

**Indigenous language education policy:**  
**Supporting community-controlled immersion**

by

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Honours B.A., Durham University, 2005

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requirements for the degree of  
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in the Department of Linguistics

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## **Supervisory Committee**

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## Abstract

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The vitality of most Indigenous languages in North America, like minority languages in many parts of the world, is at risk due to the pressures of majority (in most cases colonial) languages and cultures. The transmission of Indigenous languages through school-based programs is a wide-spread approach to maintaining and revitalizing threatened languages in Canada and the U.S., where a large majority of Indigenous children attend public schools. Policy for Indigenous language education (ILE) in public schools is controlled primarily on the regional (province/ state/ territory) level, and there is a lack of shared knowledge about policy approaches in different regions, as well as a lack of knowledge about effective ILE policy in general. While no ideal policy model is possible due to the diversity of different language and community contexts, there are several factors that have been identified through language acquisition research and years of practice in ILE as being closely linked to the success of ILE; immersion approaches to education and community control of education. One framework within which to analyze ILE policy is thus the degree of support present for immersion methods and community control. This study analyzes regional, national, and international policies impacting ILE in Canadian and U.S. public schools, and shows that although there are many regions lacking ILE policy, there are a growing number of supportive ILE policies currently in place. The varying levels of support that different policies provide, and a discussion of different ways in which immersion and community control may be supported in ILE policy are illustrated through examples of existing policies. Several recommendations for the development of future ILE policy are offered, including the importance of diverse policy approaches, support for bilingual education in general, and further development of Indigenous language teacher training and Indigenous control of ILE. Through

this specific area of research, the study aims to contribute to knowledge about approaches to the transmission, and ultimate revitalization, of threatened Indigenous languages.

Keywords: Aboriginal language, language policy, Native American, language revitalization

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## Chapter 1. Introduction

The vitality of most Indigenous languages in North America, like minority languages in many parts of the world, is at risk due to the pressures of majority (in most cases colonial) languages and cultures. The movement to revitalize Indigenous languages attempts to facilitate the transmission and survival of Indigenous languages despite pressures to assimilate and homogenize. The transmission of Indigenous languages through school-based programs is a wide-spread approach to maintaining and revitalizing threatened languages in Canada and the United States (Heimbecker, 1997; Grenoble & Whaley, 2006). While this is not a new approach, it is increasingly significant in the political climate surrounding minority language education at the beginning of the 21<sup>st</sup> century. Policy frameworks for the implementation of Indigenous language education (ILE) have improved on regional, national and international levels, yet effective school-based Indigenous language programs remain an area of on-going exploration and uncertainty (McCarty, 2003; Reyhner & Eder, 2004). Schools designed and controlled by Indigenous groups have set a benchmark for success, largely through immersion methods (May & Aikman, 2003). However, many Indigenous students attend public schools and do not have the benefit of these programs. In 1990, 87% of Native American students in the U.S. attended public schools, which are operated on the state level (Reyhner & Eder, 2004, p.314); recently the percentage has increased to 91-92% of students (Reinhardt, 2004, p.10). In Canada there are similarly high numbers of Aboriginal students in public schools; in British Columbia, for example, 59,411 Indigenous students (95%) attended public provincial schools in 2007-2008, while 3,395 (5%) attended independent schools (BC Ministry of Education, 2008). Public schools, in both Canada and the U.S. are controlled at the regional jurisdiction (province/ state/ territory) level. In 1990, when the Native American Language Act (NALA) was passed in the U.S. due to persistent grassroots efforts (Reyhner & Eder, 2004, p.310), only three U.S. states had policies related to the teaching of Indigenous languages and the accreditation of teachers (McCoy, 2003, p.33). As of 2009, 21 states have policies that relate to the teaching of Indigenous languages (ILs) and/ or the accreditation of IL teachers. The process of developing appropriate policies is on-going in the U.S., such as the state of Michigan (B. Rockefeller, p. c., Sept. 2008). Currently 9 Canadian provinces and territories have relevant policies, and others are in the process of expansion or development. First Nations organizations have driven the development of ILE policies in Canada through publishing language policies since the 1970s,

which have influenced an increase in provincial policies in support of ILE (Fettes & Norton, 2000). Despite these advances, “the conditions [of Aboriginal language instruction] generally resemble those of other second languages and are clearly insufficient to achieve oral fluency or language preservation...” (ibid, p.49). The question of how to support effective Indigenous language education in mainstream schools is of immediate significance for Indigenous language educators and policy makers attempting to introduce new programs, as well as for educators invested in the quality of existing programs.

Beneficial factors that have emerged from language acquisition research and years of practice in Indigenous language education include immersion approaches to education (Kipp, 2008; Hinton & Hale, 2001, among others), and community control or engagement in education (Abele et al., 2000; May & Aikman, 2003, among others). These two factors, with their holistic approach to education, may seem at odds with the considerations usually taking prominence in U.S. and Canadian education policy, such as standards and performance assessment (Hébert, 2000). Policy makers generally focus on majority language proficiency as an indicator of success, supporting minority languages when they are proven to help with academic achievement in general, while IL educators generally focus on both Indigenous cultural and linguistic knowledge as indicators of success. Differences in priorities between policy makers and ILE practitioners remain despite “concerted, cooperative efforts among state and tribal educators and policy makers” and the shared belief that “offering Native Languages and allowing tribal teachers of the languages will improve the overall school attendance and academic performance of tribal students” (McCoy, 2003, p.3). As policies for the implementation of ILE in public schools continue to be developed, it is important to engage in on-going analysis of existing policies and discussion of future directions. One framework within which to analyze ILE policy is the degree of support present for immersion methods and community control. These two key elements mentioned above have emerged through research and experience as being closely related to successful Native language education by facilitating culturally-relevant and communication-focused education (Kipp, 2008, among others). These factors are discussed in full in section 2.2. While each language and each educational context is inherently unique, and no prescriptive approach would be appropriate, analyzing different language policies in the light of these two common factors may be beneficial toward the development of new policies.

The purpose of this study is thus to compile current policies which impact the learning of Indigenous languages in Canadian and U.S. public schools, and to analyze whether these policies support the use of immersion methods and the involvement or control of the Native community in language education. Some policies support these aspects of education to varying degrees and in different ways, while others prevent them to varying degrees and in different ways. The majority of the policies that have been analyzed are those of regional jurisdictions (province/territory/ state), with direct governance over public education. The education policy of both Canada and the U.S. places the majority of control and responsibility on regional jurisdictions, although the influence of federal policies also plays a role. A few examples of national and international policies have also been analyzed to contrast different levels of policy and explore the (direct and indirect) influences of these policies on regional policy. The result is an analytic overview of what policies are currently in place, and a discussion of ways in which immersion and community control may be supported in ILE policy. Through this specific area of research, the study aims to contribute to knowledge about approaches to the transmission, and ultimate revitalization, of threatened Indigenous languages.

### *1.1 How to find information in this study*

There are several ways to access the information provided in this study. The general organization is as follows. The motivations, limitations, and terminology for the study are discussed in chapter 1. Chapter 2 provides a theoretical background and justification for the research approach and the research questions. Data collection and analysis methodology is explained in chapter 3, and the overall results are presented in chapter 4 with brief commentaries. Chapter 5 offers further analysis and discussion of the results, as well as reflections on future directions for ILE policy, and ILE policy research.

Specific information can be accessed more rapidly if desired. To learn about the Indigenous language education policies of a specific province, territory, or state (jurisdiction), refer to the tables in section 4.4 which are organized alphabetically. The sources that are cited in the tables may be referenced in the Citation code index in Appendix A, and read in their entirety in the appropriate folder in Appendix C, in order to get a full picture of the situation in any one jurisdiction. For example, to learn about policies in New Mexico, look in the ‘U.S. states’ table (table 4.4.1 (c)), as well as the New Mexico folder in Appendix C to read the full text of

documents cited in the table. To learn about supportive policies relating to a specific area of Indigenous language education, refer to the tables in Appendix B where the jurisdictions with relevant policies are listed in order of their level of support for four key factors. For example, to find examples of policies that fully support immersion curriculum, refer to the ‘Support for immersion curriculum’ table, which shows that Hawai’i and Nunavut have the highest ratings, indicating the highest level of support. As mentioned above, the specific policies for these jurisdictions and all others can be read in the labeled folder in Appendix C.

### *1.2 Context and limitations of the research*

As well as the theories and research mentioned in chapter 1 above, the design and focus of the proposed study are informed by my experiences as a participant, student, and researcher in Indigenous language programs over several years. During this time I have been involved in materials development (Burt Lake Band Multimedia Dictionary, 2007, among others), language learning, observation of programs, and discussion with teachers, administrators and students. These experiences influence the topic of this study in several ways. I have witnessed the complexity of issues surrounding IL education and the need for an approach that respects the varied contexts of different educational programs. I have also observed the benefit of sustaining connections and sharing common concerns and practices among different language programs, and the lack of structural support to connect and reinforce the work of individual communities. With these issues in mind, this study does not aim to define one policy framework that will lead to effective Indigenous language learning in schools, as different policies may be necessary for different linguistic contexts. It is beyond the scope of this study to illustrate ‘good’, ‘bad’, or even ‘effective’ policies, as a close case study would be necessary to determine these kinds of judgments. Rather the study will examine existing policies and offer recommendations of policy approaches which support two of the factors that have been found to be beneficial to Indigenous language education; immersion and community control. Taking the degree of support for immersion and/or community control as a measure of potential positive impact, this study illustrates supportive ILE policies, and the ways in which they provide support.

Although the significance of the study rests in the broad context of language endangerment and educational equality, there are a myriad of approaches to combat language endangerment and inequality which will not be considered by this study. In order to control the

internal validity and confirmability of the research, I have chosen the (relatively) narrow focus of Indigenous language education policies relating to public schools in Canada and the U.S. This choice of focus does not imply any argument for the primacy of school-based approaches to language revitalization; the focus simply reflects the current context of language revitalization in Canada and the U.S., where school-based education is a common approach, and many educators are concerned with making it as effective as possible. Many non-linguistic areas relating to language diversity and maintenance are also in need of research, and while some of these areas are intertwined with the data collected for this study (funding, language status/ ideology, etc), the study will maintain a deliberate focus on policy support for immersion, community controlled IL programs in schools.

### *1.3 Terminology*

This study uses the terms **Indigenous**, **Aboriginal**, and **Native language** interchangeably to refer to any of the languages spoken in North America by the original inhabitants of the continent (and more specifically to those spoken on the territories that are now part of Canada and the U.S.). The diversity of North American Aboriginal languages is immense, with an estimated 250 languages currently represented from the roughly 750 that were in use prior to colonization (Silver & Miller, 1997). Using one term (Indigenous language) as a cover term for all of these highly varied languages can thus be misleading. However, as will be discussed in section 2, there are shared factors surrounding the school-based transmission of these languages which justify a cross-language perspective, while maintaining recognition for language and culture diversity. Even broader categories within which Indigenous languages may find solidarity are those of minority language (all languages whose speakers form a minority in their country of residence) and heritage language (all languages based in the cultural background of speakers, usually different from mainstream economic or political languages). North American Indigenous language issues are related to issues of heritage and minority languages in general, and thus these terms may be used in recognition of their common concerns.

**Language education policy** refers to policies relating to the structured acquisition of language, and is a subfield of language policy. The broad field of language policy and planning comprises many factors, including national language recognition, local language group policies, policies affecting media, standardization, and socio-cultural ideologies around language use

(Hornberger, 2006). Language education policy is thus related to all of these factors, however this study will focus primarily on factors affecting language acquisition in schools through international, national, and regional policies relating to ILE in Canada and the U.S. As Paulston and Heidemann (2006) note, the type of education program, teacher training, and materials development are key issues of concern within language education policies, all of which are considered in this study. I adopt Herriman & Burnaby's view that policy includes "statutes at various levels of government, government statements that imply bureaucratic action or support, and regular action taken by smaller institutions..." (1996, p.3), and to this end the policy data that has been collected is in a variety of formats.

A **Jurisdiction** is used as a cover term to refer to a province, territory or state; the sub-national governing bodies which make up the majority of the policy profiles in the study.

**Immersion approaches** to language education are varied, and range from full to partial immersion with many shades in between (as discussed more extensively in Section 2). This study defines immersion education broadly, as approaches to language instruction that prioritize contextual and communicative education, maximize the learner's exposure to language use, and treat language as a medium of education, rather than the object of education (Hinton, 2001; Kipp, 2000; Swain & Johnson, 1997).

**Community control** is a complex term, and may mean different things in practice. This study understands community control to mean that decision-making about ILE is enacted by stakeholders of the Indigenous language community. How decisions are made, and control is exercised, will vary from community to community however, depending on the governance practices of each group. Community engagement, or participation, has also been found to have positive effects on ILE, despite falling short of the ideal of Indigenous control. Policies that support community engagement are considered to support control, but to a substantially lower degree.

The concept of community is also complex, and must be defined on two levels; Indigenous communities and Indigenous language communities. Indigenous communities can be understood as political or geographical entities such as Bands, Tribes, or First Nations, which in some cases are the result of arbitrary groupings of previously unrelated peoples. Indigenous language communities rarely follow political boundaries, and incorporate anyone who is a speaker or learner of a specific language, wherever they may reside. One geographic community

may incorporate several language communities, and one language community may be represented in several different geographic communities. Every education program is inevitably shaped by the geographic/ political community, and (potentially) wider language community of which it is a part, thus it is important to recognize that self-determined community control is complex and may be realized differently in different contexts.

## Chapter 2. Background to the study

### *2.1 The need for Indigenous language education*

The revitalization and documentation of endangered languages is recognized as an area of urgency from many perspectives. Long an area of concern to members of the affected language communities, as well as linguists and anthropologists, the dire loss of linguistic diversity has also gained increasing recognition in the popular media. The high-profile launch of National Geographic's 'Enduring Voices' website in September 2007 helped to bring to popular attention that "About every two weeks another language dies, taking millennia of human knowledge and history with it" (National Geographic). This may result in the extinction of 60-90% of the world's 6,900 languages in the next century (Romaine, 2007 p. 115). The value of each language, as a unique categorization of the world, and source of cultural and environmental knowledge and identity, has also increasingly been demonstrated from multiple perspectives, including educational (Valdés, 2005; McCarty, 2003; Stairs, 1990; First Nations Education Steering Committee, 1999), linguistic (Fishman, 1991; Hale et al., 1992; Grenoble & Whaley, 1998, 2006), ecological (Maffi, 2001; Nettle & Romaine, 2000; Romaine, 2007), social justice (Skutnabb-Kangas, 2000; Hernández-Chávez, 1995; United Nations Declaration of the Rights of Indigenous Peoples, 2007), and personal well-being (King, 2009; Koohan Paik, 2006). Communities whose languages are threatened are generally those whose social and economic ways of being have been undermined by processes of globalization and colonization (Romaine, 2007, p.128; Hinton, 2001, p. 3), and thus these communities have few resources with which to combat language shift and the imposition of colonial languages. As Koohan Paik (2006) notes, "a routine tactic in successful colonization is the colonizing of the minds of the people, by killing the native language. Within language is an entire universe containing history, culture, pride, identity, and well-being"(p. 122).

The legacy of colonial assimilation policies, and post-colonial pressures towards nationalism and homogeneity continue to threaten language communities in Canada and the U.S., as well as the rest of the world. "The precipitous decline of Aboriginal languages is no more "natural" or "inevitable" than the disappearance of Canada's fish stocks or rain forests..." (Fettes & Norton, 2000, p.30). However, despite the socio-political pressures to the contrary, many endangered language speakers in North America have been involved in community-level efforts to stop language loss for decades (Medecine, 1982). Two prominent approaches to

countering language endangerment are documentation (through audio or text recordings of the language) and revitalization (through status-raising, education, and language use initiatives). While documentation may preserve a language as a historical artifact, alone it is not capable of continuing the life of the language; for this to occur intergenerational transmission is essential (Hinton, 2001). A crucial question for communities has thus been: how do we ensure that our children learn our language? One answer, for many communities in Canada and the U.S., has been to access school-based education systems as an area with near-universal outreach potential and pre-established structural support (Heimbecker, 1997, p.57).

While there is great potential for language learning through school-based education (Stairs, 1994; Huss, Grima & King, 2003), there is a lack of structural support for the implementation of successful Aboriginal language education in North America (Hébert, 2000; Fettes & Norton, 2000). International policies widely recognize the rights of minority language speakers to learn and develop their languages (Spiliopoulou Akerman, 2003), however the actual jurisdiction of public schooling is at the regional jurisdiction (state/ provincial/ territorial) level in Canada and the U.S.<sup>1</sup> Although there is some impact in the U.S. from the federal Education Department (Department of Education Organization Act, 1980), while no federal education organization exists in Canada, both countries delegate direct control over public education to regional authorities. Although some regional governments have ILE policies, others do not, and there is much variety as to the kind of ILE that these policies promote. In general, policies in support of ILE have increased in recent decades at the international, national, and regional levels, yet much work remains to be done for these new policies to sustain successful language education programs. As Hébert states, “While the energy and spirit of Aboriginal Elders, parents, and educators are at the heart of innovative instructional efforts, the need for complementary policy and dedicated resources in order to achieve broadly held goals is clear and urgent” (2000, p.73).

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<sup>1</sup> Jurisdiction over schools located on reserve (or reservation) lands is held by individual First Nations, Tribes, or Bands, or the federal government. In some cases partnerships between these authorities and the regional (state/ provincial/ territorial) authority have been established to govern education on Indigenous land. While these schools are clearly important settings for ILE, this study focuses on policies impacting public school ILE and the large number of Indigenous children attending public schools. It should be noted, however, that some Indigenous children attend both a public school and a school under Indigenous jurisdiction during the course of their schooling, and thus issues of communication and collaboration between Indigenous schools and public schools in the same geographical community are of importance to successful ILE in Canada and the U.S.

## *2.2 Achieving Indigenous language education goals*

There are many factors which relate to effective education in the context of threatened languages, and a study in this area must have a holistic perspective. Factors which relate to the successful teaching of Indigenous languages have been explored from linguistic, language acquisition, educational psychology, and sociological perspectives, among others. The following discussion attempts to review and synthesize several crucial factors which can be used as a basis on which to evaluate the potential benefit of ILE policies. Beginning with the differences between North American Indigenous languages and the foreign languages that dominate North American classrooms, then outlining the interdependence of language, culture, and educational methods, this discussion narrows in on Indigenous control of Indigenous language education, and immersion methods as the two most frequently noted factors relating to the successful learning of Indigenous languages in schools.

A linguistic difference between commonly taught Indo-European languages and Indigenous languages is that of typology, or the patterns and structures typically found in Indigenous American languages. Without discounting the diversity of Native North American languages, Silver & Miller (1997) state that many North American languages share the typological trait of synthesis, or polysynthesis, in contrast to the largely analytic structure of English, Spanish and other Latinate languages (p.17). The flexible, verb-centred structure of polysynthetic languages is not adequately represented by English grammatical categories of noun, verb, adjective, and so on, and speakers of these languages have many discourse options that are not available in English (ibid, p. 40). Thus in translating or teaching polysynthetic languages through the medium of an analytic language such as English, it is difficult to convey the conceptual and communicative flow of the language (Chipps-Sawyer, 2007, among others).

There is no clear line between the quantitative, structural traits of languages, and the qualitative nature of the cultures that they embody. Culturally appropriate communication and education practices are intertwined with language, and are essential factors in language education (Duquette, 1993, p.144). The importance of culture in language teaching has been noted both in pedagogical theory and practice and in the increasing recognition of the social and political significance of language teaching (Byram & Grundy, 2003) and language testing (Shohamy, 2001). In the context of heritage language education, Valdés (2005) and Kondo-Brown (2005) have argued the importance of considering the unique cultural and linguistic backgrounds of

learners. Indigenous education practitioners and researchers have encouraged the use of “indigenous frameworks for thinking about schooling” (Smith, 2005, p.94) in the development of IL teaching practices, in order to provide an alternative to European-inspired pedagogies that focus on isolated individuals and fixed measurable outcomes. Battiste and Henderson (2000) note that “the Eurocentric strategy of universal definitions and absolute knowledge has made its scholarship unable to know and respect Indigenous knowledge and heritage” (p.38), where knowledge may be a process, contextualized within an interactive setting. Due to the imposition of these ‘Eurocentric’ pedagogies, in the past “[s]chooling has been explicitly and implicitly a site of rejection of indigenous knowledge and language” (May & Aikman, 2003, p.143). Education is not neutral, but must be negotiated as a form of identity reclamation, a challenge to inequality, and an alternative to assimilation (Stairs, 1994; Paulston & Heidemann, 2006). An important part of a learning approach that supports Aboriginal identity is “education for wholeness” (Cajete 1994, p.209), an approach to education that recognizes the importance of holistic personal development and community relationships, rather than focusing only on outcome measurements. It is important to bring these understandings into the development of ILE.

