



# Jeff Mursau

STATE REPRESENTATIVE • 36<sup>TH</sup> ASSEMBLY DISTRICT

Assembly Committee on Education  
AB 105, 106, 107, 109 – Instruction on American Indian History and Culture

February 12, 2020

Chairman Thiesfeldt and Committee Members -

Thank you for the opportunity to testify in support of Assembly Bill 105, 106, 107, and 109, which are part of a package of bills that were prepared by the State and Tribal Relations Committee and recommended for introduction by the Joint Legislative Council Committee.

The Special Committee on State-Tribal Relations is directed to study issues related to American Indians and the American Indian tribes and bands in the state. The committee is comprised of representatives of all the tribes in Wisconsin as well as legislators from both houses of the legislature. I'm honored to serve as chair of this committee.

Prior to our first meeting, I reached out to the tribes and asked them to share with me any issues they would like the committee to discuss over the course of the next several months. A priority for the tribes was to take a look at four provisions included in the 1989-91 biennial budget bill, 1989 WI Act 31, which relates to American Indian studies and elementary and secondary education. These provisions are colloquially referred to as Act 31 and generally require the following:

- That the Department of Public Instruction (DPI), under the authority of the state superintendent, develop a curriculum for grades 4 to 12 on the Chippewa Indians' treaty-based, off-reservation rights to hunt, fish, and gather.
- That each school board provide an instructional program designed to give all K-12 students an understanding of human relations, particularly with regard to American Indians, Black Americans, and Hispanics.
- That teachers licensed by DPI receive instruction in the study of minority group relations, including instruction in the history, culture, and tribal sovereignty of the federally recognized American Indian Tribes and bands located in Wisconsin as a condition of receiving that license.
- That each school board, as part of the social studies curriculum, include instruction in the history, culture, and tribal sovereignty of the federally recognized American Indian tribes and bands located in Wisconsin at least twice in the elementary grades and at least once in the high school grades.

The committee then considered:

- Are school districts meeting the requirements in statute? And if not, why?
- Should there be an increase in the frequency of required instruction? Could instruction be given outside of social studies classes to meet requirements?
- Are there materials available for teachers to use? Are the materials culturally accurate and properly vetted?

Based on information presented to the committee and discussion by members, the committee developed a package of bills for consideration. Four of those bills are before you today.

AB 105 relates to model academic standards for American Indian studies.

- The bill requires DPI to update current model academic standards for American Indian studies.
- The standards, to be developed in consultation with Wisconsin Indian Education Association (WIEA), must include historical and contemporary information on such topics as significant events, tribal sovereignty, and culture of the federally recognized tribes and bands located in Wisconsin.
- The bill does not mandate that a school district adopt the standards.

AB 106 requires DPI to prepare and distribute informational materials to school boards regarding their responsibility for providing certain instruction in American Indian studies. It also requires each school board to distribute those materials to its members and to certain administrative and instructional personnel.

AB 107 modernizes the description of the instruction that a licensed teacher must have received. It changes “history, culture, and tribal sovereignty” to “culture, tribal sovereignty, and contemporary and historical significant events.”

AB 109 increases the frequency of the required instruction that a school board must provide. The requirements would be:

- Provide instruction at least once during grades kindergarten to 2, at least once during grades 3 to 5, and at least twice during grades 6 to 8.
- Instruction in high school would be annually and at least once as part of the social studies curriculum but it also allows the instruction to occur in any other subject area.
- Modernizes the description of the required instruction to include contemporary issues along with historical ones.

On behalf of the State and Tribal Relations Committee, I'd like to thank you for holding a public hearing on these important bills. Legislative Council is with me today and we're happy to answer any questions you may have.

Assembly Education Committee  
February 12, 2020

Wisconsin Department of Public Instruction  
Testimony for Information on Assembly Bills 105, 106, 107 and 109

**Background**

The development of instructional materials and resources about the 11 federally-recognized American Indian nations and tribal communities in Wisconsin have been historically inaccurate and difficult to obtain by the educational community prior to the enactment of American Indian Studies in Wisconsin requirements, which is often referred to as Wisconsin Act 31 and was enacted in 1989.

Act 31 was put in place to address the reaction to the 1983 Voigt Decision, which recognized the Chippewa or Ojibwe rights to hunt, fish, and gather under the treaties of 1837, 1842, and 1854. The resulting public demonstrations and intolerance stemming from that decision showed the serious consequences that result from a lack of accurate and authentic information about tribal histories, cultures, and sovereignty.

The Act 31 legislation requires instruction in the history, culture, and tribal sovereignty of the eleven federally-recognized American Indian nations and tribal communities in Wisconsin public school districts. The intent of the act was to provide Wisconsin's students with accurate, academically-appropriate information that could also serve as a positive force to combat misunderstanding and social unrest.

Specifically, references mentioning Wisconsin Act 31 in the context of education are usually referring to the following state statutes:

- *§115.28(17)(d), Wis Stats.*  
*General duties.* The state superintendent shall:  
(17) AMERICAN INDIAN LANGUAGE AND CULTURE EDUCATION.  
(d) Develop a curriculum for grades 4 to 12 on the Chippewa Indians' treaty-based, off-reservation rights to hunt, fish and gather.
- *§118.01(2)(c)(7) and (8.), Wis Stats.*  
*Educational goals and expectations.*  
(2) EDUCATIONAL GOALS. . .each school board shall provide an instructional program designed to give pupils:  
7. An appreciation and understanding of different value systems and cultures.  
8. At all grade levels, an understanding of human relations, particularly with regard

to American Indians, Black Americans and Hispanics.

- *§118.19 (8), Wis Stats.*  
*Teacher certificates and licenses.*  
(8) The state superintendent may not grant to any person a license to teach unless the person has received instruction in the study of minority group relations, including instruction in the history, culture and tribal sovereignty of the federally recognized American Indian tribes and bands located in this state.
  
- *§121.02 (1) (h) and (L), Wis Stats.*  
*School district standards.*  
(1) Except as provided in §118.40 (2r)(d), each school board shall:  
(h) Provide adequate instructional materials, texts and library services which reflect the cultural diversity and pluralistic nature of American society.  
(L) 4. Beginning September 1, 1991, as part of the social studies curriculum, include instruction in the history, culture and tribal sovereignty of the federally recognized American Indian tribes and bands located in this state at least twice in the elementary grades and at least once in the high school grades.

The Wisconsin Department of Public Instruction (DPI) supports school districts' efforts to provide instruction in Wisconsin American Indian history, culture, and tribal sovereignty. The DPI does this primarily through DPI's American Indian Studies Program. This work includes:

- The provision of training opportunities and technical assistance to school districts.
- The development and dissemination of resources and materials to ensure best practices and quality instruction.
- To serve as liaison to tribal education departments, Wisconsin Indian Education Association (WIEA), Great Lakes Inter-Tribal Council (GLITC), and the Special Committee on State-Tribal Relations.

The program's activities and goals are to build teachers' capacity to serve students and support efforts to address existing stereotypes, and historical omissions and inaccuracies concerning American Indian people and communities in all Wisconsin public schools and pre-services education programs. DPI works closely with educators, school districts, Cooperative Education Services Agencies (CESAs), and higher education to implement these provisions.

