

50 State Review of Indigenous Student English Learner Identification Policies

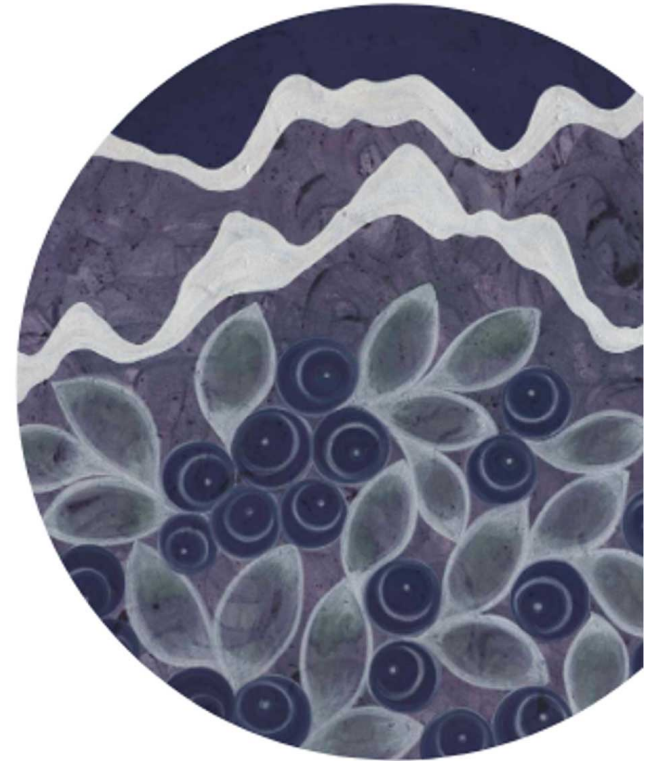
Ilana Umansky, University of Oregon

Taiyo Itoh, University of Oregon

Jioanna Carjuzaa, Montana State University

In today's workshop, we will:

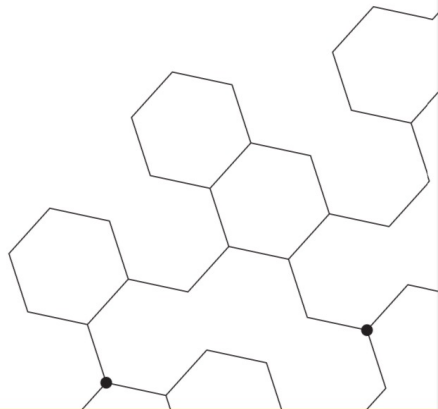
- Provide some background for our topic
- **Talk in pairs**
- Describe how state policies approach Indigenous EL identification
- **Discussion and Q&A**



When Indigenous Students are Identified as English Learners: Contexts, Opportunities and Dilemmas

Research Brief

Taiyo Itoh & Ilana Umansky, University of Oregon



New report available on NIEA website:
Resources/Publications/Reports

Access and download the report [here](#) or here:



Also! Links to full research papers:

[50 state scan](#)

[Interviews with state leaders](#)

My story



Alaska Project [report](#) & [2-pager](#)

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How San Francisco Paved the Way for California to Embrace Bilingual Education



Elva Reyes-Espinosa addresses a meeting of the parent-teacher association at Fairmount Elementary, a dual-language-immersion school in Glen Park. Meetings are conducted in Spanish and English. Photo by Nadia Mishkin / Public Press

01.25.2017 | by JEREMY ADAM SMITH |

In 1998, California [Proposition 227](#) tore the state apart. Requiring English-only instruction to discourage schools from teaching immigrant students in their home languages, the measure passed by a wide margin.

What Schools Can Do So They Don't Exclude English Learners From Core Courses

Exclusionary tracking can keep English learners from taking the courses they need to graduate on time
 By [Ileana Najjarro](#) — September 18, 2024 | Corrected: September 18, 2024
 4 min read



— iStock/Getty

Understanding the needs and experiences of Alaska Native English learner students

Most research on English learner (EL) education has centered on immigrant origin students, and little research has examined the needs and experiences of Indigenous EL students in the United States or Alaska. Indigenous and non-Indigenous students differ in their eligibility for EL services: Indigenous EL students may speak English as their primary language, but non-Indigenous EL students must speak a primary language other than English as their historical pattern of forced cultural assimilation and heritage language deprivation, many Indigenous communities have faced—and continue to face—critical barriers to accessing culturally and linguistically sustaining, adequately resourced, and equitable schooling, including EL services.

The Regional Educational Laboratory (REL) Northwest conducted a study of Alaska EL policy and practice as it relates to Alaska Native students to examine student characteristics and patterns in identification as an EL student, EL service provision, and “reclassification” from EL to non-EL students. This infographic presents information from the study that may guide future policy and research to ensure that Alaska Native EL students receive culturally sustaining, high-quality education to support their academic progress, as well as the development of both their heritage and English language skills.