With recognition of the central place of unique Indigenous knowledge in Indigenous education, the imperative for Indigenous control over educational development is also clear. As evidenced by Canadian and U.S. history, “Until Native communities felt a sense of ownership in their schools, Native education would continue to be a failed, colonial enterprise” (Reyhner & Eder, 2004, p.316). The importance of Indigenous education stakeholders’ involvement in education decision making has been argued many times, from the influential *Indian Control of Indian Education* (National Indian Brotherhood, 1972) to the present (Abele et al., 2000; Reinhardt, 2004; Crawford, 2000, among others). Abele et al. (2000) note that discourse around “Aboriginal education has been closely linked to discussion of governance” (p.21). The control over what and how children are taught is a fundamental aspect of self-determination. Language use has also appeared in the discourse of Native organizations as a form of self-governance (Hébert, 2000, p.63). Reyhner and Eder (2004) discuss self-determination and “indianizing of Indian education” as predominant and on-going themes in the development of Indigenous education policies in the U.S. since the 1960s (p.308). The use and education of Indigenous languages as a fundamental aspect of self-governance is also upheld by the United Nations

Declaration on the Rights of Indigenous Peoples (2007). The implementation of community control of ILE can be very complex in practice however. Although the Canadian government accepted local control as the basis for Aboriginal education policy-making in 1972, the definition of ‘control’ was never agreed upon, contributing to “failure to achieve meaningful dialogue” (Abele et al., 2000, p.22). Likewise there remain flaws in the realization of the ideal of self-determination in the U.S. As Reyhner and Eder (2004) state, “the rhetoric [of support for community control] is in place in both Canada and the U.S., but there is still a long way to go to turn words into actions for all Native children” (p.329). What effective mechanisms of community control over ILE would look like is thus unclear; it is likely that different systems would be necessary for different community contexts, as discussed in section 1.3. The need to establish some form of Indigenous control over ILE is clear nonetheless.

The importance of local control is also demonstrated by the fact that some tribally-run programs, which have implemented immersion language education techniques, have become role-models of successful ILE (May & Aikman, 2003; Reyhner & Eder, 2004, p.275), while in general public school programs are not effective in producing proficient speakers of Aboriginal languages, and thus have a limited effect on language revitalization (Edwards, 1993, p.133). In response to the fact that Aboriginal language education has often been approached through grammar and text-based models developed for second or foreign language acquisition of European languages, Hinton (2001) notes that “Teaching endangered languages has important differences from teaching foreign languages or ESL, and someone who is going to teach an endangered language must keep those differences in mind...” (p.179). One crucial difference is the ultimate goal of instruction; for foreign language learners the goal is often moderate conversational or literacy skill, and stops short of fluency. For Indigenous language communities facing immediate endangerment of their language, the importance of language proficiency is much greater. For ESL and second language learners, who do aim to achieve fluency, the natural context in which they are learning is often an immersion environment, where there is wide and rich input available to enhance their acquisition of the target language. For IL learners, finding a natural immersion environment may be difficult, and in some cases not possible; thus the lack of language input and learning resources must also be addressed by ILE practitioners. Much of the work and research in this area has focused on overcoming lack of resources and time in order to help learners achieve the highest possible proficiency as quickly as

possible. Effective education is crucial when learners cannot travel to a country that speaks the language, or find learning resources in the bookstore. Past research and practice have indicated that immersion methods are the most effective pedagogical approach to achieving high proficiency in a limited timeframe (Swain & Johnson, 1997; Koohan Paik, 2006; Hinton & Hale, 2001, among others). Immersion education is a holistic pedagogy that has emerged as being both effective and appropriate to the cultural and communicative dynamics of Indigenous language learners. Early childhood immersion programs, or language nests, are one of the most well-documented and successful forms of immersion (McIvor, 2005). Continuing immersion into Elementary and especially Secondary levels is rare, although it has been found to be beneficial to students' skills in their Native language as well as in English (McCarty, 2003; Heimbecker, 1997) and to increased use of the target language outside of the classroom (Cohen & Allison, 2001). As Swain & Johnson (1997) note, if "the number of native speakers declines in a community that is nevertheless determined to maintain its language, identity, and culture, immersion is likely to be an important way, perhaps the only one, for reversing or halting the process of extinction" (p.5). The potential of immersion is well established, although there are many questions about the effective implementation of the approach, and how it can be adapted to individual community contexts (Swain & Johnson, 1997).

Immersion education is a general, rather than specific, approach and may be applied in many different ways; Hale (2001) notes five degrees of immersion, ranging from language immersion in the home, to restricted-topic conversation classes (pp.227-228), and various forms of partial immersion also exist (Grenoble & Whaley, 2006, p.50). Communities have implemented immersion programs in a variety of creative ways where not many speakers are available, incorporating Total Physical Response (TPR) (Asher, 1988) and other experiential methods of education, such as project-based learning and master-apprentice models, as well as multimedia language resources. All of these emphasize some degree of contextualized and communicative language use. Immersion of any form is in opposition to grammar-translation methods of instruction that have been used by Aboriginal language programs, and that are known not to produce fluent speakers (K. Dickie, p.c., November, 2007; Buzard-Welcher, 2001). The use of the target language as the medium of instruction and the aim of additive bilingualism are key features of immersion, although immersion programs may differ in other features, such as whether the program provides immersion in one language or two, the level of linguistic

knowledge students have before entering the program, and the teaching strategies employed (Swain & Johnson, 1997). In general, language immersion methods recognize language as a way of interacting and knowing, rather than as information to be acquired. As McGroarty (1997) notes, “achievement in two languages is...only part of the motivation for supporting bilingual education programs within some language minority... communities; promoting and maintaining a bicultural identity is another vital goal” (p.77). For instance, the desire to deepen and expand cultural knowledge is a key motivation in the successful acquisition of Maori by Maori second language speakers (King, 2009). The intertwined relationship of culture and language is widely recognized and nourished through immersion methods; the merging of culture-specific knowledge and activities with the everyday flow of schooling is a key feature of IL immersion programs (Koohan Paik, 2006; Borgia, 2009). In defining the core of immersion, Kipp (2000) urges “look at how language interacts with life... look at how your immersion school interacts with the lives of your children and their families” (p.27). Immersion education is thus ILE that prioritizes culturally-based, contextual, and communicative target language education, incorporating language holistically as a means of education, and not simply a topic of education.

The above discussion of factors relating to effective ILE leads to the conclusion that although there is no formula for effective ILE policy, policy development does not need to proceed through guesswork. Although at present IL programs “vary dramatically in teaching materials, in pedagogical approach, and in effectiveness” (Parks et al., 1999), specific factors are identifiable which are worthy of consideration and support in ILE policy and program implementation. As Grenoble and Whaley (2006) note, “While many would argue that full-immersion programs are the surest route to language revitalization and maintenance, few communities have the resources necessary to see them through” (p.50). Despite the fact that immersion approaches to instruction have been advocated by many researchers (Kipp, 2000; Hinton & Hale, 2001; Grenoble & Whaley, 2006; Supahan & Supahan, 2001) and Indigenous organizations (Assembly of First Nations; Indigenous Language Institute; Aboriginal Language Task Force) many educational programs have not been able to implement them due to lack of financial support and human resources. Among Indigenous communities who have independently found the means to support immersion programs, the results have been very positive (McCarty, 2003; Kipp, 2008). If ILE policies were to support immersion education in public schools, more communities would have the necessary resources and capacity to sustain

these programs, however. ILE policies claim to support Indigenous language learning and use, and yet their support may not be effective if they do not allow for immersion education approaches and community control.

### *2.3 Significance of the study*

Most of my experience with ILE has been in the state of Michigan where there are currently no policies enabling Indigenous languages to be taught in public schools (most notably through the absence of any recognized Native American language teacher certification). Despite this fact, several tribal language programs have collaborated with school districts to create ILE programs ‘under the radar’ of the state authorities. Their determined ILE practices, although fully supported by rhetoric at the national and international levels, are ahead of the policy situation at the crucial regional level, and are at severe risk due to this lack of support. A process of policy development is underway between state, tribal, and educational representatives (C. McFall, p. c., June 2008; M. Noori, p. c., July 2008) on the basis of a curriculum already developed for the teaching of ‘World languages’ in Michigan (B. Rockefeller, p. c., Sept. 2008). Information about effective ILE policies is of immediate significance in this context. This study aims to provide information and analysis that will assist in the development of ILE policy to support initiatives like those already in place in Michigan. The information will also be beneficial to other U.S. and Canadian regions where policy development is underway.

Only in recent decades has the political framework surrounding ILE in Canada and the U.S. shifted away from assimilation policies enough to allow for serious consideration of widespread ILE policies (Arnold, 2001; Heimbecker, 1997). As McCarty (1997) notes, “the legal right for indigenous language and culture maintenance appears to be won, yet the struggle continues.... A stable but locally flexible system of educational delivery ... still is urgently needed” (pp.52-53). Although rhetorical support for ILE has increased in policies, there is a need for both improved communication regarding these policies amongst all stakeholders, and careful consideration of the kind(s) of ILE that they are intended to implement, as many past programs have not achieved the desired proficiency. Abele et al. (2000) discuss the lack of shared knowledge and practices relating to ILE between Canadian regions: “the discourse [around Aboriginal education] seems to have developed within each province and territory in isolation from developments in other jurisdictions” (p.22). The same is true of state-controlled

public education in the U.S., where “each state has its own educational culture” (McGroarty, 1997, p.74). There is a great deal to gain from looking beyond this isolation. Canada and the U.S. have similar structures of educational jurisdiction and share many traits as colonial, English-dominant countries (Herriman & Burnaby, 1996), and many Indigenous groups have members on both sides of the arbitrarily-located (in relation to Indigenous territories) border. By collecting all relevant policies from both Canada and the U.S. this study will increase the pool of examples to draw from, and extend the sharing of practices and information to more potentially-interested stakeholders.

Although there is evidence that school-based language education is not capable of achieving language revitalization (Benton, 1986; Edwards, 1993), there is also evidence that school programs can contribute to improved language status and use outside of the school (Cohen & Allison, 2001; Huss, Grima & King, 2003). In light of the success of Indigenous-run immersion programs, this study is based on the assumption that with careful consideration of the kinds of school programs that are implemented, school-based ILE has the potential to be very beneficial. Additionally the increasing quantity of policies that support ILE (to some degree) on the regional, national, and international scales deserves to be noted. Crawford (2000) states that “...a decisive factor in the survival of Native American languages will be politics, a sore but necessary subject...” (p.61). While this position may place too much emphasis on the influence of politics and not enough on community motivation, it is true that policies have a concrete impact on ILE. I agree with Castellano *et al.* (2000) that in this current context we see “the clear demonstration that change is possible and that the primary power to revitalize Aboriginal languages and communicative processes lies within the grasp of families and communities, with support from public policy and access to appropriate resources” (p.28).

The analytical approach of this study is motivated by the fact that ILE is not new, and there is a body of knowledge relating to effective ILE practices that should be considered in relation to policy development. Again the issue of isolated ILE stakeholders and initiatives discussed above is an impediment to the growth of shared knowledge relating to successful ILE. Previous studies in the area of ILE policy in the U. S. have focused on description, rather than analysis of policies (cf. McCoy, 2003). Fettes & Norton (2000) provide a description of Canadian policies, and conclude with recommendations for directions in ILE policy planning, based on trends in the history of Canadian ILE policies. They emphasize local control, and

recognition and support at the federal level. This study is similar to these previous studies in that it provides a current description of a specified area of policy, however this study incorporates Canada and the U. S., and provides an analysis of specific points of interest within ILE policy from a language acquisition perspective. It has been argued that the field of Second Language Acquisition (SLA), long engaged in extensive work to optimize pedagogical practices for the acquisition of English as a second language, should address issues of minority and heritage language acquisition (Valdés, 2005; De Korne, 2008). This study draws upon SLA theory and research in establishing factors related to effective ILE, and contributes to on-going discussion of improving ILE practices to achieve successful language transmission.

Finally, although the primary aim of this study is to explore issues that will enhance Indigenous language learning, the research framework recognizes the crucial relationship of community control and self-governance in achieving this goal. Theorists have noted the importance of social ideologies and initiatives in shaping and determining the success of language policies and the need for greater attention to these issues in language policy research (Ricento, 2006; Hornberger, 2006). The actualization of community control as a part of extra-community policy is indeed complicated and in need of exploration. Reinhardt (2004) discusses the complexity of this situation: “Not only do we have multiple perspectives at work in the shaping and reshaping of American Indian education policy, but we also have multiple forms of tribal governments that may approach the idea of Indian education quite differently” (p.8). Support for community control clearly needs to be flexible and adaptable to these differences, and policies that have this aim must be developed with careful consideration. This study will explore ways that community control is supported or undermined in policies, and in this way contribute to further understanding of this complex area.

#### *2.4 Research questions*

This study analyzes existing regional policies, and a sample of national and international policies that relate to ILE, with special emphasis on regional policies that directly impact the implementation of ILE in Canadian and U.S. public schools, and asks the following questions:

Which policies support immersion methods for ILE?

In what way(s) and to what degree are policies supportive or prohibitive of immersion methods?

Which policies support community control of ILE?

In what way(s) and to what degree are policies supportive or prohibitive of community control?

What recommendations for future policy development can be made?

### Chapter 3. Methodology

The transmission and revitalization of Indigenous languages in North America is a complex topic that can be explored from numerous perspectives. In order to arrive at an analytical perspective on issues impacting IL education that may be useful to ILE stakeholders and policy makers, this study was conducted using a descriptive analysis research design. Research consisted of collecting policy documents that impact ILE in public schools in Canada and the U.S., and analyzing these documents in a framework designed to determine their degree of support for immersion education and community control of education. This could also be considered a “comparative language law” study (Turi, 1995, p.111), which is a common method for research that promotes world language rights (ibid), as this study aims to do.

#### *3.1 Data*

The first step of the research was descriptive, involving collecting naturally-occurring data that were chosen in order to respond to the pre-determined research hypothesis (Seliger & Shohamy, 1989, p.129) that policies impacting ILE in Canada and the U.S. would support (or prevent) immersion and community control of education to varying degrees and in different ways. Data consist of regional, national, and international policies that relate to ILE in Canada and the U.S., or in some cases lack of policies. The constitutions of both Canada and the U.S. delegate control of public education to regional jurisdictions, and consequently, the policies with direct impact on ILE in public schools are those created by regional jurisdictions. National and international policies must take the role of advising or encouraging the regional authorities in a certain direction, and thus they might impact regional policies, but equally they might not.

The policies of the 50 states, 10 provinces, and 3 territories were searched to determine their degree of support for ILE in general, and immersion and community control in particular. For the purposes of comparison and discussion, 1 international and 4 national policies were also analyzed. Among the regional authorities, there are multiple policy documents that contribute to the overall policy of each authority towards ILE. In order to determine the degree of support for the key factors of this study in each jurisdiction, it was necessary to look at multiple policy documents per jurisdiction. For instance a policy on certification of IL teachers might make no indication of approval or disapproval of immersion education, and thus other policies were sought that would indicate the potential for immersion. A few jurisdictions have policies that

relate uniquely to ILE, and make their position fairly clear on the basis of only one or two policy documents. Other jurisdictions only include policies that relate to ILE as part of other policies, making their position towards ILE less clearly established, and requiring analysis of numerous policy documents. These policies are created in various ways; in most cases a policy begins as a legislative act, and is subsequently incorporated in the statutes (compilation of all jurisdiction laws, by subject area), and potentially into the administrative code of practice for public agencies. Additionally public agencies, such as a Ministry or Board of Education may also create policy statements, to convey an interpretation of a broader regional authority's policy, or to articulate the agency's position on a topic for which no legislation exists.<sup>2</sup> Strategic plans or progress reports published by the Ministry of Education, or equivalent, were considered as indications of agency policy. Some policy documents are very brief, and deal only with the issue of ILE, while others are very lengthy, and may deal with many issues, such as laws governing education in general. Most documents are formatted into numbered sections by divisions such as 'article', 'title', or 'chapter'. Different governing bodies use different terminology and systems of classification for their policies, however the basic legal structures are similar enough to allow comparisons from one jurisdiction to another. Regardless of the terminology and classifying system used by different governing bodies, the policies were considered relevant if they have a direct impact on ILE in Canadian and U.S. public schools. Some of the policies include specific information for implementation of the policy, while others are more symbolic and do not elaborate on the method of their implementation. This variety in the aims of policies (implementation versus symbolic statement) influenced the measure of support manifested by each policy.

In order to find the policy documents that would impact ILE in each jurisdiction, searching was conducted primarily in the statutory laws of each jurisdiction, as well as the administrative code, and educational agency policies, through key-word searches<sup>3</sup>. The aim was to retrieve all relevant policy documents, and while it is impossible to guarantee that this was achieved, the cross-searching of key-words in statutory law as well as agency policy was

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<sup>2</sup> The location of the policy within the jurisdiction's system may impact the permanency and/or adaptability of the policy (for instance a policy that has passed through the legislature to enter the statutory law will be more permanent than an administrative code, which in turn will be more permanent than an agency policy), an issue which could be very important to those involved in creating ILE policies, but which was not a focus of the analysis for this study.

<sup>3</sup> Key-words included 'immersion', 'bilingual', 'language of instruction', 'language education', 'Indigenous', 'Aboriginal', 'First Nation', 'Native American', 'American Indian', and key-words related to the Indigenous peoples residing in that jurisdiction, ie 'Arapaho' in Wyoming.

intended to minimize the risk of overlooking any relevant policies. All of these documents are public information, and were retrieved by the researcher in digital format through on-line legislative databases and educational agency web sites. The collection and documentation of the relevant existing policies is thus the first research result.

Jurisdictions where no directly relevant policies were found ( see section 4.4 for further discussion of relevant, and not directly relevant policies) are included in the overall description of results (section 4), but the discussion (section 5) focuses on jurisdictions with relevant policies. Copies of the relevant policy documents used to analyze each jurisdiction are included in Appendix C and organized by jurisdiction, in order to facilitate further reference and enhance the confirmability and transparency of the research.

### *3.2 Analysis*

The second phase of the study was the analysis of the relevant policies. As Ricento (2006) discusses, policy analysis is not able to be truly objective, because this discipline requires a judgment of what policy is good or desirable and what is not, and is thus inevitably subjective (p.12). The quality of language policy research should rather be determined by the following characteristics: (1) clarity of analytical framework/ approach, (2) quality of data, (3) whether the data supports the conclusions that are drawn, and (4) relevance of the findings for language policy goals (ibid). The methodology of this study follows Ricento's guidelines, as well as ensuring replicability of research. In relation to the first point, the analysis of policies was conducted within a specific framework (to be explained below), motivated and defined by the theoretical issues discussed in section 2. In relation to point (3), the scope of the analysis is thus limited to these issues, and cannot make any claims as to the absolute effectiveness or ineffectiveness of the policies. In relation to points (2) and (4), a high degree of transparency and uniformity of data collection was used to encourage cross-referencing and further analysis of the data.

The creation of tools for language policy analysis is an on-going area; in general there are a lack of models for comparing and evaluating language policies (Ricento, 2006, p. 18). Hornberger (2006) synthesizes previous models into an "integrative framework" representing the range of language policies and goals (p. 29). This framework is useful for categorizing the aim and strategy of various language policies, from a very broad perspective. Using Hornberger's

framework, the focus of this proposed study can best be categorized as ‘Acquisition planning’, through an ‘Educational approach’, aiming to cultivate language ‘maintenance/ reacquisition’, and ‘second language competence’. However, the issues considered in this study do not fit neatly into this framework, as they relate to all three of Hornberger’s principle areas in various ways: ‘Status planning’ (i.e. language recognition), ‘Acquisition planning’, and ‘Corpus planning’ (i.e. materials development). Although this may be a useful framework for broad categorization of policies, it could not facilitate the specific analysis that this study undertakes. In discussing policies that support multilingualism in general, Spolsky (1986) identifies two principles that are useful in analyzing the potential benefit of policies: (1) the rights of individuals to equal education opportunities, manifested through additive bilingual education, and (2) the right of individuals and groups to maintain language varieties, manifested through government support or acceptance of community initiatives (pp.189-190). Spolsky’s principles align with and confirm the two key factors identified as significant to ILE-- immersion and community control-- as valid factors on which to base policy analysis.

In order to answer the research questions posed by this study, it was necessary to develop an appropriate analysis framework that would focus on the issues of immersion education and community control. Considering not only whether these factors are supported, but also *how* and *to what degree* they are supported in each policy requires the analysis framework to recognize significant areas of ILE policy, in order to identify specific areas where support is manifested (or denied). Two broad issues which are central to language education policy for language minorities in general are curriculum and teacher certification (Paulston & Heidemann, 2006, p.292). These categories were chosen to provide the context for analysis of the potential support for immersion and community control in each policy document. For each policy the themes of immersion and community control are cross-referenced with the curriculum and teacher certification aspects of the policy, creating four areas to aid in identifying where support exists.

These four areas are illustrated in table 3.2, an example of the analysis framework. In this table, the factors of immersion and community control are cross-referenced with the curriculum and teacher certification policies of each jurisdiction (province, territory, or state), allowing for analysis of immersion and community control in these two significant areas of education policy.

Table 3.2 Example of analysis framework

<b>Jurisdiction</b>	<i>Curriculum policies</i>	<i>Teacher Certification policies</i>
Immersion	Immersion- Curriculum	Immersion-Teacher Certification
Control	Control- Curriculum	Control- Teacher Certification

For example, if a policy supports languages other than English as the medium of instruction, thus creating the possibility of using an Indigenous language as the language of instruction (IL immersion), this is a factor related to both curriculum policy and immersion, and would be noted in that area to indicate that the policy supports immersion education through its curriculum policy. If a policy supports the authorship and ownership of the IL curriculum by the Indigenous community, this is a factor related to both curriculum policy and community control, and would be noted in that area to indicate that the policy supports community control through its curriculum policy. One jurisdiction may have curriculum policy that supports immersion and community control, but may not support these factors in its teacher certification policy. The analysis framework laid out in table 3.2 allows for differentiation of these areas, resulting in an analysis that is more focused and replicable, and identifies specific areas where support may be manifested.

