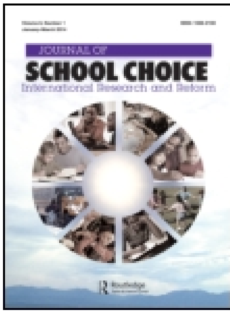

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Rethinking School Choice: Educational Options, Control, and Sovereignty in Indian Country

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ABSTRACT

Despite the plethora of schooling options in Indigenous communities, the public policy debate, research, and discourse on school choice is almost entirely absent a specific engagement with how school choice intersects issues relevant to American Indian youth and tribal nations. This article suggests that Indian Country is an important and unique context for understanding the meaning and processes of school choice because of the government-to-government relationship between tribal nations and the federal government, the sovereign status of tribal nations, the nation-building goals of tribes, and the muddled history of schooling options within Native communities. We offer an alternative way of conceptualizing "school choice" that is more applicable to Indigenous communities and that has yet to be articulated in the literature. First, while schooling options have existed in Indian Country for much longer than has been the case in other communities, the presence of schooling options has not historically been centered upon offering youth and families *choices*. Instead, it has been about *control*—control of the schooling offered to Indigenous youth, and therefore, control of youth and communities themselves. Second, while school choice policies focus on *autonomy* as an important governance principle to prompt change in traditional public school systems, *sovereignty* has and remains the most salient governance issue within Indigenous communities.

KEYWORDS
Native American; school choice; sovereignty; tribal nations

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American Indian[1] youth do not fare well in the United States K–12 school system. As a group, they post some of the lowest scores on standardized measures of achievement, have lower high school and college completion rates, and are underrepresented in college preparatory and other advanced level classes (Brayboy, Fann, Castagno, & Solyom, 2012; Lomawaima & McCarty, 2006; Moran, Rampey, Dion, & Donahue, 2008; U.S. Department of Education, 2011). In other low income and communities of Color, school choice has been advocated as a reform model for improving student academic outcomes for youth who have not been well served by public schools. But

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Native families and students have availed themselves of many options, including public schools (managed by the local school district), grant and contract schools (managed by the Bureau of Indian Education), and dispersed private schools (managed by various religious organizations) well before the recent inception of charter schools and the exponential growth in school choice options (Lake & Gross, 2012). Now, the school choice landscape in Indian Country is robust; this landscape includes numerous options such as urban charter schools that specifically target Indigenous youth, a proliferation of online schooling options marketed to both rural and urban Native youth, federally-operated grant schools in reservation communities that have recently converted to charter status, and most recently, empowerment scholarships, and vouchers.

Despite the plethora of schooling options in Indian Country,[2] the public policy debate, research, and discourse on school choice is almost entirely absent a specific engagement with how school choice intersects issues relevant to Indigenous youth and tribal nations. Similarly, the debate, research, and discourse on Indigenous education includes virtually no mention of school choice, how or to what extent youth and families engage school choice, or the meaning and significance of school choice within tribal nations. This article is premised on our belief that Indian Country is an important and unique context for understanding the meaning and processes of school choice because of the government-to-government relationship between tribal nations and the federal government, the sovereign status of tribal nations, the nation-building goals of tribes, and the assimilationist history of schooling options within Native communities.

Even though parents and youth have engaged in choices about schooling since as long as schools have existed, school choice as an applied educational reform model is a much newer phenomenon. The notion of school choice as a reform strategy rests on a number of foundational ideas and assumptions about families, communities, organizational structures, and rights. In this article, we examine school choice in the American Indian context, and, once viewed in this unique context, we then question some of the foundational ideas and assumptions that undergird school choice policies. We offer an alternative way of conceptualizing schooling options that is more applicable to Indigenous communities and that has yet to be articulated in the literature. Our comments begin by highlighting the inherent tension between notions of choice and control. While school choice in all contexts is fundamentally about control, we suggest that control in Indian Country must lie with tribal nations and Indigenous communities rather than primarily with states and other entities. Parent consumers certainly have an important role to play in terms of choosing where their children go to school, but parental choice should be mapped over the control exercised by sovereign tribal nations to determine what choices are available within their nations and communities. In addition, choice does not always equal control—a phenomenon that is

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evidenced throughout the history of schooling for Native youth. We briefly summarize the history of Indigenous education before transitioning into the central concept of sovereignty. In Indian Country, control must be located with tribes because of tribal sovereignty, which is tethered to the trust relationship between the federal government and tribal nations. School choice policies, on the other hand, focus on the concept of autonomy at the school and individual level. Thus, we suggest a rethinking of "school choice" in Indian Country that centers and honors notions of control and sovereignty—concepts that are vital to Indigenous communities.