Characteristics of Alaska Native EL students

WHO ARE ALASKA NATIVE EL STUDENTS?
 From 2011/12 to 2018/19:

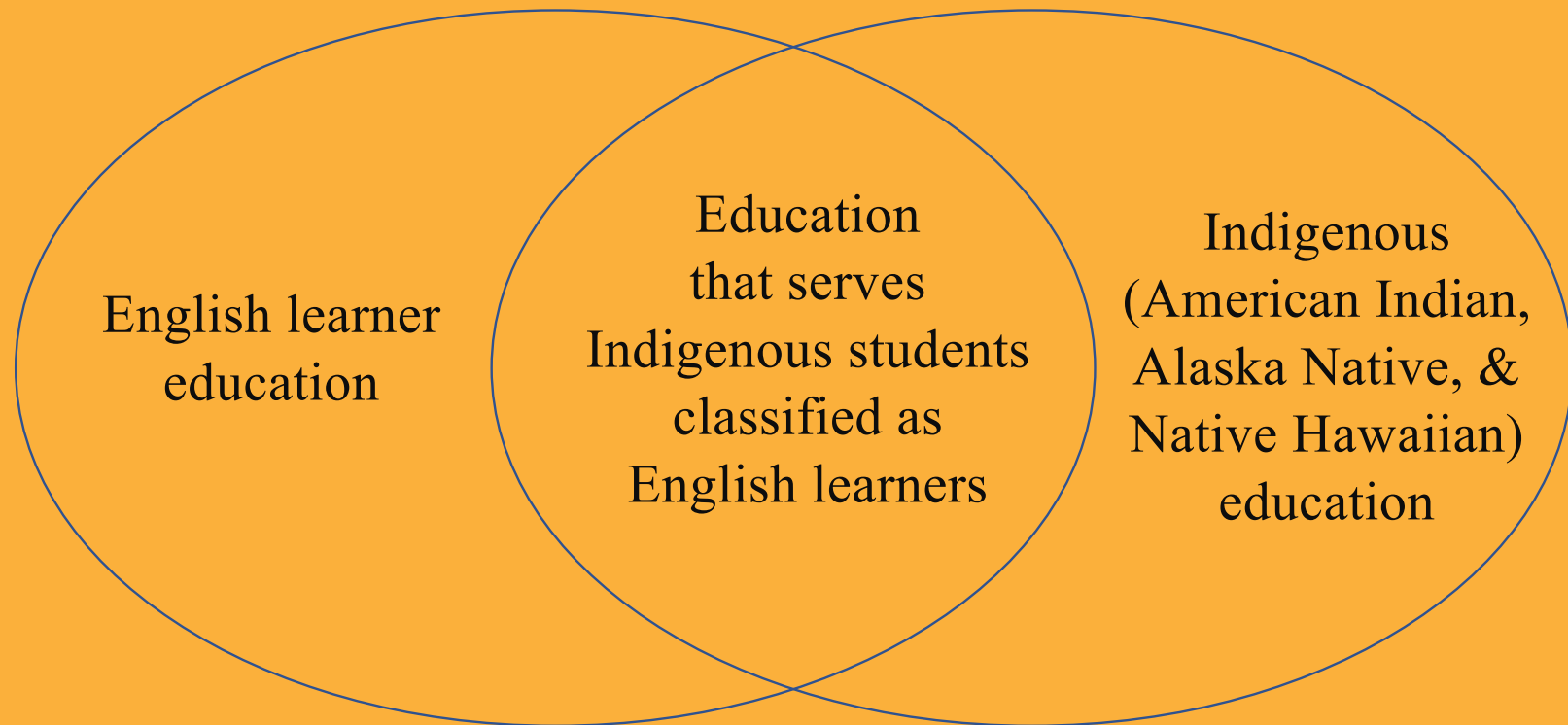
- 24%** of Alaska Native kindergarten students were EL students
- 12%** of non-Alaska Native kindergarten students were EL students
- 80%** of Alaska Native EL kindergarten students reported Spanish as their home language
- 24%** of non-Alaska Native EL kindergarten students reported Spanish as their home language

WHERE ARE ALASKA NATIVE EL STUDENTS?

- Rural remote schools:** Alaska Native EL students represented 23 percent of kindergarten in rural-remote schools, which are schools in small off-road communities. In urban, urban fringe, and rural/hubring locales, they represented 6 percent or less of kindergartners.
- Economically disadvantaged schools:** Alaska Native EL students represented 27 percent of kindergarten in schools where 75 percent or more of the population was economically disadvantaged, compared to 6 percent or less in schools with lower percentages of economically disadvantaged students.
- Schools without English as a second language (ESL) teachers:** Alaska Native EL students represented 19 percent of kindergartners in schools without ESL teachers, compared to 3 percent or less in schools with one or more ESL teacher.

*Home language in this context refers to the Indigenous language spoken historically and/or currently by the Indigenous group to which an individual belongs. Identification of students as Alaska Native EL students who have ancestry from EL status to report English proficiency based on reporting a set of criteria, typically determined by the state and based on assessment performance. This study focused on kindergartners in the state of Alaska Native students as they first enter school and are not included in the EL classification. Students who were eligible for the National School Lunch Program during the study period, as defined in a state-based program. The report refers to sex as recorded, with being an understanding from a substance necessary perspective, where families may share or indicate an individual's resources, such as BSA, gender, and family, in their household.
 *Source: provided by Crystal Wood, Juneau, Alaska

Where is this work situated?



