage of Latino students and Pacific Islander students. Albert Lyman Middle school has approximately 55% white students and 43% Indian students. For all schools besides Monticello School and Monticello HS, scores of Indian students only will be presented. For Monticello, only the scores of white students will be presented. This applies to all graphs unless otherwise indicated.

Criterion-Referenced Test: 4th and 6th Grade Scores

[32] It should be noted here that some test scores for specific years, schools, or demographics are missing. In cases where this information is not available, it will be denoted with a zero in the charts. Missing scores indicate that fewer than 10 students were identified in each group and cannot be reported.

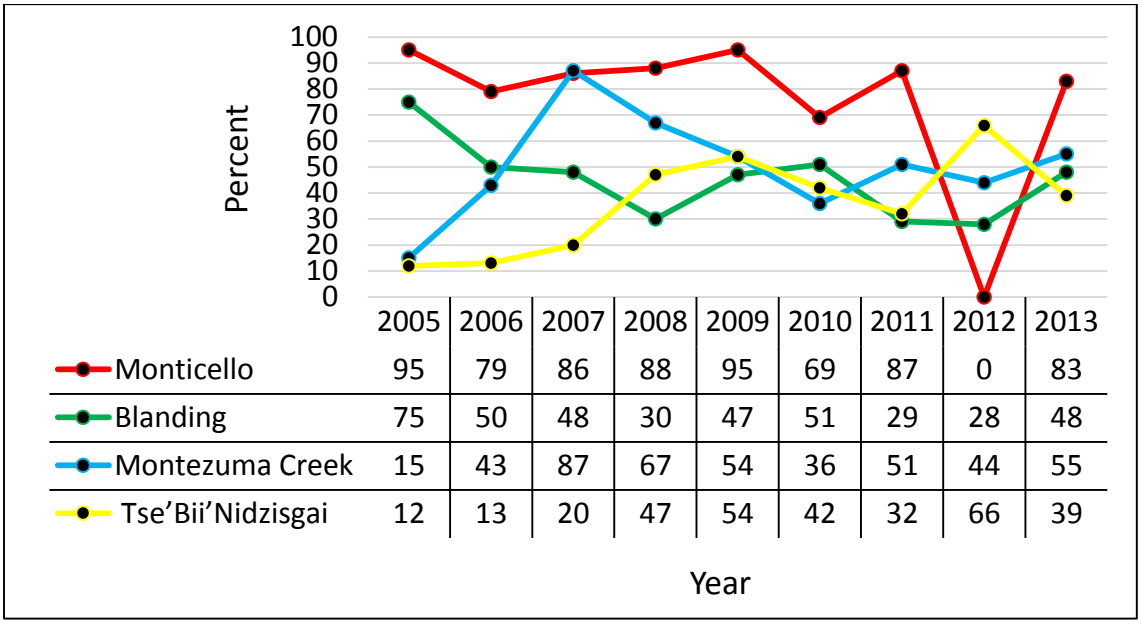
[33] This information can be found under "data gateway, accountability reports" from the Utah State Office of Education website: https://datagateway.schools.utah.gov/Schools/25708.

[34] Scores for Navajo Mountain HS will not be reported here because their enrollment is low compared to the other high schools. Specifically for the 2013-14 school year, there was a total of 36 students enrolled (https://datagateway.schools.utah.gov/Schools/25712).

Overall, the more recent test score data that is reported here is indicative of a continuing pattern of academic disparity between Indian students and their white counterparts in the San Juan School District. Specifically, for grades 4 and 6, Monticello school consistently outscores Montezuma Creek and Tse'Bii'Nidzisgai across every CRT assessment. Figure 6 below represents the 4th grade CRT Language Arts scores for the years 2005-2013. In this graph, all scores reported are for Indian students, except for Monticello where only the scores of white students are reported. For this assessment, the majority of white students at Monticello passed. Consistently, at least 70% of the school passed. The other three elementary schools had lower scores, averaging a 30-65% pass rate. There are a few outliers to this pattern, including the 2005 score for Blanding (75% pass rate) and the 2007 score for Montezuma Creek (87% pass rate). The lowest scores were from Tse'Bii'Nidzisgai in 2005 (12% pass rate) and 2006 (13% pass rate).

Figure 6

4th Grade Language Arts CRT Scores
San Juan School District
Percentage of Students who passed
2005-2013

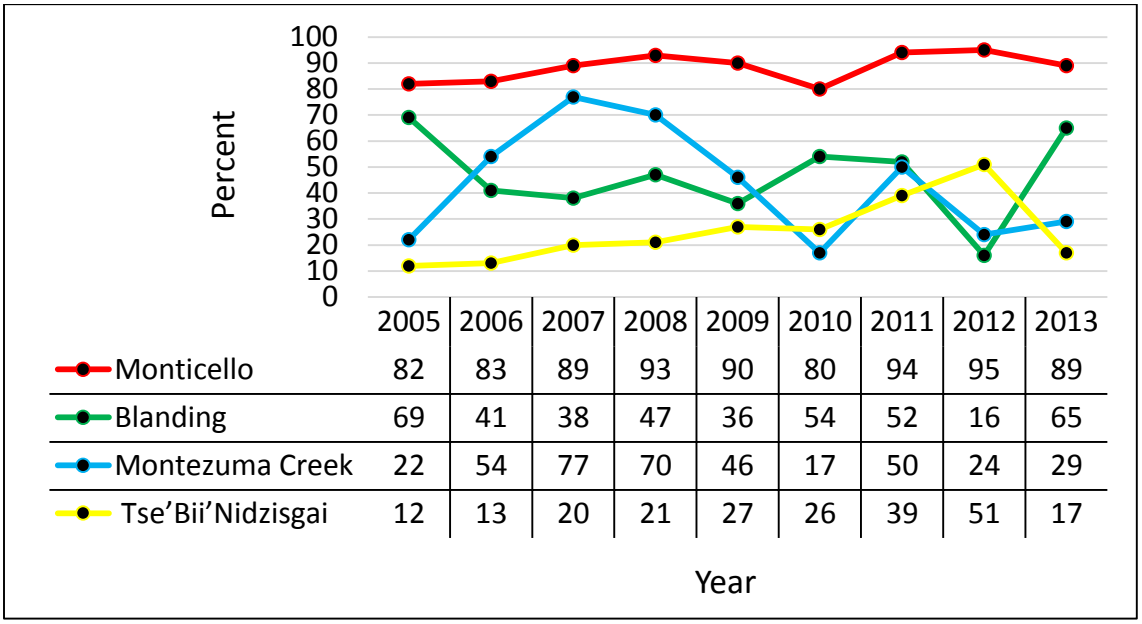


	2005	2006	2007	2008	2009	2010	2011	2012	2013
Monticello	95	79	86	88	95	69	87	0	83
Blanding	75	50	48	30	47	51	29	28	48
Montezuma Creek	15	43	87	67	54	36	51	44	55
Tse'Bii'Nidzisgai	12	13	20	47	54	42	32	66	39

Presented next are the 4th grade CRT math scores for the years 2005-2013. For this assessment, there is a similar pattern to the language arts scores, except that the overall pass rate for Indian students is lower than it was for language arts. Once again, only Blanding and Montezuma Creek come somewhat close to the pass rate of Monticello. However, this only happened on four occasions: for Blanding in 2005 (69%) and 2013 (65%) and for Montezuma Creek in 2007 (77%) and 2008 (70%). In no instance did the scores of Blanding, Montezuma Creek or Tse'Bii'Nidzisgai surpass those of Monticello. This information is depicted graphically below (Figure 7).

Figure 7

4th Grade Math CRT Scores
San Juan School District
Percentage of Students who passed
2005-2013

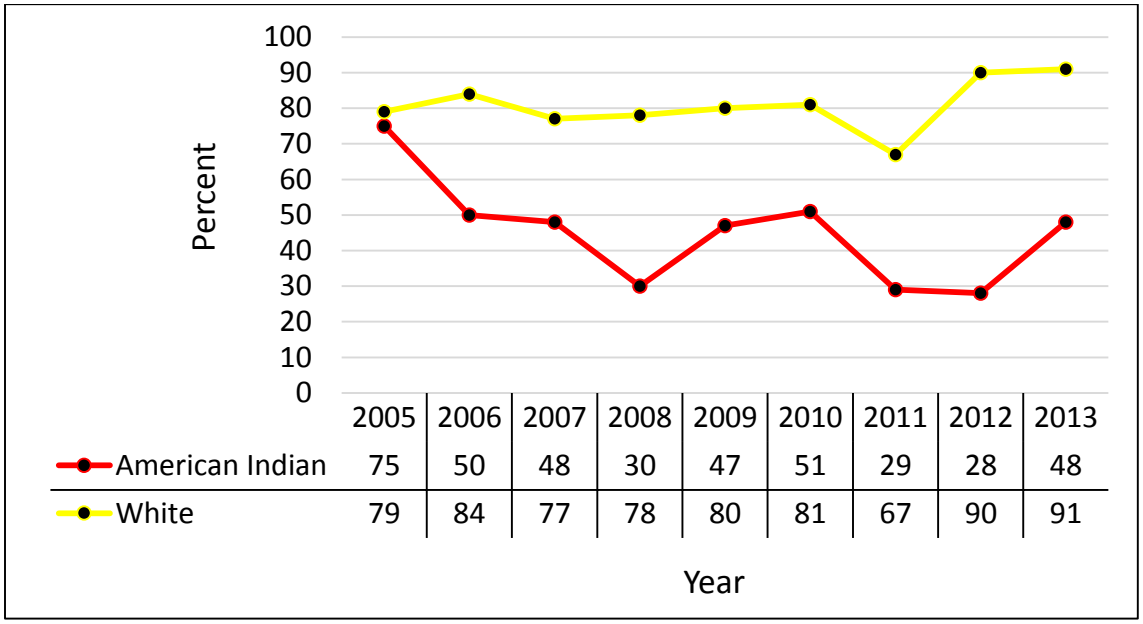


	2005	2006	2007	2008	2009	2010	2011	2012	2013
Monticello	82	83	89	93	90	80	94	95	89
Blanding	69	41	38	47	36	54	52	16	65
Montezuma Creek	22	54	77	70	46	17	50	24	29
Tse'Bii'Nidzisgai	12	13	20	21	27	26	39	51	17

The next two data charts represent 4th grade CRT math and language arts scores for only the white and Indian students at Blanding. Blanding, which has an approximately 1/3 Indian student population and 2/3 white student population, shows that when CRT scores are disaggregated by ethnicity at the same school, white students at Blanding score higher than Indian students at Blanding. Thus, even when a school contains a more even representation of Indian students and white students, the white students still outperform their Indian counterparts. These charts are represented below in Figures 8 and 9. Figure 8 represents the language arts scores and Figure 9 represents the math scores.

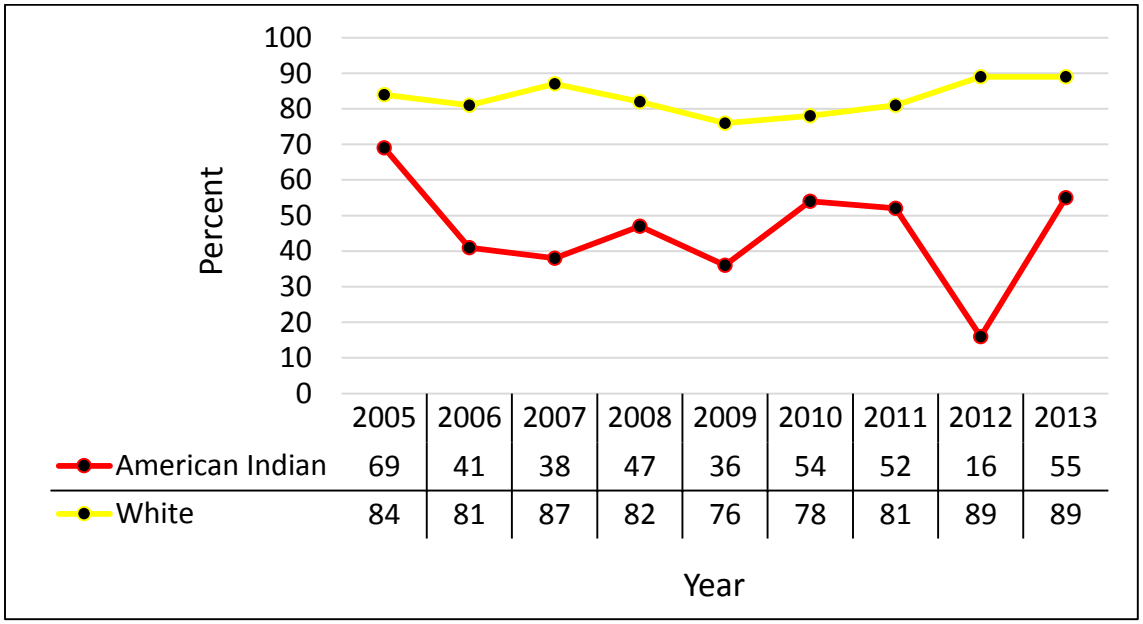
Figure 8

4th Grade Language Arts CRT Scores
Blanding School
Percentage of Students who passed
2005-2013



	2005	2006	2007	2008	2009	2010	2011	2012	2013
American Indian	75	50	48	30	47	51	29	28	48
White	79	84	77	78	80	81	67	90	91

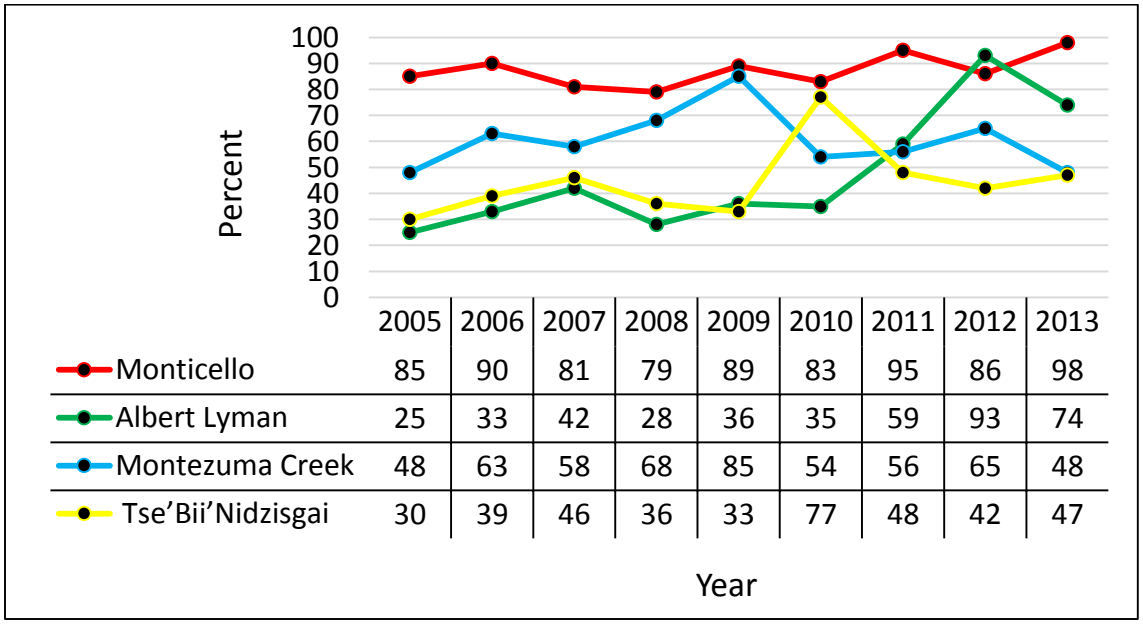
Figure 9
4th Grade Math CRT Scores
Blanding School
Percentage of Students who passed
2005-2013



	2005	2006	2007	2008	2009	2010	2011	2012	2013
American Indian	69	41	38	47	36	54	52	16	55
White	84	81	87	82	76	78	81	89	89

The next data set that will be shown graphically are CRT scores for 6th grade language arts and math. These charts also show similar patterns to the 4th grade language arts and math scores. However, what stands out about the language arts chart is that Albert Lyman Middle had a 93% pass rate for Indian students in 2012, surpassing Monticello that year. Montezuma Creek also came close to Monticello in 2009 with an 85% pass rate, as well as Tse'Bii'Nidzisgai in 2010 with a 77% pass rate (see Figure 10 below).