Support not only exists in different aspects of the policies, but also to different degrees. Each cross-referenced aspect of the policy, such as immersion-curriculum, has been given a number corresponding to the degree of support received. The ratings are assigned in the following way: if a policy prevents a factor from occurring it is rated -1; if there is no policy for that factor it is rated 0; if the factor is not prevented, and has the potential to be supported by the policy it is rated 1; if the policy explicitly supports the factor it is rated 2; and if the policy mandates, or fully supports the factor it is rated 3. For example, a policy which prevents the community control of curriculum planning is given a -1 in that area. A policy which neither prevents nor promotes the community control of curriculum is given a 0. A policy which allows for the potential of community control, but does not concretely support it is given a 1. A policy which encourages community control of curriculum and supports it, but does not enforce it, is given a 2. Finally, a policy which requires curriculum to be developed under the control of the community, thus giving full support, is given a 3. Further details justifying the level of support/number are also given in brief in the analysis tables. All analyses were conducted by the

researcher; after all ratings had been assigned the researcher re-read the ratings and made a few adjustments to assure uniformity of the rating system.

The benefits of assigning values relative to the degree of support include allowing for the analysis and comparison of numerous policies, and illustrating a broad perspective of which areas are supported and which are not. The draw-backs of assigning values are the loss of some detailed and nuanced differences, and difficulties arising where contradictions exist within the policies of the same jurisdiction. In order to counter-balance the over-simplification of the value ratings, many of the policies are discussed in more detail in section 5, and relevant policies are available in full for anyone in need of the complete document in Appendix C. Through these documents a much fuller understanding of each jurisdiction's policy is possible. Difficulties arising from contradictions in the policies are likewise discussed and clarified in section 5.

### *3.3 Limitations*

There may be relevant policies (and thus ways of support) that were overlooked due to the fact that only one person collected the documents, despite the effort to search the laws of each jurisdiction thoroughly. Additionally, as already mentioned, the system of rating has several drawbacks and complications. The participation of a second rater would have been very useful in establishing consistent ratings through inter-rater reliability. This was not possible because no second rater was available within the limited time-frame of this study. While aiming for simplicity and objectivity, the analysis and rating system was pitted against some highly complex policy documents, and thus another rater might arrive at different analyses in these cases. The analyses and support ratings should therefore be taken as an overview, or starting point in the understanding of regional policies, rather than a full and conclusive perspective, and readers are encouraged to arrive at their own conclusions through consulting the policy documents in Appendix C.

## Chapter 4. Results

There are many differences between the degrees of support for each of the four cross-referenced factors, and the degrees of support between different policies, as well as contrasts between Canadian and U.S. jurisdictions' levels of support. The following overview (section 4.1) combines Canadian and U.S. jurisdictions, giving a North American perspective on the levels of support manifested in current policies for IL immersion and indigenous control for curriculum and teacher certification. Sections 4.2 and 4.3 illustrate the results by country, followed by the full data tables in section 4.4. Related information is available in Appendix B, which provides tables showing the rating results by area of support, indicating which jurisdictions received high ratings for each factor. Section 4.5 provides a summary of the national and international policies that were analyzed. Further discussion of the different ways of support for the factors of immersion and control will follow in chapter 5.

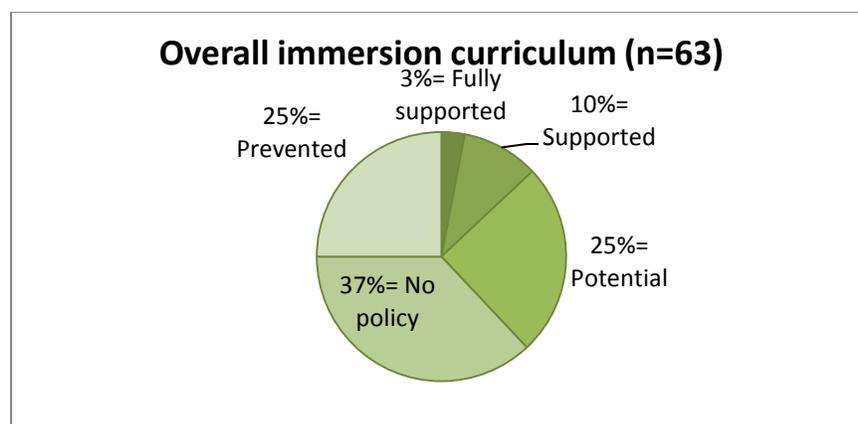
### *4.1 Overview*

Of 63 jurisdictions considered (Canadian provinces and territories, and U.S. states), 30 jurisdictions (48%) have some form of policy relating directly to ILE. Canada has a higher ratio of jurisdictions with relevant policy; 6 provinces and 3 territories have relevant policies, while 4 provinces lack relevant policies, for a total of 9 out of 13 jurisdictions (69%) with relevant policy. In the U.S., 21 states (42%) have relevant policy, while 29 states (58%) lack relevant policies. As will be discussed further below, jurisdictions without directly relevant policies may still have policies that provide inadvertent support (or more often opposition) for ILE. Therefore all 63 jurisdictions are represented in the overall charts below. (Further analysis in section 5 will focus in specifically on jurisdictions with policies that relate directly to ILE).

The following charts each relate to one of the four areas of potential support illustrated in table 3.2 above, and show the percentage of jurisdictions that prevent that area (rated -1), percentage of jurisdictions that have no policy relating to that area (rated 0), percentage of jurisdictions that have the potential for support in that area (rated 1), percentage of jurisdictions that support that area (rated 2), and percentage of jurisdictions that fully support, or mandate that area (rated 3). In general, the areas of darker color correspond to higher levels of support, as indicated in each chart, allowing the reader to gain a general impression of the amount of support present in existing Canadian and U.S. regional policies for each factor.

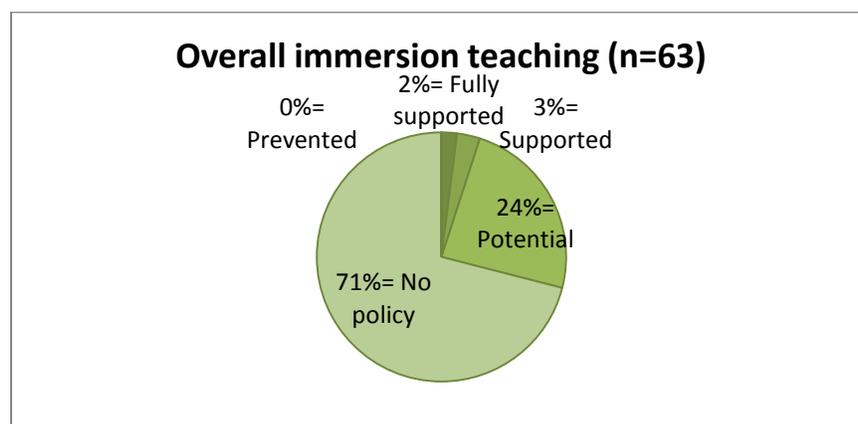
*4.1.1 Overall immersion.* Well over a quarter of jurisdictions have at least the potential of support for immersion ILE, manifested in various kinds of policies that will be discussed further in section 5. The quarter that have policies which prevent indigenous language immersion do so largely through restricting the language of instruction in public schools to English and/or French. The jurisdictions with no policy do not mandate a specific language of instruction, but neither do they provide support for bilingual or alternative methods of indigenous language education.

Chart 4.1.1 (a)



Overall the potential for the factor of immersion curriculum outweighs its current support, but it is an area in which policies of support have recently been passed (cf. Utah, Texas), indicating that support is on the rise.

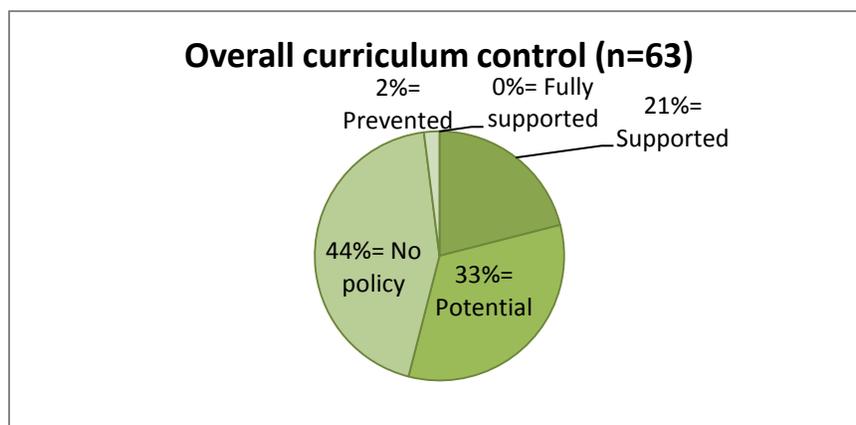
Chart 4.1.1 (b)



Support for immersion in teacher training and certification practices is the factor with the lowest level of current support; jurisdictions with potential support often offer support through vague clauses about professional development, with no direct emphasis on immersion methodologies. However, no jurisdictions explicitly prevent this factor, rather the majority have no policy relating to teacher training or support for immersion teachers. Overall this factor is in need of much more support and recognition in order to facilitate the development of skilled immersion teachers.

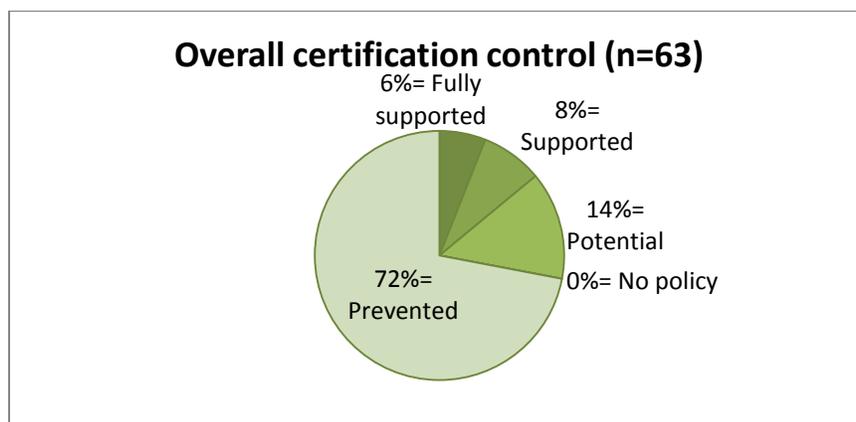
*4.1.2 Overall control.* Control of curriculum content has the most widespread level of support of the four factors under consideration; interestingly, however, no jurisdiction fully supports this factor. Rather, 21% have some framework for Aboriginal participation or authorship of curriculum, and 33% have some form of Aboriginal council with an advisory capacity to the educational authorities.

Chart 4.1.2 (a)



Nearly half of the jurisdictions have no policy relating to indigenous control of indigenous education. Only one jurisdiction (Oklahoma) has policy designating authority over Native language education to a non-indigenous agency, with no provision for consultation, thus preventing indigenous control. Overall, however, this factor is generally recognized and included with some degree of support in ILE-specific policies.

Chart 4.1.2 (b)



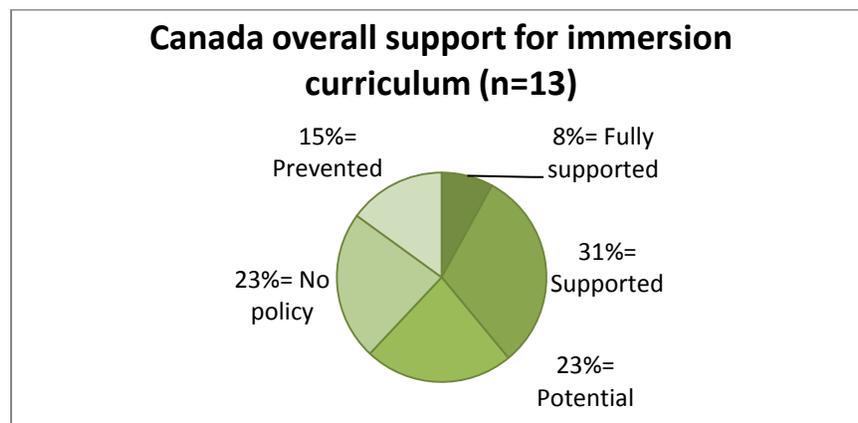
The factor of indigenous control of IL teacher certification has the most polarized levels of support of any of the factors. Almost three quarters of jurisdictions prevent this factor by specifying non-indigenous centralized agencies as having control over teacher certification, occasionally with some participation from school districts where temporary teachers are concerned. However, 6% of jurisdictions actually mandate this factor, specifying that indigenous authorities are the only authorities who can certify IL teachers. A further 23% provide support or potential support, generally through shared certification authority between the jurisdiction and the native community. The range of policies in support of indigenous control of certification will be discussed further in chapter 5.

#### *4.2 Canadian jurisdictions*

As mentioned above, 69% of Canadian jurisdictions have policies that relate directly to ILE, indicating that Aboriginal language education is an area with fairly broad recognition in the public education system, at least in comparison to the U.S. However, there is very little full support for the factors under consideration, with only one factor (immersion curriculum) fully supported by only one jurisdiction (Nunavut), and even that contains caveats. So while many jurisdictions have relevant policies, they must be strengthened in order to achieve more meaningful support.

*4.2.1 Immersion.* This factor has very mixed levels of support, with 39% of jurisdictions providing support or full support for IL immersion, while on the other side 15% of jurisdictions prevent immersion by restricting the languages of instruction.

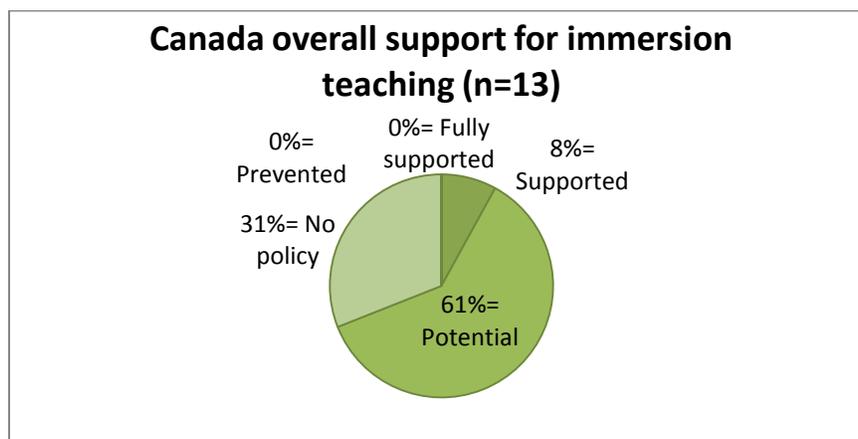
Chart 4.2.1 (a)



For a country with an official policy of bilingualism, it is interesting to note that only English-French bilingualism is protected, and the possibility of bilingual education including another language is absent from 38% of jurisdictions' policies.

Support for immersion in teaching is neither prevented nor fully supported; it is largely absent from ILE policies, with 61% of policies providing potential support, but only one jurisdiction (8%) providing tangible support.

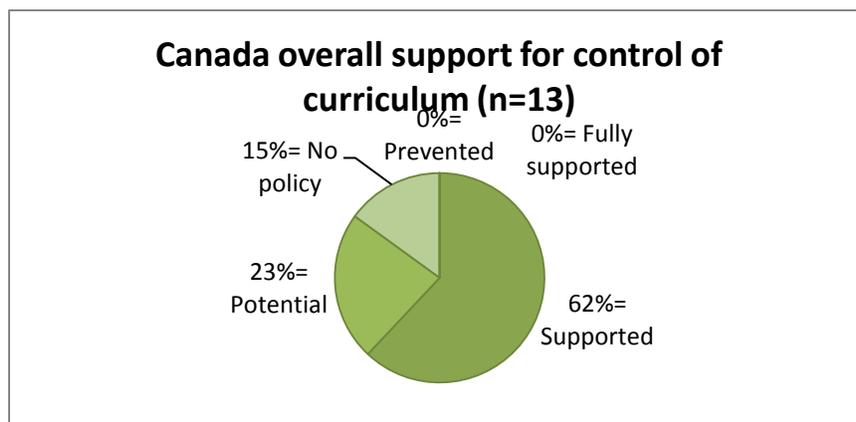
Chart 4.2.1 (b)



As in the overall perspective, this factor is in need of greater support, although there is a wide base of potential to work from.

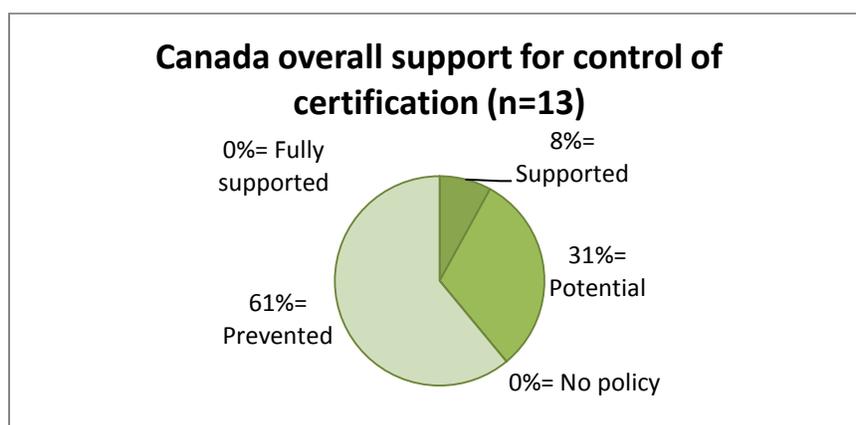
4.2.2 *Control*. Indigenous control of IL curriculum has the highest level of support of any of the factors. Again, while the support exists in over half of the jurisdictions, it is not fully supported in any jurisdiction.

Chart 4.2.2 (a)



A key issue to note is that some policies support full control for certain Aboriginal groups, but not for others, and thus providing an absolute rating for the level of support of these policies was not possible; in these cases a rating of support or potential support was given, depending on the details of the policy. The complexities of policy approaches to facilitating Aboriginal control will be discussed in more detail in chapter 5.

Chart 4.2.2 (b)



The factor of Indigenous control of teacher certification has the least support of any of the factors, and is prevented by over half of the jurisdictions which delegate control of certification to a centralized agency. The only jurisdiction that provides tangible support is

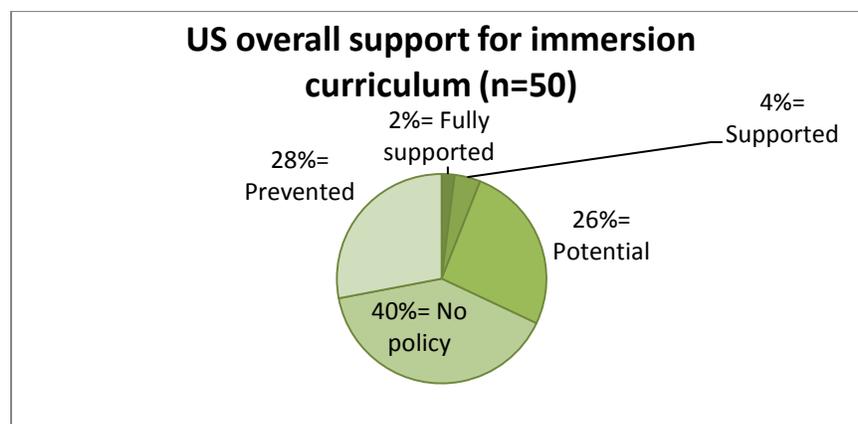
Quebec, but this support is restricted to members of a specific Native community, and is not available to other Aboriginal residents of Quebec. This is thus a factor with very little support.

#### 4.3 U.S. jurisdictions

While the percentage of U.S. jurisdictions with policies relevant to ILE (42%) is considerably lower than in Canada, some of these policies are more ambitious in their approaches, and provide higher levels of support. The 58% of states without relevant policy is a discouraging indication of a lack of widespread recognition however, especially in light of the innovative policy approaches that exist in other states.

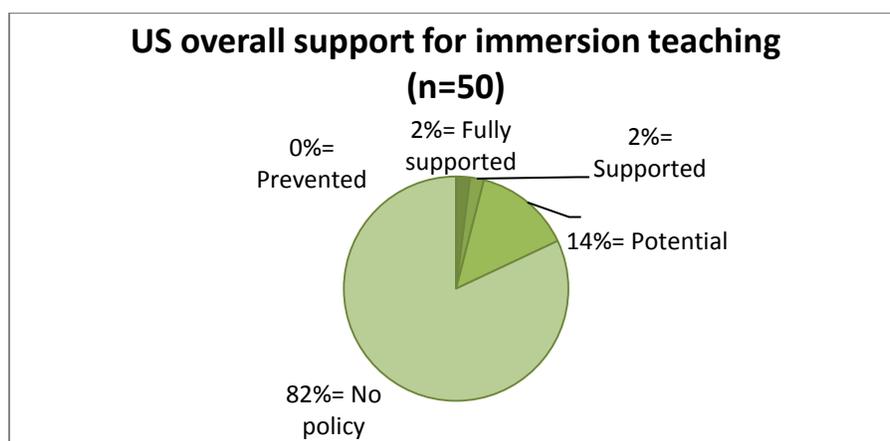
*4.3.1 Immersion.* Although the U.S. does not have an official language as a nation, many states have declared English their official language, and over a quarter have declared it the unique language of public education, thus preventing immersion or bilingual education. A growing number of jurisdictions are legislating bilingual or dual immersion education however, creating potential for IL immersion.

Chart 4.3.1 (a)



Hawai'i is the only jurisdiction to protect an Indigenous language in constitutional law, declaring both English and Hawaiian as official languages, and fully supporting Hawaiian-medium education. Overall though, there is a lack of support for immersion education, and bilingual programs for English transition only remain the norm.