Indigenous education context

- Educational sovereignty and self-determination (Brayboy et al., 2015)
- Boarding school history (Adams, 1995; Barnhardt, 2001; Child, 1998; Hirshberg, 2008; Vitale, 2020)
- Continuing – privileging of Standard American English and devaluing Indigenous knowledges and cultures (Brayboy & Lomawaima, 2018; Jester, 2002)
- Heritage language loss (Siebens & Julian, 2011); non-Standard American English (Leap, 2012)
- Barriers to culturally sustaining, equitable schooling (Barnhardt, 2001; McCarty & Zepeda, 1995; Spring, 2016)



Photo Credit: Brian Adams

English learner education context

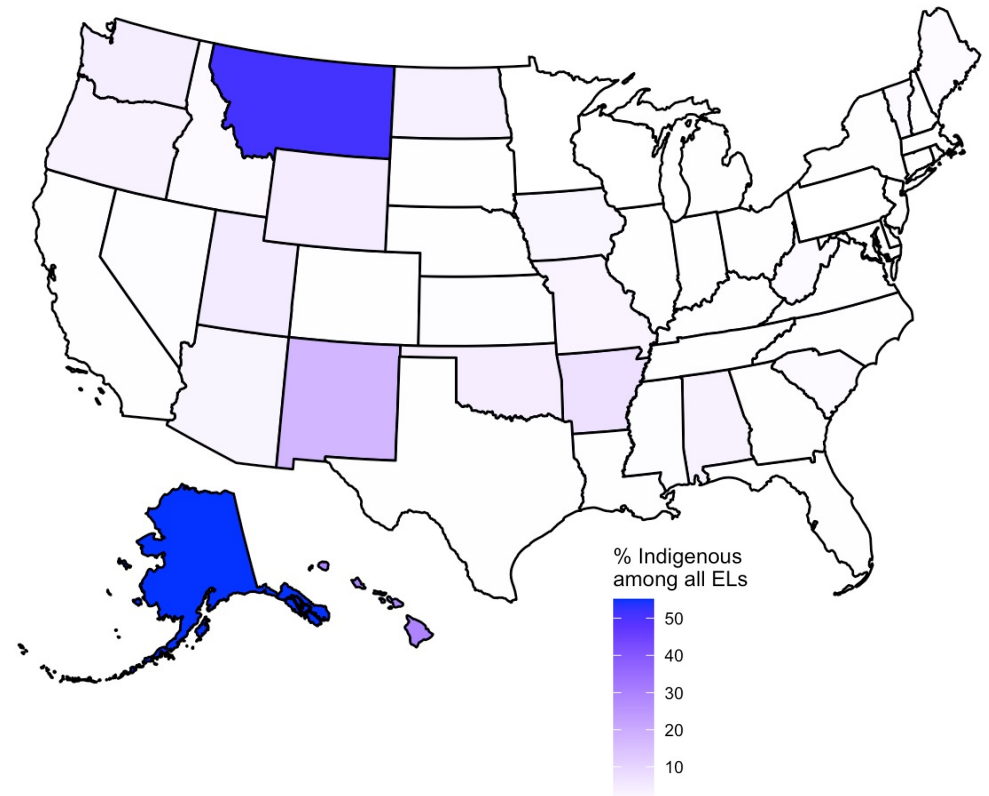
- Protected status of students
- Core elements: (1) identification; (2) English development service provision; (3) accessible content service provision; (4) annual evaluation; and (5) exit
- Attached to federal and state funding; varies by state
- Focused on immigrant-origin (Carjuzaa & Ruff, 2016; Villegas, 2020)
- Differentiated definition for Indigenous students



Photo Credit: Brian Adams

Indigenous English learner education context

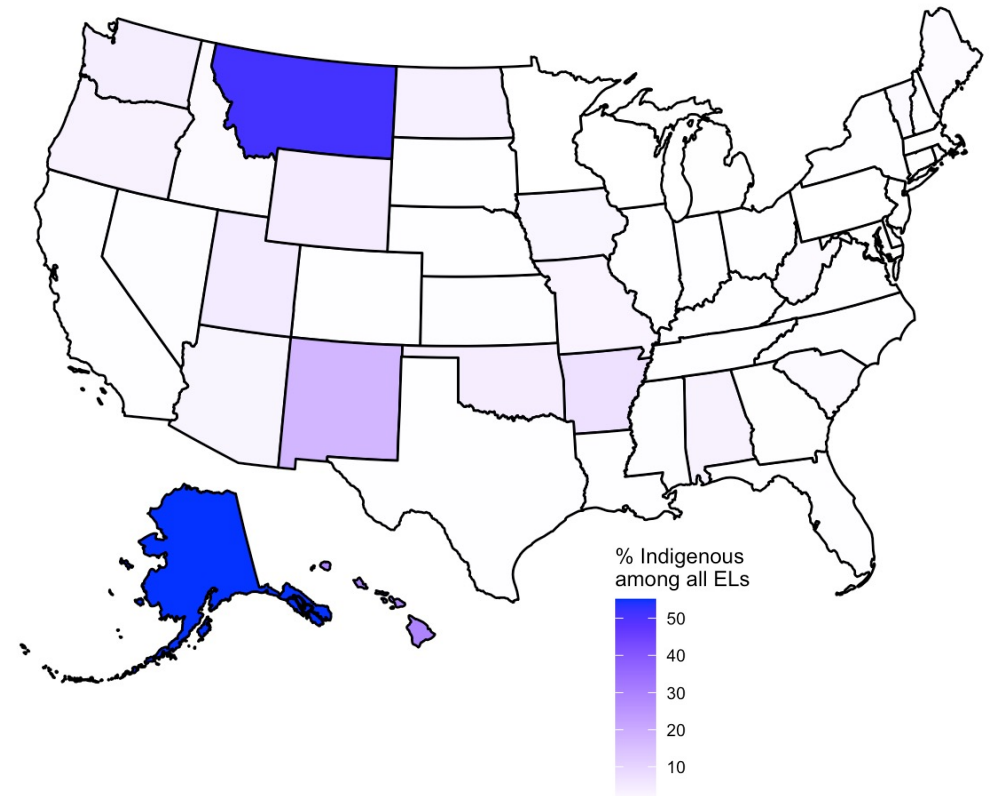
- In 2021, there were 37,400 Indigenous ELs (0.7% of the entire EL population).
- About 8% of American Indian and Alaska Native students and 15% of Hawaiian and Pacific Islander students are classified as EL.
- Indigenous ELs are concentrated in certain states/districts. Examples: Montana (three-quarters of ELs); Alaska (half); 100% in at least 68 districts in the U.S.