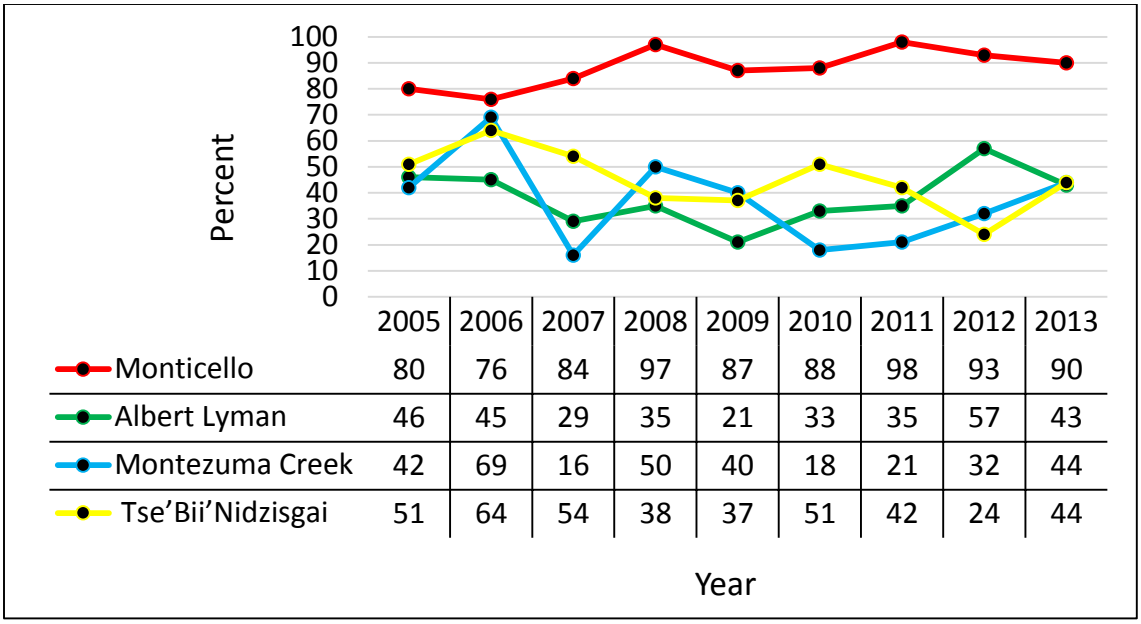
Figure 10
6th Grade Language Arts CRT Scores
San Juan School District
Percentage of Students who passed
2005-2013



	2005	2006	2007	2008	2009	2010	2011	2012	2013
Monticello	85	90	81	79	89	83	95	86	98
Albert Lyman	25	33	42	28	36	35	59	93	74
Montezuma Creek	48	63	58	68	85	54	56	65	48
Tse'Bii'Nidzisgai	30	39	46	36	33	77	48	42	47

For the 6th grade CRT scores in math, Indian students scored closer together. That is, Albert Lyman, Montezuma Creek, and Tse'Bii'Nidzisgai had similar passing rates for the math CRT. Montezuma Creek once again came close to Monticello in 2006 with a 69% passing rate. However, in 2007, Montezuma Creek had the lowest score with a 16% passing rate. That same year, Monticello scored 68% higher than Montezuma, with an 84% passing rate (see Figure 11).

Figure 11
6th Grade Math CRT Scores
San Juan School District
Percentage of Students who passed
2005-2013



	2005	2006	2007	2008	2009	2010	2011	2012	2013
Monticello	80	76	84	97	87	88	98	93	90
Albert Lyman	46	45	29	35	21	33	35	57	43
Montezuma Creek	42	69	16	50	40	18	21	32	44
Tse'Bii'Nidzisgai	51	64	54	38	37	51	42	24	44

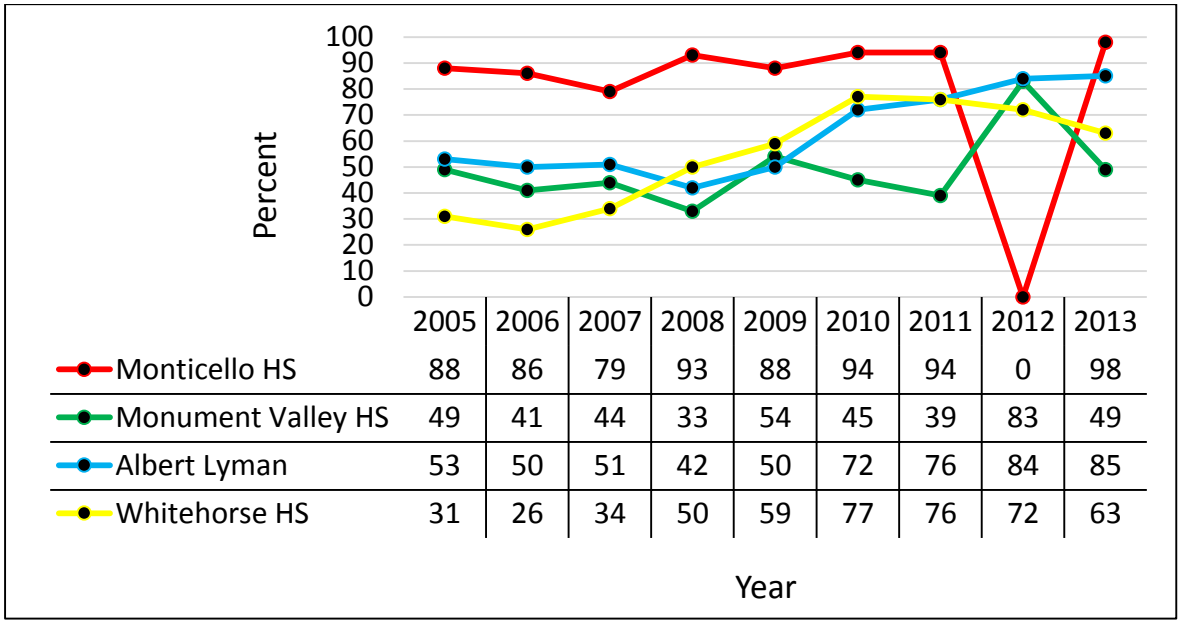
Criterion-Referenced Test: 8th and 11th Grade Scores

In an attempt to maintain some consistency for student assessment, CRT scores for both 8th and 11th grade Indian and white students will be illustrated.[35] Represented graphically next are the 8th grade scores for the CRT in language arts only.[36] For the years 2005-2009, Monticello High School scored between 35-57% higher than the other three schools. The other three schools remained in close range in their passing rates. From 2010-2012, Albert Lyman and Whitehorse High School scored an average of 25% better than they had in the previous 5 years. One cannot compare their 2012 score to Monticello however, because there is no data available for that year. Though test scores had improved somewhat for Albert Lyman and Whitehorse by 2013 compared to their earlier 2005 scores, almost 100% of students at Monticello that year passed the

[35] It should be noted that consistency is only maintained to the degree that one can match grade level, but not the assessment itself given that the district has changed its methods of student evaluation over the years.
[36] No data is available for the 8th grade math CRT.

CRT. That same year, Monument Valley remained at a 49% passing rate, almost 50% below Monticello's passing rate. This information is shown in Figure 12 below.

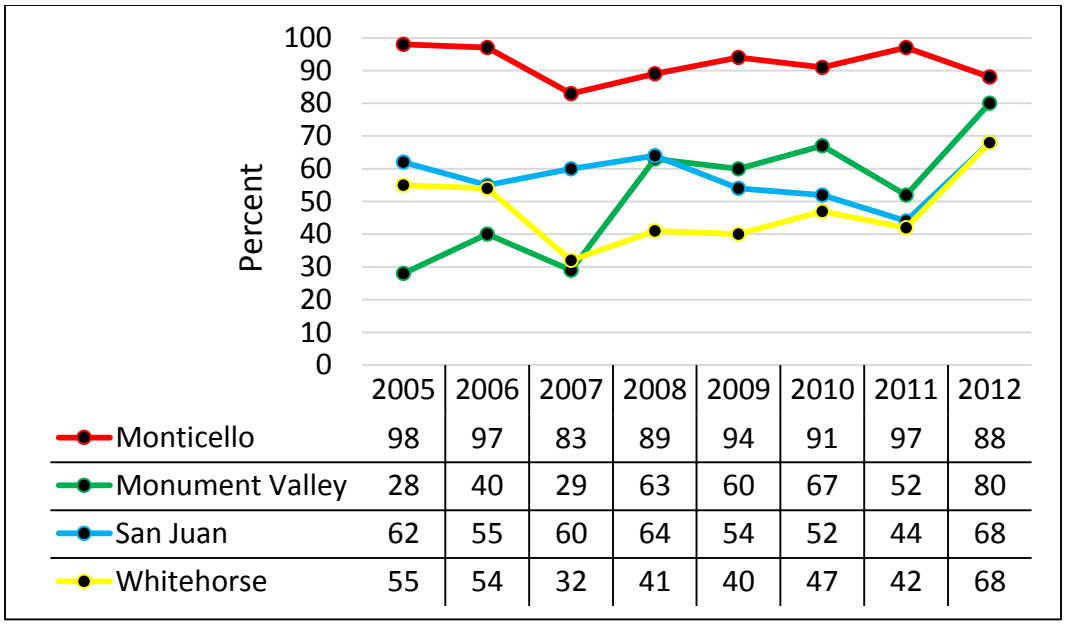
Figure 12
8th Grade Language Arts CRT Scores
San Juan School District
Percentage of Students who passed
2005-2013



	2005	2006	2007	2008	2009	2010	2011	2012	2013
Monticello HS	88	86	79	93	88	94	94	0	98
Monument Valley HS	49	41	44	33	54	45	39	83	49
Albert Lyman	53	50	51	42	50	72	76	84	85
Whitehorse HS	31	26	34	50	59	77	76	72	63

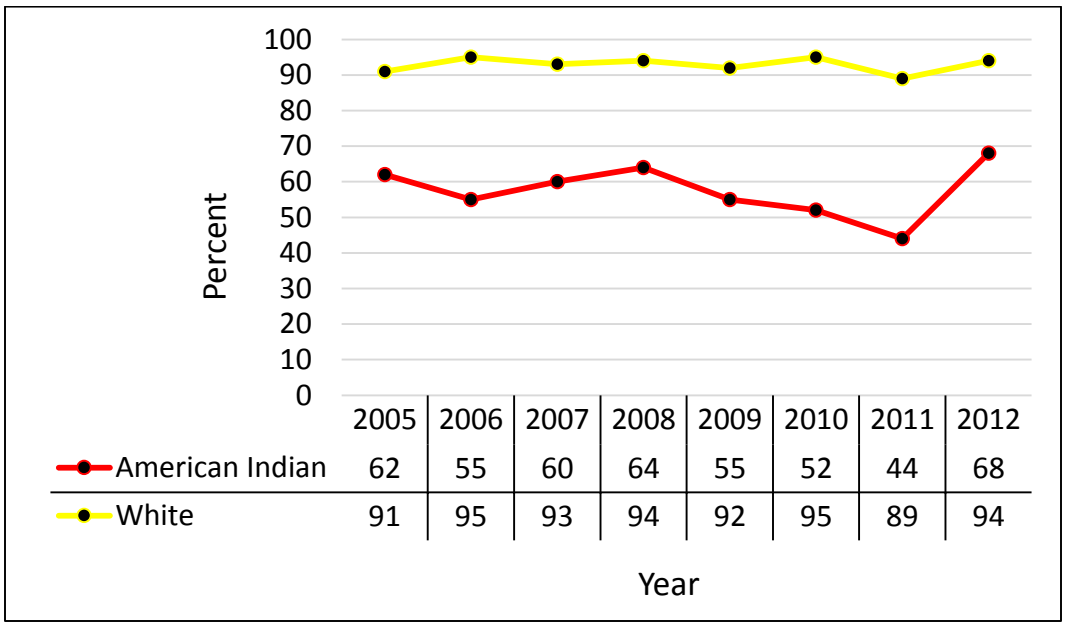
For the 11th grade CRT language arts assessment in the years 2005-2012, the majority of white students at Monticello HS passed the exam. Consistently, at least 80% of students passed this exam. Indian students at Monument Valley HS, San Juan HS, and Whitehorse HS, demonstrated lower passing rates. In the lower range, approximately 30%-40% of Indian students passed this exam; in the upper range, approximately 50-70% of Indian students passed this exam. Thus, the upper range of Indian students who pass this exam is still comparatively lower than the white students who pass the exam at Monticello. When this information is disaggregated by ethnicity at San Juan HS, the white students still outperform their Indian counterparts. This information is presented in Figures 13 and 14 below.

Figure 13
11th Grade Language Arts CRT Scores
San Juan School District
Percentage of Students who passed
2005-2012



	2005	2006	2007	2008	2009	2010	2011	2012
Monticello	98	97	83	89	94	91	97	88
Monument Valley	28	40	29	63	60	67	52	80
San Juan	62	55	60	64	54	52	44	68
Whitehorse	55	54	32	41	40	47	42	68

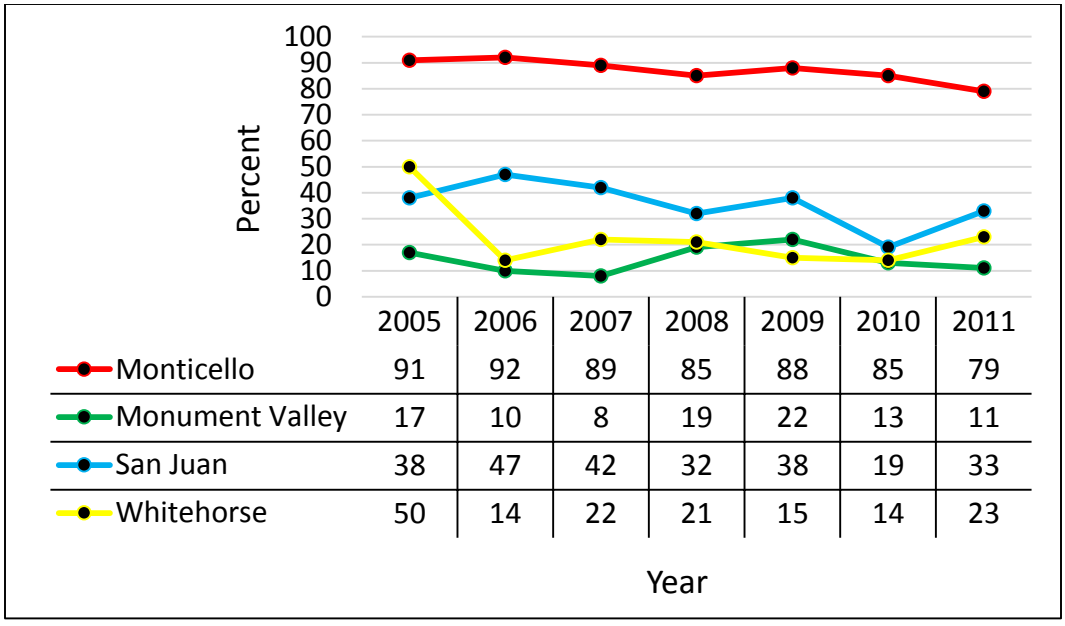
Figure 14
11th Grade Language Arts CRT Scores
San Juan High School
Percentage of Students who passed
2005-2012



	2005	2006	2007	2008	2009	2010	2011	2012
American Indian	62	55	60	64	55	52	44	68
White	91	95	93	94	92	95	89	94

High school math CRT assessments are not designated by grade level, but rather by math subject. In Figures 15 and 16 below, CRT scores for Geometry are presented for both the district, as well as for San Juan HS only.[37] The disparity between Indian students and white students with regards to CRT Geometry scores is even greater than the disparity in language arts. At least 85% of white students at Monticello passed the test, from 2005-2011. In comparison, the highest passing rate for Indian students at the other three high schools was 50%. At Monument Valley, the passing rate never went above 22% between 2005-2011. The largest disparity was in the year 2007, where 89% of students at Monticello passed, while only 8% of students at Monument Valley passed the same test; Monticello students had a passing rate that was ten times higher than the students at Monument Valley (see Figure 15 below).

Figure 15
Geometry CRT Scores
San Juan School District
Percentage of Students who passed
2005-2011

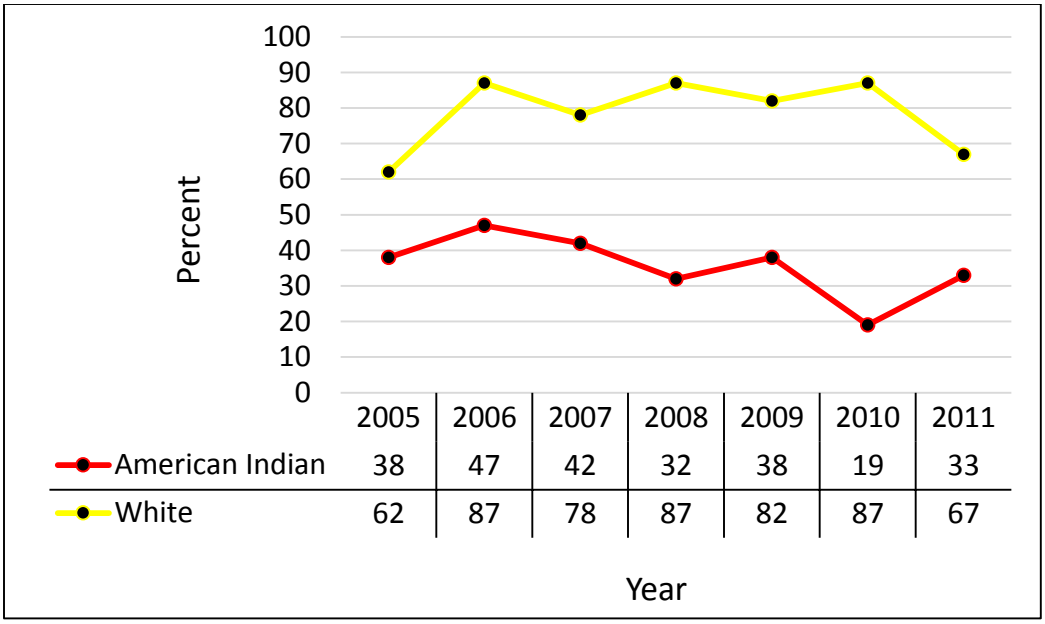


	2005	2006	2007	2008	2009	2010	2011
Monticello	91	92	89	85	88	85	79
Monument Valley	17	10	8	19	22	13	11
San Juan	38	47	42	32	38	19	33
Whitehorse	50	14	22	21	15	14	23

[37] Available CRT math subject scores are pre-algebra, Algebra I and Geometry. Geometry scores are used here because out of those three math options, Geometry would likely correspond to the highest level of math, taken either by 11th or 12th graders.

Geometry CRT scores for San Juan HS are disaggregated and presented below. At San Juan High, the passing rate for Indian students was between 19-47%, never going above 50%. The lowest passing rate for white students was 62%. The largest disparity in scores was in 2010, when only 19% of Indian students passed the test compared to 87% of white students (see Figure 16 below).