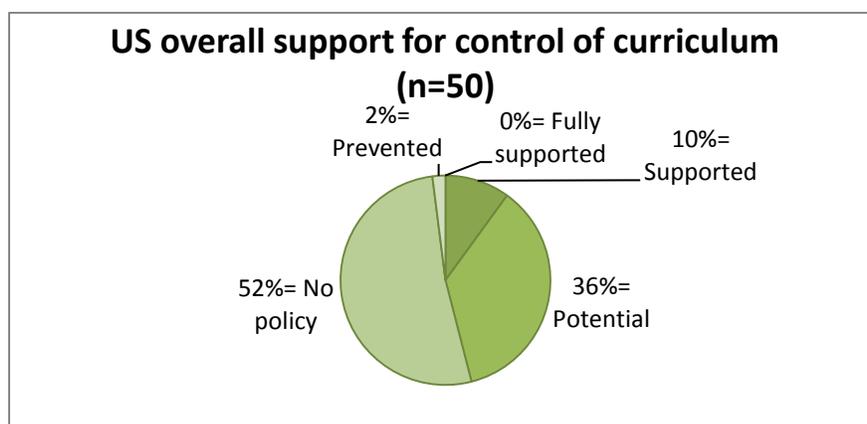
Chart 4.3.1 (b)



Immersion teaching is again a factor in need of greater support, and is largely absent from ILE policies.

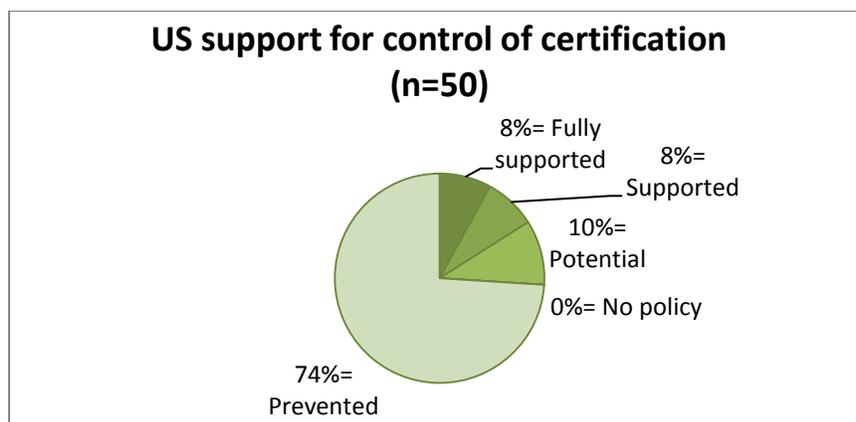
*4.3.2 Control.* Indigenous control of curriculum is the factor with the highest level of potential in the U.S., and a substantial level of support, but currently no full support.

Chart 4.3.2 (a)



Although three quarters of jurisdictions prevent native control of certification, 8% fully support it, making this the factor with the highest level of full support, and the highest level of prevention. A further 10% provide tangible support.

Chart 4.3.2 (b)



This factor also constitutes the most striking difference between Canadian and U.S. policies, where Canadian levels of support are at their lowest for this issue, while U.S. levels of support are at their highest. These supportive policies are interesting models, and will be considered in more detail in chapter 5.

#### 4.4 Individual jurisdictions

The ratings for each jurisdiction in the U.S. and Canada are broken down in the tables below. The charts in section 4.1 through 4.3 above are intended to give broad overviews of the existing policies in Canada and the U.S. The following tables are the data sources for the charts, and are intended to give a perspective of the ILE policy situation in each jurisdiction.

The jurisdictions have been split into two groups; those with directly relevant ILE policies and those without directly relevant policies. This division is intended to facilitate a closer analysis and comparison of the different policy approaches among directly relevant policies. Many policies will impact the level of support for ILE in any given jurisdiction, and from this perspective all jurisdictions have policies that are relevant to ILE. For the purposes of this study, however, relevant policy is considered to be policy that relates to Aboriginal language teaching or learning explicitly, and/or provides at least potential support for more than one of the factors under consideration. A few of the jurisdictions with no relevant policy do provide potential (inadvertent) support to one factor, but most factors are either prevented or not provided for by policy. All tables are included below.

As discussed in the methodology section (3), each jurisdiction's education policy is considered in relation to the degree of support for IL immersion education and community

control of education, as manifested in the areas of IL curriculum policies and teacher certification policies (or lack thereof). Degree of support is determined by relevant policy documents, including statutory legislation on public education and teacher training, as well as Ministry/ Department of Education policy documents, curriculum materials, and policy implementation reports; in the interest of space these sources are cited in an abbreviated code, which may be referenced in full in Appendix A, Citation code index. A value is assigned to each area following the scale below, representing the degree of support for that factor. These values are approximations of the situation in each jurisdiction, allowing for broad comparisons. In some cases a single value is difficult to determine, where policy treats certain regions or groups differently, or where statutory support exists, but is contingent upon minister of education approval on a case-by-case basis. Closer scrutiny is needed to fully illustrate each educational context, and thus a brief explanation is also included. The intent is to provide a concise explanation only, due to lack of space and the large number of jurisdictions. Where a more detailed explanation of a rating is desired, the source that is cited can be referenced in full in the folder specific to each jurisdiction in Appendix C. For example, to learn more about Alberta's policies toward immersion education, AB-2 and AB-5 (cited in that section of the table) may be consulted in the Alberta folder, located in Appendix C.

#### Figure 4.4 Support scale values

-1= Prevented factor

0= No Policy

1= Potential factor

2= Supported factor

3= Mandatory/ fully supported factor

## 4.4.1 Relevant policy tables.

Table 4.4.1 (a) Canadian Provinces (6)

<b>Alberta</b>	<i>Curriculum policies</i>	<i>Teacher Certification policies</i>
Immersion	1; Immersion/ bilingual programs in <i>any</i> language may be developed & implemented by school boards, subject to Minister of Education approval, although currently only second language courses are authorized for ILs (AB-2, AB-5).	1; Immersion programs are approved & supported in general (although currently not IL programs) (AB-5). Support is provided for Cree language teachers teaching Cree as a subject (AB-1).
Control	2; “Community validation” of IL curricula is required, and locally-developed language curricula are supported (AB-1, AB-3).	-1; Certification is controlled by the province (AB-4).
<b>British Columbia</b>	<i>Curriculum policies</i>	<i>Teacher Certification policies</i>
Immersion	1; Language of instruction may be determined by school board, subject to Ministerial approval (BC-1); however current Ministry policy states that languages other than English & French must be taught as second languages (BC-4).	1; First Nation Education Authority (FNEA) may determine teacher training for First Nations schools (BC-2), BC College of Teachers defers to the community Language Authority to determine eligibility for FN Language Teaching Certificate on the basis of language proficiency (BC-5).
Control	2; First Nations or the respective FNEA	1; FNEA must be consulted on issues of teacher certification (BC-2), but the

	govern schools on First Nations' lands (BC-2), however in general local IL curricula must be approved at the provincial level (BC-4).	BC College of Teachers controls certification in general, including approval of locally-developed language teacher programs (BC-3, BC-6).
<b>Manitoba</b>	<i>Curriculum policies</i>	<i>Teacher Certification policies</i>
Immersion	1; Curriculum for IL as a subject exists, & is considered a potential base for immersion (MB-1). Bilingual education in English and other languages is possible (MB-4).	1; Bilingual programs are approved & supported in general (MB-4), and the need for improved Aboriginal language teacher training is recognized (MB-5, MB-3).
Control	2; "School community" must choose & implement appropriate IL curricula; the importance of community engagement is stressed, although not required (MB-1, MB-3)	-1; Certification for "heritage language" teachers is controlled by the province and requires a BA in the relevant language (MB-2). "Community-based" teacher-training programs are being developed however (MB-3).
<b>Ontario</b>	<i>Curriculum policies</i>	<i>Teacher Certification policies</i>
Immersion	-1; Language of instruction is limited to English or French, except where another language is a subject (ON-2). However, provincial Native as a Second Language (NSL) curricula encourage use of target language as medium of instruction & incorporation of other curriculum areas, but are not expected to	1; NSL teacher training and resource materials exist (ON-1), and include encouragement to promote NSL "across the curriculum" (ON-5).

	achieve bilingualism (ON-1).	
Control	2; Community involvement in implementing the NSL curricula is recognized as crucial (ON-1). Locally developed courses are supported, subject to Ministerial approval (ON-3).	-1; Certification is controlled by the Ontario College of Teachers (ON-4).
<b>Quebec</b>	<i>Curriculum policies</i>	<i>Teacher Certification policies</i>
Immersion	2; ILs may be used as primary language of instruction in certain schools only (QC-1, QC-2). ILs may be used as a second language in all schools (QC-3).	1; Community-led teacher training and development of IL programs is sanctioned for certain schools only (QC-2).
Control	2; School boards may establish appropriate curricula for the teaching of ILs in certain schools only (QC-2).	2; School boards may choose teachers who do not meet Minister of Education criteria, & establish teacher training programs for certain schools only (QC-2).
<b>Saskatchewan</b>	<i>Curriculum policies</i>	<i>Teacher Certification policies</i>
Immersion	2; A language of instruction other than English may be established by the school board for individual schools (SK-1).	1; An IL teaching certificate exists, including immersion methods, and must be completed in addition to standard BEd (SK-5).
Control	2; Locally developed curricula, including immersion curricula, have been supported by school districts and by the Minister of	-1; Certification is controlled by the province (SK-2), and the lack of training programs for IL teachers has been voiced by educators (SK-3).

	Education (SK-3, SK-4).	
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Table 4.4.1 (b) Territories (3)

<b>Northwest Territories</b>	<i>Curriculum policies</i>	<i>Teacher Certification policies</i>
Immersion	2; Certain ILs are official languages & may be used as language of instruction, subject to availability of teachers & resources (NT-1).	2; Community-delivered teacher training and “culture-based” education are supported (NT-3).
Control	2; Elected District Education Authority chooses language of instruction, community involvement in curriculum development is encouraged (NT-1, NT-2).	1; “Culture-based” teacher training is encouraged (NT-3), however Minister controls certification except for someone hired for “local programs” (NT-4).
<b>Nunavut</b>	<i>Curriculum policies</i>	<i>Teacher Certification policies</i>
Immersion	3; Inuit language is encouraged as primary language of education (NU-4, NU-5), bilingual education in Inuit language & either English or French is required, subsequent to phased implementation beginning in 2009 (NU-1).	1; New teachers must participate in mentoring programs based in cultural values (NU-6); current teacher training does not stress language education (NU-3).
Control	2; Local curricula may replace Ministerial curricula, subject to approval; community values & engagement are encouraged (NU-2).	1; District Education Authorities may designate Elders for certification to teach in schools, while teachers must have teaching certificates, controlled by the Minister of Education (NU-7).
<b>Yukon</b>	<i>Curriculum policies</i>	<i>Teacher Certification policies</i>
Immersion	2; Education may be provided in IL subject to	1; Minister of Education must employ IL teachers & contribute to training &

	community request & Ministerial approval (YT-1).	development of materials (YT-1). Government-funded Yukon Native Language Centre offers teacher training, which does not focus on immersion education (YT-4).
Control	1; Locally developed curriculum is subject to Ministerial approval & may only constitute 20% of instruction (YT-3).	1; Teacher Certification Board (TCB) controls certification & training; a representative of the Central Indian Education Authority is a member of the TCB (YT-2). Individuals hired by the school to teach ILs are considered certified teachers (YT-1).

Table 4.4.1 (c) U. S. States (21)

<b>Alaska</b>	<i>Curriculum policies</i>	<i>Teacher Certification policies</i>
Immersion	1; Teaching in languages other than English is possible (AK-6).	1; State-sponsored higher education exists to support & train IL teachers (AK-3, AK-5).
Control	1; Native Language Advisory council may guide school districts in implementing IL curricula, however this guidance is not mandatory (AK-1). Reporting of IL curriculum to the public is mandatory (AK-4).	-1; Alternative certification processes exist for Native language teachers, however these do not involve tribal participation (AK-1, AK-2, AK-7).
<b>Arizona</b>	<i>Curriculum policies</i>	<i>Teacher Certification policies</i>
Immersion	-1; English is the language of instruction (AZ-1), however the importance of ILs in education is acknowledged by the state (AZ-5).	0; No provision for IL teacher training.
Control	1; Office of Indian Education provides representation of communities to the state	1; Overall, certification is controlled by the state (AZ-4), however tribes must affirm language proficiency for anyone teaching ILs as a subject or in

	(AZ-2), although the Board of Education ultimately controls the curriculum (AZ-4).	a transitional bilingual program (AZ-3).
<b>California</b>	<i>Curriculum policies</i>	<i>Teacher Certification policies</i>
Immersion	-1; English is the language of instruction (CA-2).	0; No provision for IL teaching.
Control	1; American Indian education centers promote community-based education & language preservation independently & in collaboration with schools (CA-1). Community consultation sought through the American Indian Education Unit & for purposes of curriculum development (CA-3, CA-5).	-1; Certification is controlled by the state (CA-4).
<b>Hawai'i</b>	<i>Curriculum policies</i>	<i>Teacher Certification policies</i>
Immersion	3; 'Hawaiian education', including language, must be provided by public education (HI-1); immersion education is supported (HI-2, HI-5).	3; Hawaiian medium teacher training is provided through public higher education institutions (HI-2, HI-3, HI-5).
Control	2; 'Community expertise' is considered essential in the development of Hawaiian education (HI-1). Family participation is incorporated into Hawaiian medium education (HI-2, HI-5).	2; 'Community expertise' is considered essential in the development of Hawaiian education (HI-1), however teacher certification is controlled through Hawaiian language-specific agencies established by the state (HI-2, HI-3). Early childhood immersion teachers are exempt from state certification requirements (HI-4).

<b>Idaho</b>	<i>Curriculum policies</i>	<i>Teacher Certification policies</i>
Immersion	1; English is the official language of education, but foreign language education is encouraged (ID-2). IL teachers with tribal certification but not state certification may only teach IL as a subject (ID-1).	0; No provision for IL teacher training.
Control	1; Indian Education Committee represents tribes to the state (ID-3).	3; Certification is controlled by tribes (ID-1).
<b>Kansas</b>	<i>Curriculum policies</i>	<i>Teacher Certification policies</i>
Immersion	1; As an exception to official use of English, school district & tribe may collaborate for culturally-relevant education that maintains a common language of communication (KS-1).	0; No provision for IL teacher training.
Control	1; School district & tribe may collaborate for culturally-relevant education (KS-1).	-1; Certification controlled by the state.
<b>Maine</b>	<i>Curriculum policies</i>	<i>Teacher Certification policies</i>
Immersion	1; Bilingual programs are possible subject to state approval (ME-1).	0; No provision for IL teaching.
Control	1; Specific tribal school committees are recognized as 'school authorities' (ME-2).	-1; Certification controlled by the state.
<b>Minnesota</b>	<i>Curriculum policies</i>	<i>Teacher Certification policies</i>
Immersion	2; English is the language of instruction, except for	1; No provision for IL teacher training, although support exists for

	students of limited English proficiency (MN-1); however total immersion is being used by individual schools to teach world languages, including ILs (MN-6).	general native teacher training (MN-2).
Control	2; 'Maximum involvement' of community stakeholders in Indigenous education policy & curriculum development is required (MN-3).	2; Certification must be approved by tribal & state authorities (MN-5, MN-4).
<b>Montana</b>	<i>Curriculum policies</i>	<i>Teacher Certification policies</i>
Immersion	1; As an exception to official use of English, school district & tribe may collaborate for culturally-relevant education that maintains a common language of communication (MT-1). Tribally-certified teachers are limited to teaching Indigenous language & culture courses (MT-2).	0; No provisions for IL teacher training.
Control	1; School districts & tribes may collaborate for education (MT-1); Advisory Council on Indian Education represents tribes on matters of education (MT-3).	3; Certification is controlled by tribes (MT-2).
<b>Nebraska</b>	<i>Curriculum policies</i>	<i>Teacher Certification policies</i>
Immersion	0; No language of instruction specified.	0; No provision for IL teacher training.
Control	1; Native American Education Advisory	2; Certification is controlled by tribes, but subject to state requirements (NE-

	Council is promoting school-tribe collaboration (NE2, NE-3).	1).
<b>Nevada</b>	<i>Curriculum policies</i>	<i>Teacher Certification policies</i>
Immersion	0; No language of instruction specified. IL curriculum does not aim for fluency (NV-1).	0; No provision for IL teacher training.
Control	1; Superintendent of Education must collaborate with tribes to create curriculum (NV-2).	1; Tribal certification and state certification, or state certification alone, are necessary to teach ILs (NV-3).
<b>New Mexico</b>	<i>Curriculum policies</i>	<i>Teacher Certification policies</i>
Immersion	2; Bilingual programs which aim for fluency in an IL & English are supported (NM-2).	2; Support is provided through Indian Education & Bilingual Education legislation for bilingual IL teacher training (NM-1, NM-2).
Control	2; Community participation is encouraged & tribal approval of 'Indian education' policies is required (NM-1).	-1; Certification is controlled by the state (NM-3).
<b>North Dakota</b>	<i>Curriculum policies</i>	<i>Teacher Certification policies</i>
Immersion	-1; IL teachers are restricted to teaching IL as a subject (ND-4). Mastery of English is required of students, although English is not explicitly required to be the language of instruction. ILs meet graduation requirements (ND-2).	1; Competence in IL & some education training is required for IL teachers (ND-1).
Control	1; Agreements between tribes & school districts are supported (ND-3). Legislation is currently	1; Tribal authorities may certify IL teachers, although further state-endorsed training is also required (ND-1).

	pending to create an American Indian language teaching & preservation committee to provide curriculum & training support to schools (ND-5).	
<b>Oklahoma</b>	<i>Curriculum policies</i>	<i>Teacher Certification policies</i>
Immersion	-1; Instruction is in English except for foreign language programs (OK-3), however instruction of ILs is encouraged (OK-1) & ILs meet graduation requirements (OK-5, OK-6).	0; No provision for IL teacher training.
Control	-1; Superintendent of Public Instruction is delegated the responsibility of ensuring instruction of ILs (OK-1); local school districts choose which world language(s) to teach (OK-6).	1; IL teachers at the primary level may be certified by tribes, but they must be supervised by state-certified teachers if they do not possess state certification (OK-4, OK-2).
<b>Oregon</b>	<i>Curriculum policies</i>	<i>Teacher Certification policies</i>
Immersion	-1; All subjects must be taught in English, except foreign languages & transitional bilingual programs (OR-2). Teachers with a tribal IL teacher license, who do not also possess state certification, are limited to teaching IL as a subject (OR-1).	1; Teacher's necessary competence is determined by individual tribes (OR-1).
Control	1; Tribal control of language standardization & teacher preparation is recognized (OR-1). Local	3; Tribes grant American Indian Language teaching licenses based on their chosen criteria (OR-1).

	school district controls curriculum, subject to state approval (OR-3); community participation is encouraged (OR-4).	
<b>South Dakota</b>	<i>Curriculum policies</i>	<i>Teacher Certification policies</i>
Immersion	1; IL revitalization pilot program legislated in 2007 to train teachers & provide instruction to students (SD-1). Public education must “promote mastery of English” but is not limited to English (SD-4).	1; Provision to train teachers in ILs as part of pilot program (SD-1). Knowledge of ILs is required for ‘Indian studies’ certification (SD-5).
Control	1; Office of Indian Education, consisting of tribal representatives, oversees IL pilot program (SD-2, SD-1).	-1; Certification is controlled by the state (SD-3, SD-5).
<b>Texas</b>	<i>Curriculum policies</i>	<i>Teacher Certification policies</i>
Immersion	1; Dual immersion pilot program legislated in 2007 for unspecified languages with goal of achieving dual fluency (TX-1).	1; Teacher training for dual immersion programs is supported (TX-1).
Control	1; Standards for dual immersion are controlled by commissioner, however community advisory committee is required to implement the program on the ground (TX-1, TX-2).	-1; Certification is controlled by the state (TX-3).
<b>Utah</b>	<i>Curriculum policies</i>	<i>Teacher Certification policies</i>
Immersion	1; Dual immersion 6 year pilot program for several languages, including	0; No provision for IL teaching methods/ training.

	Navajo, legislated in 2008 (UT-1). Strategic plan for Indian Education does not include IL programs in schools (UT-2).	
Control	1; 2003 Indian Education strategic plan calls for more representation & collaboration with tribes (UT-2). 2008 Annual Report notes language revitalization programs have been initiated by school districts (UT-4).	-1; Certification is controlled by the state (UT-3).
<b>Washington</b>	<i>Curriculum policies</i>	<i>Teacher Certification policies</i>
Immersion	1; No language of instruction is specified by state policy. IL teachers who hold a teaching certificate through tribal certification only cannot teach other subjects, although those who hold general teaching certificates can (WA-1). ILs meet world language requirements (WA-2).	1; Tribal governments are accorded the responsibility of preparing and certifying IL teachers (WA-1).
Control	2; Collaboration between tribal governments & schools is encouraged (WA-1). Course content & whether content meets requirements is determined locally (WA-3).	3; Tribal certification is required in order to attain state certification as an IL teacher; all tribes whose traditional territories are within the state boundaries may certify IL teachers to teach in public schools (WA-1).
<b>Wisconsin</b>	<i>Curriculum policies</i>	<i>Teacher Certification policies</i>
Immersion	1; English is primary language of instruction except in bilingual-bicultural programs,	0; No provision for IL teacher training. IL teachers must demonstrate 'fluency & accuracy' in the target language & in English (WI-

	<p>although the school board may initiate courses to be taught in another language to facilitate learning that language (WI-4). ‘Bilingual-bicultural’ programs are promoted only to enhance the English abilities of non-native English speakers (WI-3). Curriculum &amp; instruction methods may be adapted under an American Indian Language &amp; Culture Education program (WI-1).</p>	2).
Control	2; Individual schools have flexibility in establishing content & standards of IL programs; parental involvement is encouraged (WI-1).	2; IL teacher certification is granted by joint approval of tribal authorities and local school authorities (WI-2).
<b>Wyoming</b>	<i>Curriculum policies</i>	<i>Teacher Certification policies</i>
Immersion	1; No language of instruction is specified by state policy. Elementary ‘foreign language’ instruction is legislated to expand (WY-3, WY-4). Shoshoni or Arapaho languages satisfy the ‘foreign language’ requirement (WY-1).	0; No provision for training IL teachers.
Control	1; State ‘foreign language’ standards are intended as a framework, with local schools developing materials & methodology (WY-4).	1; Tribal councils may certify teachers of Arapaho or Shoshoni languages only; state may also certify teachers for these languages independent of tribal authority (WY-2).