(OELA, 2020; NCES, 2020)

Indigenous English learner education context in the Dakotas

- North Dakota:
 - 8.6% of students are AIAN;
 - 3.44% of ELs are AIAN
- South Dakota:
 - 10.7% of students are AIAN;
 - 0.77% of ELs are AIAN



Why does this matter? How might EL identification impact Indigenous students?

Help

- Financial resources (Sugarman, 2021)
- Services that support heritage language development/revitalization (Smallwood et al., 2009)
- Services that support academic success and/or the ‘language of school’ (Standard American English) (Carjuzaa & Ruff, 2016)
- Access to teachers and other educators trained to work with multilingual students (Master et al, 2016)

Harm

- Perpetuation of historical imposition of English language and use (NIEA, 2020)
- Provision of inappropriate services that take away time from instruction (Ryan & Arnaq Wilde, 2024)
- Segregation from non-EL classified peers and/or stigmatization by teachers or peers (Gándara & Orfield, 2012)
- Barriers in accessing instruction/classes not available to EL-classified students (Biernacki et al., 2023)

Federal policy context: ESSA EL definition

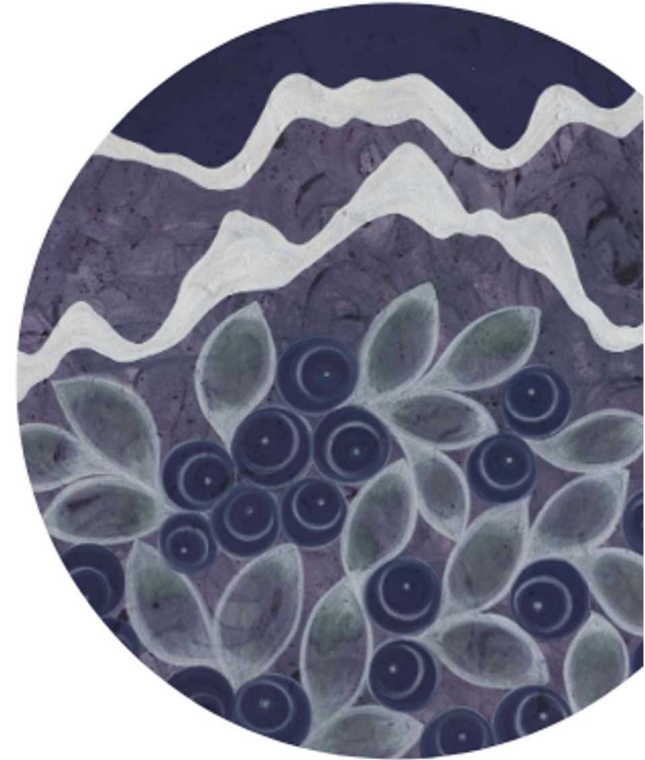
ESEA Section 8101(20)(C)

An individual:

- (A) who is aged 3 through 21;
- (B) who is enrolled or preparing to enroll in an elementary or secondary school; AND
- (C)
 - (i) who was not born in the United States or whose native language is a language other than English; or
 - (ii) who is a Native American or Alaska Native, or a native of the outlying areas; and who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or
 - (iii) who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant

AND

- (D) Whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual
 - (i) the ability to meet the challenging State academic standards
 - (ii) the ability to successfully achieve in classrooms where the language of instruction is English; or
 - (iii) the opportunity to participate fully in society.