We engage this conversation somewhat tentatively and humbly given our identities, knowledges, experiences, and positionalities. Collectively, we have some expertise in school choice, education policy, American Indian education, and school reform efforts. We are educational researchers, policy analysts, parents, and citizens concerned about educational equity. We have worked in schools, at universities, in programs that prepare future teachers and school administrators, and in state departments of education. We are White, Latino, and Native American. What we share, and what brought us together for the purposes of this inquiry, is a deep concern about the schooling offered to Indigenous youth in the United States and a deep commitment to improving the educational opportunities and outcomes of Native students. We are curious about the role of school choice within Indigenous communities and the extent to which school choice as a reform model might offer an upside to youth who have long been ill served by school systems.

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A primer on Indian Country and the Indigenous educational policy context

With over 560 federally recognized tribal nations, twice that many state recognized tribes, and over 5 million people who identify as American Indian or Alaska Native in the United States, the contexts of school choice among this population are diverse (National Congress of American Indians, 2012). Indian Country refers to the geographic territory governed by a tribe in the United States, including reservations, allotments, and other Indian communities. These territories are located in almost every state, and they fall in urban, suburban, and rural locations. Furthermore, Indigenous peoples may live within lands governed by a tribal nation or outside these lands.

There are three levels with discrete authority related to Indigenous education: the federal government, state governments, and tribal governments. Tribal governments have a sovereign government-to-government relationship with the federal government, and they sometimes choose to enter into cooperative government-to-government relationships with states. However, whereas the federal government has some authority in their dealings with tribal nations, state governments do not. The federal government may impact

tribal nations and Indian Country in multiple ways: general federal laws may apply to tribes if they pass a particular legal test, specific federal laws may be targeted to tribal nations, and federal funds may be used either as incentives or as contracts for tribal governments to pursue operations for which the federal government is fiscally responsible.

Most Americans assume that schools are relatively insular and largely locally controlled. Although this assumption is beginning to wane with federally-driven school reform efforts that have garnered public attention (i.e., NCLB, Race to the Top, school turnarounds and closures, common core), schools serving Indigenous youth have never fit this paradigm. The federal government has always had a leading role in the education of American Indian and Alaska Native youth, and this continues to be true with the advent of federal and state school choice legislation, funding, and support. The complexity of the legal and policy terrain impacting school choice in Indian Country is captured in a 2011 report on Indigenous education published by the U.S. Department of Education after a series of consultations with tribal authorities.

> The responsibility to provide education to American Indian youth is set out in federal statutes and treaties. Whereas the federal government maintains a unique trust obligation, brokered in the 19th century, which includes responsibility over delivery of education services, state and local authorities are not obligated by these federal statutes and treaties. (U.S. Department of Education, 2011, pp. 3–4)

In addition to the complexity that occurs because of diversity in each jurisdiction, school district, and state, there is added fragmentation within the federal agencies that impact Indian education. The U.S. Department of Education oversees a number of programs that operate with separate authority, including the Office of Indian Education. The U.S. Department of the Interior houses the Office of Indian Affairs, which houses the Bureau of Indian Education.

American Indians are members of sovereign nations that have a government-to-government relationship with the United States federal government. Tribal nations' rights to self-determination, language maintenance, education, healthcare, and economic development have been reaffirmed in numerous treaties, executive orders, and court rulings (Cornell, 1988; Cornell & Kalt, 1998; Tsosie, 2000; Wilkens & Lomawaima, 2002). Education is a critical piece of the nation-building goals within tribal nations (Brayboy et al., 2012). Unfortunately, ensuring that Indigenous youth have access to high-quality, culturally responsive schools is a continuing challenge in most communities—despite the presence of public, private, charter, online, and grant schools that serve these youth. The unique context of tribal nations as sovereign entities, the central role the federal government plays in education through the Bureau of Indian Education (located in the Department of the

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Interior) and the Office of Indian Education (located in the Department of Education), the distinct tribal government authorities for each nation, the mix of extreme rural and urban locales that house Indigenous youth, and the multiple organizations and intermediaries that have their hands in Indian affairs—all of these elements suggest that it may be ineffective to linearly apply the current school choice research to understand the schooling conditions and processes for Indigenous youth and tribal nations.