## 4.4.2 No relevant policy tables.

Table 4.4.2 (a) Provinces with no directly relevant policy (4)

<b>New Brunswick</b>	<i>Curriculum policies</i>	<i>Teacher Certification policies</i>
Immersion	-1; Language of instruction is limited to the official language of school district (French or English) (NB-1).	0; No provision for teaching methods.
Control	1; District Education Council may initiate locally-developed programs, subject to approval by the Minister of Education (NB-1). 2008 Memorandum of Understanding intends to improve collaboration and consultation on FN education (NB-3).	-1; Local teacher permit may be issued by school district to individual deemed qualified, but only for limited time periods (NB-2).
<b>Newfoundland &amp; Labrador</b>	<i>Curriculum policies</i>	<i>Teacher Certification policies</i>
Immersion	0; Students have the right to be educated in English or French, although the policy does not expressly restrict language of instruction to these 2 languages (NL-1).	0; No subject-specific training is required for teachers (NL-3) and no IL training is offered.
Control	0; Elected school boards may influence programs, subject to Ministerial approval (NL-1).	-1; Certification is controlled by the province (NL-2).
<b>Nova Scotia</b>	<i>Curriculum policies</i>	<i>Teacher Certification policies</i>
Immersion	0; The language of instruction in public	0; No provision for teaching methods.

	education is not specified by current policy. Existing IL curriculum addresses outcomes, but not methods of instruction (NS-4).	
Control	1; IL curricula is slated to be developed at the provincial level, with community consultation (NS-1).	-1; Certification is controlled by the province (NS-2, NS-3).
<b>Prince Edward Island</b>	<i>Curriculum policies</i>	<i>Teacher Certification policies</i>
Immersion	0; Public education is divided into English language instruction and French language instruction, with no policies regarding other languages (PE-1)	0; No provision for teaching methods; teachers are referred to Mi'kmaq materials from other provinces (PE-4).
Control	0; Local programs must be approved by Department of Education (PE-2), Aboriginal Education Committee has advisory capacity only (PE-3).	-1; Certification is controlled by the province (PE-5).

Table 4.4.2 (b) States with no directly relevant policy (29)

<b>Alabama</b>	<i>Curriculum policies</i>	<i>Teacher Certification policies</i>
Immersion	0; No language of instruction specified.	0; No provision for IL teaching.
Control	0; No representation of Indigenous communities in current system.	-1; Certification is controlled by the state.
<b>Arkansas</b>	<i>Curriculum policies</i>	<i>Teacher Certification policies</i>
Immersion	0; No language of instruction specified.	0; No provision for IL teaching.

Control	0; No representation of Indigenous communities in current system.	-1; Certification is controlled by the state.
<b>Colorado</b>	<i>Curriculum policies</i>	<i>Teacher Certification policies</i>
Immersion	0; English is the principle language of instruction, however exceptions are made to encourage the development of 'bilingual skills' (CO-2).	0; No provision for IL teaching.
Control	1; School district may collaborate with tribes for educational services (CO-1).	-1; Certification is controlled by the state.
<b>Connecticut</b>	<i>Curriculum policies</i>	<i>Teacher Certification policies</i>
Immersion	-1; English is language of instruction (CT-1).	0; No provision for IL teaching.
Control	0; No representation of Indigenous communities in current system.	-1; Certification is controlled by the state.
<b>Delaware</b>	<i>Curriculum policies</i>	<i>Teacher Certification policies</i>
Immersion	0; No language of instruction specified.	0; No provision for IL teaching.
Control	0; No representation of Indigenous communities in current system.	-1; Certification is controlled by the state.
<b>Florida</b>	<i>Curriculum policies</i>	<i>Teacher Certification policies</i>
Immersion	0; No language of instruction specified.	0; No provision for IL teaching.
Control	0; No representation of Indigenous communities in current system.	-1; Certification is controlled by the state.
<b>Georgia</b>	<i>Curriculum policies</i>	<i>Teacher Certification policies</i>
Immersion	1; Framework for classes developing native language and	0; No provision for IL teaching.

	literacy skills for students whose native language is not English (GA-1). Performance Standards for Modern Languages, Native Language, Reading and Literacy, Georgia Department of Education.	
Control	0; No representation of Indigenous communities in current system.	-1; Certification is controlled by the state.
<b>Illinois</b>	<i>Curriculum policies</i>	<i>Teacher Certification policies</i>
Immersion	-1; English is the language of instruction (IL-1), although bilingual programs for Spanish are possible (IL-2).	0; No provision for IL teaching.
Control	0; No representation of Indigenous communities in current system.	-1; Certification is controlled by the state.
<b>Indiana</b>	<i>Curriculum policies</i>	<i>Teacher Certification policies</i>
Immersion	1; Bilingual-Bicultural programs are supported for minority & majority language students, but with emphasis on aiding non-English speakers (IN-1).	0; No provision for IL teaching.
Control	0; No representation of Indigenous communities in current system.	-1; Certification is controlled by the state.
<b>Iowa</b>	<i>Curriculum policies</i>	<i>Teacher Certification policies</i>
Immersion	-1; English is language of instruction, except for transitional bilingual	0; No provision for IL teaching.

	programs (IA-1).	
Control	0; No representation of Indigenous communities in current system.	-1; Certification is controlled by the state.
<b>Kentucky</b>	<i>Curriculum policies</i>	<i>Teacher Certification policies</i>
Immersion	0; No language of instruction specified.	0; No provision for IL teaching.
Control	0; No representation of Indigenous communities in current system.	-1; Certification is controlled by the state.
<b>Louisiana</b>	<i>Curriculum policies</i>	<i>Teacher Certification policies</i>
Immersion	0; No language of instruction specified.	0; No provision for IL teaching.
Control	0; No representation of Indigenous communities in current system.	-1; Certification is controlled by the state.
<b>Maryland</b>	<i>Curriculum policies</i>	<i>Teacher Certification policies</i>
Immersion	0; No language of instruction specified.	0; No provision for IL teaching.
Control	0; No representation of Indigenous communities in current system.	-1; Certification is controlled by the state.
<b>Massachusetts</b>	<i>Curriculum policies</i>	<i>Teacher Certification policies</i>
Immersion	0; English language instruction is the standard, although vague exceptions are possible (MA-1).	0; No provision for IL teaching.
Control	0; No representation of Indigenous communities in current system.	-1; Certification is controlled by the state.
<b>Michigan</b>	<i>Curriculum policies</i>	<i>Teacher Certification policies</i>
Immersion	-1; English is the 'basic' language of instruction, except for foreign language instruction	0; No provision for IL teaching.

	(MI-1).	
Control	0; No representation of Indigenous communities in current system.	-1; Certification is controlled by the state.
<b>Mississippi</b>	<i>Curriculum policies</i>	<i>Teacher Certification policies</i>
Immersion	0; No language of instruction specified.	0; No provision for IL teaching.
Control	0; No representation of Indigenous communities in current system.	-1; Special licenses for teachers in 'Indian schools' are provided at the discretion of the state (MS-1).
<b>Missouri</b>	<i>Curriculum policies</i>	<i>Teacher Certification policies</i>
Immersion	0; No language of instruction specified.	0; No provision for IL teaching.
Control	0; No representation of Indigenous communities in current system.	-1; Certification is controlled by the state.
<b>New Hampshire</b>	<i>Curriculum policies</i>	<i>Teacher Certification policies</i>
Immersion	-1; English is official language of public education (NH-1).	0; No provision for IL teaching.
Control	0; No representation of Indigenous communities in current system.	-1; Certification is controlled by the state.
<b>New Jersey</b>	<i>Curriculum policies</i>	<i>Teacher Certification policies</i>
Immersion	0; No language of instruction specified.	0; No provision for IL teaching.
Control	1; Students may receive graduation credit for languages courses offered by other organizations (NJ-1).	-1; Certification is controlled by the state.
<b>New York</b>	<i>Curriculum policies</i>	<i>Teacher Certification policies</i>
Immersion	-1; Only English language or transitional bilingual education are provided (NY-1).	0; No provision for IL teaching.
Control	1; Cooperation between	-1; Certification is controlled by the

	state & on-reservation communities is encouraged for public education (NY-2).	state.
<b>North Carolina</b>	<i>Curriculum policies</i>	<i>Teacher Certification policies</i>
Immersion	-1; English is mandatory language of instruction, except for foreign language courses (NC-1).	0; No provision for IL teaching.
Control	0; State Advisory council on Indian Education has advisory role only (NC-2).	-1; Certification is controlled by the state.
<b>Ohio</b>	<i>Curriculum policies</i>	<i>Teacher Certification policies</i>
Immersion	0; No language of instruction specified.	0; No provision for IL teaching.
Control	0; No representation of Indigenous communities in current system.	-1; Certification is controlled by the state.
<b>Pennsylvania</b>	<i>Curriculum policies</i>	<i>Teacher Certification policies</i>
Immersion	-1; English is language of instruction for core subjects (PA-1).	0; No provision for IL teaching.
Control	0; No representation of Indigenous communities in current system.	-1; Certification is controlled by the state.
<b>Rhode Island</b>	<i>Curriculum policies</i>	<i>Teacher Certification policies</i>
Immersion	0; No language of instruction specified.	0; No provision for IL teaching.
Control	0; No representation of Indigenous communities in current system.	-1; Certification is controlled by the state.
<b>South Carolina</b>	<i>Curriculum policies</i>	<i>Teacher Certification policies</i>
Immersion	0; No language of instruction specified.	0; No provision for IL teaching.
Control	0; No representation of Indigenous communities	-1; Certification is controlled by the state.

	in current system.	
<b>Tennessee</b>	<i>Curriculum policies</i>	<i>Teacher Certification policies</i>
Immersion	0; No language of instruction specified.	0; No provision for IL teaching.
Control	0; No representation of Indigenous communities in current system.	-1; Certification is controlled by the state.
<b>Vermont</b>	<i>Curriculum policies</i>	<i>Teacher Certification policies</i>
Immersion	0; No language of instruction specified.	0; No provision for IL teaching.
Control	0; No representation of Indigenous communities in current system.	-1; Certification is controlled by the state.
<b>Virginia</b>	<i>Curriculum policies</i>	<i>Teacher Certification policies</i>
Immersion	0; English is the only language that the school board is obligated use for instruction (VA-1).	0; No provision for IL teaching.
Control	0; Community involvement is encouraged in advisory capacity only (VA-3).	-1; Teacher certification is controlled by the state or local school authorities (VA-2).
<b>West Virginia</b>	<i>Curriculum policies</i>	<i>Teacher Certification policies</i>
Immersion	-1; English is the only language of instruction (WV-2).	0; No provision for IL teacher training.
Control	0; Modern languages & Latin curricula are established (WV-1). All courses must be approved at state level (WV-2).	-1; Teacher certification is controlled by the state (WV-3).

#### 4.5 National and international policies

Three U.S. national policies, one national Indigenous organization policy, and one international policy are analyzed below; the Native American Languages Act of 1990 (NALA 1990), the Native American Languages Act of 1992 (NALA 1992), the Esther Martinez Native American Language Preservation Act of 2006 (Esther Martinez Act), the Assembly of First Nations

National First Nations Languages Strategy (AFN Languages Strategy), and the United Nations Declaration of the rights of Indigenous Peoples of 2007 (UNDRIP). NALA 1990 and 1992, and the Esther Martinez Act, are the only federal policies for ILE in Canada and the U.S.<sup>4</sup> There are numerous national and international organizations, however, who, like the United Nations, have policy statements that relate to ILE, although they do not have direct jurisdiction over ILE. The AFN Languages Strategy is an example of policy made by a national-level Indigenous organization without direct jurisdiction over ILE in public schools. The AFN's area of jurisdiction is more specific to schools on reserves; however, their language policy is relevant to all Indigenous students and, by extension, to ILE in public schools. The United Nations and AFN policy documents are included as samples of strongly supportive ILE policies, despite the fact that public education in Canada and the U.S. is not their area of direct jurisdiction. The analysis of these 5 documents is only a small sample; it is included for the purpose of providing some context for the regional policies, and contrast between the regional, national and international policy standards. Further discussion of these policies is included in chapter 5.

Table 4.5 National & International policies (5)

<b>NALA 1990</b>	<i>Curriculum policies</i>	<i>Teacher Certification policies</i>
Immersion	2; Policy of support for IL as a medium of instruction (NALA-1).	1; Educational institutions are encouraged to include ILs in the curriculum, but no specific provision to train IL teachers (NALA-1).
Control	1; Collaboration between education institutions and Indigenous groups in implementing IL programs is encouraged (NALA-1).	2; Support to employ “qualified” IL teachers, regardless of state certification policies (NALA-1).
<b>NALA 1992</b>	<i>Curriculum policies</i>	<i>Teacher Certification policies</i>
Immersion	1; Support for community IL programs, no express support for IL medium education (NALA-2).	1; Support for IL teacher training initiatives in general (NALA-2).

<sup>4</sup> As of August 2009, there is currently a bill in the Canadian Senate that would establish federal support for aboriginal languages and increase the number of supportive policies if passed into law.

Control	1; Locally-run programs supported on a competitive basis, as determined by the Administration for Native Americans (NALA-2).	1; Support for select local IL teacher training programs, ultimately controlled by the federal Administration for Native Americans (NALA-2).
<b>Esther Martinez Act</b>	<i>Curriculum policies</i>	<i>Teacher Certification policies</i>
Immersion	2; Financial support for K-12 immersion education given on a 3 year basis only (EM-1).	2; Provision to provide training in support of approved programs, including immersion education (EM-3).
Control	1; Support given to select local programs, ultimately controlled by the federal Administration for Native Americans (EM-2).	1; Support for select IL teacher training programs, ultimately controlled by the federal Administration for Native Americans (EM-2).
<b>AFN Languages Strategy</b>	<i>Curriculum policies</i>	<i>Teacher Certification policies</i>
Immersion	3; Support for immersion programming exists, as well as development of other learning approaches (AFN-1).	3; Support for immersion teachers through training & materials development is encouraged (AFN-1).
Control	3; First Nation jurisdiction over language is a primary goal (AFN-1).	3; First Nation control of teacher certification is not specified, but falls under the statement of jurisdiction over language in general (AFN-1).
<b>UNDRIP</b>	<i>Curriculum policies</i>	<i>Teacher Certification policies</i>
Immersion	3; Indigenous people have the right to receive education in IL regardless of place of residence (UN-1 Article 14)	2; Indigenous people have the right to pursue training & development of cultural resources (UN-1 Articles 21, 13).
Control	3; Indigenous people have the right to control educational institutions & receive education in IL (UN-1- Article 14).	3; Indigenous people have the right to control education system & to oversee development for social/ cultural/ economic improvements (UN-1 Articles 14, 23 ).

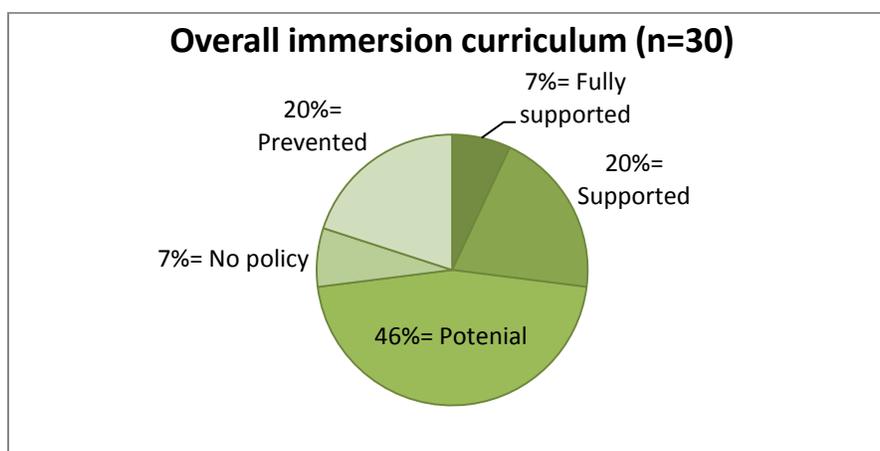
## Chapter 5. Analysis & Discussion

In order to examine the strengths and weaknesses of ILE policies, further analysis and discussion will focus only on the 30 jurisdictions with directly relevant policies, defined for the purposes of this study in section 4.4 as policies that relate to Aboriginal language teaching or learning explicitly, and/or provide at least potential support for more than one of the factors under consideration in this study. While chapter 4 gives an overview of the levels of support across 63 North American jurisdictions, this chapter (chapter 5) aims to discuss the different ways that support is manifested in different jurisdictions and identify ways that seem promising. Among the 30 jurisdictions with ILE-specific policy, there are a wide variety of policy approaches towards Native language education. The majority of jurisdictions with relevant policy do not address all of the factors that are under consideration in this study, creating some interesting disparities between the levels of support for different factors. The relevant-policy-specific charts below echo the overall charts that appear above in chapter 4, however they include only the 30 jurisdictions with directly relevant policy. These relevant-policy-only charts are useful in determining where the gaps are for those jurisdictions with relevant policies, rather than simply displaying the percentage of jurisdictions that support ILE as the charts in chapter 4 do. The 30 jurisdictions included in these charts have all expressed some support for ILE; the following analysis looks at their approaches to providing support. Sections 5.1 through 5.4 outline the different policy approaches to supporting each of the 4 factors under consideration; immersion curriculum, immersion teaching, control of curriculum, and control of teacher certification. The variety of policies and their varying levels of support are discussed, with reference to the national context of each jurisdiction. Further information about specific jurisdictions that are cited can be referenced in tables in chapter 4, and Appendix C. Section 5.5 analyzes national and international policies and their potential support. Section 5.6 briefly analyzes the jurisdictions with no direct support for Indigenous language education in their policies, exploring where support is prevented. Throughout these discussions, the intent is to explore supportive policy models and the issues that prevent certain policies from providing greater support, in order to illustrate possible policy approaches towards the teaching, learning, and on-going transmission of Native North American languages.

### 5.1 Immersion curriculum

As discussed in section 2, immersion is the most effective method of teaching an endangered language where fluency is the desired outcome (Swain & Johnson, 1997; Grenoble & Whaley, 2006). For immersion education to become a reality, ILs must be recognized as legitimate languages of instruction, at the very least at the level of two-way or maintenance bilingual education. Many jurisdictions fall short of this goal, but the few that stand out provide good role-models, while others help to illustrate shortcomings.

Chart 5.1 (a) Jurisdictions with relevant policies only



No jurisdiction specifically prevents Native language immersion, rather immersion is prevented through restrictive policies on the language of instruction in general. When the medium of instruction is restricted to a specific majority language or languages, usually through statutory legislation relating to public education (in most cases the Education or Schools Act/ Code/ Title/ Chapter of statutory law), IL immersion is effectively prevented. 20% of jurisdictions that have some kind of Indigenous language support simultaneously prevent immersion in this way. However, there are varying degrees of specificity in policies that establish English as the language of instruction, with some jurisdictions requiring students to become fluent in English, but not preventing them from also becoming fluent in another language (cf. South Dakota). A number of U.S. states allow for bilingual education, but only for transition to English mainstream education (cf. Arizona, Wisconsin), therefore effectively preventing a maintenance bilingual program. British Columbia statutory law does not specifically restrict the language of instruction (Statutes of British Columbia, School Act, chapter 412, section 5, subsection 3), however the

current BC Ministry of Education policy does restrict the medium of instruction to French or English (British Columbia Ministry of Education, 1997). Statutory law is more permanent than agency policy however, so while the current agency has adopted restrictive policy, there may be potential for less restriction on the basis of statutory policy.

Jurisdictions that restrict ILs as a medium of instruction may simultaneously promote them as subjects of instruction; Ontario is an example of a province that has supported ILs as subjects of instruction through extensive curriculum and teacher training frameworks, while openly stating that this instruction does not aim to achieve fluency (Ontario Ministry of Education, 2001), and limiting the languages of instruction to English or French (Ontario Education Act, Chapter E.2, sections 264 & 288). Support for immersion methodology to teach Native languages as subjects exists in this context, but full immersion is prevented. Other jurisdictions that do not support Native languages as a medium of instruction do promote a communication-based approach to teaching these languages as subjects (cf. Arizona, Oklahoma, Washington).