Figure 16
Geometry CRT Scores
San Juan High School
Percentage of Students who passed
2005-2011



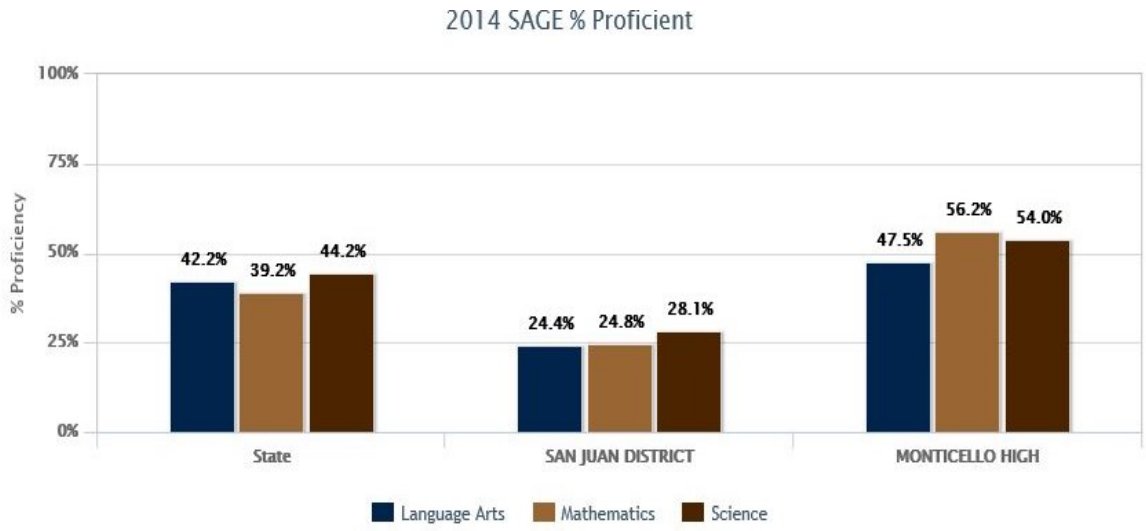
Sage Test: 2014

Most recently, the state has changed from the CRT to the SAGE, a form of assessment that was first implemented in the fall of 2014. As with all previous testing results present in this section, even with a new testing instrument, American Indian students perform lower in language arts and math than their white peers. The following charts are taken directly from the state of Utah educational database as noted: **Web Note from:**

https://datagateway.schools.utah.gov/Assessment/SAGE/2014?leaNum=25&schNum=704**.**

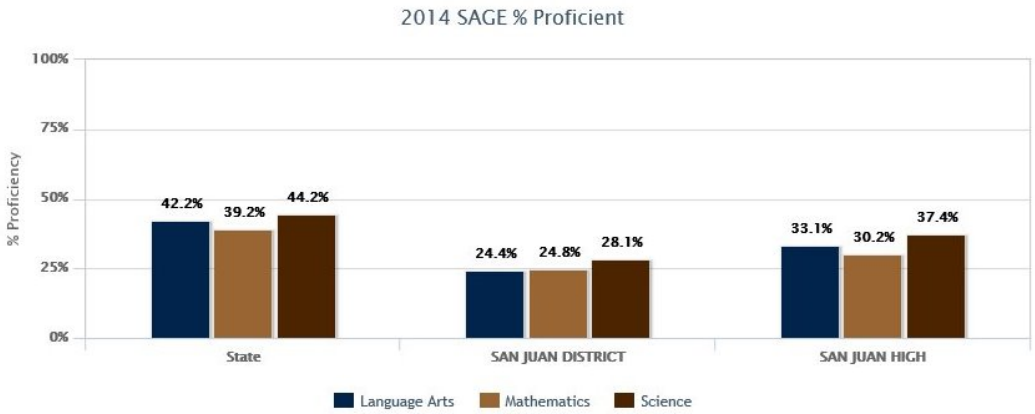
SAGE Results for MONTICELLO HIGH

Language Arts	Mathematics	Science
48%	56%	54%



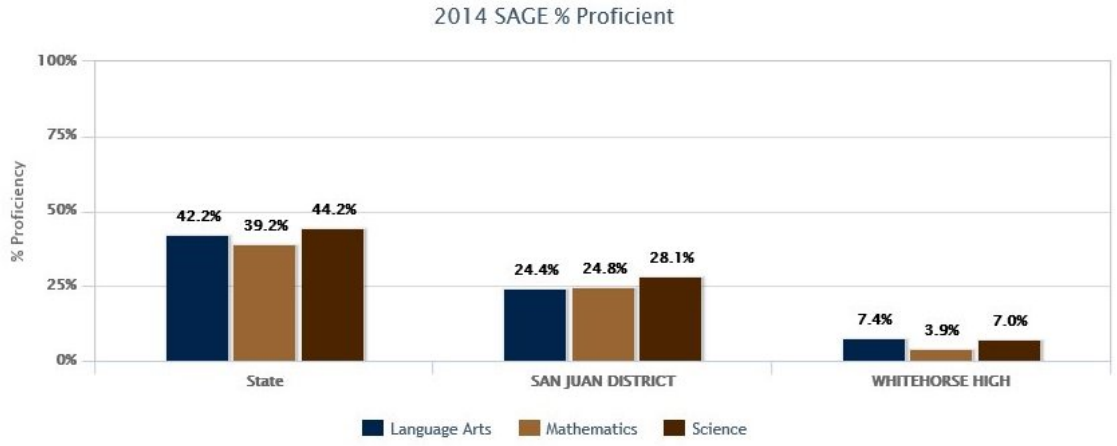
SAGE Results for SAN JUAN HIGH

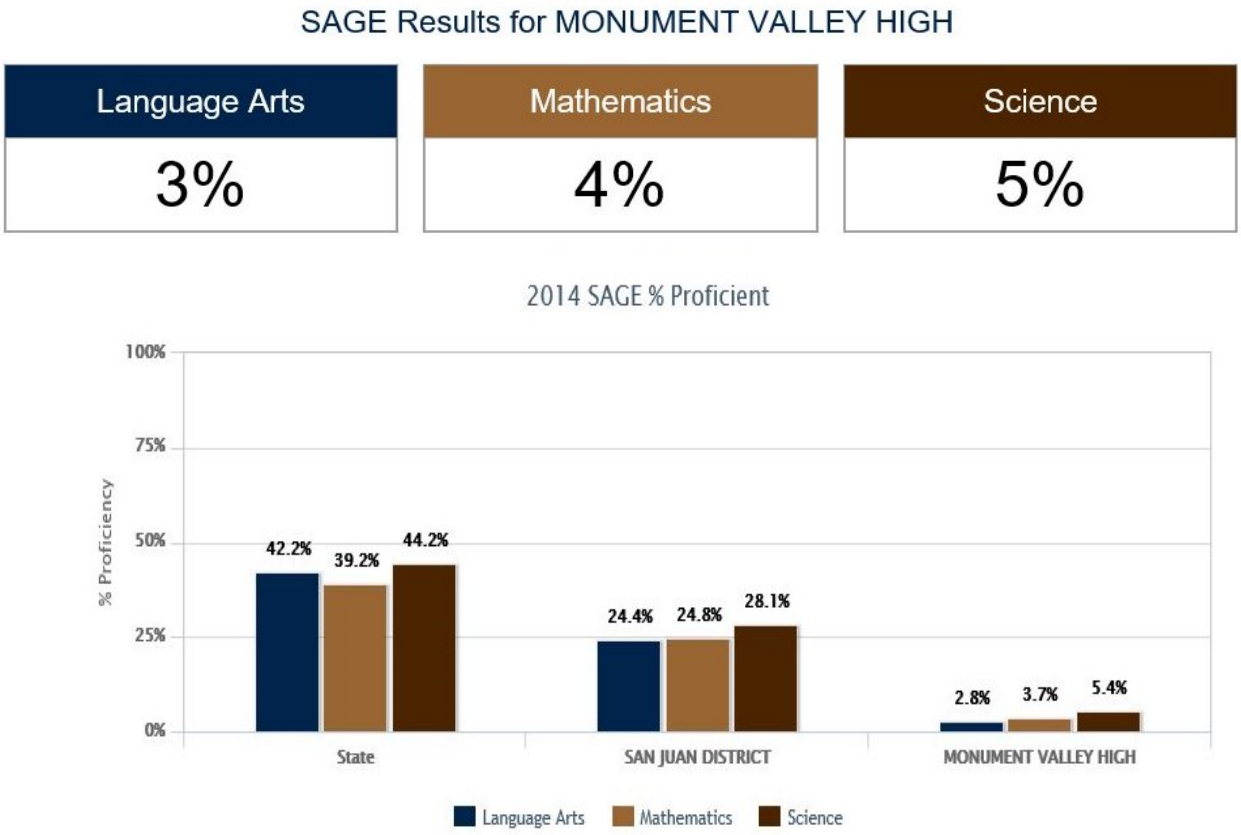
Language Arts	Mathematics	Science
33%	30%	37%



SAGE Results for WHITEHORSE HIGH

Language Arts	Mathematics	Science
7%	4%	7%





Almost 40 years, from the late 1970s to 2014, American Indian students, as a group, have shown few real gains in academic abilities in math and language arts. In September 1997, the Utah Taxpayers Association rated the district as the worst in the state based upon school testing results. The district got an F+ for its 1996 SAT scores, a C for its 1995-1996 test improvement, an F+ for its test scores with a poverty index, a D- for a 1996 final grade and a cumulative grade covering the previous 5 years of a D+. More recent data from the Utah State Office of Education website contains school report card data, disaggregated by district and specific schools.[38] For the 2013-2014 school year, both Monument Valley HS and Whitehorse HS received the grade of F. Though the website does not provide specific details on how this grade was composed, there are

[38] This information can be found publicly on the Utah State Office of Education website, under "data gateway":https://datagateway.schools.utah.gov/Accountability/SchoolGrades/2014?leaNum=25.

several factors that impact this grade including proficiency (in testing), growth (how students have improved their test scores over time), and college and career readiness (how many students graduate and take the ACT-college entrance exam). Both Monument Valley and Whitehorse HS demonstrate low scores in proficiency. Both schools have historically been majority Indian. For the 2013-2014 school year, Monument Valley HS reported 220 Indian students out of a total of 225 students. Whitehorse HS reported 280 Indian students out of a total of 283 students.

Some school district personnel blamed this dismal record on Indian students and their families. In a 1990 interview, a white woman explained,

> It's so cultural! As soon as one of them bobs above the water a bit they pull him back down. It's innate! It's so destructive. They [Navajo families] pull everyone down if one tries to succeed. Some people give me that line, "They walk in beauty stuff"—it is certainly a good part of the traditional stories and culture--but this other is so negative. They are such a negative people. They make sure most don't succeed.

Indian families blamed low academic achievement in part on racism and inadequate schooling. A Navajo student's description of her experiences in high school illustrated what this looked like:

> The teachers really don't listen to the Indians much. Like an Indian would raise up their hands. These white teachers don't want to take the time to work with Indians. Then they just look at them and they ignore their hands and stuff like that. But when a white person, a white student raises up their hand, they'll go to them first. So, it's like whites, they get first served and then the Indians last….probably because they want the Indians to be dumb….they probably think that the Navajos don't know much.

Dropout Study: 1980-1990

In 1984, I began a dropout study of Indian students from San Juan High School and Whitehorse High School, both in the San Juan County School District. I studied these two school to see if there was a difference in the Indian students dropout rates at a school that was 99% Indian, versus a racially mixed, at that time approximately 47% Indian and 50% white, school. District officials provided me with full access to all relevant records. I tracked six cohorts of students, totaling 1,489, at both schools from the 9th grade to their graduation or leaving school, for the period of school year 1980-1981 through 1988-1989. I did this using school records, interviews, and 168 questionnaires of dropouts. At that time, figures from the U.S. Department of Education (1986) show an average attrition rate (data that show the proportion of a given entering high school class which does not graduate four years later) of 29.1% for the high school class of 1984 in the United States. States varied from a low of 10.7% in Minnesota to a high of 43.3% in Louisiana. In Utah, the dropout rate for the class of 1984 was 21.3%.

At the time of my dropout study, research showed that American Indian youth have fared worse than any other minority group in their engagements with formalized schooling. As reported in the High School and Beyond study, which tracked 30,000 high school sophomores across six years, American Indians drop out more often (22.7%) than Hispanics (18.7%), who dropout more often than African Americans (16.8%), who drop out more often than Whites (12.2%), who drop out more often than Asians (4.8%). The Navajo Nation dropout study, "Navajo Students at Risk" calculated a 31% dropout rate for Navajo youth.[39]

[39] Deyhle, Donna. "Constructing Failure and Maintaining Cultural Identity: Navajo and Ute School Leavers." *Journal of American Indian Education* 31, no. 2 pp. 24-47, 1992.

The following charts represent the graduation and dropout rates for 630 Navajo and Ute students from San Juan High School and Whitehorse High School. Cohorts of students from the classes of 1984 to 1989 were followed by myself throughout their high school careers.

Figures 17 and 18 show the graduation and dropout rates for American Indian students that attended Whitehorse High School, with a 99% Indian student population. Over the six cohorts the dropout rate slightly increased from 30% for the class of 1985 to 33% for the class of 1989.

Figure 17
Whitehorse HS Profile
Indian Graduates, non-graduates, and unknowns: n=342
Cohorts 9th-12th Grades
Graduates Include Adult Education and Additional Years

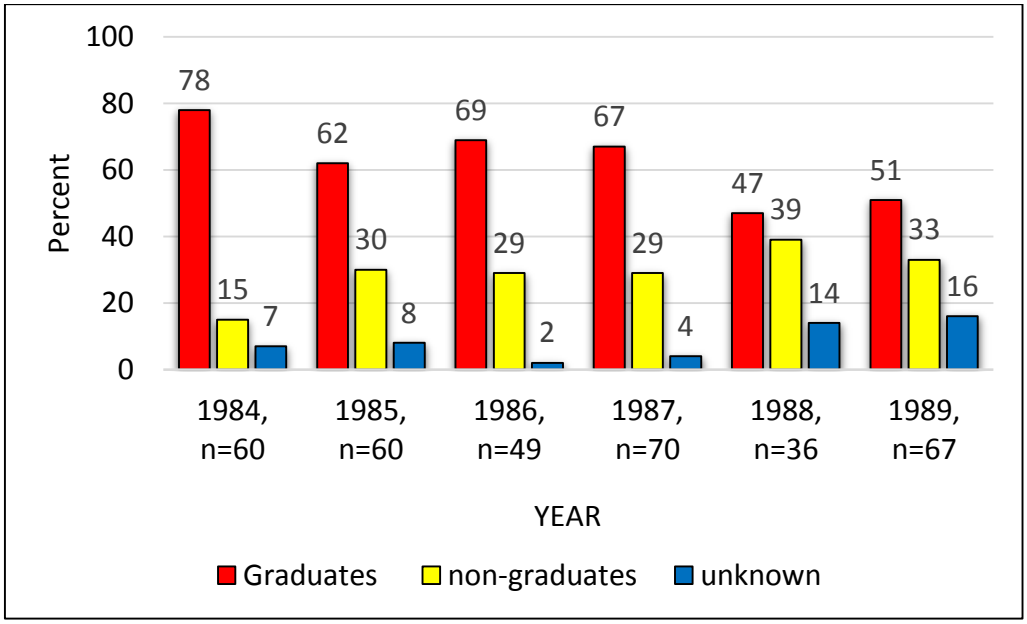
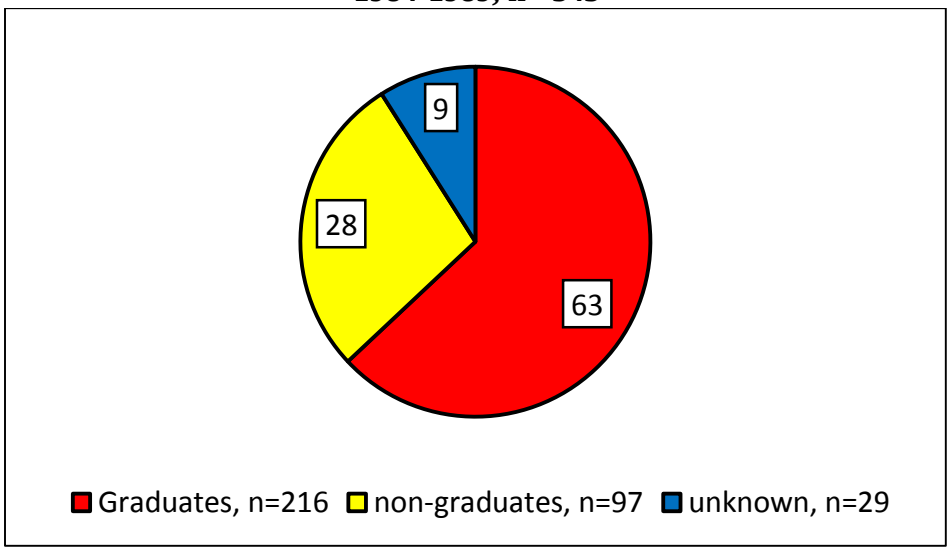


Figure 18
Whitehorse HS Profile
Average of Six Cohorts
1984-1989, n= 343



Figures 19 and 20 show the graduation and dropout rates for Indian students that attended San Juan High School, with a 47% Indian student population. Over the six cohorts the dropout rate increased significantly from 33% for the class of 1984 to 54% for the class of 1989.