(Mis)Applications of school choice in Indian Country

To illustrate our concerns about the potential for incongruity when school choice policy, research, and practice are applied in Indian Country without consideration of the unique context and history, we share two examples from our home state of Arizona. The first is a policy brief from the Goldwater Institute titled, "Digital learning: Improved educational opportunities for American Indian students" (Goldwater, 2012). Goldwater's market-oriented argument in favor of school choice is familiar to those abreast of the school choice literature but pings tinny to those engaged in Indigenous scholarship because of the blanket application of policies without an appreciation of the history and context of Indigenous schooling. In the report, Goldwater cites the poor achievement measures among American Indian students in the state of Arizona and the struggle to attract high quality teachers to rural reservation communities; it then suggests the expansion of school choice options as the solution to increasing student academic outcomes. In its argument for increased school choice options in Indian Country, Goldwater is careful to note that the suggestions maintain "tribal autonomy" because "Indian communities and schools can decide whether to offer virtual learning, and how to incorporate it into the classroom" (p. 6).

The second example is the passage of a bill in Arizona that extended "empowerment scholarships" to students residing on reservations (S.B. 1332, 2015).[3] Empowerment scholarships set aside public funds for parents to direct the education of their child. The public funds can be used for a menu of options both within and outside the public school system, including private schooling. To participate, parents must waive the state's obligation to educate their children and assume the responsibility themselves, and there are restrictions on students re-enrolling in a traditional public or charter school (S.B. 1553, 2011). Empowerment scholarships are not intended to increase the number or type of school choice offerings nor the structures that govern schools. The intent is to allow parents to take advantage of schooling options in the existing education marketplace.

We want to suggest that the Goldwater recommendations, empowerment scholarships, and the application of other school choice policies within Indigenous communities may be indicative of a more general tendency of

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both policy and research to be misapplied in Indian Country. Both the Goldwater report and the empowerment scholarship legislation follow the logic of school choice proponents by advocating an additional option for youth who are in rural communities and who have traditionally been ill-served by schools. But they fail to integrate an understanding of the history of Indigenous schooling, fail to acknowledge the importance of culturally responsive schooling, and fail to center the role of tribal governments as sovereign leaders.[4]

Building from these two examples and our related critiques, we advance two fundamental points about school choice in Indian Country. First, while schooling options have existed in Indian Country for much longer than has been the case in other communities, the presence of schooling options has not historically been centered upon offering youth and families *choices*. Instead, it has been about *control*—control of the schooling offered to Indigenous youth, and therefore, control of youth and communities themselves. Second, while school choice policies focus on *autonomy* as an important governance principle to prompt change in traditional public school systems, *sovereignty* has and remains the most salient governance issue within Indigenous communities.

In what follows, we review the expansion of school choice policies and introduce two prevalent frameworks for understanding school choice: markets and community empowerment. We then discuss with the concept of control and how it has evolved under school choice policies using charter schools before examining the interpretation of control in Indigenous education. Next, we enter the context of Indian Country and discuss the history of "school choice" within tribal communities. Whereas offering options is typically understood through either a market rationale or a community empowerment rationale, these two frameworks do not account for critical components relevant to schooling in Indian Country. Instead, we suggest that school choice in Indian Country is clearly about control, and autonomy is more appropriately engaged through sovereignty. School control in Indian Country has historically been held by the federal government, and more recently state governments. But locating school control and choice in tribal governments honors the educational sovereignty of tribal nations and their tribal nation building goals.

The expansion of school choice policies: An overview

As part of a larger deregulation reform agenda in education that has broad political, bipartisan, and global support (Lubienski & Weitzel, 2010b), the ultimate goal of school choice is to improve the learning outcomes for all students. Depending on the framework being relied upon, this is accomplished either through the presence of more options, which is intended to

encourage innovation and greater efficiency, or the engagement of families in the schooling process, which is intended to encourage greater buy-in and commitment. In general, school choice encompasses local public schools, charter schools, vouchers, empowerment scholarships, magnet schools, online schools, and home schooling. In Indian Country, school choice also includes federally funded grant and contract schools for Native students.

Whereas, it was once assumed that youth would attend their neighborhood public school unless they had the financial means to go to a private school, it is now assumed that families are entitled to a plethora of choices for the schooling of their children. The new "common sense" of education is captured by Lubienski and Weitzel (2010a), who note, "not only are markets considered necessary to spur school improvement, but school choice itself has been cast as a civil right, one that is currently only available to middle- and upper-class families" (p. 7). Others have noted that "the notion that parents should have some choice in the education of their children is deeply engrained in U.S. culture" (Berends, Cannata, & Goldring, 2011a, p. 3).