The DPI has also integrated this work into the state standards. In integrating or infusing content around American Indian Studies, Wisconsin school districts help their students to think critically and analytically about issues relating to Wisconsin American Indian nations and tribal communities.

To further the goals of Act 31 DPI partnered with each of the 12 CESAs beginning in 2014 to provide targeted trainings and workshops on an annual basis to support educators across Wisconsin in integrating American Indian Studies requirements into lesson plans,

material selections, and district curricula. These efforts, along with other professional development opportunities offered by DPI, reach, on average, over 2,000 administrators, teachers, directors of instruction, librarians, and other educators every year.

Collaboration between sovereign entities to ensure American Indian students in Wisconsin are given what they need to become college and career ready is important. In recognition of this, DPI is working on Memoranda of Understanding (MOUs) or Agreements with interested American Indian nations in Wisconsin to formalize our work. To date, five agreements have been developed and signed. These formal agreements between tribal nations and DPI help with the implementation of American Indian Studies as this worked is best supported in collaboration with one another.

**2019 Assembly Bill 105: Model academic standards for American Indian studies**

AB 105 requires the state superintendent to develop model academic standards for American Indian studies. These standards must address certain historical and contemporary information that pupils are expected to know. At a minimum, this information must include significant events, tribal sovereignty, and culture relating to the federally recognized tribes and bands located in Wisconsin. The standards are to be developed in consultation with the Wisconsin Indian Education Association.

The bill would clarify standards for American Indian studies by providing a standalone set of standards. Currently, the social studies and environmental studies standards, revised in 2018, intentionally incorporate American Indian studies. An appendix to the social studies standards is also being created to assist educators in incorporating American Indian studies into the PK-12 curricula. Given current standards revision schedules, the DPI anticipates that American Indian studies will be explicitly incorporated into the standards for literacy in all subjects later this year.

It should be noted that under state statutes school boards are responsible for developing sequential curriculum plans in each subject area and are not required to adopt state standards.

**2019 Assembly Bill 106: Informational materials related to a school board's obligation to provide instruction on American Indians**

The bill requires that DPI develop and annually disseminate informational materials related to the existing statutory requirements for school boards to provide an instructional program designed to give pupils at all grade levels an understanding of human relations, particularly with regard to American Indians, Black Americans, and Hispanics and as part of the social studies curriculum, instruction in the history, culture, and tribal sovereignty of the federally recognized American Indian tribes and bands located in Wisconsin at least twice in the elementary grades and at least once in the high school grades.

Under the bill, the materials must be developed and posted on DPI's website by September 1 of the school year beginning after the bill takes effect. The bill also requires that school boards annually provide the informational materials to school board members, school district administrators, certain individuals responsible for curriculum or staff development, principals, and social studies teachers.

This bill will create opportunities for more awareness about statutory requirements, and quality instructional materials available, to learn about American Indian people, communities, and nations in Wisconsin.

In examining the bill, the DPI recommends the committee consider consulting with tribal nations to address the language used in the bill. For instance, the bill uses dated language, such as "tribes and bands" rather than "nations and tribal communities". Additionally, the term "federally recognized" excludes the Brothertown Indian Nation, which is not recognized as a federal or state tribal nation, but many of their members and nation call Wisconsin home.

The DPI would also recommend the committee consider whether the current law requirement referenced in the bill, the requirement for an instructional program that is designed to give pupils at all grade levels an understanding of human relations, particularly with regard to American Indians, Black Americans, and Hispanics, should be updated to reference Asian Americans, who make up four percent of Wisconsin's student population, or other groups of students.

### **2019 Assembly Bill 107: American Indian studies requirement for teacher licensure**

Subject to exceptions, Wis. Stats. 118.19 (8), prohibits the state superintendent of public instruction from issuing a teaching license to a person unless that person has received instruction in the history, culture, and tribal sovereignty of the federally recognized American Indian tribes and bands located in Wisconsin. The bill would update that language to state that the applicant must have instruction in the culture, tribal sovereignty, and contemporary and historically significant events of the federally recognized American Indian tribes and bands located in this state.

Statutes also provide exceptions to the prohibition on issuing a license for teachers who have not completed the instruction noted above. Those exceptions are not affected by the bill and include:

- An individual may teach an online course in a subject and level in a public school, including a charter school, without a license or permit from the department if the individual holds a valid license or permit to teach the subject and level in the state from which the online course is provided. [Wis. Stats. 118.19 (1)(b)]
- Experience-based licensure for technical or vocational subjects. [Wis. Stats. 118.191]
- Licenses based on reciprocity. [Wis. Stats. 118.193]

- Initial license to teach; Montessori. [Wis. Stats. 118.194]
- Initial license to teach: alternative preparation programs. [Wis. Stats. 118.197]

As stated in our comments in AB 106, the DPI recommends the committee consider consulting with tribal nations to address the language used in the bill. As in AB 106, the bill uses language, such as “tribes and bands” rather than “nations and tribal communities” and the term “federally recognized” excludes the Brothertown Indian Nation, which is not recognized as a federal or state tribal nation.

### **2019 Assembly Bill 109: Required instruction in American Indian studies in the elementary and high school grades**

Current law requires each school board to provide, as part of its social studies curriculum, instruction in the history, culture, and tribal sovereignty of the federally recognized American Indian tribes and bands located in Wisconsin at least twice in the elementary grades and at least once in the high school grades.

AB 109 changes this requirement to alter the curriculum beginning September 1, 2020 to require instruction in the culture, tribal sovereignty, and contemporary and historical significant events of the federally recognized American tribes and bands located in Wisconsin at least once in grades kindergarten to 2, once in grades 3 to 5, and twice in grades 6 to 8. The bill also requires that such instruction be provided as part of the high school curriculum at least once in each of the high school grades, including at least once as part of the high school social studies curriculum.

Increasing the curricular requirements will aid in advancing the goals of Act 31. There are a few technical issues to note with the bill.

- The implementation date of September 1, 2020 should be moved back at least a year to give school districts an opportunity to revise their curriculum and train their teachers with appropriate high quality instructional materials. Also, given that Wisconsin does not require four years of social studies to graduate, and students do not necessarily take the three required credits over the course of three years, additional curricular areas will need to be revised.

As stated in our comments on AB 106 and 107, the DPI recommends the committee consider consulting with tribal nations to address the language used in the bill. As in those bills, AB 109 uses language, such as “tribes and bands” rather than “nations and tribal communities” and the term “federally recognized” excludes the Brothertown Indian Nation, which is not recognized as a federal or state tribal nation.



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The Oneida Nation has over 17,000 tribal citizens worldwide and approximately 1,450 students attending public school in the State of Wisconsin. We are a Nation, like most tribes in the State of Wisconsin, who have several communities located within our boundaries. For us that includes two counties, 5 municipalities and 6 school districts.

We are here in support of all five of the bills introduced on March 22, 2019 on behalf of the 2018 Special Committee on State-Tribal Relations and appreciate the opportunity to have four of the bills receive a public hearing today. We are disappointed that it has taken nearly a year for a public hearing to be held and we ask the Committee chair to please consider allowing these bills to receive a committee vote in time for the full assembly to consider.

- Assembly Bill 105: Model academic standards for American Indian studies.
- Assembly Bill 106: Informational materials related to a school board's obligations to provide instruction on American Indians.
- Assembly Bill 107: The American Indian studies requirement for teacher licensure.
- Assembly Bill 108: Expanding from public schools to include private schools participating in a parental choice program and independent charter schools to provide instruction in American Indian history, culture, and tribal sovereignty.