Figure 19
San Juan HS Profile
Indian Graduates, non-graduates, and unknowns: n=287
Cohorts 9th-12th Grades
Graduates Include Adult Education and Additional Years

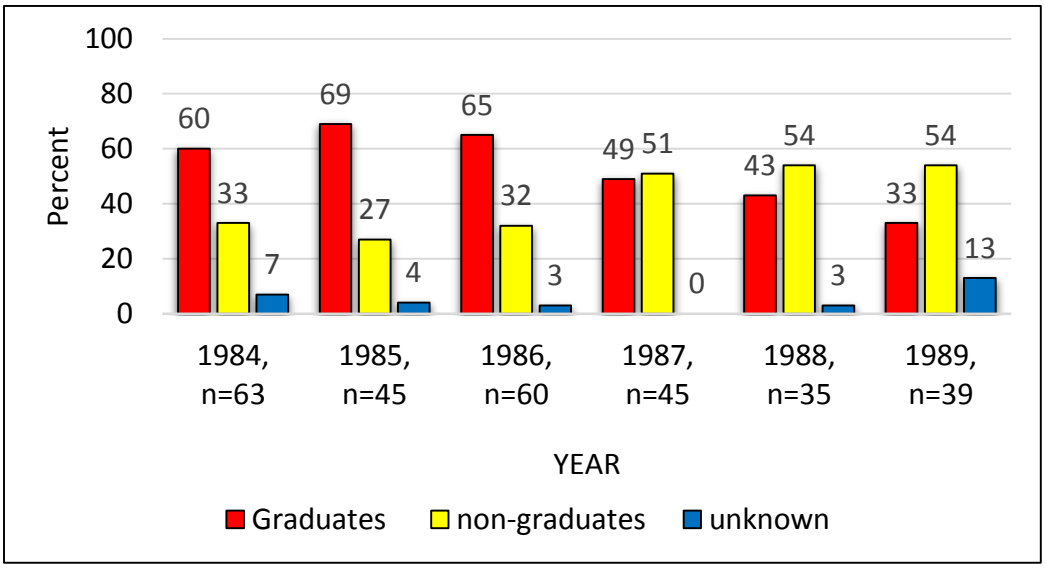
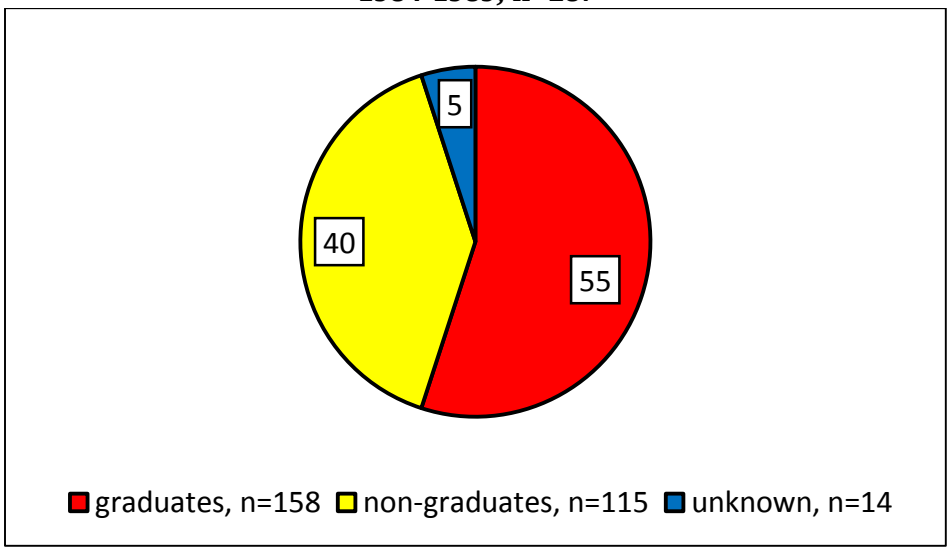
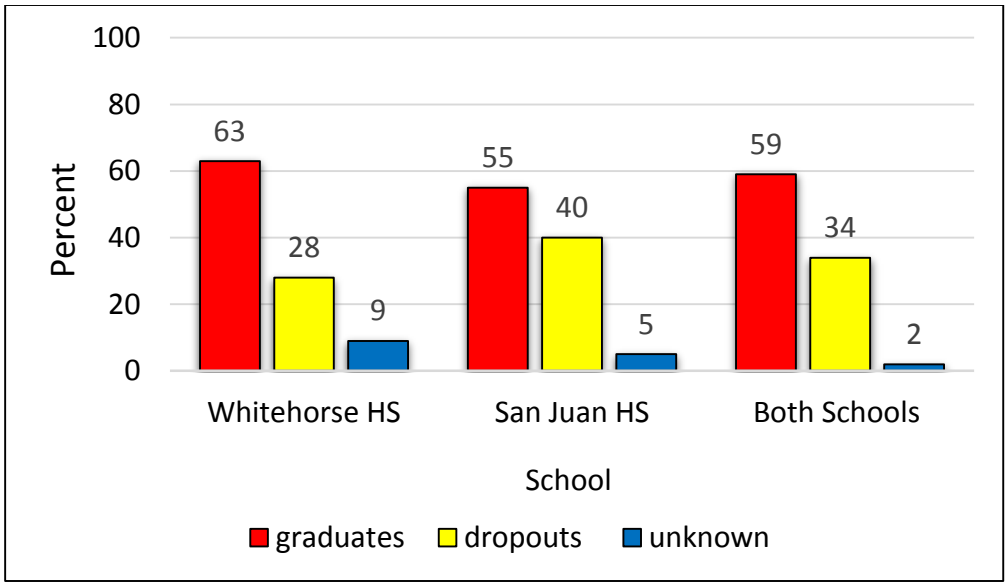


Figure 20
San Juan HS Profile
Average of Six Cohorts
1984-1989, n=287



As the figures below show, the dropout rate of Indian students in San Juan High School and Whitehorse High School is significantly higher than the state average. Combining the six cohorts of students (representing the classes of 1984, 1985, 1986, 1987, 1988, and 1989) for a composite dropout rate resulted in the following dropout rates for Indian students: Whitehorse High School graduated 63% of its Indian students, 28% left school, and 9% were unknown; San Juan High school graduated 55% of its Indian students, 40% left school, and 5% were unknown. From 1984-1990 Whitehorse High School graduated only 63 percent of its Indian students and San Juan High School graduated only a little over half of its Indian students (see Figure 21).

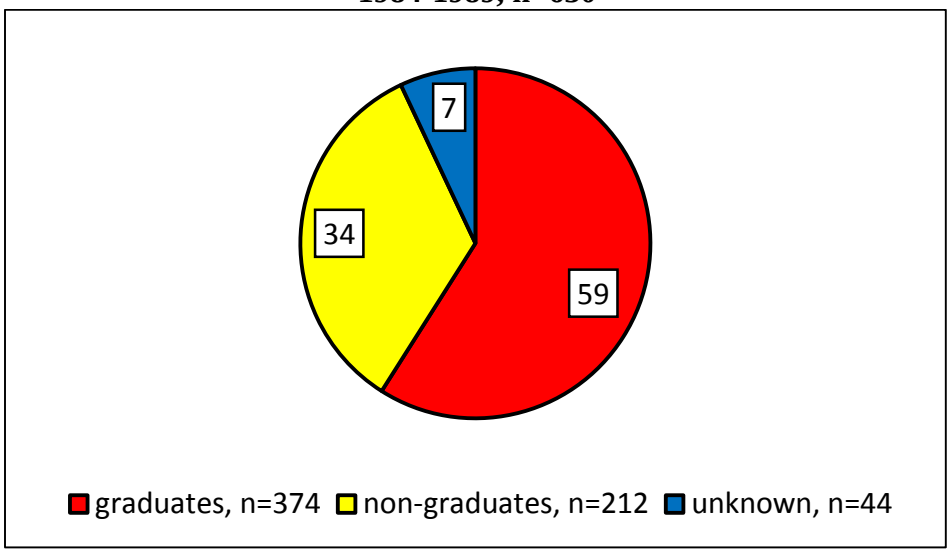
Figure 21
Graduates and Dropouts
Indian Students
San Juan High School and Whitehorse High School
1984-1989



Combining the data from both schools that represented complete high school careers for 12 cohorts of Indian students, 59% graduated through either traditional (completing high school in four years in the regular program) or non-traditional means (taking five or six years and alternative educational programs), 34% left school, and 7% remained unknown (see Figure 22)

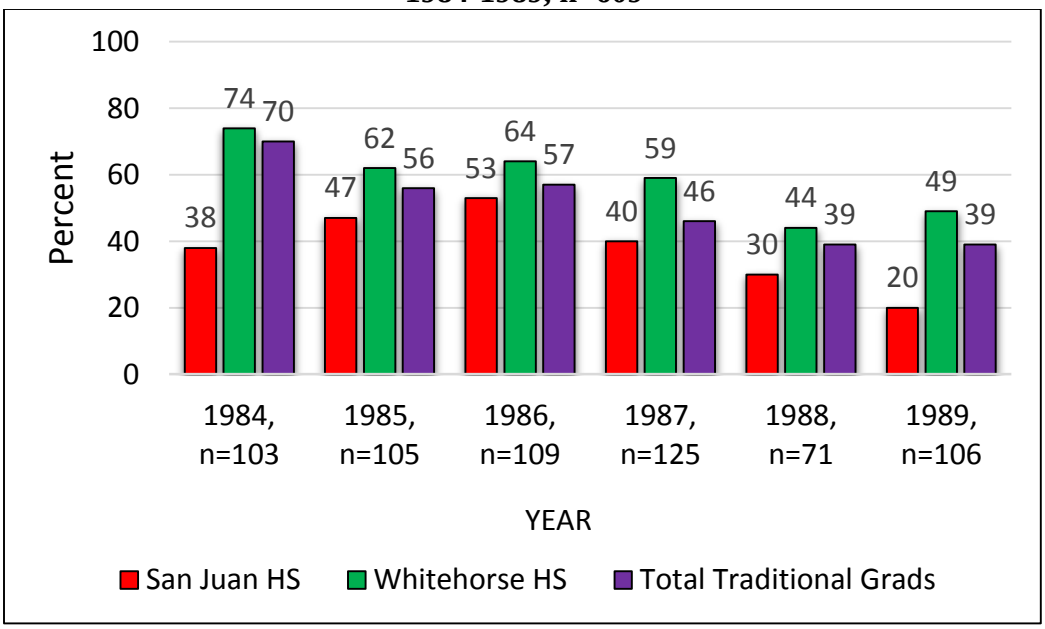
Figure 22

Graduates and Dropouts
Average of 12 Cohorts
San Juan High School and Whitehorse High School
1984-1989, n=630



The above charts included Indian students who needed additional years or alternative programs in order to graduate. I also analyzed the data to examine only the Indian students who graduate in four years in the traditional high school program. The graduation rate of 59% is lowered to 49% when reporting only Indian students who graduated on time in the traditional high school program. At San Juan High School 16% of the Indian students only completed high school with the help of either additional years or alternative programs. Only 4% of Indian students from Whitehorse High School completed high school through these alternative means (see Figure 23).

Figure 23
Traditional Graduates (4 years)
San Juan High School and Whitehorse High School
1984-1989, n=609



These combined figures gloss over a clear pattern determined by examining the record year by year and the schools separately. As many as 18% of these Indian youth were physically in school for 12 years and still did not graduate. Over half, 55%, of the youth that dropped out did so during the 12th grade, indicating a persistence towards getting a high school degree, and a significant number of the graduates, 10%, managed to graduate only through additional years or alternative programs. The two schools, Whitehorse High School located on the reservation with a 99% Indian student population and San Juan High School located in Blanding with a 47% Indian student population, revealed different success rates. Indian students who attended the predominantly Indian school, Whitehorse High School did better in completing high school. Indian students who attended San Juan High School with a predominant white population were less successful in completing high school. I analyzed the Indian student population at San Juan

High School by community (students living in town versus those bused from the reservation) and show that students who were bused from their homes on the reservation were more successful than the ones who lived in town. In general, the students from the most traditional Indian communities were more successful at completing high school.

Over the past thirty years of my research in the district, teachers and administrators have expressed in interviews and in public meetings the belief that Indian students have difficulties in school because of their language and culture. This view sees the problem as caused by the use of Indian languages and the existence of a strong culture in the homes. As one teacher said to me, "These kids we get are learning disabled with their reading. Because they speak Navajo, you know." These educators function with an assimilationist perspective or model that believes that the "less Indian" a student is (little understanding of their native language and culture) the better they will perform in school. This belief, in my opinion, was the reason district administrators and teachers were reluctant to incorporate American Indian languages and cultural information into the school curriculum—they believed this would academically hurt rather than help Indian students. However, national research, and my experience in this field, on bilingual and bicultural education clearly prove this assumption to be wrong. The incorporation of native languages and culture into school curriculum does not negatively affect school academic performance. In fact, just the opposite is correct. In my own research among Indian youth, the more successful students were more likely to be those who were firmly rooted in their community, and spoke their native language and practiced their culture. This finding is supported by a large body of research on bilingual/bicultural education. Specifically, school failure is *less* likely for minority youth who are not alienated from their own cultural values and who don't perceive themselves as inferior to the dominant group. Failure rates are *more* likely for youth who feel disenfranchised

from their culture at the same time they are experiencing racial conflict. Rather than viewing American Indian cultures and language as barriers to overcome, as does the assimilation model, "culturally intact" youth are, in fact, more successful students.

The master data list I compiled on 1,489 youth was given to Pat Macy, the principal at Monument Valley High School in the early 1990s, in order for him to replicate my study and determine if my dropout rates were accurate. Mr. Macy reported the results of his dropout study were as follows: He reported a dropout rate for Whitehorse High of 24%; my rate was 28%. He reported a dropout rate for San Juan High School of 41%; my rate was 40%. The closeness of these statistics indicates the strong reliability between our two studies of Indian dropout rates in San Juan School District.

In January 1992 the district reported in a "Report Card" sent to all box holders in the county that the dropout rate for non-Anglo students was four times higher than for Anglo students; 81% of the dropouts reported by the district, from the 1987-88 to the 1990-91 school years, were non-Anglos, primarily Navajos and Utes. The district also reported that the dropout rate has increased over the past two years from 1989-91. The average Indian graduate was reading at only the seventh grade level. Most of the dropouts were at least six grade levels behind the national average.

The San Juan School District has used my reported dropout rates and the reasons Indian youth drop out from my questionnaires as a justification of need when seeking federal funding for district programs. In 1988 my data was used in two grants, "Partnership" and "School Dropout Demonstration Assistance Program Proposal." Both grants were funded by the U.S. Department of Education for, respectively, $250,000 and $238,855. In 1991 my data, the dropout rate and data from my questionnaire, was used in the grant proposal, "San Juan School District

Restructuring and Reform: A Program to Enhance Completion/Graduation." This grant was funded by the U.S. Department of Education for $929,593.

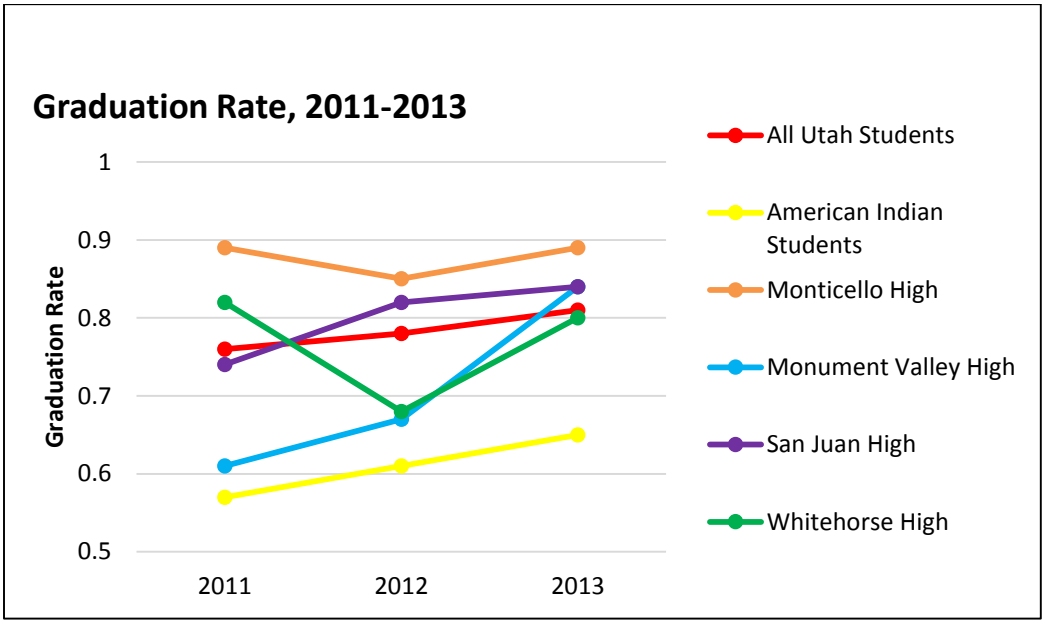
Graduates and Dropouts 2011-2013: Utah and San Juan School District[40]

In Utah graduation rates are calculated based on a cohort of students who entered high school in the ninth grade. Graduates include students who earned a basic high school diploma or an adult education secondary diploma (Carnegie units) achieved by September 30 following the senior year. This figure does not include students who completed a GED, Certificate of Completion, or Utah Alternate Assessment (UAA). It does not include continuing students, students with disabilities with continued enrollment until age 22 or those who transfer to higher education or the Utah College of Applied Technology. It does not include students who dropped out, withdrew, or were expelled.

Between 2011 and 2013, Utah's graduation rate has steadily increased from a 76% graduate rate in 2011 to an 81% graduation rate in 2013. In the same period, the statewide graduation rate for American Indian students rose from 57% to 65%. American Indian students continue to have the lowest graduation rates in Utah when data are disaggregated by race and ethnicity. Additional details, disaggregated by San Juan high schools are included below (see Figure 24).

[40] All data in this section is available from: Utah State Office of Education. (2014). *San Juan District U-PASS Student Achievement, 2005-2013*. Available from http://schools.utah.gov/assessment/Accountability.aspx.

Figure 24



The four high schools in San Juan District included in the follow data are: Monticello High, Monument Valley High, San Juan High, and Whitehorse High.