The rapid expansion of the school choice movement over the past two decades is clear in the numbers of youth served through various schooling options. Charter schools make up 6.2% of all U.S. public schools, educating 4.6% of all students (National Center for Education Statistics, 2015). Private schools make up 24% of all American schools, educating 10% of the U.S. school age population (Council for American Private Education, n.d.). And approximately 3% of all U.S. students are homeschooled (National Center for Education Statistics, n.d.). According to one nationwide survey of school district administrators, 75% of those responding had at least one student engaged in some form of online learning in 2008 (Picciano & Seaman, 2009). The proliferation of school choice options have been bolstered by federal efforts (Berends, Cannata, & Goldring, 2011b). For example, the No Child Left Behind Act (2002) promoted school choice for parents whose children were regarded as trapped in failing neighborhood schools, and the Obama administration has directed states to allow and expand charter school growth in order to compete for the billions of dollars at stake under Race to the Top (U.S. Department of Education, 2009).

School choice frameworks

Two general frameworks for understanding the impetus behind school choice as a key educational reform effort are *markets* and *community empowerment* (Garcia, 2012; Garcia & Stigler, 2011). The market framework posits that greater competition between schools will result in higher quality and greater efficiency, thus offering youth a better education at less expense to the public. The community empowerment framework posits

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that locally developed and controlled schools will result in more responsive and relevant education, thus offering youth schools that are more meaningful to their lives, and therefore, able to engage and educate them better than has historically occurred. Under the market framework, charter schools and other schooling options are positioned as competitors to traditional public schools. But under the community empowerment framework, charter and other schools are positioned as complementary to traditional public schools.

Most local communities who support school choice, and particularly minoritized communities, engage the community empowerment framework because families want relevant social and cultural connections between their schools and homes. For example, Garcia's (2012) research on charter schools serving the Black community found that:

> from the community school perspective, self-determination and not competition, is the primary agent that drives educational improvement. In many cases, charter schools embody the hopes of the community as committed advocates leverage school choice to take charge of their children's education. (p. 215)

The market framework, however, is the most prominent in policy circles and it follows that this framework occupies most of the school choice literature, but it is largely not applicable to school choice in Indian Country. For example, the current thrust of the school choice literature focuses on franchised charter schools operated by large educational management organizations (i.e., BASIS, KIPP, etc.) and franchised charter schools as the focus for replication and expansion in underserved communities (Peltason & Raymond, 2013). However, the few examples of Indigenous-serving charter schools in the literature do not fall within this category, nor is there any indication that these large organizations are interested in the marketplace of schools serving Indigenous youth. In many cases, the Indigenous "marketplace" is either too small, too rural, or too unfamiliar to attract education entrepreneurs. Furthermore, the knowledge gained from research on these franchised schools may not be helpful for understanding Indigenous-serving schools because of the unique cultural context and history of Indian education.

The scant research that does exist on school choice among Indigenous youth solely explores a small number of charter schools developed to serve American Indian, Native Hawaiian, or Alaska Native youth. Venegas (n.d.) estimates that there are at least 53 Indigenous-serving charter schools in the United States. A growing trend among charter schools is the development of ethnocentric niche charter schools, which are schools designed specifically for a particular racial, ethnic, or cultural group (Fox & Buchannan, 2014). These schools, however, are especially susceptible to public outcry and litigation related to First Amendment concerns. Schools centered on Native

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Hawaiian and Muslim cultures, for example, have been targeted for critiques related to racial discrimination and segregation, as well as separation of church and state (Eckes, Fox, & Buchanan, 2011; Fox, Buchanan, Eckes, & Basford, 2012). Despite these potential concerns, the National Indian Education Association adopted a resolution in 2007 to "support charter schools for Native Hawaiians, American Indians, and Alaska Natives" because many of these schools "are designed to incorporate language and culture … and … elders, leaders, and community members' knowledge of history, philosophy, art, and the belief systems of Native people" (National Indian Education Association, 2007). This resolution is consistent with the community empowerment framework of school choice, but it has little explicit overlap with the market framework that suggests competition as the primary driver of school improvement efforts.

Likewise, the published work on school choice in Indian Country centers on Indigenous-serving charter schools and is more firmly located in the community empowerment framework. In fact, the community empowerment framework was implied in the each of the publications related to Indigenous school choice that we identified through a comprehensive literature search (Belgarde, 2004; Bielenberg, 2000; Fenimore-Smith, 2009; Kana'iaupuni, 2008; Lomawaima & McCarty, 2006; McCarty & Lee, 2014; Reeves, 2006, 2009). One commonality among these studies is the argument that school choice, and charter schools in particular, may offer an important opportunity for Indigenous peoples to "take control of their children's education, this time free of constraining rules and regulations" (Bielenberg, 2000, p. 149). In the next two sections, we discuss how control has transpired under school choice policies in general before focusing on the interpretation and application of control in the context of Indigenous communities.