We would ask each of the Committee members to please read the Legislative Reference Bureau bill summaries carefully. As you will note, much of what is proposed simply builds off current law.

Today, we are here to share the importance of implementing contemporary and historic tribal sovereignty, culture and significant events regarding American Indians into the public school's curriculum. We were the first people of this land and our contributions, both then and now, deserve to be known as part of the story that has gotten us all to the place we are today.

The Oneida Nation is proud of the progress we have made with local colleges and universities and some of the local school districts.

The Seymour School District sends some of their staff to the DPI American Indian Studies Institute each summer. Seymour offers Oneida Language as part of the high school curriculum. Wisconsin Indian Studies are taught as part of the curriculum at 4<sup>th</sup> grade. Oneida's Youth Education Services middle school staff have assisted in providing information about Oneida





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History in some of the classrooms. The middle school has a display case of Indigenous cultural material as well as a “13 Moons” mural in the commons area/lunch room of the school.

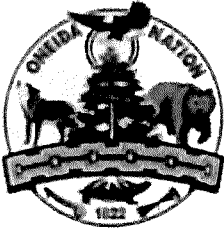
The Green Bay School District has Indian education Act 31 student learning outcomes that are written into CEDs (content essential documents aka curriculum). Starting in Kindergarten evidence outcomes are written into each grade level’s social studies documents. The resources that are available to teachers (in addition to the DPI websites that compile resources) is “First Nations in Wisconsin” by author Patty Loew. All teachers have a copy in grades K-5. All classrooms have at least 10 books placed in the classroom libraries that feature Native American main characters, are written by Native American authors, and are recommended texts from DPI, as well as First Nations websites. Some classrooms have maps purchased from GLIFWC showing the First Nations in Wisconsin. Each building has an updated Hands on History Bin. This bin, originally donated by Oneida Nation, was updated last year to include additional texts for teachers to check out and use with students. Included in the bin are some lessons that teachers can use, as well as a large Wisconsin map.

The West De Pere High School has a Native American History class. The 1/2 credit class fulfills one of the social studies requirements. Students are required to take 1 credit of US History, 1 credit of Global History, and can choose two 1/2 credit classes to fulfill the rest. The instructor for the Native American History class collaborated with Dr. Lisa Poupart and Danielle Karl Tubby to develop the curriculum. West De Pere has offered several professional development opportunities to their social studies team(s). They utilize Dr. Poupart in their professional development sessions.

However, not all schools in the State have the same resources or adhere to the same standards as our local schools. Therefore, the Oneida Nation feels it is necessary for our schools in the State of Wisconsin to have minimum standards and the correct resources when teaching about the first people of this land.

We have shared our resources with all of our surrounding school districts. We have shared our knowledge, given tours, and invited your children to our museum and our Corn Husking Bee. We shared who we are through song and dance. We have participated in professional development days, so our teachers will have a better understanding of our culture, traditions, and way of life.

The Oneida Nation is a Nation of strong families built on Tsi> Niyukwaliho t^ and a strong economy. We look forward to continuing to build partnerships with all the school districts and the Department of Public Instruction with a good mind, a good heart and a strong fire.



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## Bill Summaries with Comments

### Assembly Bill 105

Today, the State Superintendent of the Department of Public Instruction (DPI) oversees a process of developing, approving, and revising academic standards. These standards serve as models for possible incorporation by a local school district.

Assembly Bill 105 proposes to require the state superintendent to develop model academic standards for American Indian studies. These standards must address certain historical and contemporary information that pupils are expected to know. At a minimum, this information must include significant events, tribal sovereignty, and culture relating to the federally recognized tribes and bands located in Wisconsin. The standards are to be developed in consultation with the Wisconsin Indian Education Association, Inc.

#### Comments:

This bill is meant to focus what is already supposed to be occurring in our schools. Further, while learning about the past is important – we also want to make sure students learn about our culture and how tribes exist and function today. This is important as eleven federally-recognized tribal governments exist within the geographical borders of Wisconsin.

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### Assembly Bill 106

Current law today already requires that a school board provide pupils with the following:

1. An instructional program that is designed to give pupils at all grade levels an understanding of human relations, particularly with regard to American Indians, Black Americans, and Hispanics.
2. As part of the social studies curriculum, instruction in the history, culture, and tribal sovereignty of the federally recognized American Indian tribes and bands located in Wisconsin at least twice in the elementary grades and at least once in the high school grades.



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Assembly Bill 106 simply requires that DPI develop informational materials related to the requirements described above for distribution to school boards annually. The materials must be developed and posted on DPI's website by September 1 of the school year beginning after the bill takes effect. DPI must update the materials in response to any changes to a school board's obligation to provide instruction related to American Indians.

The bill also requires that school boards annually provide the informational materials to school board members, school district administrators, certain individuals responsible for curriculum or staff development, principals, and social studies teachers.

#### **Comments:**

Educating our youth is important, but oftentimes it is just as important to ensure that the governing bodies and administrators overseeing our children's education are reminded of the materials our youth are learning. This legislation should be fairly easy for educational entities to meet – as the materials can be provided in a format of the local school district's choosing.

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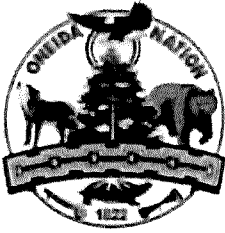
#### **Assembly Bill 107**

Subject to several exceptions, current law generally prohibits the state superintendent of public instruction from issuing a teaching license to a person unless that person has received instruction in minority group relations, including instruction in the history, culture, and tribal sovereignty of the federally recognized American Indian tribes and bands located in Wisconsin.

Assembly Bill 107 modifies the instructional requirement, providing that a teacher license applicant must receive instruction in the culture, tribal sovereignty, and contemporary and historical significant events of the federally recognized American Indian tribes and bands located in Wisconsin.

#### **Comments:**

This legislation is again fairly simple and builds off of current law. First, the bill expands the area of instruction to include "contemporary," not just historical. Further, while current law already provides that prospective teachers learn about minority group relations, including tribes – Assembly Bill 107 provides an emphasis to ensure that prospective teachers do learn about federally recognized American Indian tribes and bands located in Wisconsin.



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## Assembly Bill 108

Current law provides a list of standards by which public school boards must abide, including standards relating to curriculum and instruction. The list of standards includes a requirement that each school board provide, as part of its social studies curriculum, instruction in the history, culture, and tribal sovereignty of the federally recognized American Indian tribes and bands located in Wisconsin at least twice in the elementary grades and at least once in the high school grades.

The bill requires that each private school participating in a parental choice program and each independent charter school include instruction in the history, culture, and tribal sovereignty of the federally recognized American Indian tribes and bands the high school grades.

### Comments:

Assembly Bill 108 simply takes what is already required of social studies curriculum instruction in public schools and expands that policy to publicly funded parental choice and charter schools.

Ladies and Gentlemen of the Education Committee,

Thank you for this opportunity to speak on AB 105, AB106, AB107, and AB109. Bozhoo, My name is Kimberlee Barten Coronado. I am a direct descendant of Chief Osage and Chief Gurno, both of Lac Courte Oreilles Tribe.