Monticello High, a predominately white student population, has the consistently highest graduation rate of the San Juan District high schools followed by San Juan High School. Monument Valley High School and Whitehorse High School have consistently lower and also more erratic graduation rates. Monument Valley High graduation rate rose from 61% in 2011 to 67% in 2012 and 73% in 2013. Whitehorse High graduation rate was 82% in 2011, dropped to 68% in 2012, and rose to 80% in 2013.

Dropout rates are, of course, the inverse of graduation rates, and represent the students who dropped out, withdrew or were expelled between the beginning of the cohort (freshman year) and the September 30 following the expected Spring graduation. The dropout rate of all Utah students was at a high of 26% in 2009 and steadily fell to 16% in 2013. Among American

Indian students, the dropout rate peaked at 40% in 2009 and dropped to 31% in 2013 (see Figure 25).

Figure 25

Dropout Rate, 2009-2013

	All Students	American Indian Students
2009	26%	40%
2010	23%	38%
2011	21%	38%
2012	19%	35%
2013	16%	31%

Dropouts and Pushouts: Why Indian Students Leave School

The majority of American Indian students attend public schools. According to a report released in 2013 by the Education Trust, "…many people assume that most Native students attend Bureau of Indian Education schools, when in reality only 7 percent of Native students attend [these] schools".[41] Because of this, national data collection agencies such as the National Center for Education Statistics, are able to collect educational data on the majority of American Indian students, including assessment proficiency and national graduation rates, to compare them against other student populations. In a report done by the UCLA Civil Rights Project on American Indian student graduation rates, American Indian students have lower graduation rates compared to their non-Native counterparts.

This report, titled "The Dropout/Graduation Crisis among American Indian and Alaska Native Students", compiled data from the National Center for Education Statistics on 12 states with sizable Native student populations. Specifically, they "…focus on 2005 data from the seven

[41] The Education Trust, "The State of Education for Native Students". (2013), p. 4. Can be retrieved from: http://www.niea.org/data/files/research/2013_stateofedfornatstudents_edtrust.pdf.

states with the highest percentage of American Indian and Alaska Native students as well as five states [they] categorize as representing the Pacific and Northwestern regions of the US".[42] Alaska (26.3%), Oklahoma (18%), and Montana (11.3), are the top three states with the highest percentage of American Indian students. In calculating graduation rates, the report states that the graduation rates of American Indian students ranged from a low of 30.4% to a "high" of 63.8%. They also reported the disparities in the overall graduation rate in these states compared to the graduation rate of American Indian students. For example, "North Dakota had the highest overall graduation rate at 79.2% [non-Native students] compared to a graduation rate of 37.9% for American Indian/Alaska Native students".[43] In summarizing their findings on graduation rate trends the authors write,

"[t]he graduation rates for American Indians and Alaska Natives in all twelve states were lower than the overall state rates; only three states had rates of 50% or more for American Indian/Alaska Native students. With the exception of Oklahoma and New Mexico[44], the gap in graduation rates between the overall state rates and the American Indian/Alaska Native Rates was 17 percentage points or more."[45]

Though Utah was not included in this study, these reports are helpful in understanding the national trends of graduation rates for American Indian students. Another useful component of the report were the reasons why American Indian students do not graduate. Though the authors acknowledge that research on better understanding why American Indian students leave

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[42] Faircloth, Susan C., & Tippeconnic, III, John W. (2010). *The Dropout/Graduation Rate Crisis Among American Indian and Alaska Native Students: Failure to Respond Places the Future of Native Peoples at Risk*. Los Angeles, CA: The Civil Rights Project/Proyecto Derechos Civiles at UCLA; www.civilrightsproject.ucla.edu., p. 6.
[43] Ibid, p. 10.
[44] It should be noted that the report states that New Mexico's overall graduation rate was so low (54.1%), that it reduced the gap between all students and American Indians (45.3%).
[45] Faircloth, Susan C., & Tippeconnic, III, John W. (2010). *The Dropout/Graduation Rate Crisis Among American Indian and Alaska Native Students: Failure to Respond Places the Future of Native Peoples at Risk*. Los Angeles, CA: The Civil Rights Project/Proyecto Derechos Civiles at UCLA; www.civilrightsproject.ucla.edu., p. 11.

school is limited, there have been several studies which point to institutional and student level factors which impact student engagement in school.

Specifically, the authors argue that decreased student engagement, which they link to institutional and student level factors, is the primary reason why American Indian students have lower graduation rates. For both institutional and student level factors, there are a myriad of "categories" which fall under each. For example, institutional factors that impact why American Indian students leave school include "…large schools, a perceived lack of empathy among teachers, passive teaching methods, irrelevant curriculum, inappropriate testing, tracking, and a lack of parent involvement".[46] Student level factors, covers a much larger range of "categories" for reasons why American Indian students leave school. Some examples that are cited in the report are: "feeling unwanted or 'pushed' out of school, poor quality of student-teacher relationships, lack of parental support, peer pressure, and transferring from one school to another".[47] In the suggestions for improving the graduation rates among American Indian students, the authors give 12 recommendations, some of which echo previous suggestions made by researchers based on connecting American Indian students to the curriculum. All 12 of these suggestions point to the need for schools to become more responsive to American Indian students and move away from a deficit view of American Indian communities. Two examples of these suggestions are: "1. review and revise school policies and avoid implementation of policies that exclude, repress, demean, embarrass, harass, or alienate Native students and 2. avoid

[46] Faircloth, Susan C., & Tippeconnic, III, John W. (2010). *The Dropout/Graduation Rate Crisis Among American Indian and Alaska Native Students: Failure to Respond Places the Future of Native Peoples at Risk*. Los Angeles, CA: The Civil Rights Project/Proyecto Derechos Civiles at UCLA; www.civilrightsproject.ucla.edu., p. 27-28.
[47] Ibid, p. 28. For the full list of student level factors, see the above report, pg. 28.

blaming students and their parents and families for their academic failure or the low performance of the school"[48]

I have conducted research in San Juan School District for the past 30 years. The evidence I present in this section is from this research, which includes observations in over 300 high school classes, over 100 formal interviews, 200 informal interviews and 168 dropout interviews. Interviews were conducted with district administrators, teachers, students, and parents.

From 1984-1986 I conducted 168 interviews with a formal questionnaire with Indian youth who had left school before graduation. This questionnaire was shared with the superintendent, two principals, and the director of Indian education who agreed it was a good instrument to find out why so many Indian youth leave school. A total of 89 variables were statistically analyzed by a statistical expert at the University of Utah. The reasons students gave for leaving District schools were: Almost half, 48%, of the Indian dropouts felt their teachers did not care about them. Students, 53%, also complained that teachers did not help them enough with schoolwork. Over 80% of the Utes complained that their teachers did not care about them or help them in school. These two variables, teachers did not care and teachers did not help with academic work, showed a high correlation (r=65). Students' perceptions that teachers did not care was also correlated (r=39) with the feeling that school was not related to American Indian cultures. Therefore, it could be that the dropout perceived a cultural insensitivity or indifference, or in some cases racism, on the part of teachers. Home difficulties and lack of parent support were factors in the dropout decision for almost half of the dropouts, although two-thirds of the group indicated their parents did want them to stay in school. The academic requirements of school were also a problem for many of the Indian dropouts. Two-thirds said schoolwork was too

[48] Ibid., p. 29-30.

hard for them. On the other side of this issue, one-third of the group said schoolwork was too easy. They spoke of the boredom of remedial classes, the repetition of the same exercises, and uninteresting subjects. The strongest issue related to academic work was difficulty with reading. Over half of the total group, 53%, felt reading difficulties contributed to their problems in school. There was a significant correlation (r=46) between these two questions, "school work is hard" and "reading was hard." An average Indian graduate from this district was reading at only the 7th grade level. Most of the dropouts were at least six grade levels behind the national average.

The decision to leave school usually is a complex one. Three important factors emerged from the questionnaires: 1) student-teacher relationships, 2) content of schooling, and 3) parent support. Additional factors such as the need to work, the distance from school, reading problems, and feelings of being "unwanted" emerged in this study. The data are summarized below (see Figures 26 and 27).

Figure 26
Questionnaire: "I Left School Because…"
Responses of Indian Students

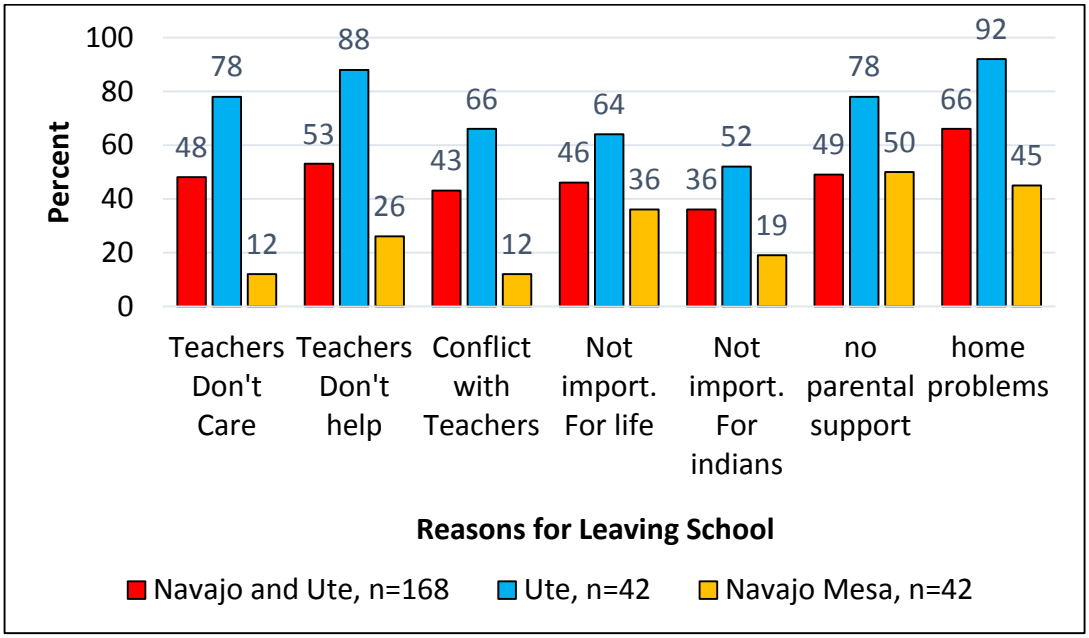
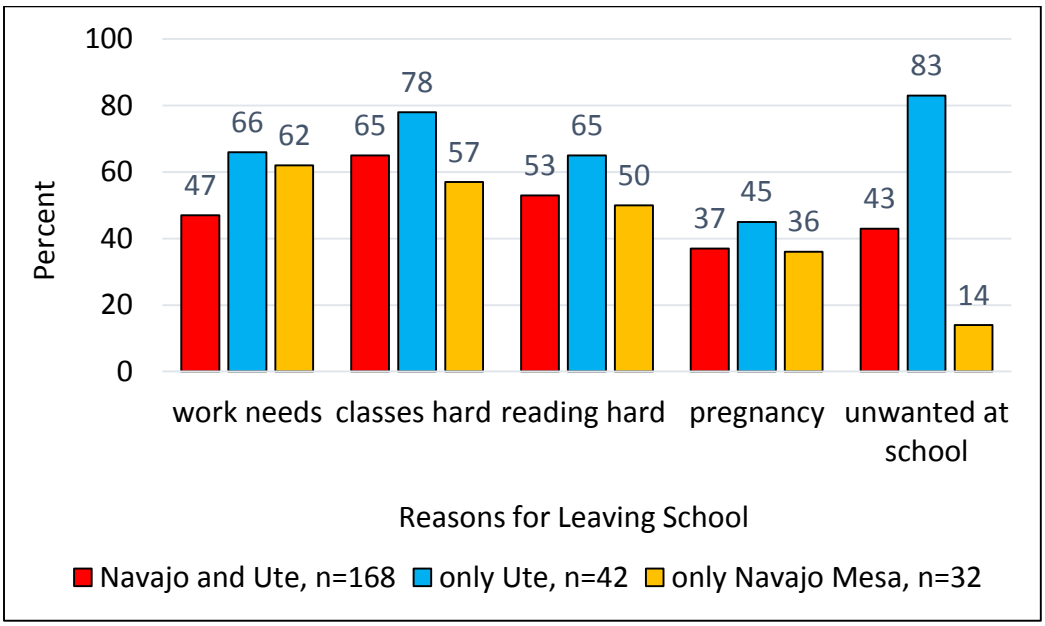


Figure 27
Additional Navajo and Ute Reasons for Leaving School
Responses of Indian Students



Whitehorse High School's administration asked students why they were leaving school. From 1982-1986, 122 students left with official school district recorded reasons. These reasons were assigned code numbers and filed in the students' records. Their reasons reflected difficulty with schooling and the importance of family responsibilities. Over one-third (37%) were either required to leave because of "behavioral difficulties" or left because they felt "an active dislike of the school experience" (this was an official category students could choose). A third (34%) left school because their parents needed them to work at home or at an outside job to support them or other dependents. One-fourth of the students left school with the simple code, "Reason unknown." Many dropouts I interviewed told me they left because no one cared about Indians. There was no official code for this.

Given the high dropout rate and low academic performance, it is clear, in my opinion, that the district's educational programs are not meeting the academic needs of its' Indian

students. At the high school level, given that test scores indicate Indian students are five grade levels behind their Anglo peers in reading, enrichment language programs are critical to make up for the lack of bilingual and other compensatory programs these youth were not exposed to in the elementary grades. This is not only my professional opinion. During a meeting of the administrators and staff (and myself) from the southern schools this sentiment was also expressed. Information produced at the meeting included data that 80% of the students at Monticello High School are at grade level or above, only 20% of the students needed extra help to get them to grade level. Just the opposite exists at WHHS, where it was revealed that 80% of the students were below grade level, and only 20% were adequately performing at grade level. One principal requested additional resources based on need, but was told that an equal amount of money was already being spent on Indian students, and that to spend more would be "discriminatory" against the white students, regardless of the disparity of test scores.

As indicated by the test scores, there is a clear problem with American Indian students learning to read. This skill is critical for success in any academic subject students take in school. While I was observing in both WHHS and SJHS teachers were assigned to teach reading without the necessary credentials or experience. Three teachers spoke to me with this concern, they were teaching reading classes and were either not currently certified, or had no experience with teaching reading to non-native English speakers. It is critical that certified reading teachers and ESL experts work together to design appropriate educational program for American Indian high school students.

In my opinion, from the results of questionnaires, interviews and in-school observations, and my background and experience in this subject, many Indian youth drop out of school

because of poor reading skills, which is directly tied to lack of English language skills, and feelings of racial discrimination, unrelated curriculum and home problems.

Claiming Education Rights: Lawsuits and San Juan County

In 1974, Navajo parents and students filed a federal court class action, *Sinajini v. Board of Education,* alleging deprivation of equal educational opportunities by the San Juan School District. Although several other issues were involved in the complaint (including the district's failure to provide a legally sufficient language program for Navajos), the most important issue in the case revolved around the long distances Navajo children had to travel to attend high school. In one, Navajo students were bussed up to 166 miles round-trip each day. In the other Navajo students were bussed for as long as 112 miles round-trip each day. The 220 Navajo high school students who were bussed by the district rode on the bus an average of 86 miles each day of the school year. The average Navajo student traveled four times as far to school as did the average non-Indian student. Each year, on average, Navajo students traveled more than 15,000 miles, spending the equivalent of 120 school days physically sitting on a bus to attend school. For the students at the end of the longest bus routes, the figures rose to 30,000 miles each year and 240

school days on a bus. These miles for the most part were on rutted, eroded, unpaved, dirt roads that frequently washed out during rains. This suit sought to bring public schools to a part of the Navajo Nation where none had previously existed. Until then, students were commuting to school longer than they were spending time in their classrooms.

Another option for some parents was to drive their children from their homes on the Navajo Nation to the "swinging bridge" (pictured above) over the San Juan river; a school bus would pick them up (or drop them off) on the San Juan County side of the San Juan river. As the 1977 postcard above illustrates, this was not always a safe route to attend school. The back of the postcard stated, "Navajo footbridge spans the mighty San Juan—Eternal link of two peoples into one." Navajo parents were determined to have their students attend county schools. Built in 1957 the bridge served as the primary connection between the schools, stores, and health care for Navajo people in San Juan County on the north side of the river, for Navajos living on Navajo Nation south of the San Juan River. The bridge provided easy access from both side, and was widely used for 50 years. The bridge was washed away during a flood in 2007. The bridge was never rebuilt.

These connections for Navajo peoples' easy access to the services offered to citizens of San Juan County were made more difficult to receive. In an interview in 2015, a Navajo woman I have know for 30 years expressed a critical view on the decision to not rebuild the bridge. "It's bullying!" That is what it is. They took down that bridge down. They won't pick us up anymore. We have to drive all around on the highway now to get our kids to school. It's a lot more miles. It's another way of bullying us. Showing us who is in power."

In 1975, a consent decree and injunction was entered in the *Sinajini v. Board of Education* case. The court ordered the construction of elementary and high schools on the

Navajo Reservation; equality in financing, equipment, supplies, and other resources; and the provision of educational services and programs beneficial to Indian students, including bilingual and bi-cultural education. Within eight years two high schools were built—Whitehorse High School in 1978 and Monument Valley High School in 1983.

I started my research in 1984 and discovered that the bilingual and bicultural curriculum sat unused, gathering dust in the district's material center for 15 years. On paper the language and cultural programs were excellent. In practice, they were nonexistent. I had been living for several months in the district, starting an ethnographic study of Navajo youth and schooling, when after interviewing the superintendent I was told, "Go talk to the director of the Curriculum Materials Center. He can tell you about our bilingual program." Arriving at his office, I was invited in and asked, "Are you friend or foe?" He laughed at my stunned silence and continued, "I always ask, because it's not popular here. I am only one of two in the district that is supportive of the bilingual program. None of the principals are in support of bilingual education. One elementary school has a program, but it is just total immersion in English. Navajo will be used as a last resort, but it is not stressed or taught." He reached behind his desk and pulled a packet off the bookcase and handed it to me. "Here is a copy of the plan we developed after the court case. Look at it carefully. It says that we will provide cultural awareness for all students; that means the whites too. But that never happened. Their parents would never let it happen." He sighed and shook his head as he continued, "People here don't understand bilingual programs. They think, 'I can learn a foreign language. If the Navajos can't learn English, they must be dumb.' They don't understand that when we teach a foreign language in school, we provide instruction about the language in English, but they don't seem to make the transfer to the Navajo situation here." The director himself did not speak Navajo.