Federal policy context: ESSA EL definition

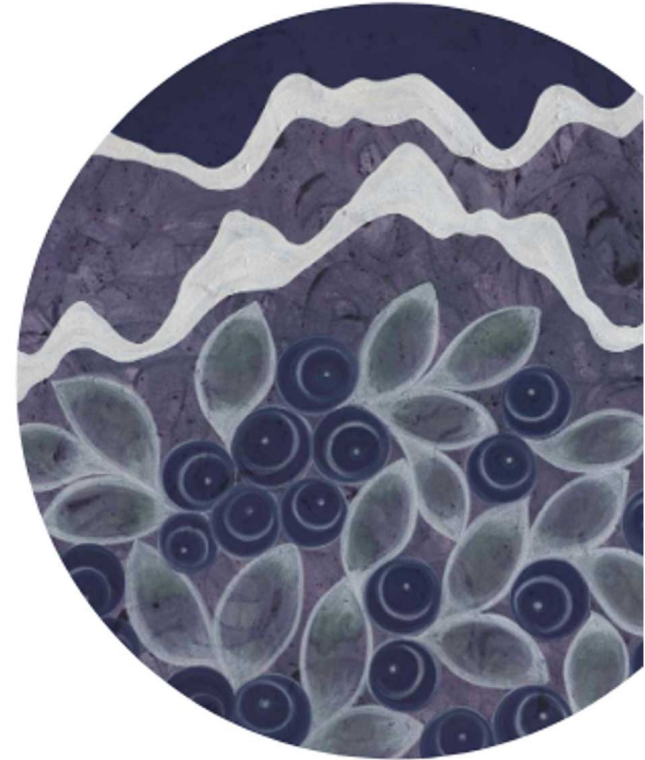
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Our study examined:

Part 1: Across the 50 states and BIE, how do state education agencies and BIE identify Indigenous students as ELs? How is identification differentiated, if at all, in each state?

Part 2: To what extent do state EL leaders know and understand EL identification policies for Indigenous students? How does their level of understanding and engagement influence their implementation of Indigenous EL identification policy?



Photo credit: Brian Adams

Our study examined:

TODAY!

Part 1: Across the 50 states and BIE, how do state education agencies and BIE identify Indigenous students as ELs? How is identification differentiated, if at all, in each state?

TOMORROW!

Part 2: To what extent do state EL leaders know and understand EL identification policies for Indigenous students? How does their level of understanding and engagement influence their implementation of Indigenous EL identification policy?

2pm!



Photo credit: Brian Adams

Turn & Talk

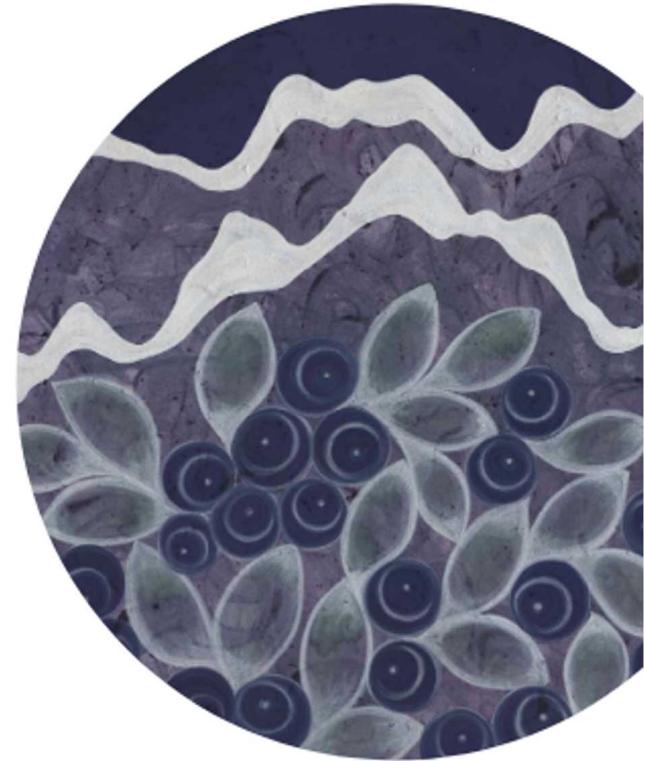
What brought you to this session today?

What interests or experiences do you have
with this topic?

What questions do you have and hope to
answer?

Research Questions

1. Across the 50 states and BIE, **how** do state education agencies and BIE **identify** Indigenous students as ELs?
2. **In what ways** is Indigenous EL identification **differentiated** from the identification of non-Indigenous students in each state?

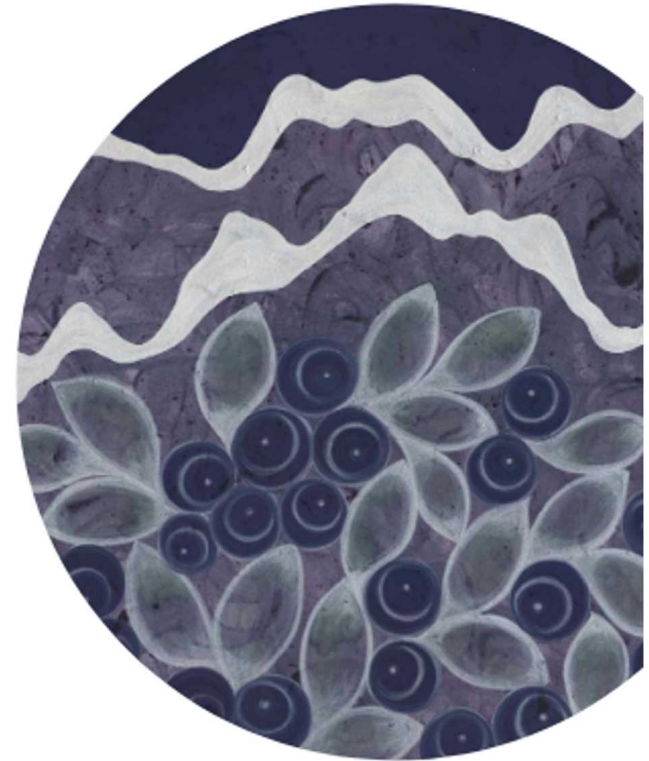


EL Identification

Usually a two-step process:

- 1) Home language survey to identify possible ELs
- 2) ELP screener assessment to determine EL eligibility (among possible ELs)

How does this process work for Indigenous students?



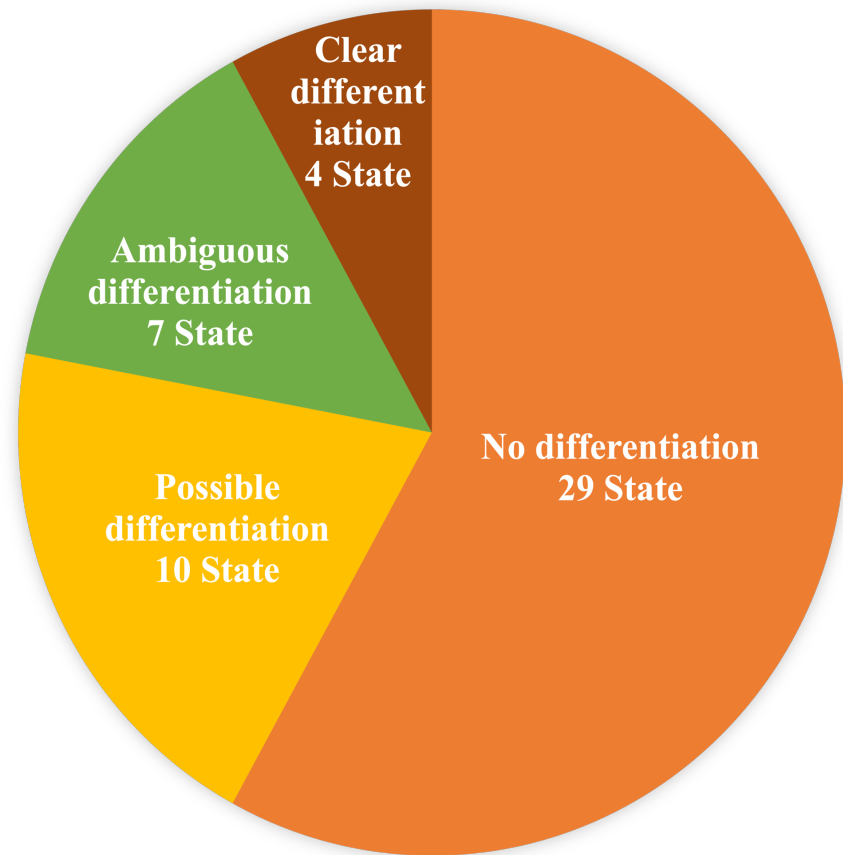
Findings

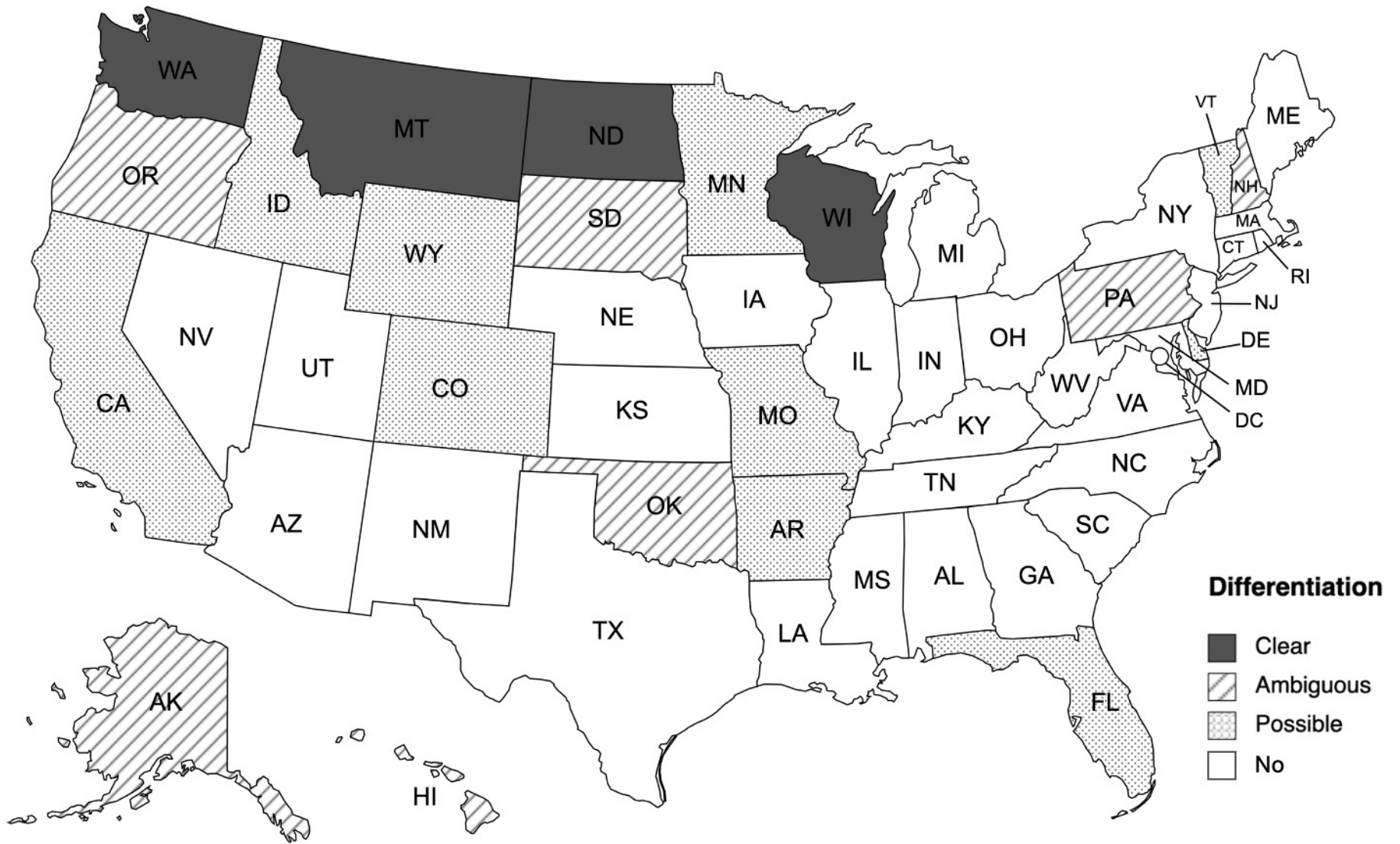
Four Approaches

- Clear differentiation
- Ambiguous differentiation
- Possible differentiation
- No differentiation

BIE does not fall into any of these categories and was analyzed separately.

Approaches to Indigenous EL identification





Clear differentiation: ND, MT, WA, WI

State policy that specifies EL identification policies or practices that are unique or differentiated for Indigenous students in a way that is clear and followable by district and school educators/administrators.

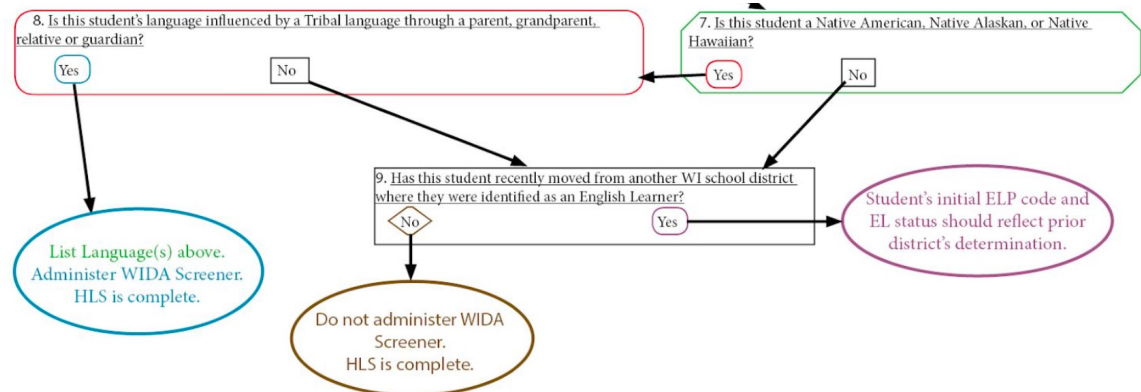
North Dakota:

Native American or Alaska Native student:

| | | |
|---|------------|-----------|
| 2. Would your child be considered a Native American or an Alaska Native student? | Yes | No |
| Native American and Alaska Native students are mentioned specifically in the EL definition and may qualify for EL services. | | |
| Do you believe a tribal language has significantly influenced your child's education in English? | Yes | No |
| If yes, what is the tribal language? _____ | | |

If a student is Native American or Alaska Native, the parents can provide information to the EL teacher to help determine if the child comes from an environment where a language other than English has had a significant impact on the child's level of English language proficiency. If so, the child will participate in the ND ELP Screener Assessment.