Yet another somewhat paradoxical policy position is that of supporting IL immersion for certain groups or languages, but not for others. British Columbia and Quebec both have policies which recognize First Nations' rights to educational jurisdiction and IL-medium instruction, but this recognition is limited in British Columbia to schools on "First Nations lands" and in Quebec to beneficiaries of the Act respecting Cree, Inuit and Naskapi Native Persons, thus creating a double standard where some Aboriginal inhabitants have these educational rights, while others do not (Statutes of British Columbia, First Nations Education Act, chapter 40; Statutes of Quebec, Education Act for Cree, Inuit and Naskapi Native Persons, chapter I-14, parts X, XI, XII). Discrepancies on the basis of language rather than land are found in the policies of the Northwest Territories, Hawai'i, and Utah. Hawai'i and the Northwest Territories provide strong support for the use of ILs as a medium of education, but the policies relate only to specific ILs that have been designated as official languages alongside English (Hawaii Revised Statutes, chapter 302H, sections 1-7; Statutes of the Northwest Territories, Education Act, chapter 28, sections 70-74, 117). These lists of official languages may be fully inclusive, or they may be restrictive depending on the situation within each region; for the purpose of this study the important point is that policies which specify certain languages as potential mediums of instruction risk restricting or preventing other languages. Utah's policy is even narrower, as a

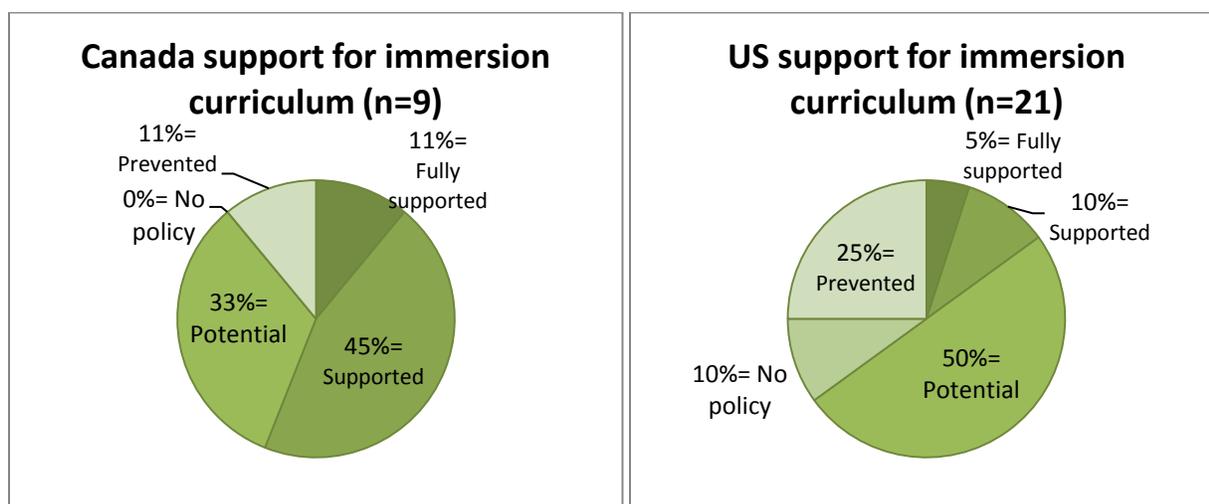
recent dual-immersion pilot program that limits the number of programs and the possible languages, with one program slot available for Navajo (Utah Code, title 53A, State system of public education, section 15-105), and no support for the numerous other Native languages in the state.

Another policy approach that provides some support, but falls short of full support, is that of vague statements about potential collaboration and adaptation for Native education programming. Kansas and Montana have identical wording, providing for flexibility at the school level to collaborate with tribes, as long as a common language of communication is maintained (Kansas Statutes, chapter 73, article 28, section 73-2804; Montana Code Annotated, section 1-1-510). These policies could seemingly support bilingual education, although they stop short of specifying this. Similarly Wisconsin provides for flexibility in the curriculum and delivery of Native programming, yet does not specify whether an Indigenous language medium education could fall within that scope (Wisconsin Statutes, Chapter 115, State Superintendent; General Classifications and Definitions; Children with Disabilities, Subchapter IV, American Indian Language and Culture Program). A Yukon school may provide IL medium education contingent upon community request and Ministry of Education approval (Statutes of the Yukon, Education Act, chapter 61, part 5), offering a stronger policy of support, but still with a vague method of implementation. Vague policies have the positive quality of not restricting the issue they intend to support, however the support that they do provide is hesitant and open to interpretations which may or may not be beneficial.

Finally, turning to policies with a higher level of support, it is useful to distinguish between policies that designate specific languages, and those that support dual immersion or bilingual programs in general. Hawai'i, Nunavut, and the Northwest Territories all recognize certain Indigenous languages as official languages (Constitution of Hawaii; Statutes of Nunavut, Official Languages Act, chapter 10; Statutes of the Northwest Territories, Education Act, chapter 28, sections 70-74, 117), and Hawai'i and Nunavut require that education be delivered through the medium of these languages (Hawaii Revised Statutes, chapter 302H, sections 1-7; Statutes of Nunavut, Education Act, chapter 15, preamble, part 4). While this provides the fullest support of any policies, with the right to Hawaiian language education even protected in constitutional law, as noted above, this policy approach is potentially restrictive towards other language programs which receive no support. Saskatchewan, Minnesota, and New Mexico, on the other hand, have

fewer policies and resources relating to any specific language, but encourage bilingual immersion instruction in general, thus opening the door to ILs as well as other language communities (Saskatchewan Statutes, Saskatchewan Education Act, 1995, Section 180, subsection 2, Language of instruction; Minnesota Department of Education, 2008; New Mexico Statutes, chapter 22, article 23, Bilingual Multicultural Education). Interestingly it is the policies which do not target ILs specifically, while legislating for multiple languages of instruction in general, that appear to hold the most potential and the least restrictions on IL education. Further research on these regions would be necessary to determine whether the policy support for bilingual and dual-immersion education in general can be effectively utilized for IL immersion programs.

Charts 5.1 (b) & (c) Jurisdictions with relevant policies only, by country



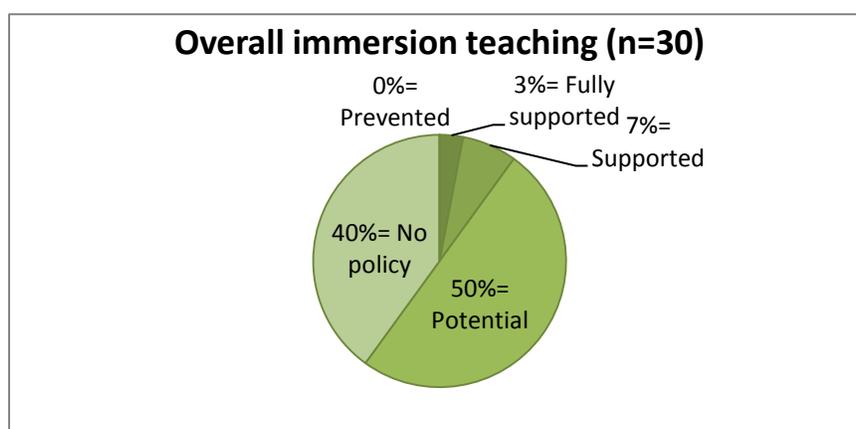
While there is clearly more support in Canadian educational policies for bilingual maintenance or immersion programming than there is in U.S. policies, a higher level of support might be expected from a bilingual, multicultural country, as Canada aims to be. Negative preconceptions about bilingualism and bilingual education are widespread in the U.S. (Cummins, 1995; Crawford, 2000, among others), and may account for the lack of support. The presence of bilingual schools may help to change attitudes towards bilingualism within communities however (Huss, Grima, & King, 2003, p.5). It is to be hoped that states which are leading the way with models of bilingual and immersion programming (cf. New Mexico, Minnesota, Hawai'i, and more tentatively, Utah and Texas) will provide encouragement to the majority of

states which do not prevent immersion, but are silent on the issue of how much support to give to additional language learning.

### 5.2 Immersion teaching

The factor of support for the teaching of Native language immersion is the least developed and represented in current policies. The majority of jurisdictions do not appear to have recognized this as an area where support is needed, and either do not include this issue or include a vague statement of support for professional development of IL teachers. This is the case with 90% of jurisdictions.

Chart 5.2 (a) Jurisdictions with relevant policies only

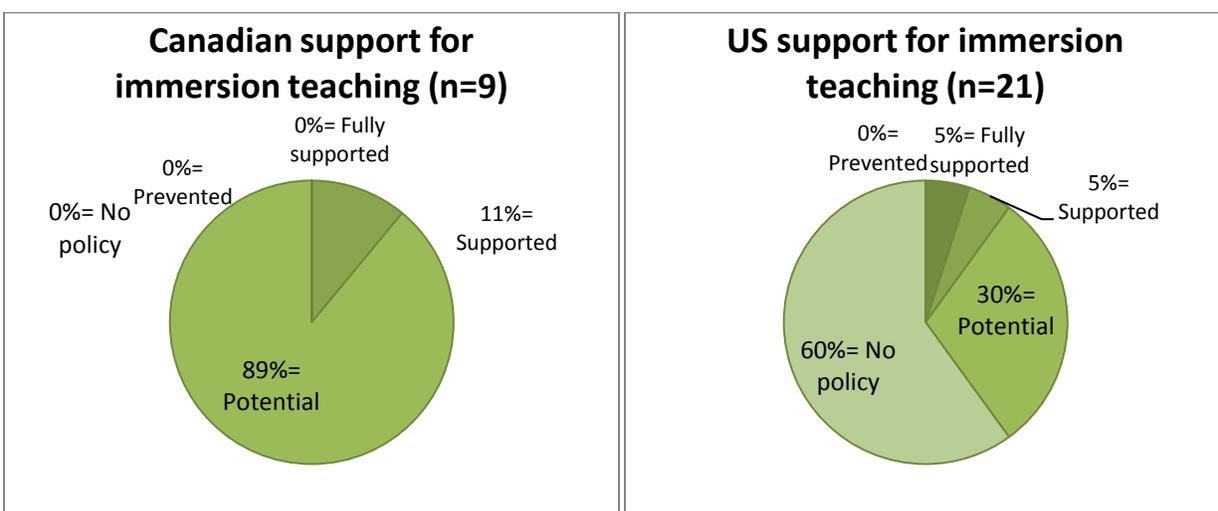


Due to the lack of policies addressing this area, which might have helped to illustrate ways of supporting the teaching side of immersion education, this factor remains somewhat murky and undefined. One approach adopted by some of the jurisdictions that do provide support in this area, is to provide a broad statement of support for training or development of teachers alongside the development of curriculum, and immersion programming. Hawai'i and New Mexico are unique in specifying training for teachers of immersion, or bilingual maintenance programs, as part of the support for those programs. Hawaiian language education is supported through an Office of Hawaiian language medium education, as well as numerous higher education programs (Hawaii Revised Statutes, chapter 302H, sections 1-7). New Mexico supports teacher training as part of its Bilingual and Multicultural program, with the goal of

educating students to be bilingual and biliterate in English and another language, specifically including Native American languages (New Mexico Statutes, chapter 22, article 23, Bilingual Multicultural Education).

Another possible approach, requiring fewer centralized resources, is conducting teacher training in an immersion environment; the Northwest Territories provides support for community-based teacher training, focusing on communication and culture in IL education (Northwest Territories Education, Culture & Employment, n.d. *Strategy for Teacher Education in the Northwest Territories: 2007-2015*). A number of other jurisdictions provide some support to IL teachers, but there is no indication whether this is support that will enable them in immersion methods (cf. Yukon, Ontario, Manitoba, Alaska, North Dakota, among others).

Charts 5.2 (b) & (c) Jurisdictions with relevant policies only, by country



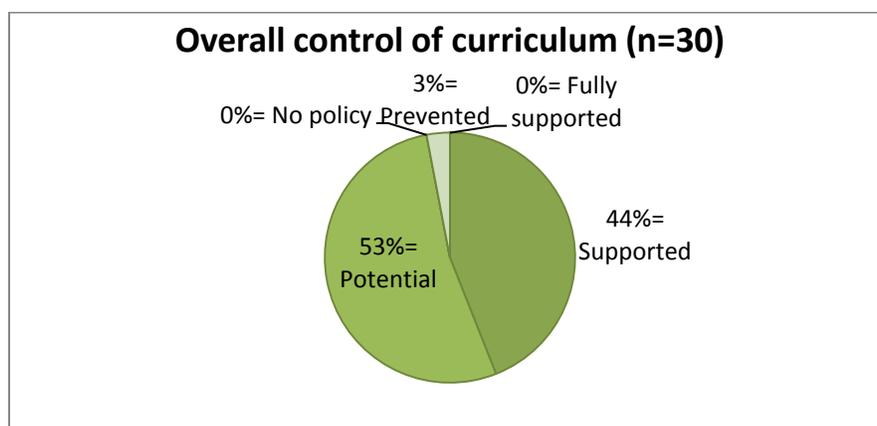
Recognition of the need to support IL teachers is clearly higher among Canadian jurisdictions, although the U.S. states mentioned above stand out as providing strong support. Nunavut's policy of bilingual education, mentioned in 5.1 above, is very recent, and does not currently specify support for bilingual or IL teacher training. However, for a fully bilingual education system to flourish, it seems likely that this kind of support will be necessary, and so it will be interesting to see in what ways bilingual teacher training is facilitated there in the future.

### 5.3 Control of curriculum

Control or governance of educational systems is first and foremost an issue of constitutional law—the kind of law that is created when a jurisdiction is established, and determines who

controls what within the jurisdiction. Within the governance systems of the U.S. and Canada, control over public education is delegated to states, provinces and territories through federal constitutional law. From this perspective, all factors of control could be given a negative value, because federal constitutional law prevents the control of local communities. However, some of these sub-national governing bodies have delegated this control to regional and local organizations and/ or elected officials through statutory law—the kind of law that is created or amended by elected assemblies, and determines how things are run in each jurisdiction. While the most significant and enduring way to address the control of education by local communities would be through constitutional law, statutory law is more accessible and much more readily influenced. The kinds of community control considered here are thus the avenues of control supported by statutory legislation.

Chart 5.3 (a) Jurisdictions with relevant policy only



In many cases, local initiative in developing curriculum is encouraged, or at least allowed, but is subject to approval at the provincial/ territorial/ state level. Local school boards and Aboriginal advisory councils may put forward suggestions or programs, but often do not have the power to enact them without top-down approval, with the exceptions of specific school boards and schools designated by the previously-mentioned legislation in Quebec and British Columbia. While many departments of education offer rhetorical support for community (or more specifically ‘parental’—following a nuclear family paradigm) involvement in education through documents such as action plans and progress reports, the actual channels through which engagement is possible are limited to advisory boards and election of school board members, with little opportunity for decision making. As a result of this system, there is a large percentage

of potential support among jurisdictions, and support among those with more developed systems of consultation and participation, but no jurisdiction that fully supports Indigenous control of IL curriculum.

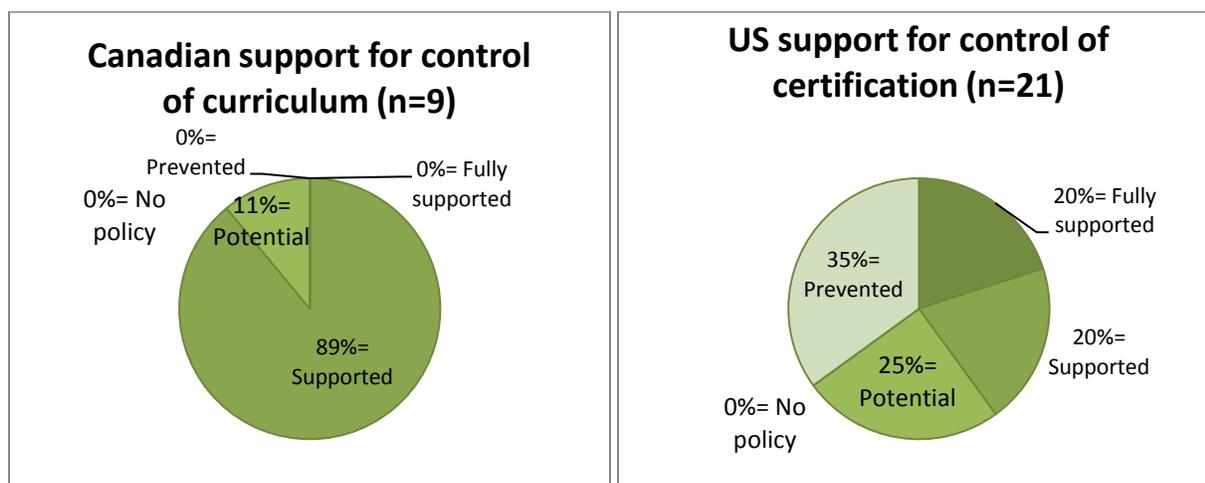
The strongest support policies are those that provide for extensive curriculum authorship at the community level. For example, Wisconsin's American Indian Language and Culture Education program allows for a high degree of flexibility for local implementation of programs, and requires parental involvement in an advisory capacity (Wisconsin Statutes, Chapter 115, State Superintendent; General Classifications and Definitions; Children with Disabilities, Subchapter IV, American Indian Language and Culture Program). Manitoba and Ontario's policies specify that the school community should be involved in implementing IL curriculum, but this is not required (Manitoba Education, Citizenship, and Youth, 2007; Ontario Ministry of Education, 2001). One drawback of programs that encourage optional community involvement is that when funding is lacking, the support for community involvement may disappear. Although Wisconsin's program has a high level of support for local control of program content, it has received sporadic funding since being one of the first ILE policies in the U.S. in 1979 (McCoy, 2003).

A unique approach to community control of Native education is illustrated in California's policy. California's American Indian Education Centers system bears more resemblance to the U.S. federal competitive grant system (discussed further in section 5.5) than it does to other state or provincial policies. This policy provides for community education centers that are funded based on applications reviewed by a centralized authority, in this case the state department of education. These centers have a broad mandate, which mentions language preservation, but does not go on to offer extensive language or culture teachings (California Codes, Education Code, sections 33380-33383). The centers are primarily intended to improve performance in public schools through assistance in areas of difficulty for American Indian students. They may collaborate with schools for educational purposes, but they are not necessarily run in conjunction with schools, seeming to take on a largely extra-curricular framework. Although the management of the centers is at the community level, there is not much in the policy to recognize the importance of cultural content or community involvement in native education; the focus is rather on improvement of English literacy and math through extra tutoring. Without a further state policy of support for IL teaching, it is unlikely that these education centers could fulfill the

role of teaching language in public schools as well as reading, mathematics, etc. The establishment of locally-run education centers could have many positive impacts, but without providing more support to the kinds of unique, culturally-focused instruction that these centers could provide, or integrating the recognition of these teachings into the mainstream education system, the benefits are restricted.

Almost a mirror image of this policy exists in New Jersey, where the state grants public education credit to students who study heritage languages through organizations outside of the school system (New Jersey Statutes, title 18A, Education, section 18A:35-4.18). While New Jersey does not fund these organizations, as California funds its American Indian Education Centers, it does provide credit for courses that they teach, and does not then restrict the organizations themselves in any way, whereas the programs provided in the California education centers are not necessarily accredited, and must meet standards imposed by the state. New Jersey does not provide any support for Native languages apart from this brief policy of support for heritage language organizations in general, and thus it is not included as a state with relevant policy as defined by this study. This kind of policy, however, could provide more support if it existed in conjunction with a policy of recognition of ILs.

Charts 5.3 (b) & (c) Jurisdictions with relevant policy only, by country



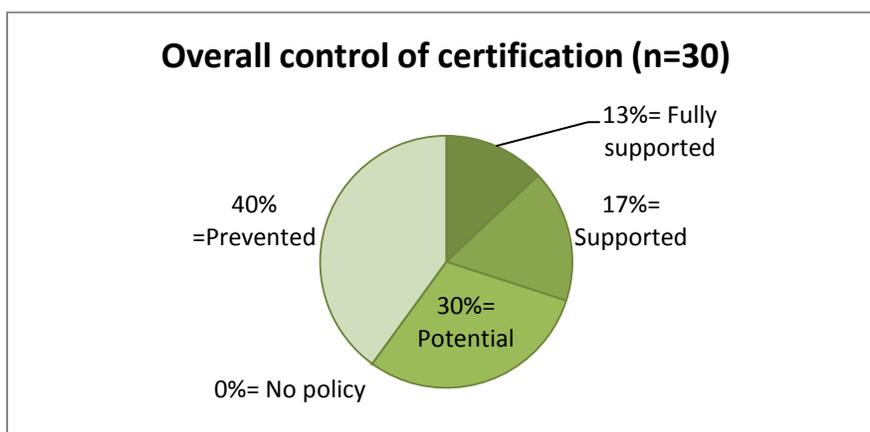
The degree of support, and potential support, is very high for this factor, although higher in Canada than in the U.S. It is possible that in specific schools or districts this factor is fully supported in practice, albeit not in top-down policy. The issue of control cannot be adequately explored through an overall policy analysis such as this; overall analysis shows that it is

supported or possible in many cases, but cannot illuminate the ways that control is negotiated in specific contexts, on the ground. Case studies of specific contexts would be extremely useful in exploring more of the nuanced factors at play in the distribution of control over IL education.

#### 5.4 Control of certification

The hierarchical control of the education system is especially apparent in relation to teacher certification, which is widely controlled by the respective minister/ department of education, or in some cases (i.e. Ontario, British Columbia) a separate centralized association created by legislation to regulate the teaching profession. However, this is also an area in which strong support for Indigenous control has emerged in some U.S. jurisdictions, creating stark oppositions in policy, whereby this factor has both the most full support, and the most prevention of any of the factors.

Chart 5.4 (a) Jurisdictions with relevant policy only



Among jurisdictions with support for ILE, Native control of IL teacher certification is prevented through a centralized teacher certification authority in 40% of policies, making this an area in need of attention and change. On the bright side, there are now 13 U.S. states that recognize the right of tribes to certify Native American language teachers to teach in public schools based on individual tribal criteria, not mainstream teacher certification criteria; however there are numerous restrictions placed on Indigenous control in some of these policies. This section will illustrate the range of approaches to establishing Indigenous control and/or input towards teacher certification, which result in an equal range in the degree of control established.

On the low end of the control scale, Alaska has policy for special procedures for the licensing of IL teachers, however there is no Indigenous control over this process (Alaska Statutes 2008, title 14, Education, Libraries, and Museums, section 14.20.025). Similarly, some jurisdictions offering potential support generally have vague policy for the hiring of teachers for ‘local programs’, or where a shortage exists, at the discretion of the individual school authorities (cf. Yukon, Northwest Territories).