Copies of the court-approved bilingual plan were printed in his office and sent to all of the teachers. "There was money for bilingual then, but because we have a decentralized district, principals can do what they want; so the money was used for other purposes they felt were important. And when we had cutbacks, the Navajo aides were the first to go. We lost all but at the lower primary K-3." He took me for a tour of the curriculum center; specifically focusing on the Navajo materials he and his staff had developed. "We have nine films, like 'Coyote and Rabbit,' 'Coyote and Skunk,' 'Coyote learns Subtraction.' The young kids love them. But the teachers don't use them much. And here is our section on guides, manuals and textbooks. We developed 15 on cultural awareness for our teachers. And over here we have 35 Navajo experience booklets with cassettes in English and Navajo. We have over 50 other filmstrips and instructional kits and packets in both Navajo and English. But our teachers don't use them." There was only one Navajo teacher in the district. When we returned to his office he showed me a set of order forms. "Look. We have larger orders for our materials from New Mexico, Arizona, even Colorado. Schools with Navajo students love our materials. But our teachers here don't use them. They think it is not worth the effort. And that the kids need to be learning English. Isn't that ironic? This stuff is supposed to help them learn English." I left his office with a copy of the bilingual program.

Over the next several years I asked the teachers in the district, who were overwhelmingly white, about the bilingual plan they were required to use. Responses ranged from surprise to disbelief. None of the teachers remembered seeing the district's bilingual plan. Over the next ten years of my fieldwork I saw no uniform bilingual-bicultural program implemented in the district. On an individual basis, some teachers did attempt to integrate Navajo words and cultural information in their elementary classrooms. In some classes, an alphabet lining a

classroom wall used Navajo words for letters. Navajo clan names were printed neatly on the side of a chalkboard in several classrooms. Occasionally, Navajo elders would visit classrooms. On a school level, yearly "cultural days" included Navajo songs and dances, Navajo food and speeches from Navajo educators and politicians. In the high schools the inclusion of Navajo culture and language was rare. Walking through the halls and classrooms at night gave no clues that in the morning the schools would be filled with young American Indian men and women.

On the district level, little was done to implement the bilingual-bicultural program. In 1984, the superintendent explained that although he was concerned about equal educational opportunities for Navajo students, "There is no real bilingual program in place now. The use of a model that uses native language first is not enforced here in the district. There were not enough Navajo-speaking teachers and later cutbacks led to reducing Navajo teacher aides." And, he explained, "We have a decentralized district here, principals have total control over their schools. And they don't support bilingual education." He explained that the lawsuit was the reason for the existence of even a formalized bilingual plan. "There is no interest in their involvement with Navajo language. We need to bring kids up to grade level to avoid any future court cases; then we will have done our job." Until 1990, according to my classroom observations and interviews with teachers, the district had no comprehensive, uniform bilingual/bicultural program.[49]

There was further litigation in the 1990s in *Sinajini v. Board of Education* and other cases. In 1991 the district was found to still be out of compliance with federal English-as-a-Second-Language (ESL) requirements by the U.S. Department of Education's Office of Civil

[49] The *Lau v. Nichols* court case decision required school districts to provide some kind of alternative educational program if students did not speak English, the language of instruction. To neglect the language needs of students, however, amounted to denying them equal educational access to school instruction. In response to *Lau v. Nichols*, the Department of Education issued a decree for districts to follow. See U.S. Department of Health, Education and Welfare, Office of Civil Rights, "Task Force Findings Specifying Remedies Available for Eliminating Past Educational Practices Ruled Unlawful under *Lau v. Nichols"*.

Rights. One case resulted in the construction of a high school in an isolated area known as Navajo Mountain. Another lawsuit involved the district's special education programs. Various legal matters were combined into one consent decree. See *Sinajini v. Bd. Of Educ,* 964 F. Supp. 319 (D. Utah. 1997). In the Navajo Mountain case, the court rejected the district's argument that it had no obligation or legal duty to educate Indians on reservations. The district argued that Indians living on an Indian reservation are not "children of the state" under the Utah Constitution. See *Meyers v. Board of Education of the San Juan School District*, 905 F. Supp. 1544 (D. Utah 1995) and Baca, "Meyers v. Board of Education." [50] This case has been hailed as a civil rights landmark in Indian education. *Meyers* was the first federal case to declare that American Indians, because of their state citizenship, have a right to an educational opportunity equal to all other persons. In addition, the suit argued San Juan School district had historically built small remote schools for small populations of white miners in the county, and to not provide the same services to Indians was racial discrimination. Scholars look to these cases as examples of how conflicts over government services on Indian reservations are resolved. [51]The court has kept the Sinajini and Meyers cases open for continued monitoring and enforcement of education services to Indian students in San Juan County.

Monitoring the Sinajini, et. al. Agreement

In late August in 1997 I drove to the district offices for the first meeting of the court appointed Curriculum Committee. The previous April the U.S. Justice Department, the Navajo Nation, Sinajini, et. al, and the San Juan School Board again came to a court approved agreement. In a unique agreement that combined three different lawsuits against the school

[50] Baca, Lawrence. "*Meyers v. Board of Education:* The *Brown v. Board* of Indian Country. University of Illinois Law Review, Vol, 2004

[51] Goodman, D, McCool, D, and Hebert, F., "Local Governments, Tribal Governments, and Service Delivery: A Unique Approach to Negotiated Problem Solving, Unpublished Manuscript.

district, four committees—heritage language, curriculum, finance, and special education--were formed to develop new school district instructional plans. Each committee consisted of three school-appointed and three Navajo Nation and Justice Department appointed educational experts. One issue was that the district was accused of denying American Indian students the same educational opportunities and services (such as equal access to certain academic programs) provided to white students. I was appointed by the Navajo Nation to serve on the Curriculum Committee.

As I drove the 350 miles from Salt Lake City, I thought of what little improvement in educational achievement had occurred since the case against the district started in 1974. As measured on the California Test of Basic Skills (CTBS), Indian students at the 8th grade level had made few gains in a decade from 1977, when the average score was a 5.0 grade level equivalent, to 1987, when the average was 5.6. Though assessment measures have changed significantly over the years since the use of the California Test of Basic Skills, American Indian students' test scores in San Juan School District schools have not yet closed the academic disparity gap between Indians students and their white counterparts. A current tool of assessment for students in the state of Utah is called Criterion Reference Testing, or CRT. In 2010, 12% of students taking the 10th grade language arts CRT at Monticello HS, a majority white school, did not pass the test. In comparison, 49% of students taking the same test at the same grade level at Monument Valley HS, a majority American Indian school, did not pass. At Whitehorse HS, also majority American Indian, 54% of students taking the same test for the same year did not pass. Though one cannot directly compare CTBS and CRT scores because they are different forms of assessment, the pattern of American Indian students falling behind

their white peers academically, persists. The SAGE test now used, as of 2014, also showed the same academic gap between American Indian students and their white peers.

2002: Ending the *Sinajini v. Board of Education* Consensus Team

The six of us from the consensus committee sat across from each other in a conference room in the district's main office. One retired superintendent, an assistant superintendent and the district's assistant superintendent represented the school district; a 30-year educational expert for the Justice Department, a bilingual expert from the Navajo Nation, and I represented the Navajo plaintiffs. The district assistant superintendent opened the meeting,

> Let's go over the purpose of the committee. The 1997 Agreement of Parties listed the following outcomes as mandatory: The district agrees to continue to incorporate a Native American cultural awareness component into its curriculum and to formulate a more formal cultural awareness plan. The district shall make educational programs available so that all students are offered an equal educational opportunity and shall use its best efforts to provide equal access to educational services and courses that are substantially similar.

An examination of the district's four high schools' course offerings was the first action item of the meeting. The Justice Department expert provided handouts for the committee. "I compared the offerings of the courses in each school. I was really shocked. I haven't seen anything so bad since the 60s in the south." Bodies stiffened from across the table. The committee silently read the charts. Of the district's 21 offerings in social studies, only 3 were offered at Whitehorse High School--U. S. History, World Geography, and U.S. Economics. Of

the 32 different kinds of English/Reading courses offered in the district, only the basic Language Arts 7, 8, 9, 10, 11 appeared on the list of possible course choices for students at Whitehorse High School, along with 11 different sections of Basic Reading. Math 7, 8, and General Math Review were offered in 10 different classes and only two classes were offered in any higher math course--a combined Algebra/Geometry class. These Navajo students did not have the opportunity, like students at the other district high schools, to take Algebra I, Algebra II, Calculus or Trigonometry. Earth Systems, Physics, and Chemistry were also missing from the schedule. Due to a lack of math and science courses, high-achieving students from this school could not gain admission to the University of Utah, even with a diploma. The educational expert finally spoke again, "Any high school that has to have 11 reading courses tells me the schools are simply not doing their job. I have never seen anything as bad as this." In a nervous and defensive stance the assistant superintendent quickly inserted, "The district recognizes the problem. We are devoting our efforts this year at reading for all the Navajo schools."

Detailed curriculum and language plans were developed over the following two years. Three years into our and the district's efforts, Heritage (Navajo and Ute) Language classes were finally available to all students, in all grades in all appropriate schools. Elementary schools require 30 minutes of literacy instruction in Navajo per day and 15 minutes of a content area in Navajo per day. Secondary schools offer two levels of Navajo language classes. Navajo culture and government classes in Navajo were scheduled for EDNET broadcasting the following year. All English and Navajo teachers became English-as-a-Second Language (ESL) endorsed and certified. Navajo and Ute language teachers were hired at each school site. We monitored these efforts for five years.

Over the course of the five years the "consensus teams" monitored the school district's resistance to the use of school dollars for Navajo language and cultural instruction emerged in daily discourses, in and out of school. Local historian Robert McPherson clearly captured these feelings and what it meant for the consensus plan in his 2001 book, Navajo Land, Navajo Culture: The Utah Experience in the Twentieth Century. I quote at length, as he is an insider to these issues—having lived his life in the county and written dozens of scholarly studies on southern Utah.

> While this plan was implemented in various stages in 1998, there are some people who still voice complaints. They argue that the system hinders the acquisition of English-language skills for those who need the help the most; that the whole plan is politically and legally motivated and does not consider the welfare of the children; that the Navajo tribe, which has a voice in the adoption of the curriculum, is foisting family responsibility for teaching language and heritage onto the schools, where it does not belong; and that there are not enough staff to implement a true bilingual model. After listening to these arguments, a Navajo man serving on the school board countered: "I think we should withdraw every Navajo student from the San Juan School District. That's when you will be happy. Take care of it once and for all. Just sweep the floor and go home. You have no interest in educating Navajo students in San Juan School District."[52]

November 2002 was the last monitoring visit by our team. We spent a week observing in classrooms, seeing some excellent instruction, and many teachers still struggling. At the end of that week, at the "debriefing meeting" usually reserved for our meeting with principals, we were

[52] McPherson, R. *Navajo Land, Navajo Culture: The Utah Experience in the Twentieth Century*. Norman: University of Oklahoma Press, 2001.

told the school district would no longer allow us into the schools for observations. An administrator moved to the board and wrote two dates: December 7, 1941, and August 8, 1945, and asked us what the dates represented. After silence he responded, "The beginning and end of World War II." He then wrote April 7, 1997 and today's date, November 8, 2002. "We have been at this longer than WWII. And now, on January 8, 2002, No Child Left Behind was enacted and we will have to answer to that. Our new board members do not agree with the consensus plan. We have to move forward, and get this lawsuit behind us to serve the needs of our students." We were presented with the district's new direction and a letter sent to the US Justice Department was shared with the team. In it we were accused of "burdensome program and process requirements" that were forced on the district by our "high pressure negotiation tactics" and "outlandish interpretations of broad legal requirements" in the original 1997 consensus agreement. Our twice a year monitoring visits were "highly intrusive" and resulted in "disruption to our staff and programs." In general, the district argued that the curriculum plan caused an "adverse effect on students." In addition, the district argued that they could not adequately teach the State Core because of the "loss of class periods to obligatory Navajo language classes." At the elementary level, due to "inflexible Navajo language requirements," Fine Arts, PE, Health, Science, and Social Studies programs had suffered. At the secondary level, the district argued they had to "abandon or de-emphasize" Sterling Scholar, Science Fair, and the Academic Decathlon because of the demands of the monitoring team. In addition, required Curriculum and Heritage Plans were responsible for causing the district to lose several faculty members, and over $200,000 of vocational funding, and made it difficult to recruit

teachers. The final assertion stated, "The Plan requirements and the monitoring activities are impeding our ability to respond to the No Child Left Behind legislation."[53]

We received a new Language Development and Curriculum Plan—a plan we called the "non-consensus plan." This plan moved Navajo language from a required curriculum offering at each Southern school (majority Navajo schools) to one that would be optional, dependent on an adequate number of students registering for the class. In a district that had a history of reducing Navajo teachers and Navajo language and culture classes, this was an ominous echo of the past. The full circle put us back where Navajo language and culture were seen as a frill capable of being deleted during times of budget tightening or when more time was needed for PE, Health, Technology, Social Studies or extracurricular activities.

During the 2003-2004 academic school year, the San Juan District and the Navajo Nation again came to a consensus over the revisions of our original plan. In the final plan, at the unwavering insistence of the Navajo Nation, Navajo language was again a mandatory district-wide course offering. Monitoring efforts in the district, however, were narrowed to evaluations that only focused on Navajo language and culture teachers. These Navajo teachers now bore the brunt of the workload required to continue the curriculum changes. This shift of surveillance-removing white teachers and 95% of district classrooms from evaluations-also created a transparent place for Navajo teachers in schools; teachers could be "looked at" to see what kind of "Indian" they were presenting in the classroom. "It makes me so nervous when you would come in with that team," A Navajo teacher had told me. "Navajo teachers were being judged on

[53] The No Child Left Behind Act was signed on January 8, 2002. The act was proposed to improve school performance and enhance accountability by increasing standards and requiring the certification of all teachers. Critics have argued that the act relies too heavily on standardized testing and outcome-based education, which is thought to stifle student learning and critical thinking.

how good we teach Navajo and those white teachers sit in their classroom and do nothing. I know our clans, but the language is a challenge to teach when you don't have materials." The success or failure of the reform efforts centered on the least powerful educators—Navajo teachers—in the district. In effect, school officials and non-native teachers could continue with a vision that rendered American Indian youth invisible beyond language and culture classes.

When the monitoring of the SJSD stopped, we had just begun to see some positive gains in the educational environment experienced by Indian students. Teachers, for the most part, were more organized with daily lesson plans. From classroom observations, we could see that Indian youth were actively using their language classes, and taking Indian culture and history classes. Indian elders visited classrooms to support teachers' efforts. These were agreed upon practices meant to enhance the educational success of American Indian youth. These practices did not last long after our monitoring efforts were ended by the San Juan School district in 2002.

A previous principal in SJSD told me in a 2015 interview about current practices in San Juan School District,

> There are no longer any cultural programs. Several of the Navajo language and culture teachers were kicked out of the district. They fired some excellent teachers. Now they use the Rosetta Stone Navajo language program. It is just work on the Internet. There is no face-to-face interaction with a teacher. Our classes have little cultural knowledge in them now. Or language. They [district administrators] said, 'We are done with that.' Bringing the community into the school is important for their learning. The district did not like that. They have eliminated all of the classes where we had elders and community members coming to the classroom. We have no Native language and history class now. The district "divided" the content and dispersed it among the faculty. And then students

could look advanced things on the Internet. But they have no face-to-face with a physical teacher.

With 35 years experience in the district this administrator reflected on the curricular programs used in San Juan School District, "The district just moves from canned curriculum to another. They are all designed without regard to the student population. They try them for a few years. And then they change to another. Who ever comes to the district promising a "fix" to low test scores? What I know is that the important key issue is the relationship between the teachers and students. It is not a preprogramed curriculum." This administrator talked about "best practices of respect and inclusion" that were important for American Indian student success, "We were a community at the school. We would talk. We would have potlucks. We were working together for the kids. You have to give kids a second chance and additional opportunities. I was told I could not do what I used to, which was to let a senior that didn't finish their forth year, come back the fifth year to finish. Some students have extraordinary issues that come up that prevent them from graduation. But the district made me stop. They cut these students out."

Half of this administrator's staff was released from their duties in 2013 when the district decided to experiment with a new educational program based on the "Virginia Model". This model attempts to "wipe" the slate clear and "start over"—new staff and a standard curriculum for all students. According to several SJSD teachers, American Indian culture and language instruction do not have a place in the Virginia Model. As a high school teacher in the district said, "They have gone to the Virginia Model. A factory school. Everyone the same. Basic curriculum. Bored students. " The administrator, who retired early from SJSD, said,

They are saying that MVHS has no history of success. They have said that in staff meetings. And half of my old staff are sitting there listening to this. No academic

> success! Bullshit, not true, but they wanted to justify what they did. So they have to continue wiping out all the 35 years I had done in the district. And we were just starting to see gains. They were small. But they were gains. We were going in the right direction. And now they have stopped it.