The struggle for control in school choice

School choice policies as an education reform effort are contingent on empowering control at the school level. In practice, however, schools of choice have struggled with carving out sufficient control in the face of standardization. This tension has played out most prominently in charter schools. When charter schools first emerged, proponents argued that individual charter schools themselves should determine student academic outcomes to match their educational objectives. The earliest conceptualizations of charter schools envisioned maximum flexibility to determine student academic outcomes was necessary to promote innovative schools and instructional practices along with market forces to spur school reform (Chubb & Moe, 1990; Kolderie, 1990; Nathan, 1996). Charter schools were started by educators seeking relief from the over-regulated public school system and wanted to "do things differently, whose educational vision and

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professional norms have been frustrated by conventional schools and their bureaucracies" (Manno, Finn, Bierlein, & Vanourek, 1998, p. 540). These same educators aspired to realize an "alternative vision" of education that was not possible in the current traditional public school system (U.S. Department of Education, 2000). Many teachers chose to teach in charter schools to control curriculum and instruction decisions in the classroom (Corwin & Flaherty, 1995; Mulholland, 1999). Understandably, this group of entrepreneurial educators hoped to be held accountable to outcomes on their terms, rather than outcomes imposed upon them by an external state accountability system (Wells, 1998).

By the late 1990s, a flurry of research on the sponsoring and monitoring activities of charter school authorizers revealed that, in practice, public oversight mechanisms were failing to hold charter schools accountable (Fusarelli, 2001; Garn, 2001; Griffin & Wolstetter, 2001; SRI International, 2002; Vergari, 2000). The vague language of many charter school statutes left authorizers and schools unclear with respect to the division of their responsibilities in a newly deregulated environment (Hill et al., 2001). In response, Hill and Lake (2002) called for more predictability in charter school governance. Their standards-based model did not just hold charter schools accountable to state academic standards, it advocated for charter school opponents to join the standards-based reform movement as well. "With respect to accountability, no conflict exists between standards and chartering; in fact, the two reinforce each other" (Hill & Lake, 2002, p. 100). Once the standards are set, they argued, public educators are given autonomy to fulfill the standards as they see fit.

Ironically, the merger of these two major education reform movements also exposed charter schools to the deleterious effects of standardization, an unintended by-product of the accountability policies that would eventually accompany standards-based reform. Charter schools became more, not less, susceptible to external command and control. Charter schools lost the freedom to determine their core academic and curricular missions, creating tension for charter operators between remaining faithful to their individual missions and meeting state expectations (Triant, 2001). As Opfer (2001) forewarned:

> Yet, the pairing of charter schools with accountability obscures the disciplinary nature inherent in this arrangement. Primarily, the pairing of accountability with charter schools hides the conformity required in the curriculum to meet testing demands while implying that schools are free to teach as they see fit. (p. 209)

Over time, standards-based reform engrossed the academic operations of charter schools by using accountability pressures to shift the core mission of all charter schools to teaching the academic standards. The rewards and consequences structure of standards-based accountability systems eventually

dominate school operations. Standardization is the greatest threat to sustainability of schools with unique missions and innovative programs. Eventually, the visionary culture of innovative schools succumbs to the conformity of standardization (Giles & Hargreaves, 2006).

The remnants of standardized academic outcomes for charter schools are evidenced in the research on charter school autonomy. Of the four major components of school autonomy (finance, personnel, curriculum and instruction, and outcomes), charter schools have experienced at least some degree of flexibility from bureaucratic control on the first three aspects depending on the structure and implementation of state laws (Bulkley, 2005b), the dynamics of school-authorizer relationships (Bulkley, 2001; Wohlstetter, Wenning, & Briggs, 1995), and the influence of Education Management Organizations (Bulkley, 2005a). There is virtually no flexibility afforded to charter schools when defining and measuring their own academic outcomes. Post-No Child Left Behind, charter schools are accountable not only to state academic standards but also to state accountability systems. All states require charter schools to report student achievement results on required statewide assessments and to align curriculum with state standards (Finnigan, 2007).

Control in Indigenous education

Although control is inherent to conversations about school choice everywhere, there is a distinct quality, authority, history, and meaning of control in the context of Indian Country. In order to understand this uniqueness, it is necessary to have some knowledge of the history of Indigenous education in the United States. The patterned failure to serve Indigenous students in the United States. has its roots in our nation's history, and specifically in the history of federal involvement in the education of Native youth (Bird, Lee, & Lopez, 2013; Lomawaima & McCarty, 2006). After policies of extermination and removal were deemed either unsuccessful and/or inappropriate, policies of cultural assimilation were pursued with a heavy hand. Federal and faith-based resources were the primary mechanisms. The most well-known example of this was the boarding schools, which were run by both the federal government and churches. Attendance at boarding schools was mandated from the late-1800s through the mid-1900s, and forced assimilation was the primary goal of these institutions. In 1969, the "Indian Education: A national tragedy, a national challenge" report came out condemning the "coercive assimilation" that had been occurring for generations at the hands of the federal government. This ushered in the Indian Self-Determination and Education Assistance Act of 1975, which centered tribal nations' rights to self-government and "self-determination through self-education" (Brayboy et al., 2012). Forty years later, however,