Chief Osage was the chief who, in 1854, signed the second Treaty of LA Pointe with US Government. This treaty established the Lac Courte Oreilles Reservation and other Chippewa reservations in Wisconsin. Chief Gurno, A.K.A. Yellow Head, was an 18<sup>th</sup> century Ojibwa Chief of the Prairie Rice Lake Band of Lake Superior Chippewa Indians which later consolidated with the Lac Courte Oreilles.

My father was one of 14 siblings born from Mary (View) Barten and Theodore Barten in Ladysmith Wisconsin.

My father's sister, my Auntie Dolores Beaudin who sadly just walked on in January. My Auntie had 10 children of her own and she was an amazing historian for our family. She was a headstart teacher-aid, an instructor at Lac Courte Oreilles Ojibwe Community College, where she was honored by having the Student Center named after her. She cared for the elders by working as a nursing assistant and the next generation by passing on our culture, our language, our heritage as she was always teaching something to someone.

*Teaching the past is just as important as looking to our future.*

My cousin, Kiana Beaudin was just recognized (02/05/2020) by UW-Madison and awarded the Forward under 40 award. This award recognizes alumni under the age of 40 who are outstanding examples of living the Wisconsin Idea — the idea that this public university exists to serve the public good."

Kiana is a physician assistant and the youngest Executive Director in the history of the Ho-Chunk Nation health department.

"We are pleased to honor Forward under 40 Award recipient Kiana Beaudin. As a health care provider and community leader, Beaudin takes a multi-faceted approach to fight health disparities. She has organized community health screenings and awareness programs on both a local and national level, co-created a cultural competency training program, and incorporates the Ho-Chunk language into the clinic setting.."

**WHY DOES THIS MATTER? WHY AM I TELLING YOU WHO I AM, WHO MY FAMILY IS?**

**IT MATTERS BECAUSE IF WE DO NOT TEACH OTHERS WHAT WE HAVE GONE THROUGH TO GET HERE TODAY,**

**WE AS A NATIVE PEOPLE COULD, ONCE AGAIN, LOSE OUR LANDS, OUR RIGHTS TO HUNT AND FISH, OUR HISTORY, OUR LANGUAGE, OUR TRADITIONS, AND CONNECTION WITH MOTHER EARTH AND OUR CREATOR.**

**AS IT IS, WE NEED TO STRENGTHEN WHAT IS BEING TAUGHT TO NEXT GENERATIONS SO PLEASE VOTE YES TO PASS AB105, AB106 AB107, AND AB109**

CHI-MIIGWECH,

KIMBERLEE CORONADO



## **School Administrators Alliance**

*Representing the Interests of Wisconsin School Children*

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**TO:** Assembly Committee on Education  
**FROM:** John Forester, Executive Director  
**DATE:** February 12, 2020  
**RE:** AB 109 – Required instruction in American Indian studies in the elementary and high school grades.

The School Administrators Alliance (SAA) opposes Assembly Bill 109, relating to required instruction in American Indian studies in the elementary and high school grades.

AB 109 would significantly expand the requirement for each school board to provide instruction in the culture, tribal sovereignty, and contemporary and historically significant events of the federally recognized American Indian tribes and bands located in Wisconsin in the elementary and high school grades.

Our educators in Wisconsin face some enormous challenges in meeting the objectives we have for K-12 education. In a nutshell, I would characterize these primary objectives as follows:


- To improve student achievement for all students.
- To close those stubborn achievement gaps.
- To make sure all Wisconsin students graduate college and career ready.

We currently have lots of statutory requirements directed at schools, some that help schools to achieve these objectives and some that don't. Every legislative session we see several bills that would create new or expanded instructional mandates. And we all know that there are scores of interest groups that believe that schools should be providing children with instruction in many new subject areas in order to meet laudable public policy goals. In short, these proposals, if adopted, would lead school districts to take time, money and focus away from their primary objectives.

I would just pose three questions for the committee as you consider this legislation:

- First, how will this bill help school districts to meet our education policy objectives?
- Given the very big challenges that we face and the important objectives we are working hard to achieve, "How would you like us to use the precious minutes we have in the limited number of instructional days in each school year?"
- Finally, "Who should be charged with the responsibility of determining the curricular priorities that best meet the unique needs of students in each of the 421 school districts – state policymakers or local teachers, administrators and school boards?"

Thank you for your consideration of our views. If you should have any questions regarding our position on AB 109, please call me at 608-242-1370.

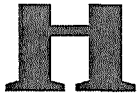


## Wisconsin law says kids must be taught Native American issues, but teachers say they don't know how

Despite a state law on the books that mandates indigenous education for Wisconsin kids, a cycle of avoidance makes it hard for teachers and students alike to learn.

Maddie Helm, Appleton Post-Crescent

Updated 9:31 a.m. CST Jan. 30, 2020



daughter's eighth-grade history book, looking for the word sovereignty.

Sovereignty, the constitutional right of Native American tribes in the U.S. to make and be governed by their own laws, is at the crux of their identity. It's what makes tribes their own political nations, not just members of a cultural group. It's the defining feature of indigenous issues past and present.

So when her daughter told her that the book didn't even mention the word, Moody, a professor of American Indian Studies at the University of Wisconsin-Eau Claire and an enrolled member of Wisconsin's Ho-Chunk Nation, didn't believe her.

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But sure enough, it wasn't there.

It wasn't the first time one of her children's projects had badly generalized or misrepresented Native American heritage, despite a state law that's meant to ensure schools and teachers know better.

A few years earlier, her now-11-year-old son was sent home with a paper cutout that he was instructed to dress up as a Pilgrim or a Native American, disregarding the fact that there is no one "Native American" style of dress.

And when she visits classrooms to speak to kids about indigenous issues, she's heard questions like "What do Indians trade with?" and she's been asked if she has a stove.

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[For many Native Americans, Thanksgiving oversimplifies and idealizes a complicated and shameful part of history](#)



taught and when, and what teachers need to know about the topic before they enter the classroom.

That, combined with the fact that Wisconsin is home to 11 federally recognized tribes, means the state should be quite good at sharing the history and cultures of its Native nations with students.

“

**When I ask the kids, 'Can anybody name me the 11 federally recognized tribes?' I can see on the teacher's face, 'Don't ask me either, because I have no idea.'**

Heather Ann Moody

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But there's no consistency to how it's taught, and there are no clear consequences for school districts that don't follow the law.

Even after three decades, the law has failed to break a cycle that undermines the quality of teaching about Native Americans: Aspiring teachers who have received little to no education about indigenous peoples enter college. They get a rundown of the Act 31 standards, but the amount of time spent on the topic varies widely from institution to institution. And then they're back in the classroom, some still lacking knowledge of Native American issues — only now, they have to teach them.

Said Moody: "When I ask the kids, 'Can anybody name me the 11 federally recognized tribes?' I can see on the teacher's face, 'Don't ask me either, because I have no idea.'"

A lack of meaningful education about Native American history and cultures can perpetuate harmful stereotypes. In September, a Red Lake Ojibwe student at UW-Eau Claire awoke to a slur scrawled on her dorm room door. In October, a group of students at Clintonville High School appropriated a traditional tribal dance during a pep rally. And Native American mascots continue to fuel controversy in the 30 Wisconsin public school districts that still use them.