A stronger degree of support is provided by jurisdictions that recognize the right of tribal authorities to certify IL teachers, but there are numerous factors that are incorporated in these policies that can restrict control. The first is designation of what constitutes an Indigenous/tribal/ First Nations authority. The policies do not address this in detail, defaulting to authorities recognized in historical treaties, and thus limiting the scope of who may exercise control. Beyond this fundamental limiting factor, the most restrictive policies are those where completion of state training requirements must also be present (i.e. Nevada, North Dakota), and/ or the state may also certify IL teachers without tribal endorsement (i.e. Nevada, Wyoming). Another restrictive version of this exists in Oklahoma, where tribes may certify IL teachers at the primary level only, and these teachers must be supervised by a state certified teacher if they do not also possess state certification (Oklahoma Department of Education, 2008). Minnesota and Wisconsin recognize the necessity of tribal endorsement, but include a requisite state endorsement specific to Native language and culture teachers, thus requiring the approval of both Indigenous and state authorities (Minnesota Statutes, section 124D.75, Licenses for American Indian language and culture education teachers; Wisconsin Administrative Code, PI 34.34, Teacher Education Program approval and Licenses, Subchapter XI, Additional Licenses, 7-9).

Jurisdictions where tribal endorsement is recognized, is not optional, and no further state endorsements are required, offer a greater degree of control—however in some cases restrictions exist in the form of guidelines for elements that a tribal certification process must include (i.e. Nebraska). Further restrictions exist where only certain Native groups have the authority to certify IL teachers, although as mentioned above, this is the case to some degree in most jurisdictions, depending on the historical basis for recognition of Indigenous groups. Clear examples are Quebec and British Columbia, where only residents of certain areas may exercise control over certification of teachers to teach in the schools of those areas (Statutes of Quebec,

Education Act for Cree, Inuit and Naskapi Native Persons, chapter I-14, parts X, XI, XII; Statutes of British Columbia, First Nations Education Act, chapter 40).

Several jurisdictions support the complete control of Indigenous authorities over teacher certification, with no further requirements or alternatives (i.e. Washington, Oregon, Idaho, and Montana). Several of these policies also include broad statements of support for ILE, such as: “The Legislative Assembly declares that teaching American Indian languages is essential to the proper education of American Indian children” (Oregon Revised Statutes, Education & culture, chapter 342, section 342.144). Washington State’s policy is especially explicit about the issues that they intend to address and improve through tribal certification processes:

"The legislature finds that:

- (1) Teaching first peoples' languages, cultures, and oral tribal traditions is a critical factor in fostering successful educational experiences and promoting cultural sensitivity for all students. Experience shows that such teaching dramatically raises student achievement and that the effect is particularly strong for Native American students;
- (2) Native American students have the highest high school dropout rate among all groups of students. Less than one-fourth of Native American students in the class of 2008 are on track to graduate based on the results of the Washington assessment of student learning. Positive and supportive educational experiences are critical for the success of Native American students;
- (3) The sole expertise of sovereign tribal governments whose traditional lands and territories lie within the borders of the state of Washington in the transmission of their indigenous languages, heritage, cultural knowledge, histories, customs, and traditions should be honored;
- (4) Government-to-government collaboration between the state and the sovereign tribal governments whose traditional lands and territories lie within the borders of the state of Washington serves to implement the spirit of the 1989 centennial accord and other

similar government-to-government agreements, including the 2004 accord between the federally recognized Indian tribes with treaty reserved rights in the state of Washington;

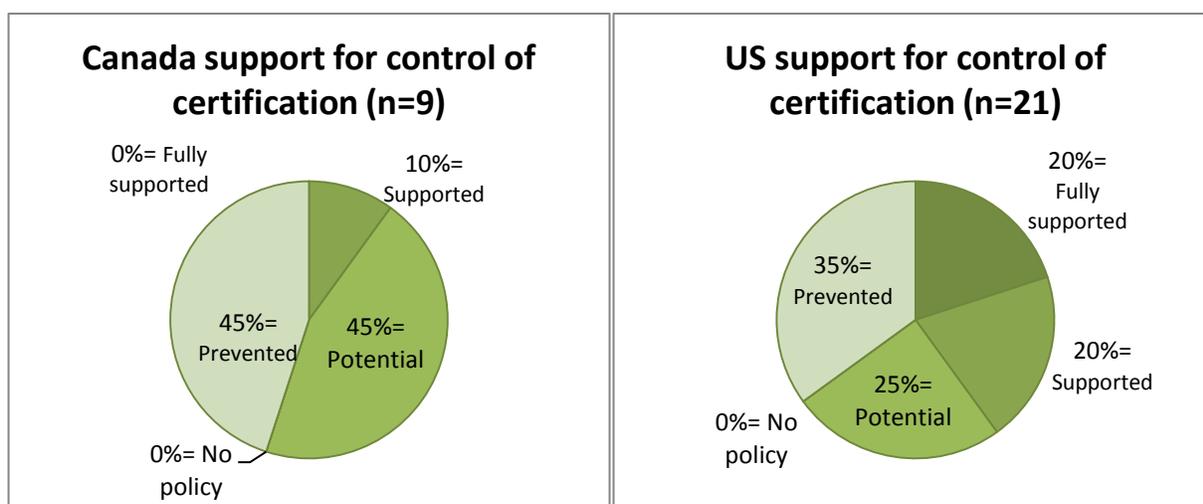
(5) Establishing a first peoples' language, culture, and oral tribal traditions teacher certification program both achieves educational objectives and models effective government-to-government relationships..."

(Revised Code of Washington, chapter 28A 410.045, First peoples' language, culture, and oral tribal traditions teacher certification Act of 2007).

It is clear that these policy makers see the development of teacher certification policy as an area which can impact the quality of Native student education, as well as improve relationships between tribal and state authorities.

A final factor which does not limit control of certification, but may limit the potential for IL immersion, is that many policies state that tribally certified teachers may teach only the subject of Native language and/ or culture, unless they also receive a mainstream state certification (i.e. Washington, Montana, Nebraska). For IL immersion to succeed, it is necessary that IL teachers be able to teach other subjects. Further development of these policies to define ways of preparing IL teachers to teach other subjects would therefore be beneficial.

Charts 5.4 (b) & (c) Jurisdictions with relevant policy only, by country



This is the only factor where there is a larger amount, and a stronger degree of support, in the U.S. than in Canada. Many of the U.S. state policies relating to teacher certification can be at

least partially attributed to the influence of the Native American Languages Act of 1990 (NALA 1990) (McCoy, 2003). This act clearly supports such policies, notably the section that I have emphasized below:

“SEC. 104. It is the policy of the United States to--

(1) preserve, protect, and promote the rights and freedom of Native Americans to use, practice, and develop Native American languages;

(2) ***allow exceptions to teacher certification requirements*** for Federal programs, and programs funded in whole or in part by the Federal Government, for instruction in Native American languages ***when such teacher certification requirements hinder the employment of qualified teachers who teach in Native American languages, and to encourage State and territorial governments to make similar exceptions;***”

(Native American Languages Act of 1990)

When considering the rise in supportive teacher certification policies in the U.S. since 1990, and the lack of such policies in Canada, where no federal statement similar to NALA 1990 exists, it may be that this federal policy can indeed be granted some responsibility for state policies.

Interestingly, however, NALA 1990 also explicitly aims to “encourage and support the use of Native American languages as a medium of instruction”. Why then is the area that states have chosen to address teacher certification, with little actual support for Native language bilingual or immersion education? Further study of states with supportive certification policies would help to clarify the many issues at play in the development of these policies. Support for curriculum and certification of teachers to teach IL as a subject is good, but support for IL fluency through immersion or bilingual maintenance is needed in order to establish truly equitable and diverse educational systems in North America.

### *5.5 National and international policies*

National and international policies are different from the provincial/ territorial/ state policies analyzed above, in that their impact is less direct, and the support they offer is limited by and large to verbal support. However, these policies have been analyzed in the same framework to

allow for comparison. Regional government policies convey both the aims and intent of the jurisdiction and the means through which this intent will be implemented. The U. S. Native American Languages Act of 1990 and the United Nations Declaration of the rights of Indigenous Peoples of 2007 (UNDRIP) are both policy statements without details of an implementation process. They are not issued by authorities with direct control over public education, and thus defer to other entities to reflect on how the intent of these declarations can be realized at the local level. They provide sweeping support of IL use and rights, with little indication of how this is to be achieved. The UNDRIP emphasizes Indigenous control over education and language issues (among others), and NALA 1990 clearly supports IL-medium education, and alternative teacher certification processes, but stops short of supporting Indigenous education jurisdiction and instead promotes partnerships with educational organizations. Even so it creates a fairly strong base for the realization of IL education in the public school system (at least in rhetoric, if not in action). As discussed in section 5.4 above, NALA 1990 did result in increased support for IL education through state legislation, spurred on by this federal policy of support. It is more difficult to determine the potential impacts of the UNDRIP due to its more recent appearance on the scene of international human rights legislation, and the fact that the U.S., Canada, Australia, and New Zealand were the only countries to vote no on this declaration when it was passed. On April 3, 2009 Australia changed its position, and now supports the UNDRIP (United Nations News Centre, April 3, 2009). Observing any shifts in Australian policy towards Indigenous language issues subsequent to the adoption of the UNDRIP would be interesting, and might allow for further speculation as to the effects of international policies on ILE in English dominant, former British colonies.

The Native American Languages Act of 1992 (NALA 1992) and the Esther Martinez Native American Language Preservation Act of 2006 (Esther Martinez Act) are qualitatively different than the two policy statements just discussed, in that they establish methods of implementing the intent and aims laid out in NALA 1990. These acts take the broad intent and produce a much narrower system of support based on competitive grants from the federal Administration for Native Americans (ANA). While the proposed grant projects must originate in an Indigenous community or organization (actually including organizations that are not historically recognized tribes), and funding is granted directly to these communities or organizations-- thus strongly supporting community control of initiatives-- the initiatives are

approved or denied by the ANA, following criteria determined by the ANA. This effectively undercuts community control of the projects that are supported under these acts to a degree, because the ultimate control rests with the approval of the ANA. The Esther Martinez Act amends this system of grant support to include support for language nests and immersion education at the elementary and secondary level; despite NALA 1990's stated support for IL-medium education, immersion programs were not included on the list of programs to be supported under the initial implementation of NALA 1992. Thus the Esther Martinez Act strengthened the overall support of the U.S. federal policy towards IL education, although the system of competitive grants remains limited in that it awards a maximum of 3 years of funding support for each project, and the approval of grant projects remains entirely top-down.

In Canada, the Canadian Charter of Rights and Freedoms enshrines the right of English and French speakers to education in their language, but does not include any federal support for other minority languages. As such it was not included as a relevant policy within the analysis framework of this study, but there is one aspect which deserves discussion. It does recognize that rights accorded to aboriginal peoples through land claims and treaties cannot be restricted by the Charter of Rights and Freedoms (section 25), thus establishing that if additional language rights are to be protected, one avenue to establish them is through a land claim or treaty settlement. This is exemplified by the case of the land claims under the Agreement concerning James Bay and Northern Québec (Revised Statutes of Quebec, chapter C-67), where a subsequent act was passed to establish the educational and language jurisdiction of beneficiaries of this agreement, the Education Act for Cree, Inuit and Naskapi Native Persons (Statutes of Quebec, chapter C-I-14). The education jurisdiction agreement in British Columbia (Statutes of British Columbia, First Nations Education Act, chapter 40) is likewise linked to the issue of territory. This is a rather indirect avenue through which to establish language and education rights, and is limited to Indigenous people who are residents of specific territories.

The Assembly of First Nations National Aboriginal Languages Strategy (2007) calls for more decisive action on the part of the Canadian national government, as well as widespread community action. It emphasizes Indigenous jurisdiction over languages, and full legal recognition and protection of ILs as official languages, as well as discussing strategies through which these 'policy objectives' can be implemented, and ways to measure their success. ILE is only one of the avenues identified to support the use and vitality of ILs. This strategy statement

fully supports all of the factors considered in this study, and provides thorough discussion of how to implement them, but like NALA 1990 and the UNDRIP, its impact is limited by the jurisdiction of the authority that has produced it. This is not the first statement on ILE by national Indigenous organizations in North America; in fact, there have been numerous reports and resolutions urging the Canadian government to action (Task Force on Aboriginal Languages and Cultures, 2005), making the potential impact of this statement unclear. In the absence of federal policy, however, it is clearly useful to present a national, unified perspective on IL needs. Similar statements from Indigenous organizations in the U.S. have been credited with the eventual passing of U.S. federal policy for Native languages (Reyhner & Eder, 2004).

Although the U.S. federal policy on IL education rights fails to establish complete jurisdiction and a strong implementation system, it has influenced state policies with the potential to create real results. For example, Washington state specifically cites the objective of implementing the aims of NALA 1990 in the First peoples' language, culture, and oral tribal traditions teacher certification act of 2007 (Revised Code of Washington, chapter 28A 410.045), which establishes the jurisdiction of tribal governments over IL teacher certification. In view of the stated multicultural policy of the Canadian government, a similar statement from the Canadian federal government directed specifically to language and education rights of minority groups is a conspicuous absence. However, as can be observed through the comparisons and discussions above, despite the lack of such a policy many provinces and territories have taken some form of action on these issues.

### *5.6 'No relevant policy' analysis*

This section provides a brief overview of jurisdictions with no direct policy support for ILE, and discusses which issues are most in need of attention in these jurisdictions.

Of the 33 regions (52%) with no relevant policy, the area of least support is in Indigenous control or participation in teacher certification. All but one region (97%) received a rating of -1, preventing control or meaningful participation in certification processes. Control or participation in curriculum was the area with the most support. All regions have some form of public participation in education, usually through advisory meetings, so no region received a rating of -1. Five regions (15%) received a rating of 1, offering potential support to Indigenous community participation, while the rest received ratings of 0, for no relevant policy. Several

jurisdictions have policy establishing an Indigenous advisory council of some sort (i.e. Michigan, North Carolina), with a mandate to work with government authorities as well as tribal authorities on numerous issues, including education. For the purposes of this study, these kinds of policies were not considered relevant to community control of ILE, because the councils are charged with many issues, are appointed from the top down, and do not have decision-making power.

Support for immersion in teacher training and certification was an area in which none of these regions had relevant policies; all 33 received a rating of 0. Support for immersion in general was a bit more mixed, with 2 regions (6%) receiving a rating of 1, for supporting immersion as a potential factor. 10 regions (30%), on the other hand received ratings of -1, preventing immersion from occurring by specifying that English must be the language of instruction in public schools. A much lesser degree of immersion, in the form of communication-focused classes teaching ILs as a subject, could still be possible in these regions, however this form of language education does not usually lead to fluency. The 21 remaining regions (64%) received a rating of 0; without a policy limiting the language of instruction it may be possible to provide immersion programs in these regions, although there is currently no formal support.

The wording of policies establishing public education in English varies in strength and clarity, and in some cases includes potentially helpful loop-holes where a lack of specificity could be interpreted as support for immersion or Indigenous community control. For instance, while English is the language of instruction in Colorado, this is worded in a much more flexible way than in other states: “Instruction in the common branches of study in the public schools of this state shall be conducted principally through the medium of the English language; except that it shall be the policy of the state also to encourage the school districts of the state to develop bilingual skills...” (Colorado Revised Statutes, title 22, Education, section 22-1-103, Policy of state to instruct in English - exceptions). There is still a long way to go for concrete support of IL instruction to exist in Colorado and many other states, however there are these exception clauses that local school districts and tribes may make use of if IL instruction is attempted.

### *5.7 Conclusion and recommendations*

This study has shown that, although there are many regions lacking supportive ILE policy, there are a growing number of supportive ILE policies throughout Canada and the U.S. Many policies

support certain factors of ILE more strongly than others. This creates interesting contrasts between both the degrees of support present in different policies, and the different levels of support present for factors within each policy, as illustrated in section 4. Additionally, there are numerous ways to support some of the factors that may lead to successful ILE, as discussed in section 5. From vague to specific policies, IL-focused to additive bilingualism-focused, Indigenous control to government partnerships, ILE in mainstream education to ILE support through independent organizations: which ways work best? There are as many answers as there are heritage language communities, and these answers are beyond the scope of this study. While the main focus of this study is descriptive, there are several recommendations that can be made on the basis of this policy analysis that may be beneficial to ILE advocates and policy developers.

*Recommendation 1: Awareness of possibilities.* The range of policy approaches towards ILE in Canada and the U.S. is very diverse. Although a variety of policy approaches toward ILE were hypothesized by the initial research questions and rationale for this study, the results illustrate a range of policies that are far more varied than could have been anticipated. A broad understanding of existing approaches, and the pros and cons that they may entail, should be taken into account in future policy development. Awareness of this diversity should also serve to fuel future creativity and innovation in this area.

*Recommendation 2: Careful consideration for limiting or restricting factors.* There are as many ways to limit the growth of ILE as there are to support it, and a policy that supports ILE in one context may restrict it in another. Restrictive policies illustrated in this study include specification of languages or groups with rights to ILE, leading to the exclusion of other languages or groups, and establishment of a centralized authority with power of approval over local ILE initiatives. It may not be possible to avoid all limiting factors in practice, however careful consideration of potential restrictions should be given.

*Recommendation 3: Support for bi- or multi-lingual education in general.* In the interest of not restricting the possibilities for ILE, policies that promote two or more languages of instruction in general seem more promising and sustainable than policies that single out special programs for specific languages or groups. Whether through bilingual maintenance, two-way immersion, or other pedagogical methods, establishing bilingual education as a norm creates opportunities for many language communities.

*Recommendation 4: Development of ILE immersion teacher training.* If ILE programs are to produce proficient learners, attention must be paid to supporting skilled teachers. As illustrated by this study, although most factors relating to ILE are in need of stronger support, this area is starkly lacking in support, and is greatly in need of expansion and exploration.

*Recommendation 5: Continue the momentum of Indigenous control over Indigenous education.* More and more regions are responding to the efforts of ILE advocates and offering some form of support for Indigenous control of ILE through curriculum consultation, teacher certification, and/ or support for local programming. Decades of slow growth in this area have led to the substantial minority of supportive policies that exist today, and the momentum can be carried forward on any of the fronts mentioned above. There is no way of knowing how many supportive policies will be necessary to create a critical mass that will lead to Indigenous control becoming the norm, but any growth in that direction will help continue the forward movement.

The above recommendations are offered as a general launching point for further reflection on ILE policy approaches, and would need to be adapted to specific ILE contexts if applied. It is hoped that through reading the results and discussion of this study, as well as raw policy documents in Appendix C, that readers will develop their own perspectives and recommendations for policy development that is relevant to their region.

### *5.8 Future directions*

A final recommendation of this study could be to continue with further research in this area; numerous questions remain unanswered, and there are many other possible approaches to shedding more light on this subject. The following discussion will touch on some of these remaining questions, and ways to address them.

The first important question arises from the fact that the majority of ILE work goes on at the local level, while the focus of this study is on policy that exists at the regional level and above. Further research on this area would need to go far beyond the scope of this study to conduct in-depth case studies of IL communities and the policies at play in each context. After all, the policies considered in this study are in the form of words only; they must be implemented or manifested through action, and it is in this crucial area that further research would be beneficial. The necessary leap between policy and action is what Skutnabb-Kangas (1995) calls “the gulf between the good intentions expressed in preambles of international or

regional documents and the de facto dearth of linguistic human rights...” (p. 5). After a supportive legal framework has been established (or often before), how do issues of orthographic standardization, dialect differences, creation of learning materials, and appropriate teacher training, among others, get dealt with in the implementation of ILE? These complex issues are addressed differently in each context, and a thorough knowledge of individual contexts would be necessary to understand the various approaches to these issues. In the case of the Northwest Territories, a recent report shows that policy support for Indigenous languages has not led to concrete support or effective language maintenance (Northwest Territories, 2009). A great deal more understanding is needed about processes of policy implementation, and what works on the ground. An analysis of the various approaches adopted to address ILE issues could provide helpful ideas and possibilities to those addressing similar issues, albeit in different contexts. Understanding these context-specific approaches could be approached through case-study research or action research where policy making is currently underway.

A good example of a case study of policy development is the final report on the process of developing Washington State’s *First Peoples’ language, culture and oral tribal traditions teacher certification program* (Washington Professional Educator Standards Board and First Peoples’ Language/Culture Certificate Committee, 2007). This policy directly supports Indigenous control of IL teacher certification, and indirectly supports Indigenous control of curriculum. Considerations that they highlight include whether tribes are the sole authorities over IL teacher certification, and what form the policy should take to become more permanent and carry the most legal weight. They conclude that the policy must specify that tribes alone have certification authority, otherwise state authorities will be presumed to share control. Furthermore the policy must be included in the Code of Washington as statutory law, rather than as agency or administrative code policy. This report could be very useful to other jurisdictions interested in developing similar policies for ILE. A good example of a report on policy implementation is the above-mentioned *Final report on the review of the Official Languages Act 2008-2009* (Northwest Territories, 2009), which discusses the many problems encountered in the attempt to implement the Official Languages Act, providing recognition and support to Indigenous languages. Lack of consistent funding, communication, and accountability are among the reasons discussed for poor implementation of the policy. This report could be very useful to other jurisdictions seeking to avoid these pitfalls of policy implementation.

Another area which is very relevant to the topic of effective ILE, is that of language education policies established by Indigenous authorities. Due to the focus on public education, the policies and practices of Indigenous-run schools or Indigenous governments were not explored (other than the representative Assembly of First Nations Strategy discussed in sections 4.5 and 5.5). A similar study, providing an overview of existing Indigenous authority policies and their various approaches to supporting ILE could be very useful for policy makers.