The issue of remedial curriculum offerings, identified in the *Sinajini v. Board of Education* Consensus Team plan as a problem to be remedied, continued after our monitoring efforts ended. In a 2015 interview, a Navajo graduate from Whitehorse High School experienced similar patterns to the previous decade. She could not get the advanced courses she was academically capable of at Whitehorse High School—she had tested out of all the existing math courses--and had to register for advanced math courses at the College of Eastern Utah, Blanding campus. If she had been a student at Monticello High School she would have had access to advanced math courses. She was the top student in her graduating class but she still struggled as a freshman at the University of Utah. As she told me, "I didn't know how much there was that I didn't know. I was not taught a lot at WHHS." Her schooling experiences are described by her in the following essay:

> "Growing up on the Navajo reservation, I attended the local BIA school from Pre-K to sixth grade; afterwards I attended the local high school [Whitehorse High School], which was also on the reservation. I have always been interested in books. To this day I believe that because I read a lot, it helped me obtain a lot of skills that got me into the gifted kid program, receiving awards, and skipping a grade or two. I was always in programs for gifted children, whatever that means. I can remember entering junior high and testing out of reading, math, and English classes and being put into independent study. It wasn't until I got into high school that I realized the education wasn't at the academic level it

needed to be. For math subjects the highest level was algebra II, there were no such things as science teachers, and in English, the teacher would assign books/movies and expect a half page report; he wouldn't read them but mark it down and give credit. This was the curriculum, inadequate teachers, teaching students who are so used to the system that they just float on.

So, what happens to the students like me? I can't speak for others but I wasn't one of the lucky ones to just uproot my family just for school. I fought for my education. I had to prove myself by testing into a junior college my freshman year of high school. I graduated with college credits instead of high school credits. This is how I prepared myself for the University of Utah. Even then it wasn't enough for me to thrive. My first two years that I attended the University of Utah was a shock. With all the achievements that I assembled, I believed I was ready to tackle this four-year institution. I wasn't ready; I fell flat on my behind. I couldn't comprehend the basics because there were many holes in my education. My pre-college education failed me. It took me a long time to get my confidence to come back and give school another try….The school systems that are set up for Native American students are behind the average American schools and because they start behind they stay behind."

The Impact of Educational Attainment on Civic Participation

Scholars, in particular political scientists, have demonstrated a connection between levels of educational attainment and civic participation. Civic participation in this case refers to mostly voting patterns (whether or not an individual votes and in which elections) but additionally includes community involvement (such as community organizing and involvement in local community/neighborhood politics), and participation in political campaigning. Below you will

find a summary of various reports and research studies which illustrate the same pattern: higher levels of educational attainment are correlated with higher engagement in civic activities, including voting. Youth who dropout of school are less likely to participate in civic activities and voting. The voting precincts in the areas served by predominately Indian schools in San Juan School District that have deficient academic achievement have significantly less voter turnout than those served by predominately white schools in the northern part of San Juan County. This was certainly apparent in the 2000 and 2010 general elections. For instance, the Aneth precinct in the 2000 general election in the predominately Indian community served by Whitehorse High School had a voter turnout of 49.76% of the registered voters compared with 68.29% in the North Monticello precinct in the predominately white community served by Monticello High School in the northern part of the county. In 2010, this Monticello precinct had a 72.23% turnout rate compared with Aneth's 43.53%.

A 2008 report released by the National Education Association (NEA) stated that high school dropouts should be a concern taken more seriously because of the way that high numbers of dropouts impacts the U.S. both socially and politically.[54] Specifically, as it pertains to civic participation, "…dropouts are less likely to vote or engage in civic activities" (p. 40). Further elaborating on this point, the report states, "[f]or example, in 2004, college graduates were nearly three times more likely to vote than dropouts, replicating a longstanding pattern between political participation and educational attainment" (p. 40). They conclude this section of the report with stating, "Americans with the least education are the least likely to be engaged in civic participation—voting, community involvement, volunteering, charitable work, etc. College

[54] Preventing Future High School Dropouts: An advocacy and action guide for NEA state and local affiliates. November 2008. Can be retrieved from: http://www.nea.org/assets/docs/HE/dropoutguide1108.pdf.

graduates are four times as likely to volunteer as dropouts, and twice as likely to engage in public work in their communities" (p. 40). The report was released to emphasize the importance of educating youth, and reduce the high dropout rate among racial/ethnic minority populations in the U.S.

In October of 2005, Teachers College hosted a symposium titled "The Social Costs of Inadequate Education", to address the problem of educational equity gaps in the U.S.' growing, racially diverse k-12 population. The purpose of the symposium was to discuss the impacts that educational disparities has when thinking long term, of which civic participation was a part. Specifically, one of the symposium's contributors, Dr. Jane Junn, presented a paper titled "The Political Costs of Unequal Education", where she argues that in order to sustain a truly democratic society, that is, one where the majority of its' citizens are involved, existing educational disparities must be significantly reduced and eventually eradicated.[55] In highlighting this point, she states, "[i]nequities in education have the result of creating systematic political disadvantage for citizens who receive less schooling and education of poor quality. Likewise, when political engagement is stratified by class and race, the resulting 'voice of the people' is composed disproportionately of the most advantaged citizens in American society, further straining the legitimacy of U.S. democracy as a polity representing all of its people" (p. 3). Here, she makes it clear that in order for a democratic society to represent all of its factions, there needs to be a more equitable distribution of educational resources where more people can access materials that would allow them to be more informed citizens.

[55] *The Political Costs of Unequal Education,* Jane Junn. Paper prepared for the symposium on the social costs of inadequate education, teachers college, Columbia University, October 2005. Can be retrieved from: http://devweb.tc.columbia.edu/manager/symposium/Files/73_junn_paper.ed.pdf.

Utilizing data from the U.S. Census Bureau, Junn discusses voting patterns. In particular, individuals with lower levels of educational attainment (high school dropouts being the least likely) are less likely to participate in voting, specifically voting in the presidential election. Highlighting patterns of racial/ethnic minority civic participation, Junn demonstrates how racial/ethnic minorities, who are subjected to poorer quality education, are also the most likely to dropout in addition to being the least likely to participate in civic activities. She argues that because of these educational inequities across race and class, the wealthy and white are more able to control politics than other populations.

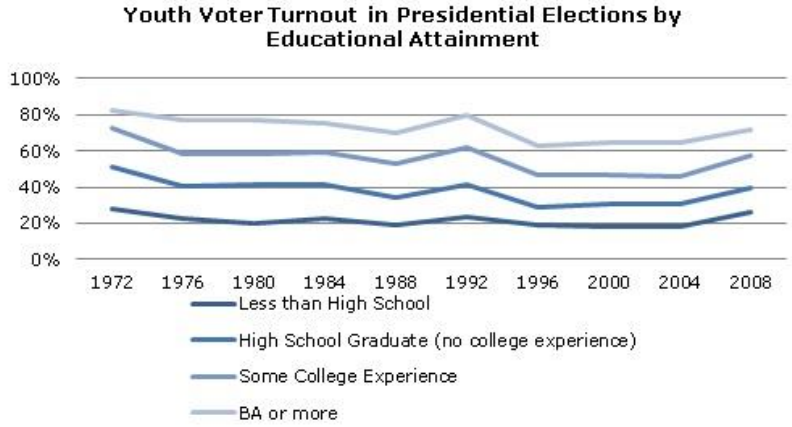
The Center for Information and Research on Civic Learning and Engagement (CIRCLE), operating out of Tufts University, also has a plethora of information related to voting patterns based on educational attainment, as well as by race and class. A CIRCLE working paper written by Meira Levinson (2007) "The Civic Achievement Gap", highlights how youth of color, and poor youth of color in particular, feel disenfranchised early on about their ability to change politics through their participation in voting.[56] She notes how the youth she works with are already distrustful of the government at an early age. This is largely due to their recognition of the way that systems of inequality impact their daily lives. When these students leave school or dropout in high school, they feel less obligated to participate in a democratic society that has pushed them out of school rather than worked to keep them there. Thus, Levinson also argues that students who drop out of high school are less likely to engage in civic participation activities in the future, including voting.

CIRCLE also has numerous charts and graphs available on their website (http://www.civicyouth.org/), which include data from the U.S. Census Bureau, including the

[56] *The Civic Achievement Gap,* Meira Levinson, Boston public schools, CIRCLE working paper 51, January 2007. Can be retrieved from: http://www.civicyouth.org/PopUps/WorkingPapers/WP51Levinson.pdf.

Census Population Survey, used to assess voting and civic participation rates. Charts such as the one below, demonstrate the patterns that have been articulated throughout this section (see Figure 28).[57]

Figure 28



As is demonstrated in the above line graph, voter turnout for high school dropouts has always been consistently lower than their counterparts who graduated high school, and those who graduated high school and college.

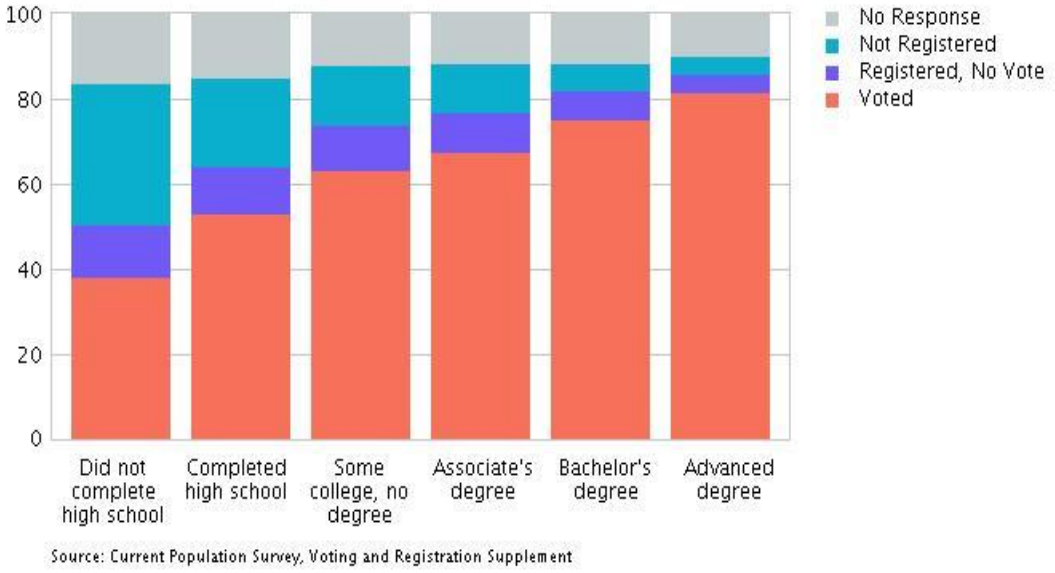
As has been noted previously, the U.S. Census Bureau collects data on voting patterns across race, class, sex, education, and other characteristics from the Current Population Survey. On their website, one can find voting patterns based on the Current Population Surveys for various years that are on record. For example, the graph below demonstrates the voter turnout rate based on levels of educational attainment for the 2012 year (see Figure 29).[58]

Figure 29

[57] Data can be found at: http://www.civicyouth.org/quick-facts/non-college-youth/#vote. As of March 2015, these charts were last revised August 2012 by CIRCLE.

[58] http://thedataweb.rm.census.gov/TheDataWeb_HotReport2/voting/voting.hrml?GESTFIPS=ALL&INSTANCE=Nov+2012

Voting and registration by education in United States: 2012



This data clearly demonstrates that higher levels of educational attainment are associated with higher voting rates. These same patterns can be found across multiple years on the U.S. Census Bureau website.

San Juan District 2013

The San Juan school district currently operates 14 elementary, middle, and high schools in six communities in San Juan County, Utah. The district served approximately 3,000 students in the 2012-2013 school year. Sixty percent of San Juan district students identify as American Indian and 46% identify as White with an additional four percent identifying in other ethnic and racial categories. In 2013, nearly 70% (69.38%) of San Juan district students were enrolled in the National School Lunch Program including 42.5% at Monticello High, 54.8% at San Juan High, 92.5% at Whitehorse High, and 94.3% at Navajo Mountain High, and 95.1% at Monument Valley High.

Per Pupil Expenditures

The San Juan District consistently has one of the highest per pupil expenditures in the state. Per pupil expenditures are calculated based on Fall (October 1) enrollment. Expenses include instruction, support services, non-instructional services, and direct program support. Excluded are property and support for private school students (see Figure 30).

Figure 30

National, Utah, and San Juan District Per Pupil Expenditures, 2009-2013

	National Median	Statewide Median (District Schools)	San Juan District Median
2009	$10,540	$6,613	$12,682
2010	$10,670	$6,469	$11,187
2011	$10,670	$6,462	$11,503
2012	$11,201*	$6,482	$11,107
2013	$11,467*	$6,655	$10,633

*projected figures by the National Center for Education Statistics (NCES)

Student-Teacher Ratio

The San Juan District consistently has one of the lowest (fewest students to teacher) student to teacher ratios in the state. A “student” is any person enrolled in K12 as of October 1 of the specified year. A "teacher" is any person assigned at the school as a Regular Classroom Teacher

(excluding Preschool Teachers), a Special Education Teacher, or a School-Based Specialist (see Figure 31).

Figure 31

State and San Juan District Student-Teacher Ratio, 2009-2013

	Statewide Median	San Juan District Median
2009	21.42	15.24
2010	20.77	14.81
2011	21.80	16.11
2012	22.10	16.34
2013	22.26	17.65

Postsecondary Education in Utah

Postsecondary education options in Utah include Dixie State University, Salt Lake Community College, Snow College, Southern Utah University, University of Utah, Utah State University, Utah Valley University, and Weber State University. The Utah College of Applied Technology does not report Fall enrollment by race and ethnicity for its students.

Enrollment

Postsecondary enrollment among San Juan county students and American Indian and Alaska Native students is another important component of the education pipeline for San Juan county students. Figure 32 displays total American Indian and Alaska Native student enrollment in USHE institutions, San Juan County of original total enrollment and American Indian and Alaska Native students from San Juan County and their enrollment in postsecondary education

from Fall 2008 through Fall 2012. Total American Indian and Alaska Native enrollment in the USHE system accounts for approximately one percent of total enrollments with even a smaller percentage of students enrolled from San Juan County and still fewer American Indian and Alaska Native students from San Juan County.

In my research data from the 1980s in San Juan County, Indian students' low academic skills affected post high-school attendance and employment for all students, whether they graduate or not. With limited academic skills very few Navajo and Ute youth were prepared for higher education. Out of a sample of over 600 graduates from my master list from the 1980s less than one-half of one percent obtained a four-year degree. Over 90 percent of the American Indian youth in my study did not obtain a degree higher than their high school diplomas.

Figure 32

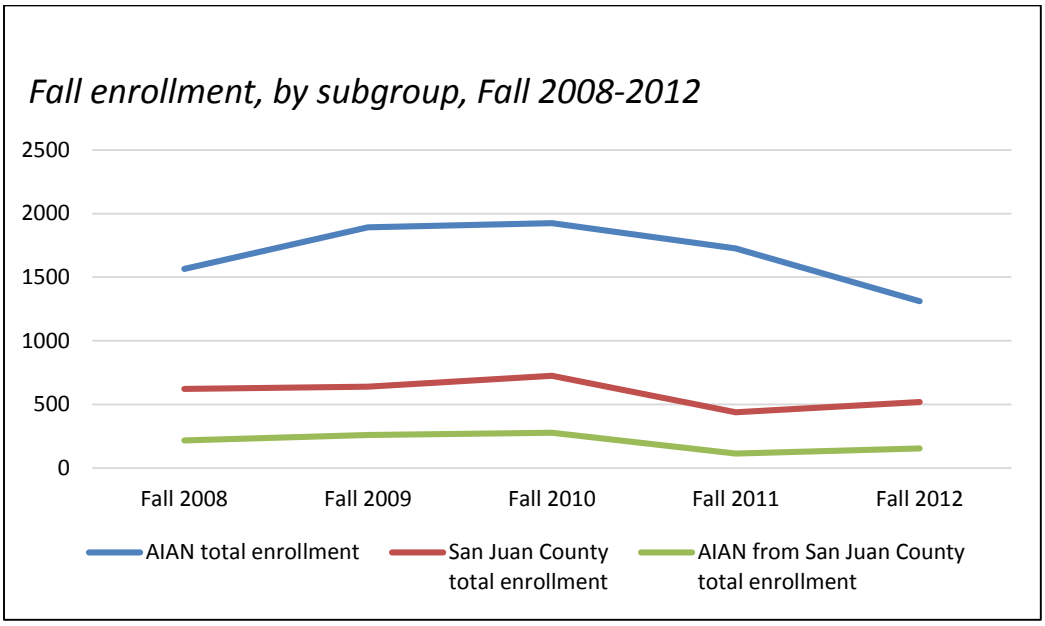
Postsecondary Fall Enrollment by American Indian and Alaska Native (AIAN) and County of Origin

	Total USHE enrollment	AIAN total enrollment	San Juan County total enrollment	AIAN from San Juan County total enrollment
Fall 2008	152229	1566	622	217
Fall 2009	164862	1891	640	261
Fall 2010	173017	1926	725	278
Fall 2011	174013	1727	438	114
Fall 2012	171291	1310	520	154

In a time when USHE enrollment was growing from 152,229 students in Fall 2008 to 171,291 students in Fall 2012, enrollment for American Indian and Alaska Native students was declining and enrollment for San Juan County students and American Indian and Alaska Native students

from San Juan County stayed relatively flat. The above information is also displayed in chart format below (see Figure 33).

Figure 33



Postsecondary Enrollment and Retention Rates for Utah High School Graduates

Compared to other school districts and charter schools in Utah, the San Juan district has the lowest postsecondary enrollment rate of all public districts in the state. Forty-two percent of 2007 high school graduates enrolled in post-secondary education. Of the 2007 graduates, only 49% of students were retained in postsecondary education for a second year.