Act 31's origin lies in an at-times violent fishing conflict that swept through northern Wisconsin in the late 1980s.

Dubbed the Walleye War, the conflict arose from a lack of understanding of the sovereign rights retained by the Wisconsin Ojibwe people when they relinquished tribal land to the U.S. government in the mid-19th century.

A treaty guaranteed the Ojibwe rights to spearfish on waters outside of their reservations, unrestricted by state regulations. But when they started exercising those rights, fishermen who were unaware of the treaty only saw tribal members fishing in places they couldn't, at times they couldn't, using methods they couldn't.

They got angry. Then they got violent, storming boat landings at night to hurl rocks and racial slurs.

Shocked by the backlash, state leaders scrambled to find a way to educate the public about sovereignty and Native American history in general. They produced the five-part mandate that now governs classroom instruction on Wisconsin's indigenous nations.

Passed in 1989, the act:

Asked the state to develop curriculum for grades 4-12 to teach students about off-reservation treaty rights to hunt and fish.

Told school boards to offer programs that teach students "an understanding of different value systems and cultures."

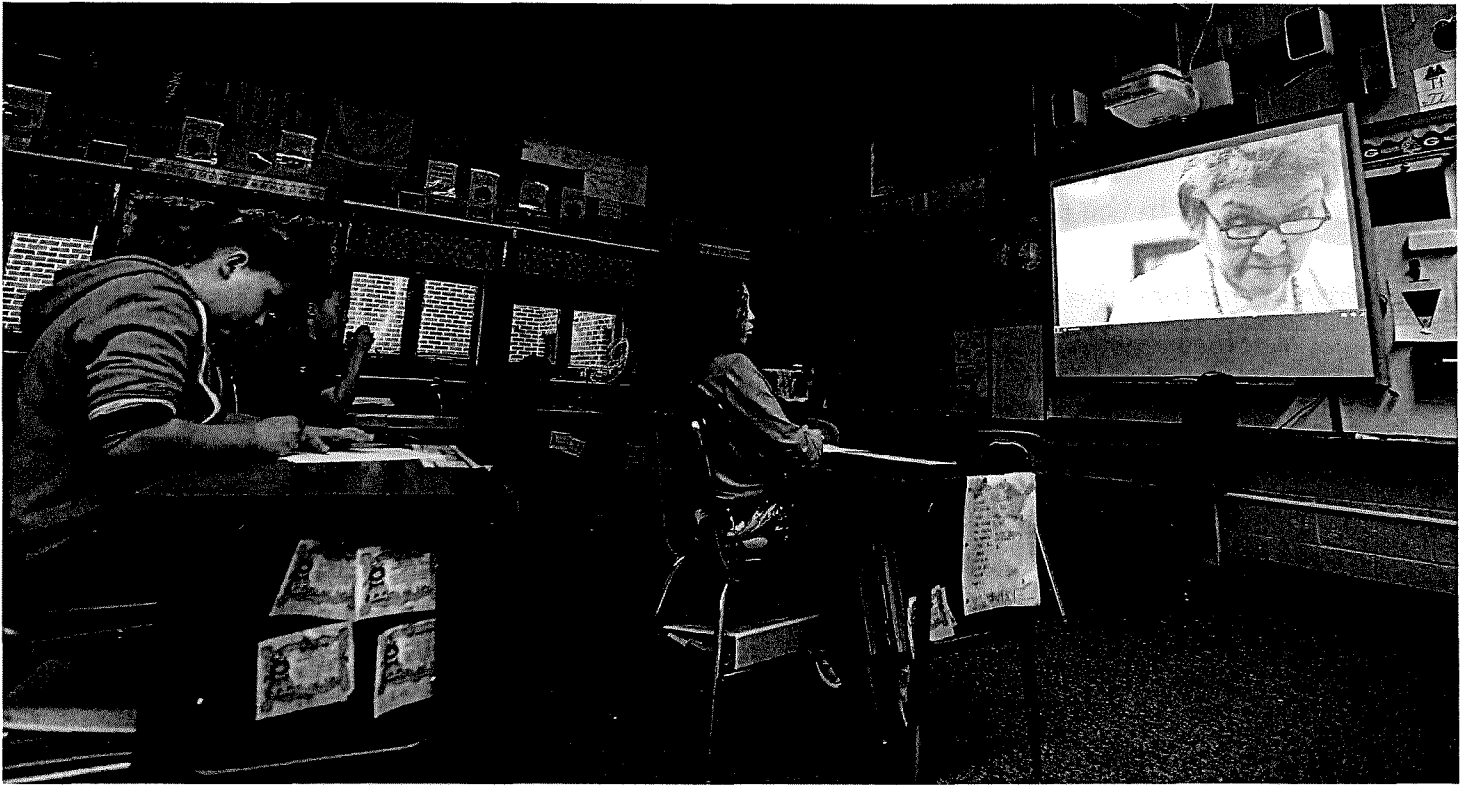
Told school boards to provide programs at all grade levels to help students understand human relations, particularly in regard to American Indians, black Americans and Hispanic Americans.

Ensured that a teacher's license could not be granted to a teacher who had not studied "minority group relations," and the history of the state's indigenous peoples in particular.

Outlined when students should be taught about the Wisconsin First Nations' history, cultures and tribal sovereignty: at least twice in elementary school and at least once in high school.

Aspiring teachers check the box for studying minority-group relations automatically by attending state-approved educator prep programs, which must have at least one

Any time there's a complaint, concern or new licensing-related laws, DPI requires those programs to show they're meeting licensing standards, including minority group relations.



Students in Lori Mueller's fourth-grade class at Bowler Elementary School watch a video about a clan mother among the Stockbridge-Munsee Band of Mohican Indians from...

[Show caption](#) ▼

EBONY COX/USA TODAY NETWORK-WISCONSIN

But the law doesn't set a standard for what the prep programs *do* to meet that requirement, so colleges can choose how they address it.

To show that they discuss Act 31, education programs send to DPI the rubric they use to grade a student project or lesson plan about Native American history and culture, according to David DeGuire, director of the agency's Teacher Education, Professional Development and Licensing team.

And the course requirement can be met by courses on women, people of color and other marginalized groups, DeGuire said, not necessarily a course on Native American issues specifically.

Moody described the problem in her 2013 dissertation, for which she surveyed instructors at UW System schools about what they were telling future teachers about Act 31.

teach it themselves, she found.

“

**You have to care. You have to want this to happen. Otherwise, it's not going to happen.**

Paul Rykken

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Moody found a wide variation in how the information was covered.

UW-Green Bay, on one end of the spectrum, offers a full course in its First Nations Education program as an option for students to fulfill the requirement. On the opposite end, Moody heard about education departments that devoted a single, 50-minute class period to the topic. That's enough time to mention the law itself, the history behind it and not much else.

"I wanted to be less disappointed than I was," she said.

A [2014 teacher survey](#) on Act 31 supported her findings: 38% of respondents who received their Wisconsin license after 1991 said they did not receive college-level instruction on Native issues, in direct conflict with the law.

The survey, a statewide project that queried nearly 400 school administrators and more than 1,700 teachers, also outlined issues in the K-12 classroom.

About two-thirds of teachers said they needed more professional development to teach Native history, cultures and sovereignty.

Nearly seven in 10 teachers said they needed more instructional materials.