The issue of different forms of policy, and consequently different legal weight, is one that is not directly addressed in this study, or controlled for in the overall policy analysis due to the focus on issues of language education, rather than policy itself. An analysis of these policies from a legal studies perspective would certainly take different factors into account. In a nutshell, constitutional law is the most binding form of law, followed by statutory law, administrative code, and agency policy, which are sequentially less permanent. It is interesting to note that the vast majority of the policies included in this study are in the form of statutory law, and as such have a reasonable degree of permanence. A smaller number of policies are agency policy, approved as part of the administrative code of practice for the education authority of each jurisdiction, by the authority holders of that agency, and thus more easily changed. A very few policies are constitutional law, also approved through legislative assembly but not easily amended once approved; Hawai'i is the only U.S. state to recognize Indigenous language rights in their constitution, declaring both Hawaiian and English to be official languages (Constitution of the State of Hawai'i, Article 15). The Northwest Territories and Nunavut also recognize Indigenous languages as official languages, but this is accomplished through statutory law (Northwest Territories, Official Languages Act; Nunavut, Official Languages Act). Further analysis of these policies could take these factors of legal permanency and weight into account, or examine more closely the relationship between different policies on the hierarchy of international, national, and regional policies, as mentioned in section 5.5.

Discourse analysis of the rationale sometimes given for ILE policies would be another approach to take to measure the potential benefit of a policy. These statements of rationale indicate the theoretical underpinnings and beliefs about ILE that form the foundation for each policy. Not all policies are preceded by a statement of rationale, however, but among those that are there is plenty of variation. One rationale which stands out as being unlikely to indicate a long-term commitment to ILE is Utah's dual immersion pilot program. Although the program

provides for Navajo-English dual immersion, the overall rationale for the program is drawn from the federal National Security Language Initiative's recognition of "critical languages", making the following statement:

"(b) The Legislature recognizes:

- (i) the importance of students acquiring skills in foreign languages in order for them to successfully compete in a global society; and
- (ii) the academic, societal, and economic development benefits of the acquisition of critical languages."

(Utah Senate Bill 41, 2008).

The underlying belief here is that language learning may lead to material gain and/or successful 'competition' (not communication, as might be more intuitive for language learning). This is strikingly different from the rationale underlying New Mexico's bilingual education policy, which states:

"L. the Bilingual Multicultural Education Act [22-23-1 NMSA 1978] will ensure equal education opportunities for students in New Mexico. Cognitive and affective development of the students is encouraged by:

- (1) using the cultural and linguistic backgrounds of the students in a bilingual multicultural education program;
- (2) providing students with opportunities to expand their conceptual and linguistic abilities and potentials in a successful and positive manner; and
- (3) teaching students to appreciate the value and beauty of different languages and cultures."

(New Mexico Statutes, chapter 22, article 23, Bilingual Multicultural Education).

Many more benefits of language learning are recognized by this statement, including appreciation of the value and beauty of languages, a benefit which does not need to prove itself through performance in the job market or scores on cognitive skill tests.

Turi (1995) writes about true language rights as “the right to be different”(p. 116)—not because a language leads to material gain, or higher order thinking skills, but because that is who one is, a base of culture and identity, as many Native language activists attest. A fundamental respect for the right of different identities may be a necessary part of the underpinnings of any successful ILE policy, and would be an interesting perspective from which to analyze policies. From this perspective the promotion of increased cognitive and literacy skills is not adequate to achieve successful ILE. Cummins (1995) argues that the lack of respect for cultural diversity and equality is the cause of weak language education policies:

“a negative reaction to bilingual education is the fear of minority group empowerment; if minority groups develop the confidence in their own identity and the knowledge and critical awareness to articulate their rights, then they become more resistant to exploitation at the hands of the dominant group” (p.160).

Empowerment through ILE is indeed possible, both through control of language education, and through the immersion practice of language use—taking the power away from grammarians and recognizing fluent speakers as the experts. ILE without Indigenous control and without a holistic approach to language learning and use is not likely to provide widespread benefits of empowerment and language revitalization. Although the obstacles appear daunting, the increase in ILE policies and practices that do contain these factors, and a fundamental respect for diversity, is encouraging.

After compiling the policies for this study I shared a brief description and examples of policies that support Indigenous control of teacher certification in the U.S. (included as Appendix D) with ILE practitioners in Michigan, who, almost a year ago, were beginning to work towards supportive ILE policies for their state. Policies such as those in Washington, Oregon, and Montana could be inspirational for states that do not yet delegate any power over ILE to tribal authorities, I reasoned. One language program coordinator responded that they found the information very helpful, because it supports the philosophy and direction they have been starting to go in as a group in the meetings they have been holding. This direction—of Indigenous control over ILE—is thus becoming more widespread, growing from local communities, as well as top-down policies. The process may not be rapid, but there is growth in

the development of supportive policy frameworks for Indigenous language education, and expanding creativity in the diverse approaches to facilitating successful language transmission, persistently fueled and sustained by Indigenous language education practitioners on the ground.

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## Appendix A: Citation code index

The full text of these policy documents can be found in full in Appendix C, under the appropriate jurisdiction.

- **AB-1** Alberta Education. (2008). *2008 Progress Report on the Implementation of the FNMI Education Policy Framework*. Retrieved February 16, 2009 from <http://education.alberta.ca/media/840103/fnmi%20progress%20report%202008%20final.pdf>
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- **PE-1** Prince Edward Island School Act. Retrieved February 25, 2009 from [http://www.gov.pe.ca/law/statutes/pdf/s-02\\_1.pdf](http://www.gov.pe.ca/law/statutes/pdf/s-02_1.pdf)
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- **UT-4** Utah State Office of Education. (2008). Public Education Annual Report. Retrieved April 26, 2009 from <http://www.schools.utah.gov/default/AnnualReport.pdf>
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- **WY-2** Wyoming Administrative Code, Professional Teaching Standards Board, chapter 13, Additional Endorsements, Section 1, Native Language Endorsement. Retrieved March 15, 2009 from <http://soswy.state.wy.us/Rules/RULES/6639.pdf>
- **WY-3** Statutes of Wyoming, title 21, Education, section 21-9-101 (g). Retrieved March 15, 2009 from <http://legisweb.state.wy.us/statutes/dlstatutes.htm>
- **WY-4** Wyoming Department of Education. (2008). *Wyoming foreign language content and performance standards*, p.6. Retrieved March 22, 2009 from <http://www.k12.wy.us/SAA/standards/Standards%202008%20Foreign%20Language.pdf>
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- **YT-3** Statutes of the Yukon. Education Act, chapter 61, part 4. Retrieved March 6, 2009 from <http://www.gov.yk.ca/legislation/acts/education.pdf>
- **YT-4** Yukon Native Language Centre. Teacher training. Retrieved March 6, 2009 from <http://www.ynlc.ca/training/teachertrng.html>

## Appendix B: Supportive policy index

Jurisdictions with relevant policies, listed by rating and factor:

**Support for immersion curriculum**

<b>Rating</b>	<b>Jurisdiction</b>
3	Hawai'i
3	Nunavut
2	Minnesota
2	New Mexico
2	Northwest Territories
2	Saskatchewan
2	Quebec
2	Yukon
1	Alaska
1	Alberta
1	British Columbia
1	Idaho
1	Kansas
1	Maine
1	Manitoba
1	Montana
1	South Dakota
1	Texas
1	Utah
1	Wisconsin
1	Wyoming
1	Washington
0	Nebraska
0	Nevada
-1	Arizona
-1	California
-1	North Dakota
-1	Oklahoma
-1	Ontario
-1	Oregon

**Support for immersion methods in teacher training/ certification**

<b>Rating</b>	<b>Jurisdiction</b>
3	Hawai'i
2	New Mexico

2	Northwest Territories
1	Alaska
1	Alberta
1	British Columbia
1	Manitoba
1	Minnesota
1	North Dakota
1	Nunavut
1	Ontario
1	Oregon
1	Quebec
1	Saskatchewan
1	South Dakota
1	Texas
1	Washington
1	Yukon
0	Arizona
0	California
0	Idaho
0	Kansas
0	Maine
0	Montana
0	Nebraska
0	Nevada
0	Oklahoma
0	Utah
0	Wisconsin
0	Wyoming

### Support for control of curriculum

Rating	Jurisdiction
2	Alberta
2	British Columbia
2	Hawai'i
2	Manitoba
2	Minnesota
2	New Mexico
2	Northwest Territories
2	Nunavut
2	Ontario
2	Quebec
2	Saskatchewan
2	Wisconsin

2	Washington
1	Alaska
1	Arizona
1	California
1	Idaho
1	Kansas
1	Maine
1	Montana
1	Nebraska
1	Nevada
1	North Dakota
1	Oregon
1	South Dakota
1	Texas
1	Utah
1	Wyoming
1	Yukon
-1	Oklahoma

#### Support for control of teacher certification

Rating	Jurisdiction
3	Idaho
3	Montana
3	Oregon
3	Washington
2	Hawai'i
2	Minnesota
2	Nebraska
2	Quebec
2	Wisconsin
1	Arizona
1	British Columbia
1	Nevada
1	North Dakota
1	Northwest Territories
1	Nunavut
1	Oklahoma
1	Wyoming
1	Yukon
-1	Alaska

-1	Alberta
-1	California
-1	Kansas
-1	Maine
-1	Manitoba
-1	New Mexico
-1	Ontario
-1	Saskatchewan
-1	South Dakota
-1	Texas
-1	Utah

### Appendix C: Policy documents

The full text of policy documents cited for jurisdictions with relevant policy is organized by jurisdiction on the enclosed CD. Some additional documents of interest are also included for some jurisdictions.

#### Appendix D: U.S. Teacher certification brief

The certification of Native American language teachers to teach in public schools in the U.S. is addressed differently in different states. There are 13 states that recognize the right of tribes to certify Native American language teachers to teach in public schools based on individual tribal criteria, not mainstream teacher certification criteria; Idaho, Montana, Oregon, Washington, Hawai'i, Minnesota, Nebraska, Wisconsin, Wyoming, Arizona, Nevada, North Dakota, and Oklahoma.

Several of these states have policies making tribes the only authorities who can certify Native language teachers (ie Washington, Oregon, Idaho, Montana), while others have policies of collaboration and cooperation between states and tribes for joint certification (ie Wisconsin, Minnesota, Wyoming).

These policies are fully supported by U.S. national policy, as stated in the 1990 Native American Languages Act, notably the section emphasized below:

“SEC. 104. It is the policy of the United States to--

(1) preserve, protect, and promote the rights and freedom of Native Americans to use, practice, and develop Native American languages;

(2) ***allow exceptions to teacher certification requirements*** for Federal programs, and programs funded in whole or in part by the Federal Government, for instruction in Native American languages ***when such teacher certification requirements hinder the employment of qualified teachers who teach in Native American languages, and to encourage State and territorial governments to make similar exceptions;***”

In response to this federal law, many states have developed alternative certification processes since 1990. Other states seeking to develop Native language teacher certification policies might benefit from the policies that some of the states listed above have adopted. For example, Washington State began piloting a policy of tribal jurisdiction over certification in 2002, and, finding this to be very successful, made the policy permanent in 2007. Their policy approach to teacher certification is a strong role model, and has been proven through the period of testing to be effective; the final report on their experiences implementing this policy is available at <http://www.pesb.wa.gov/FirstPeople/default.htm>. Several other examples of states' policies on Native language teacher certification are attached below. After reading the variety of policies that exist, it is surprising to see that some states recognize and support the unique expertise and right of tribal authorities to approve Native language teachers, while other states lack policies and support for this crucial area.

## Policy Examples

**Administrative Rules of Montana (excerpt)**

Rule Title: CLASS 7 AMERICAN INDIAN LANGUAGE AND CULTURE SPECIALIST

Department: EDUCATION, DEPARTMENT OF

Chapter: EDUCATOR LICENSURE

Subchapter: Classes of Licensure

**10.57.436 CLASS 7 AMERICAN INDIAN LANGUAGE AND CULTURE SPECIALIST**

(1) A class 7 American Indian language and culture specialist license shall be valid for a period of five years.

(2) The superintendent of public instruction shall issue a class 7 license based upon verification by the American Indian tribe for which the language and culture licensure is desired that the individual has met tribal standards for competency and fluency as a requisite for teaching that language and culture. Candidates for class 7 licensure must meet all non-academic requirements for licensure in Montana.

(3) The board will accept and place on file the criteria developed by each tribe for qualifying an individual as competent to be a specialist in its language and culture.

(4) Sixty units of renewal activities authorized and verified by the tribe will be required for renewal of a class 7 license.

(5) A school district may assign an individual licensed under this rule to only specialist services within the field of American Indian language and culture under such supervision as the district may deem appropriate. No teaching license or endorsement is required for duties within this prescribed field.

History: Sec. 20-4-102, MCA; IMP , Sec. 20-4-103, 20-4-106, MCA; NEW , 1995 MAR p. 2803, Eff. 12/22/95; TRANS , 2002 MAR p. 3309, 11/28/02; AMD , 2003 MAR p. 554, Eff. 3/28/03.

Retrieved April 3, 2009 from <http://www.mtrules.org/gateway/ruleno.asp?RN=10.57.436>

**Oregon Revised Statutes, Education & culture, chapter 342 (excerpt)**

**342.144 American Indian languages teaching license.** (1) As used in this section, “American Indian tribe” means an Indian tribe as that term is defined in ORS 97.740.

(2) The Legislative Assembly declares that teaching American Indian languages is essential to the proper education of American Indian children.

(3) The Teacher Standards and Practices Commission shall establish an American Indian languages teaching license.

(4) Each American Indian tribe may develop a written and oral test that must be successfully completed by an applicant for an American Indian languages teaching license in order to determine whether the applicant is qualified to teach the tribe's native language. When developing the test, the tribe shall determine:

- (a) Which dialects will be used on the test;
- (b) Whether the tribe will standardize the tribe's writing system; and
- (c) How the teaching methods will be evaluated in the classroom.

(5) The test shall be administered at an appropriate location that does not create hardship for the tribal members administering the test.

(6) The commission may not require an applicant to hold a specific academic degree, to complete a specific amount of education or to complete a teacher education program to receive an American Indian languages teaching license.

(7)(a) An American Indian languages teaching license qualifies the holder to accept a teaching position in a school district, public charter school, education service district, community college or state institution of higher education.

(b) A holder of an American Indian languages teaching license who does not also have a teaching license issued under ORS 342.125 may not teach in a school district or education service district any subject other than the American Indian language the holder of the license is approved to teach by the tribe.

(c) A holder of an American Indian languages teaching license who does not also have a teaching license or registration issued under ORS 342.125 may not teach in a public charter school any subject other than the American Indian language the holder of the license is approved to teach by the tribe.

(8)(a) As used in this subsection, "technical assistance program" means a program provided to an American Indian languages teacher by a licensed teacher with three or more years of teaching experience. A technical assistance program may include direct classroom observation and consultation, assistance in instructional planning and preparation, support in implementation and delivery of classroom instruction, and other assistance intended to enhance the professional performance and development of the American Indian languages teacher.

(b) The holder of an American Indian languages teaching license who does not also have an administrative license, teaching license or registration issued under ORS 342.125 and who is employed by a school district, public charter school or education service district shall participate in a technical assistance program with a person holding a teaching license issued by the commission under ORS 342.125. The technical assistance program shall meet the guidelines specified in ORS 329.815 (2) to (4).

(9) An American Indian languages teaching license shall be valid for three years and may be renewed upon application from the holder of the license. [2001 c.653 §2; 2007 c.71 §94; 2007 c.863 §9]

Retrieved March 27, 2009 from <http://www.leg.state.or.us/ors/342.html>

#### **Revised Code of Washington 28A.410.045**

**First peoples' language, culture, and oral tribal traditions teacher certification program — Established — Rules.**

(1) The Washington state first peoples' language, culture, and oral tribal traditions teacher certification program is established. The professional educator standards board shall adopt rules to implement the program in collaboration with the sovereign tribal governments whose traditional lands and territories lie within the borders of the state of Washington, including the tribal leader congress on education and the first peoples' language and culture committee. The collaboration required under this section shall be defined by a protocol for cogovernance in first peoples' language, culture, and oral tribal traditions education developed by the professional educator standards board, the office of the superintendent of public instruction, and the sovereign tribal governments whose traditional lands and territories lie within the borders of the state of Washington.

(2) Any sovereign tribal government whose traditional lands and territories lie within the borders of the state of Washington may participate individually on a government-to-government basis in the program.

(3) Under the first peoples' language, culture, and oral tribal traditions teacher certification program:

(a) Only a participating sovereign tribal government may certify individuals who meet the tribe's criteria for certification as a teacher in the Washington state first peoples' language, culture, and oral tribal traditions teacher certification program. Tribal law enforcement agencies and the Washington state patrol shall enter into government-to-government negotiations regarding the exchange of background information on applicants for certification. The office of the superintendent of public instruction shall not authorize or accept a certificate or endorsement in Washington state first peoples' language, culture, and oral tribal traditions without certification from a participating sovereign tribal government and without conducting a record check of an individual applying for certification as required under RCW 28A.410.010;

(b) For each teacher to be certified in the program, the participating sovereign tribal government shall submit information and documentation necessary for the issuance of a state certificate, as defined by rule, to the office of the superintendent of public instruction;

(c) A Washington state first peoples' language, culture, and oral tribal traditions teacher certificate serves as a subject area endorsement in first peoples' language, culture, and oral tribal traditions. The holder of a Washington state first peoples' language, culture, and oral tribal traditions teacher certificate who does not also hold an initial, residency, continuing, or professional teaching certificate authorized by the professional educator standards board may be assigned to teach only the languages, cultures, and oral tribal traditions designated on the certificate and no other subject;

(d) In order to teach first peoples' language, culture, and oral tribal traditions, teachers must hold certificates from both the office of the superintendent of public instruction and from the sovereign tribal government; and

(e) The holder of a Washington state first peoples' language, culture, and oral tribal traditions teacher certificate meets Washington state's definition of a highly qualified teacher under the no

child left behind act of 2001 (P.L. 107-110) for the purposes of teaching first peoples' language, culture, and oral tribal traditions, subject to approval by the United States department of education.

(4) First peoples' language/culture teacher certificates issued before July 22, 2007, under rules approved by the state board of education or the professional educator standards board under a pilot program remain valid as certificates under this section, subject to the provisions of this chapter.

(5) Schools and school districts on or near tribal reservations are encouraged to contract with sovereign tribal governments whose traditional lands and territories lie within the borders of the state of Washington and with first peoples' language, culture, and oral tribal traditions teacher certification programs for in-service teacher training and continuing education in the culture and history appropriate for their geographic area, as well as suggested pedagogy and instructional strategies.

[2007 c 319 § 2.]

**Notes:**

**Findings -- 2007 c 319:** "The legislature finds that:

(1) Teaching first peoples' languages, cultures, and oral tribal traditions is a critical factor in fostering successful educational experiences and promoting cultural sensitivity for all students. Experience shows that such teaching dramatically raises student achievement and that the effect is particularly strong for Native American students;

(2) Native American students have the highest high school dropout rate among all groups of students. Less than one-fourth of Native American students in the class of 2008 are on track to graduate based on the results of the Washington assessment of student learning. Positive and supportive educational experiences are critical for the success of Native American students;

(3) The sole expertise of sovereign tribal governments whose traditional lands and territories lie within the borders of the state of Washington in the transmission of their indigenous languages, heritage, cultural knowledge, histories, customs, and traditions should be honored;

(4) Government-to-government collaboration between the state and the sovereign tribal governments whose traditional lands and territories lie within the borders of the state of Washington serves to implement the spirit of the 1989 centennial accord and other similar government-to-government agreements, including the 2004 accord between the federally recognized Indian tribes with treaty reserved rights in the state of Washington;

(5) Establishing a first peoples' language, culture, and oral tribal traditions teacher certification program both achieves educational objectives and models effective government-to-government relationships;

(6) Establishing a first peoples' language, culture, and oral tribal traditions certification program implements the following policy objectives of the federal Native American languages act of 1990 (P.L. 101-477) in a tangible way:

(a) To preserve, protect, and promote the rights and freedom of Native Americans to use, practice, and develop Native American languages;

(b) To allow exceptions to teacher certification requirements for federal programs and programs funded in whole or in part by the federal government, for instruction in Native American languages when such teacher certification requirements hinder the employment of qualified teachers who teach in Native American languages, and to encourage state and territorial governments to make similar exceptions;

(c) To encourage and support the use of Native American languages as a medium of instruction in order to encourage and support Native American language survival, educational opportunity, increased student success and performance, increased student awareness and knowledge of their culture and history, and increased student and community pride;

(d) To encourage state and local education programs to work with Native American parents, educators, Indian tribes, and other Native American governing bodies in the implementation of programs to put this policy into effect; and

(e) To encourage all institutions of elementary, secondary, and higher education, where appropriate, to include Native American languages in the curriculum in the same manner as foreign languages and to grant proficiency in Native American languages the same full academic credit as proficiency in foreign languages;

(7) Establishing a first peoples' language, culture, and oral tribal traditions certification program is consistent with the intent of presidential executive order number 13336 from 2004, entitled "American Indian and Alaska native education," to assist students in meeting the challenging student academic standards of the no child left behind act of 2001 (P.L. 107-110) in a manner that is consistent with tribal traditions, languages, and cultures." [2007 c 319 § 1.]

**Short title -- 2007 c 319:** "This act may be known and cited as the "First peoples' language, culture, and oral tribal traditions teacher certification act: Honoring our ancestors."" [2007 c 319 § 4.]

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