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similar turf wars are still raging. As just one example of these "battles for power" (Lomawaima, 2000), a group of tribal education leaders met in the summer of 2014 to organize against the ongoing and growing encroachment of the Bureau of Indian Education into local schools. As Roger Bordeaux, the Rosebud Sioux superintendent of the Todd County School District (a tribally controlled public school system on the Rosebud Sioux Reservation in South Dakota) said, "it's about who makes the decisions about what is best for Indian kids … We believe it is the tribal governments' and communities' job and right and not the federal government's" (Gross, 2014).

The history of Indigenous education is consistent with the community empowerment perspective of school choice, where progressive leaders advocated for expanded school offerings as a means for empowering local communities to take control of their children's education. Indeed, a consistent argument in the academic literature is that school choice may provide tribal nations an opportunity to shape their schools in ways that would facilitate their language, cultural, and tribal nation building goals similar to other minority communities. But engaging school choice through a community empowerment model in Indian Country may fundamentally be about decoupling schooling from federal and state control and placing it squarely within tribal and community control, which would simultaneously engage sovereignty vis-à-vis the location of control with the tribe and tribal leaders.

Specifically, school choice could present the opportunity to introduce culturally responsive schooling, a central tenet of Indigenous education policy. As Lee (2015) conveys:

> the common effort behind the initiatives of the past half century—from the early Indigenous community-controlled schools of the 1960s to present-day alternative educational innovations in charter schools, language nests, and educational policies—has been the "success" of Indigenous children based on Indigenous measures and values that include cultural, linguistic, and community-based priorities. (p. 10)

Because of patterned and persistent low academic achievement among Indigenous youth, culturally responsive schooling has been widely viewed as a promising strategy for improving the educational experiences and increasing the academic achievement of Indigenous students in U.S. schools (Castagno & Brayboy, 2008). Culturally responsive schooling is not only advocated by a number of scholars, but also by many tribal communities and Indigenous educational leaders (Beaulieu, 2006; Beaulieu, Sparks, & Alonzo, 2005; Demmert, Grissmer, & Towner, 2006; Dick, Estell, & McCarty, 1994; Klump & McNeir, 2005). Emerging largely from the cultural difference literature, culturally responsive schooling assumes that a "firm grounding in the heritage language and culture Indigenous to a

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particular tribe is a fundamental prerequisite for the development of culturally healthy students and communities associated with that place" (Alaska Native Knowledge Network, 1998). This educational approach requires the ability to control changes in teaching methods, curricular materials, teacher dispositions, and school-community relations. Culturally responsive schooling is certainly not a new phenomenon or a passing fad; instead it has been central to tribal nations' calls for improved schooling since at least the early part of the 20th century (Adams, 1997; Deloria & Wildcat, 2001; Reyhner & Eder, 2004; Senese, 1991).

Despite widespread agreement among researchers, educators, and tribal leaders that culturally responsive schooling works and is needed, it has not been systematically engaged. As a result, the schooling of Indigenous youth continues to be a systematic failure—achieving neither the goals of widespread academic achievement nor facilitating the development of healthy Indigenous communities and tribal nations. This devastating pattern has led prominent scholars and tribal leaders to insist on locally controlled schools that are responsive to, and held accountable by, the immediate communities they serve (Lomawaima, 2000; McCarty, 2002). Importantly, however, these calls do not suggest releasing the federal government from its trust responsibility to provide the needed resources for self-education efforts within and across tribal nations.

It's important to be clear about the similarities and differences in control between Indian Country and elsewhere. It is true, of course, that any nation, state, or community might desire control over the educational options available within their geographic regions. Indeed, both the federal government and state governments have made this a possibility in many places across the United States. But this has not, as of yet, been the case for tribal nations, and it is *this* point that the school choice literature, research, and policy seem to miss. As sovereign nations, tribal nations ought to be in control of the education offered to their young people. Critics may charge that tribal nations may also constrain the choices available to their constituents. This may be true, but that is a possibility that has yet to be tested. Our point is that school choice is not only about who can choose, but also about who determines the choices.