Only one-fifth of the instructors said they taught tribal sovereignty, the issue some experts say should be taught *first* in the study of the American Indian experience.

"I'm wondering what tribal 'sovereignty' means? If I don't know it, my students certainly don't," one respondent said.

Respondents were even more likely to note another challenge that went beyond materials or expertise: time. A growing focus on testing for reading and math left little time for social studies in their classrooms.

"I do not recall any of this history being on state testing," one comment said, "therefore there are other elements that are more of a priority."

## A challenge, even for the best teachers

High school history teacher Paul Rykken understands the pressures educators face — but he also has some advice for those who cite lack of materials or professional development for speeding through the Act 31 curriculum.

"You have to care. You have to want this to happen," he said. "Otherwise, it's not going to happen."

Rykken, who is white, began teaching in Black River Falls shortly after Act 31 took effect. The city, nestled among the tall thick pines of the 122,000-acre Jackson County Forest, is the government seat of the Ho-Chunk Nation. One in four students in the school district is Native American.

“

**You have to be willing to stand in front of kids and say, 'I'm still working this out.'**

Paul Rykken

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He was asked about the then-new Act 31 requirements in his job interview, and he tried to bring them to life from day one by throwing out a "clunky" approach in which freshmen students studied Ho-Chunk history in a short series of classes. Instead, he found ways to mix that history in with everything he taught.

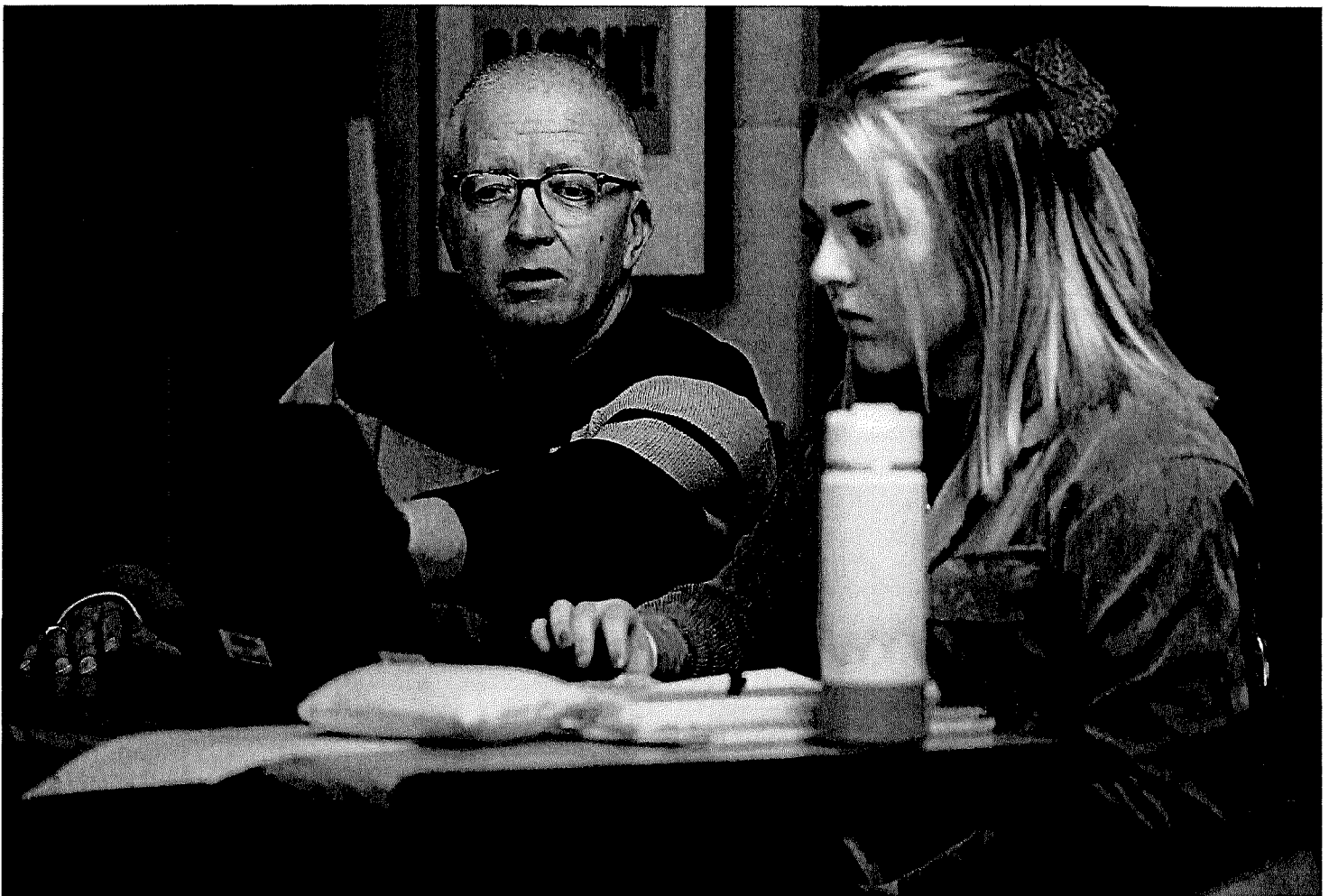
But he had lessons to learn in the classroom, as well.

of students to discuss.

"What does that do to the Native kids sitting there? All the sudden, it puts them on the defensive," Rykken said. "It probably puts the white kids on the defensive, too."

Chatting in pairs took that pressure off, and it also reduced the possibility that a Ho-Chunk student would feel pressured to speak for their entire tribe.

Rykken is recognized as a statewide example of what happens when a teacher puts their heart and soul into teaching these topics — but even for him, they can still be challenging to teach.



History teacher Paul Rykken helps junior Karasharie Zeps during one of his classes Jan. 29 at Black River Falls High School. Rykken, a statewide example...

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TORK MASON/USA TODAY NETWORK-WISCONSIN

parent asking him what exactly he thought he was doing as a white man teaching this history, as well as another parent questioning why "everything (was) all the sudden Ho-Chunk."