Completions

American Indian and Alaska Native students represent between 0.8% and 1.1% of enrolled students in Fall 2008 through Fall 2012. Yet American Indian and Alaska Native students are overrepresented in awards at the certificate degree level and are significantly underrepresented in the award of bachelor's degrees, master's degrees, doctoral degrees, and professional degrees (see Figure 34). **Figure 34**

Awards granted by USHE institutions to American Indian and Alaska Native students

	Certificates less than one year	Certificates greater than one year	Associate's degrees	Bachelor's degrees	Master's degrees	Doctorate degrees	Professional degrees	Year Total
2008-2009	1.65%	1.60%	1.00%	0.65%	0.65%	0.25%	0.0%	0.82%
2009-2010	1.68%	1.85%	1.11%	0.62%	0.37%	0.00%	0.56%	0.84%
2010-2011	2.04%	2.46%	1.11%	0.75%	0.44%	0.24%	0.71%	0.94%
2011-2012	2.19%	1.07%	1.09%	0.51%	0.47%	0.00%	0.00%	0.76%
2012-2013	1.36%	2.20%	1.01%	0.58%	0.20%	0.23%	0.49%	0.74%
Award Total	1.80%	1.84%	1.07%	0.62%	0.42%	0.15%	0.36%	

In five years (2008/09 through 2012/13), just 10 students were awarded doctorate and professional degrees. This information is displayed in Figure 35 below.

Figure 35

Awards to American Indian and Alaska Native students, 2009-2013

Award Level	Total Awards
Certificates less than one year	99
Certificates greater than one year	81
Associate’s degrees	530
Bachelor’s degrees	428
Master’s degrees	66
Doctorate degrees	3
Professional degrees	7

Educational Attainment

Educational attainment refers to the highest level of education one has completed. The most recent data on educational attainment for the population of the United States that

disaggregated by race and ethnicity and included American Indian persons is available from the 2000 Census.

The 2000 Census reported 1,350,998 American Indian and Alaska Native persons over age 25 in United States population. In the entire U.S. population more than 80% of Americans have earned a high school diploma while 71% of Native American and Alaska Native persons have earned the equivalent (see Figure 36).

Figure 36

Educational Attainment for the Total Population and American Indian and Alaska Native persons

	High school graduate or more	Some college or more	Bachelor's degree or more	Advanced degree
Total Population	80.4%	51.8%	24.4%	8.9%
American Indian or Alaska Native	70.9%	41.7%	11.5%	3.9%

Data are disaggregated by place of residence. American Indians living in American Indian areas reported lower educational attainment rates than American Indians living outside tribal areas

An additional report further disaggregated the American Indian and Alaska Native population into selected Native American tribal groupings including Apache, Cherokee, Chippewa, Choctaw, Creek, Iroquois, Lumbee, Navaho, Pueblo, and Sioux.

Based on sample data, Navajo persons reported 37.3% have not earned a high school diploma. 62.7% of Navajo persons reported a high school diploma or more with 27.7% being a high school graduate, 28.1% having completed some college or earned an associate's degree, and 6.8% earning a bachelor's degree or more. Among the ten reported tribal groupings, Navajo have the greatest percentage of the population without a high school diploma and the least percentage of the population with a bachelor's degree or higher.

Limited Jobs for American Indians in San Juan County: 1980s

During my research in the 1980s, outside of school Indian youth face a limited local job market. A picture of the economic landscape of the community, as reported in a 1987 Utah Department of Employment Security document, illustrates the racial stratification that frames the employment possibilities of Indian youth. Although they comprise over half of the population, Indians are marginalized to either low paying jobs or no jobs. The unemployment rate for Indians, 41 percent, is over four times the unemployment rate for Anglos. A breakdown of the jobs in the county by occupation illustrates the different opportunity structures faced by Anglo and Indian workers. Over 90 percent of officials' and managers' jobs are held by Anglos. Only eight percent of these top-level jobs are held by Indians. In other professional positions, Anglos hold over two-thirds of the jobs. Twenty-five percent of all jobs in the county are classified in

these two categories but few Indians make it into these powerful occupational positions. In other areas, Anglos occupy almost 90 percent of the jobs as technicians, 91 percent of the sales workers, 80 percent of office and clerical workers and 63 percent of the skilled craft workers. The employment of Indian workers is located in the areas of laborers, service-maintenance, construction trades and paraprofessionals. All of the assemblers and hand-working jobs, 75 percent of non-precision machine operators, 50 percent of construction, 61 percent of cleaning and building service, 50 percent of laborers, and 47 percent of food preparation and service jobs are held by Indians. This job ceiling is faced by all Indian youth. Jobs in the community are scarce. And most professional jobs either require higher educational credentials or skills not possessed by many Indian. And without higher educational credentials and skills they will never be able to increase their employment opportunities. The vocational emphasis in high school and the local community college do not prepare Indian students for employment opportunities in professional level jobs.

High school graduates are twice as likely to have jobs as those who do not finish school. On the surface this seems like an incentive for youth to finish high school. However, there is little difference in the *kinds* of jobs held by graduates and non-graduates. With rare exceptions both groups of employed youth work at the same kinds of service industry jobs: as cooks, motel maids, school aides, bus drivers, tour guides, making or painting potters, as clerical workers, electrical assistants, janitors, waitresses, seamstresses, in the military, as uranium and oil workers and in construction. Service industry jobs typically are characterized by low pay with little or no benefits, seasonal employment and a highly transitional work force. Looking at their peers who dropped out of school, alongside them at the same job, many question the relevance of their high

school diplomas and of continuing their education to finish college. At the very least, American Indian youth see successful academic effort paying off less for them than for their Anglo peers.

School to Prison Pipeline: San Juan School District

In 1989 a fight broke out between a Navajo and an Anglo student at San Juan High School. I was in the hallway and witnessed the fight. Claiming his younger cousin had been verbally and physically assaulted, a Navajo junior struck a white student across the face in the school hallway during lunch. Indian and white students quickly gathered at the scene as the principal and the football coach pulled the boys apart. Police were called to the school; the white student was released to his parents, while the Navajo student was taken to jail. The Navajo community demanded a meeting with school officials to discuss the incident, which more than seventy-five Navajo parents attended. The superintendent, the two high school principals, and several teachers also attended, along with the school district lawyer, a legal services lawyer, the local sheriff, and myself.

The president of the parent association, who served as the meeting translator spoke first in Navajo and then in English. His son-in-law was the Navajo youth involved in the incident:

> It kinda hurts to hear this information. The parents hurt over this. The parents have come to me with the problem. When kids come home and say they have been thrown around, they can't concentrate on their work. It hurts. Word gets around that the Indians are having an uprising. No. It is not true. We want our kids to go to school and do well. They are far behind. We want them to do well in academics. I hope we can talk about this. It gets worse every time we talk. I hear the police came into the school and took him away. This is not fair, to knock around youth. If this is happening in school, I want to know it.

The principal from San Juan High School responded, "Let me express very strongly that there are a lot of things that cannot occur in a school for students to succeed. One thing is that they must feel safe. One of our goals is that it be a safe space. A week ago following a school dance, a group of Anglos and Navajos got into a fight. They have a history of not getting along. The following week there was a fight in school, only one blow. I didn't talk to the Anglo boy because the police did." The Navajo student accused of starting the fight interrupted the principal "You have a problem. The Anglo started it he was picking on a little kid and I told him to stop. Then he fought me." Several Navajo students shouted that Anglo students were always picking on and making fun of Navajos. The principal responded, "This is the first time I have heard this. I didn't know the Indian students were being picked on." The legal services lawyer asked, "Is it true that the Anglo student was not charged and the Navajo student was?" to which the principal responded, "Yes." The superintendent then responded,

> I want to say two things. We expect a lot of our principals, but not to be policemen. We don't expect them to do that. We have a good relationship with the police, so we turn problems over to the police. And then the school gives up jurisdiction. The world is a great place. I hope that the students we turn out have great opportunities. Our schools are good schools, but not perfect.

An elderly Navajo woman brought the discussion back to the issue of discrimination. "Why is it so hard for us to understand that we have this problem? It has been this way for years. I think the problem is that we have the police treating people differently. So you see, the policeman is the problem." A Navajo mother added, "I used to go to that high school. I bear the tragedy with the students now. The higher I went, the greater pressure I got. So I left and went to another high school to graduate." An elderly medicine man spoke last:

> We are just telling stories about each other now. Who was in the incident should be up front talking. When my kids were in school it was the same. And we are still trying to solve this problem. These kids who were talking tonight were in elementary school when my kids had this problem in high school. And I think the kids who are in elementary school now will also have this problem. We need to talk about it. Each time we talk about it the problem continues.

Over 20 years later, as reported in *Disparities in Discipline: A Look at School Disciplinary Actions for Utah's American Indian Students*, the problem of unequal disciplinary actions between white and American Indian students still exists in San Juan School District. The follow section reports the findings from this study.

The school to prison pipeline is a collection of educational and public safety policies and practices that disproportionate tracks minority youth into the juvenile justice system, rather than towards secondary and post secondary academic success. This tracking occurs through the disproportionate use of suspensions, expulsions, school based arrests. Practices arising out of "zero-tolerance" policies, for example, have cause a significant shift away from traditional in-school practices to an over reliance on juvenile justice interventions for common school misbehavior. The report, *Disparities in Discipline: A Look at School Disciplinary Actions for Utah's American Indian Students"* provides an example which occurred at a middle school in San Juan School District. The school's disciplinary form reported: "Referral to Law Enforcement—Safe School Violation: Two [American Indian] boys entered the teacher's lounge looking for a teacher and finding it empty decided to look in the refrigerator. They saw two

bottles of Dr. Pepper took them and drank them. This is a theft and the boys will be referred to law enforcement."[59]

Excessive use of such disciplinary measures creates a negative relationship between the punished youth and their educational environment, making it more likely they fall behind in their studies and potentially dropout. The relationships between disciplinary measures and a student's self efficacy, or self esteem, can be observed throughout the k-12 system: students suspended their ninth grade year are twice as likely to drop out while students suspended three or more times by the tenth grade are five times more likely to not complete the 12th grade.[60] The exclusion of students from school for disciplinary reasons is directly related to lower attendance rates, increased course failures, and can set a student on a path of disengagements from schools.[61] When students are removed from their traditional learning environments due to suspensions and expulsions, they are more likely to dropout of school, enter the juvenile justice system, or the adult criminal justice system. [62]

Dropping out of high school drastically hinders both the income and employment potential for a given young person. In 2014, 31% of American Indian students in Utah dropped out of high school, compared to a state average of 15%. There is no direct link between the decision to dropout of school and prison, but there is evidence that dropouts experience many of the same socioeconomic forces that are often gateways to crime.[63]

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[59] Vanessa Walsh, *Disparities in Discipline: A Look at School Disciplinary Actions for Utah's American Indian Students,* S.J. Quinney College of Law, Public Policy Clinic, 2014.
[60] *From Fingerpaint to Fingerprint. The School-to-Prison Pipeline in Utah,* S.J. Quinney College of Law, Public Policy Clinic, 2014.
[61] Vanessa Walsh, *Disparities in Discipline: A Look at School Disciplinary Actions for Utah's American Indian Students,* S.J. Quinney College of Law, Public Policy Clinic, 2014.
[62] Deborah N. Archer, *Introduction: Challenging the School to Prison Pipeline,* 54 N.Y.L. Sch.L.Rev. 867.868 (2010).
[63] *From Fingerpaint to Fingerprint. The School-to-Prison Pipeline in Utah,* S.J. Quinney College of Law, Public Policy Clinic, 2014.

Nationally, according to the Civil Rights Data Collection, U. S. Department of Education, 22% of all American Indian students received disciplinary action at school, compared to 14% of all white students. Nationwide, American Indian students are roughly 3 times more likely to be expelled and to be referred to law enforcement than their white counterparts. The disparity in Utah is even greater. In Utah, American Indian students are almost four times (3.8) more likely to receive a school disciplinary action compared to their white counterparts (see Figure 37).

Figure 37

Times More Likely than White Students to Receive a Disciplinary Action

	Utah	Nationwide
Suspensions	3.3	1.8
Expulsion	7.5	3.0
Referral to Law Enforcement	7.1	2.6
School Related Arrest	6.2	0.5[64]

[64] Vanessa Walsh, *Disparities in Discipline: A Look at School Disciplinary Actions for Utah's American Indian Students,* S.J. Quinney College of Law, Public Policy Clinic, 2014.

In 2011, the most recent year for which data is available, the report, *Disparities in Discipline: A Look at School Disciplinary Actions for Utah's American Indian Students* found:[65]

American Indian and white students in Utah

--Fifty-five American Indian students in kindergarten through sixth grade were referred to law enforcement in 2011. In comparison, not a single white student in elementary school in Utah received this action.

--American Indian students are almost four times more likely to receive school discipline than their white counterparts.

--American Indian students are seven and a half times more likely to be expelled compared to white students.

--American Indians comprised the smallest student demographic in the Utah and was the most frequently expelled, referred to law enforcement, and arrested for school related incidents—all the most severe forms of school disciplinary actions.

--American Indian students are the single most likely student population in Utah to be referred to law enforcement. They are 3 times more likely to receive this action than all other students of color and almost 8 times more likely than white students.

--American Indian students are the single most likely student population in Utah to be arrested at school. They are almost 4 times more likely to receive this action than all other students of color and more than 6 times more likely than white students.[66]

American Indian and white students in San Juan School District

[65] The numbers on which this report relies are the most comprehensive and recent nation-wide statistics available and were released to the public in the spring of 2014 for the 2011 school year by the Civil Rights Data Collection. That data, along with a school by school search database is available at http://ocrdata.ed.gov/.

[66] Vanessa Walsh, *Disparities in Discipline: A Look at School Disciplinary Actions for Utah's American Indian Students*, S.J. Quinney College of Law, Public Policy Clinic, 2014.

The disparity between American Indian and white students in disciplinary actions is even greater in San Juan School District than in the state averages. American Indian students in San Juan district are disproportionately served with disciplinary actions. In 2011, in the San Juan School District American Indian students, who comprise 47.7% of the K-12 student population, accounted for 80% of all disciplinary actions given. White students are 47.7% of the student population and account for 19.1% of all actions taken. In comparison, in Utah overall, American Indian students account for 1.3% of the student population and received 3.9% of all disciplinary actions.

--The San Juan School District, with the highest number of American Indian students in Utah, gave 22.5% of all American Indian students a discipline action compared to just 5.3% of white students, making them 4.2 times more likely to receive an action.

-- 84.93% of the 2011 disciplinary actions at San Juan High School were given to American Indian students, who constitute 26.57% of the school's student body. This resulted in 41.89% of San Juan High School American Indian students being disciplined whereas only 2.81% of the San Juan High School white student population was disciplined. American Indian students were 14.89 times more likely to be disciplined then their White peers.[67]

Suspensions

There are two types of reported suspensions; in-school and out-of-school. For the purpose of this analysis these suspensions are combined.

--American Indian students account for 47.7% of the student population, yet receive 70.1% of all suspensions. 148 suspensions were given to American Indian students, 59 were given to white students. The population size is equal. Ten percent of all American Indian

[67] Ibid.

students are suspended in San Juan School District compared to 4% of white students, making them 2.5 times more likely to receive this action.

--Four schools in San Juan School District did not given any suspensions for 2011: Navajo Mountain, Bluff Elementary, La Sal Elementary and Montezuma Creek Elementary.

--In the elementary schools, suspensions are evenly distributed between student groups. American Indian students received 33 in a population of 813, and white students received 31 in a populations of 805.

Expulsions

There are three types of reported expulsions: with services, without services and expulsions under a zero tolerance policy.

--There were four expulsions in San Juan School District in 2011, all of which were at Whitehorse High School. All were American Indian Students. No other student demographic received this action.

Referred to law enforcement

School related arrests results in a student being arrested and removed from the environment by police. A referral to law enforcement involves interaction between an offending student and off and/or on-campus law enforcement. Both instances can result in charges being brought against students and consequential criminal records.

In 2011 there were 181 referrals to law enforcement in San Juan School District; 161 went to American Indian students and 20 went to white students. American Indian students, whom comprise 47.7% of the district student population, received 89% of all district law enforcement referrals. 10.8% all American Indian San Juan students were referred to law enforcement, a stiff comparison to the 1.3% of White students who were referred to law

enforcement. In one high school in San Juan district, almost 30% of American Indian students are referred to law enforcement; and at an elementary school over 17% of all American Indian students were referred.

In 2011, 65 referrals to law enforcement occurred in elementary school; 56 went to an American Indian populations of 813, compared to 9 going to a white population of 805. This equates to within the elementary school population 6.9% of all American Indian students were referred to law enforcement, compared to 1.1% of White students, making them 6.2 times more likely to receive this action.

At the high school level, 105 referrals to law enforcement went to an American Indian student population of 674, compared to 11 going to a white student population of 679. This equates to within San Juan School District high schools, 15.6% of the total American Indian populations were referred to law enforcement and 1.6% of White students.

In 2011, 3.17% of the state American Indian student population were referred to law enforcement, effectively making San Juan American Indian students 3.4 times more likely to be referred to law enforcement then their peers in the rest of the state. San Juan School District accounted for 65% of the total law enforcement referrals given to American Indian students statewide.

In 2011 every San Juan School District on campus arrest went to American Indian students. Six of these arrests involved elementary/middle school students and, all told, 1.5% of the American Indian student population were arrested on campus. Concurrently, this rate exceeded the state average of American Indian on campus arrests. Across the state of Utah in 2011 there were 42 arrests given to American Indian students. San Juan District arrests accounted for 52% of this total, despite the district serving only 19% of the total state American

Indian student population.

Dated this 28th day of August, 2015.

Donna Deyhle

Dr. Donna Deyhle

CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of August, 2015, I electronically filed the foregoing **EXPERT WITENSS REPORT OF DR. DONNA DEYHLE** with the U.S. District Court for the District of Utah. Notice will automatically be electronically mailed to the following individual(s) who are registered with the U.S. District Court CM/ECF System:

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