This point is highlighted by looking to examples of locally-controlled tribal schools that have seen marked success with their students. Examples of tribally controlled schools include those documented through the Coalition of Indian Controlled School Boards, language immersion schools in various communities, Native Hawaiian schools, Rough Rock Demonstration School on the Navajo Nation, and the Alaska Native Standards for Culturally Responsive and Responsible Schooling (Arviso & Holm, 2001; Castagno & Brayboy, 2008; Holm & Holm, 1990; Lomawaima & McCarty, 2006; Manuelito, 2005; McCarty, 2002; McCarty & Lee, 2014; Wilson & Kamana, 2001). But culturally responsive schooling has not been widely or systematically

practiced in schools serving Indigenous youth because of the assimilationist history of schooling in Indian Country. Whether it was from the federal government or religious institutions, motivated by good intentions or by racist ideologies, schools charged with educating Native students have largely failed in the fundamental goal of providing a meaningful, high quality learning environment. Where opportunities have been seized by tribal communities and/or Native parents and educators to develop schools under their own terms, the successes are well documented. This is not to say, however, that these successes have been without struggle. Importantly, most of the struggles in these tribally and locally run schools have been due to either financial and human resource constraints, bureaucratic requirements mandated from outside the community, and/or standards imposed from the federal government or state charter boards that are not congruent with the goals of local leaders and constituents. Would the presence of more schooling options vis-à-vis school choice solve these persistent problems? We don't know. But we do know that more options void of serious considerations of the location of control and the meaning of sovereignty will likely simply perpetuate the patterned failure of Indigenous students across the country.

Charter schools in Indian Country, like every other school, are required to teach and be held accountable to state academic standards and assessment, regardless of the institutional status of the provider, meaning that tribal interests and tribal control are greatly constrained. There is discretion to determine school themes, or extracurricular offerings, or other noncore academic factors, such as school size, facilities, or programs, and these school characteristics are important to school culture. Academically, however, charter schools in Indian Country cannot use public school funds to support schools that teach any other academic content in lieu of the academic standards as the core academic mission. There are no exceptions. This may be why Lomawaima and McCarty (2006) have noted:

> We do not endorse charter schools as a panacea and in general are wary that the larger charter school movement may undermine the financial justice efforts of struggling noncharter public schools. For Indigenous communities that have experienced centuries of discrimination and educational malpractice, however, *Native-operated* [emphasis added] charter schools offer one option for mediating the pressures of the standards movement and exerting local control. (p. 162)

Anderson and Holder's (2012) longitudinal analysis of monitoring reports for two charter schools serving Native students confirms this tension. Indeed, under the logic of choice, the end goal isn't questioned, it is always about passing the same forms of assessment.

But if you don't have control over the end goal, choice could be considered as meaningless. Educational control is a longstanding issue for Indigenous communities, and tribal nations have yet to be fully in control of the

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schooling options offered to young Native peoples. Any attempts to meaningfully engage school choice in Indian Country must account for the location of control, the history of assimilation-oriented federal control, and the possibilities that may be opened up through tribal control.

Centering sovereignty and autonomy

We have arrived at the crux of the application of school choice in Indian Country—the distinction between autonomy and sovereignty. Whereas school choice frameworks center *autonomy* as a guiding principle and also a goal, school choice in Indian Country is more appropriately guided by the concept of *sovereignty*.

School choice policies are based on autonomy, which encourages atomistic behaviors on behalf of all relevant actors. School choice policies are designed to allow and encourage individual families to act on the best interest of their individual students in selecting what parents believe to be the best school for their student. For example, according to National School Choice Week web site, "School choice means giving moms and dads the opportunity to select the best K–12 education environments for their individual kids" (National School Choice Week, n.d.). The family (parents, in particular) is the primary unit of change in school choice policies. Autonomy in school choice policies has been expressed as affording individual families the ability to make the decision to select their students' schools with as little governmental intervention as possible. There is no specific preference for which entities offer schooling options. Any person or organization that meets the state requirements can open a charter school.

Under the logic of school choice, collective benefits, such as reforming the public education system and the improvement of aggregate level assessment scores, are derived through the amalgamation of individual acts. Quality schools stay afloat through the decisions of individual families choosing to attend them. The fundamental idea behind school choice is that quality schools will prosper through parents "voting with their feet" to select the best schooling option(s) for their student(s). School officials also are encouraged to act in an atomistic manner to offer education programs and academic offerings that attract and retain students in their school.

The context for Native students and their schooling, however, must be viewed as distinct from other settings given the sovereign status of Indigenous peoples and tribal nations (Brayboy, Faircloth, Lee, Maaka, & Ricardson, 2015; Lee, 2015; Wilkens & Lomawaima, 2002; Castagno & Brayboy, 2008). Lomawaima and McCarty (2006) define sovereignty within the context of education as "the inherent right of a people to self-government, self-determination, and self-education" (p. 9). Sovereignty is central to Indigenous education because of the trust relationship between tribal nations and the federal government.