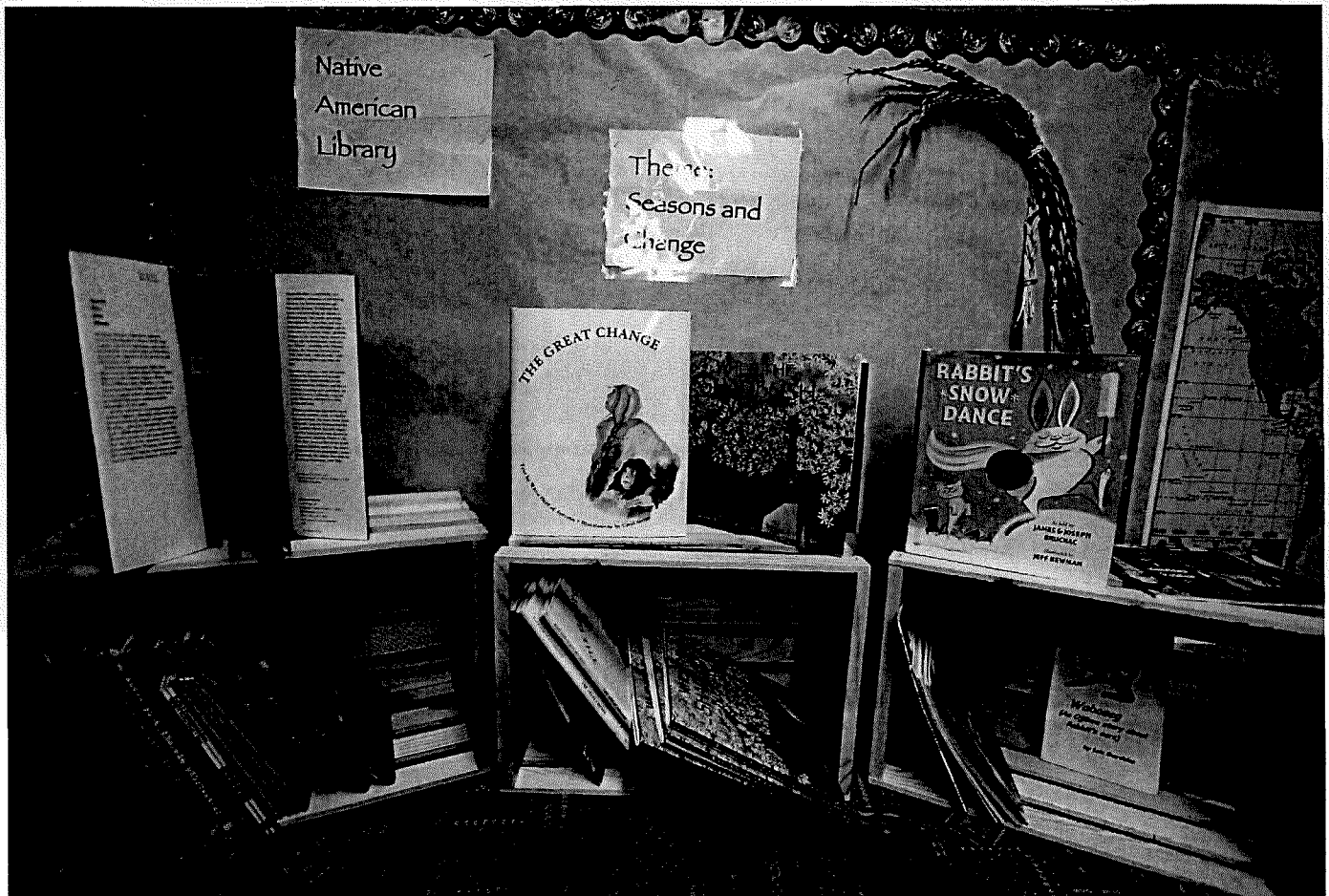
More than 200 students have taken the class to date, but he must continually walk a line.

On one hand, he needs to be careful when teaching a history that's not his own. On the other, he needs to be courageous enough to teach it robustly, and admit mistakes when necessary.

"You have to be willing to stand in front of kids and say, 'I'm still working this out,'" he said.

That's what teachers who aren't prepared in the university system lack when they show up to teach the history and cultures Act 31 requires, he argued.

"Frankly, some of them are afraid," Rykken said. "They don't want to offend. They're afraid they don't know enough."



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And the stakes are high: Teaching these issues poorly or not at all has consequences far beyond lack of knowledge, according to Jolene Bowman, a member of the Stockbridge-Munsee Community, director of education and career services for her tribe, and a past-president of the National Indian Education Association.

If Native American students are exposed to imagery and information that isn't culturally appropriate, it's a form of abuse, Bowman argues. It can be damaging to their psyches by depicting them as only a part of history, erased from contemporary life.

Rykken is proud of the positive imagery in his classroom, school and community. In front of the county courthouse, three flags fly side by side: the United States, Wisconsin and the Ho-Chunk Nation.

### **Some Native education advocates have taken a 'glass half-full' approach**

At the state's Department of Public Instruction, David O'Connor has been paying close attention to both gold-standard teachers like Rykken and other teachers' complaints about lack of material and development.

The education consultant for the state's American Indian Studies Program and a member of the Bad River Band of the Lake Superior Tribe of Chippewa Indians, O'Connor built the 2014 survey information directly into his work with the agency.

Teachers asked for more professional development? He now runs over 100 workshops per year to help teachers learn the actual material that Act 31 requires them to teach, as well as coordinating the Wisconsin American Indian Studies Summer Institute, an annual, weeklong training for educators. Teachers wanted more resources? He pointed them to the Department of Public Instruction's [online catalog](#) of teaching materials and set to work on adding more.

For example, teachers and administrators both reported in the 2014 survey that they were relying heavily on textbooks for instruction on Native American issues. The problem with many textbooks, O'Connor noted, is they're not Wisconsin-based.



state's Native American history and cultures.

O'Connor said there has been discussion of sending the 2014 survey out again to collect new information from teachers. In the meantime, he'll continue his workshops and outreach, hoping to expand beyond school districts to libraries and museums. The number of participants in those workshops have risen from a dozen or so in 2012, when he began, to over 50 today.



At Black River Falls High School, the school is honoring its shared history between the Ho-Chunk Nation and non-Native settlers with the Falls History Project.

MADLINE HEIM/USA TODAY NETWORK-WISCONSIN

These resources all fall in line with O'Connor's overarching approach of looking at Wisconsin's indigenous education with a "glass-half-full" attitude. Sure, there's uneven

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It's an attitude shared by Brian Jackson, president of the Wisconsin Indian Education Association and a Lac du Flambeau Ojibwe tribal member.

About five years ago, the WIEA flipped the script from pointing out which schools were deficient in their Act 31 coverage to highlighting role models, like Rykken and a handful of others.

Another example is Jeff Ryan, who has taught a First Nations course at Prescott High School for 21 years. Unlike Black River Falls, Prescott — a town of about 4,000 that sits on the Mississippi River border with Minnesota — is largely white.

"There are school districts that make the argument, 'Well, it's not relevant to us because we don't have a large Native population,'" Ryan said. "It's the law. We're expected to do this. I really don't think it's that difficult."

Ryan focuses the class on both historical and contemporary Native American issues that are specific to Wisconsin. But he knew the class alone wouldn't be enough, so he reached out to a friend who lived some four hours away on the Lac du Flambeau reservation.

For the past two decades, a select group of students (and, recently, community members) have traveled to the reservation in the summer and fall to speak with elders and government leaders and visit cultural sites.

On the other side of the state, fourth-grade teacher Lori Mueller has earned praise for how she treats the subject. When she began teaching in Bowler, surrounded by the tribal lands of the Stockbridge-Munsee Band of Mohican Indians, she reached out to the tribe and has made a priority of classroom visits from tribal leaders and elders.

Her classroom has a library stocked with books by and about indigenous people, which, she said, has helped to close the literacy achievement gap between her Native American and non-Native American students.

It also helps unwind traditional narratives that paint the wrong picture of history. One book, "A Coyote Columbus Story," debunks the myth that the Italian explorer "discovered" America and the people living there.

## **They had minimal Act 31 efforts ... (now) they're probably going to be one of our champions.**

Brian Jackson

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Through its new, positive-minded approach, the WIEA also has taken advantage of controversial situations like the fallout from a group of students mimicking a tribal dance during a pep rally at Clintonville High School.

Jackson and other WIEA members held a smudging ceremony during a school assembly to share a traditional form of healing and led a discussion of how the school could move forward.

Afterward, Clintonville superintendent David Dyb said the school district would revamp its Act 31 curriculum, and teachers will seek professional development in that arena.

"They had minimal Act 31 efforts," Jackson said. "(Now) they're probably going to be one of our champions."

### **Slow change is better than no change, but some are pushing to speed it up**

For Moody, the issue is deeply personal. At 42, she should have been taught Act 31-required content during her high school years in Hudson, Wisconsin. She wasn't.

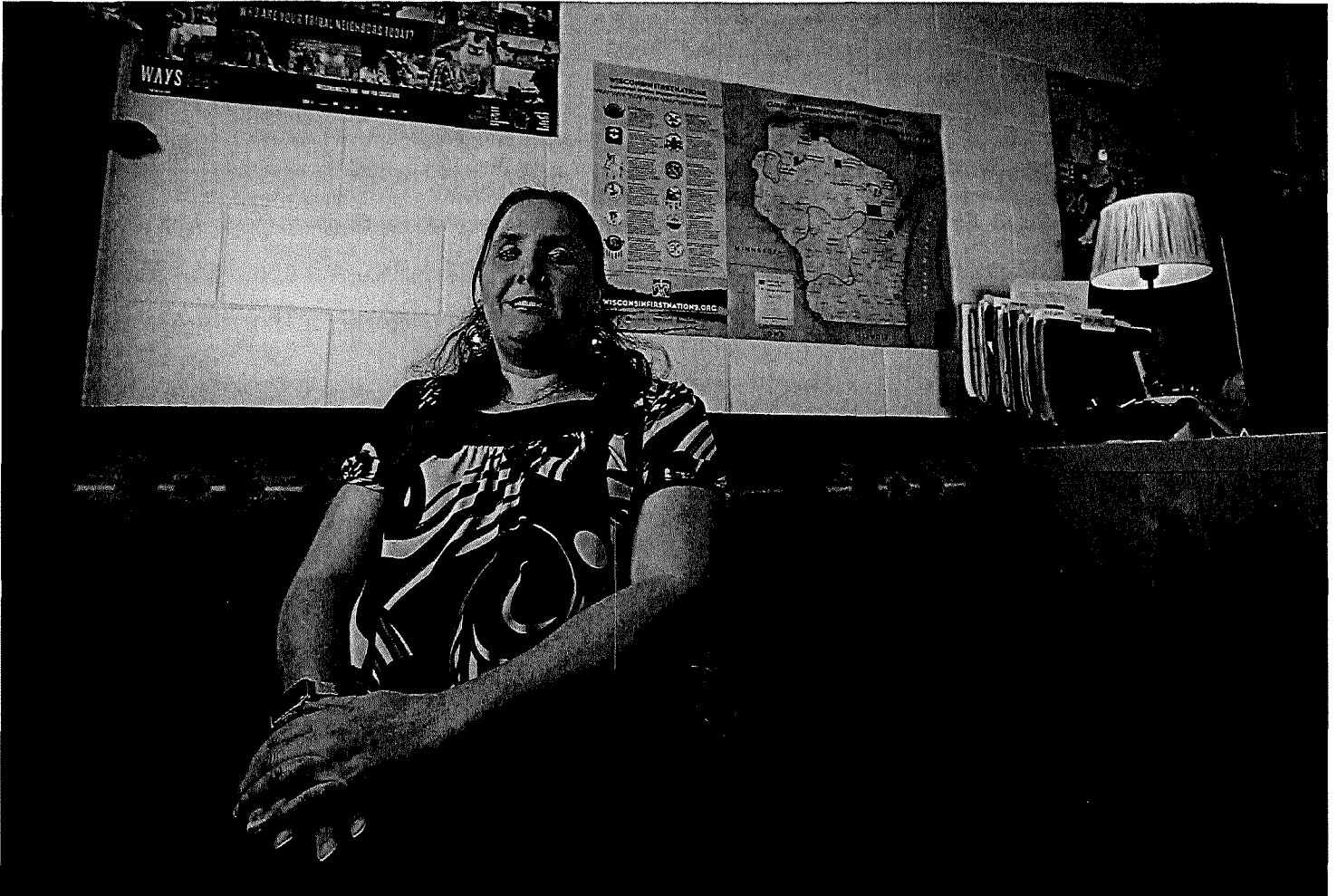
Worse, she felt she had to keep her identity a secret.

She remembers the treatment of students who couldn't pass for white like she could — there was "something different" about them that other people didn't like, she said.

Moreover, she didn't grow up immersed in Ho-Chunk culture and didn't feel she could answer the barrage of questions that might have come her way if people had known she was Native American.

their generation will get the right education."

After three decades of sluggish improvement, stakeholders across the state are pushing for more rapid change.



University of Wisconsin-Eau Claire professor Heather Ann Moody, an enrolled member of the Ho-Chunk Nation, wrote her dissertation on the lack of sufficient education about...

[Show caption](#) ▾

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It's important to highlight schools that are excelling in Native American education, but "we also need that smack in the face of, 'But there's a lot of y'all who aren't doing anything right,'" Moody said.

"I think there's still this understanding of, 'If I talk about Native people for a week, I'm good enough. Powwows, fry bread ... I've complied with Act 31,'" she said.

adhere to Act 31 standards. She's also working with the education department at UW-Eau Claire to develop an Act 31 course that will be required for all future teachers at the school.

At the state level, Jackson and the WIEA are urging government officials to revamp portions of the law, beginning with its name: They'd like it to be more representative of the curriculum. There are thousands of "Act 31s," he said, so something involving First Nations would have more meaning.

A bill in the state Assembly's education committee would beef up the requirements for how often a student is exposed to indigenous history and cultures. Currently it's three times between kindergarten and 12th grade; Jackson would like to see it taught at least once during kindergarten through second grade, once in third through fifth grade, twice in middle school and every year in high school.

“

**Act 31 is the root. From there, there should be offshoots of other legislation to build a network of strength.**

Jolene Bowman

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Bowman says Wisconsin is "middle of the pack" nationally when it comes to Native American education. To elevate it, she said, the state could enshrine the Wisconsin tribes' cultural heritage in a law (as [Montana](#) has done) and acknowledge that poor enforcement of Act 31 may contribute to achievement gaps for Native American students.

"Act 31 is the root," Bowman said. "From there, there should be offshoots of other legislation to build a network of strength."

Still, questions remain as far as how to enforce the law. If poor enforcement has consequences, how *does* the state ensure that schools are teaching appropriate content as often as they should?

Bowman suggested, or an anonymous reporting system where teachers and parents can flag problematic projects, Moody said.

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Turning again to teacher preparation programs, it's critical that schools of education recognize there could be consequences for not following the law, she added.

"If you were told, we're not going to license your teachers, I'm guessing they might make it a priority," she said.

Moody will continue to make a few K-12 classroom visits per semester to help kids learn what they might not be able to get from their teacher.

Her goal one day, she said, is to be able to teach her 100-level American Indian Studies class without having to explain tribal sovereignty — because if Act 31 is working correctly, students entering college would already know what it is.



**MADELINE HEIM** covers health and science for USA TODAY NETWORK-Wisconsin. A 2018 graduate of the University of Wisconsin-Madison, she previously covered education for the Winona Daily News and is happily back in her home state, where she can root unapologetically for the Packers and continue her quest for the finest cheese curds in all the land.

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