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The trust relationship (and its concomitant responsibility) is a legally mandated set of principles that state the U.S. government has a fiduciary responsibility to act in the best interest of tribal nations (see Wilkens & Lomawaima, 2002, for a sophisticated analysis of the trust responsibility). The U.S. Supreme Court noted that the relationship between tribal nations and the federal government is "marked by peculiar and cardinal distinctions which exist nowhere else" (Brayboy et al., 2015, p. 4). Thus, a meaningful consideration of sovereignty vis-à-vis school choice policies must include the relocation of control from federal and state governments to tribal governments in order to honor the educational self-determination of tribal nations and their nation building goals.

Tribal nation building refers to the political, legal, spiritual, educational, and economic processes through which Indigenous peoples engage in order to build local capacity (Akoto, 1992; Blain, 2010; Brayboy, Castagno, & Solyom, 2014; Champagne, 2004; Coffey & Tsosie, 2001; Cornell & Kalt, 1998; Native Nations Institute, 2012). Nation building is an intentional, purposeful application of human and social capital to address the needs of tribal nations and communities. Tribal nation building is nestled in and based on epistemological, ontological, and axiological assumptions that the health and well-being of the nation and its communities is more important than any individual achievement. As Brayboy et al. (2014) explain:

> tribal nation building is fundamentally different from the project of building the U.S. nation-state. Nation building in the mainstream sense refers to a national project that privileges domination and power over citizens. In this frame, nation building has primarily been concerned with aspects of belonging (citizenship), national identity, language, and rights within in a larger global context (Dhamoon and Abu-Laban 2009; Etzioni 2009). Moreover, U.S. nation building has historically prioritized the *individual* rights of citizens as the primary concern of its laws and elected officials. Tribal nation building, however, is generally driven by a desire and commitment to benefit community, people, and the land over individual profit, success, or material gain. Tribal nation building, in short, is uniquely driven by the Indigenous community and includes policies that benefit the good of all. (p. 577)

When sovereignty and tribal nation building are understood and honored, the implications for school choice on tribal lands are significant. In Indian Country, the "autonomy" that school choice affords should be toward the authority of the tribal government to determine and/or develop schools and how these schools operate within that tribal nation's sovereign lands. For this reason, suggestions that school choice can be expressed in Indian Country like in other minority communities without a consideration of the local context are misapplied. Autonomy in the tribal context goes well beyond outside providers offering schooling options to tribal governments for "approval." Such efforts do expand school choices but do not advance nation

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building. School choice in Indian Country should be fundamentally about sovereignty—control over schooling, youth, and communities vis-à-vis the presence of educational options developed and implemented by tribal governments and Native community members.

It is important to note, however, that this approach is not how school choice has been operationalized on tribal lands to date. In Arizona, for example, the establishment of new schools must currently be approved by *state government* departments and/or boards. This location of power with the state fails to recognize the sovereignty of tribal nations. Instead, that power to determine, approve, and hold educational institutions accountable should reside with *tribal governments*. This is critical because tribal governments may have other considerations for the health and well-being of their tribal nation—these considerations are likely not part of what the state factors into decisions about schooling. As Lomawaima and McCarty (2006) note, "choice, we argue—the right to 'remain an Indian' on local, Indigenous terms—is the defining expression of tribal sovereignty and self-determination" (p. 168).

When the schooling options available to Indigenous youth remain always and only dictated by state and federal governments, private entities, and religious organizations, "school choice" is still a form of colonized and colonizing education. Under this model, "choice" is more illusory than genuine because the options are still determined and defined *for* tribal nations and Indigenous youth and families. Viewed through the lens of control and sovereignty, schooling options carry enormous significance depending on *who* developed them and *how* they are implemented and held accountable. Only when tribal governments and Indigenous communities control the availability and range of schooling options in Indian Country can "school choice" be said to be truly a matter of choice.

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Notes

1. We use Indigenous, Native, and American Indian interchangeably to refer to the sovereign peoples in the 48 contiguous states.
2. Indian Country refers to the geographic territory governed by a tribe in the United States, including reservations, allotments, and other Indian communities.
3. The politics and subplots of Empowerment Scholarships Accounts in Arizona are rich and complex. The bill to extend ESAs to students on reservation communities was introduced by a Navajo legislator whose district includes reservation communities. The legislator has since switched political parties (Democrat to Republican) and is a highly controversial political figure.
4. There are also significant Internet access barriers in many rural Indigenous communities that are particularly problematic for the introduction of online schooling. There are homes that lack electricity and many others without reliable Internet.

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