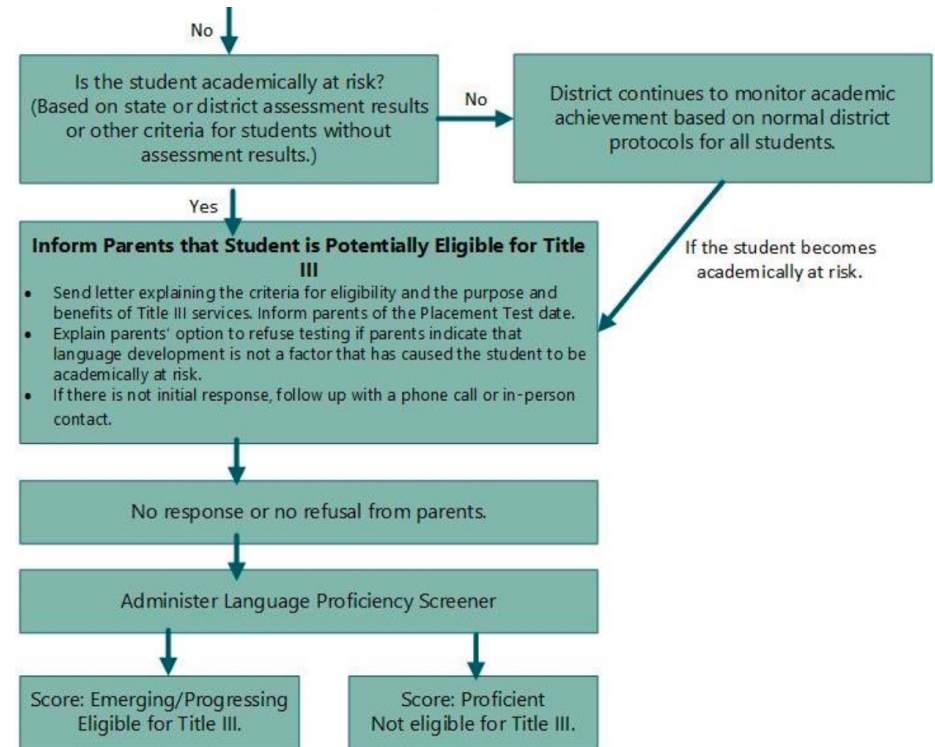
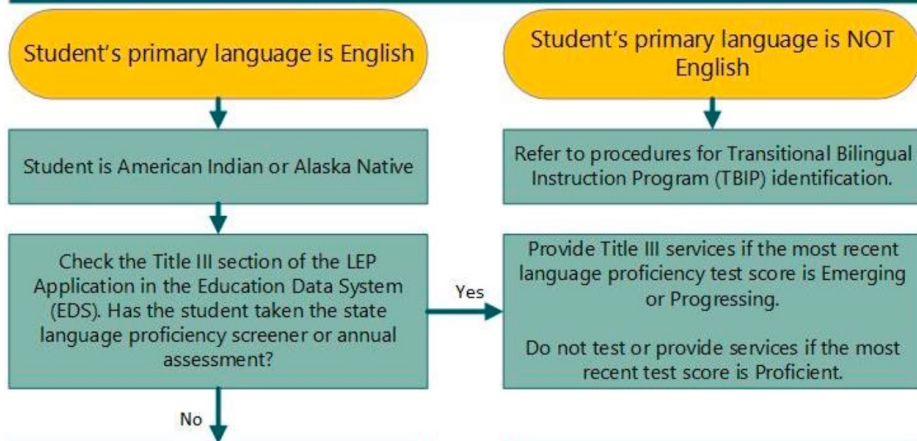
Wisconsin:



Clear differentiation: MT, ND, WA, WI

Washington:

Process for Identifying Title III Eligible American Indian/Alaska Native Students



Patterns in Clear Differentiation States

- Variation in degree of differentiation (WI→ND→MT→WA)
 - WI: Ask the Tribal language influence question only when home language survey shows a non-English language
 - ND: Always ask the Tribal language question
 - MT: Always ask the Tribal language question with a specific source of language impact (family, friends, or other community members) + teacher observation
 - WA: race/ethnicity identification + academic performance evaluation + communication with family
- WA as the only state that has a completely different EL identification procedure for Indigenous students among all 50 states (1 of 4)

Ambiguous differentiation: AK, HI, NH, OK, OR, PA, SD

State policy that mentions Indigenous students in policies and practices related to differentiating the processes of EL identification, but that does so in a way that is not fully articulated or clear and that would likely be difficult or varied in implementation by district and school educators/administrators.

Pennsylvania:

1. Is this student a Native Alaskan, Native American, or Native Hawaiian?
 Yes No
2. Is this student's language influenced by a Tribal language through a parent, grandparent, relative, or guardian?
 Yes No

South Dakota:

Native American Students:

Please note that the demographic racial category of Native American is not sufficient to satisfy the EL definition. According to the Federal EL definition above, Native American students **must** also meet the second criteria in c. ii. which states, "who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency."

Patterns in Ambiguous Differentiation States

- Three main patterns:
 - Indigenous identity & tribal language questions in family interview (3 of 7)
 - Suggesting that Indigenous students could be classified as ELs in differentiated manner but not providing details on how the differentiation process should be structured (3 of 7) (**South Dakota**)
 - Hawaii as an exception – Students in Hawaiian language immersion programs did not need to be screened through ELP assessment (1 of 7)
- Identification policy is not fully articulated or clear (7 of 7)

Possible differentiation: AR, CA, CO, DE, FL, ID, MN, MO, VT, WY

State policy with no differentiation in EL identification policy for Indigenous students but that has a policy pathway toward EL identification that does not require a non-English home language.

California:

The correction to a status from “EO” to “**to be determined**” (TBD) is made if:

- The LEA has an indication that the student has a language other than English.
- The student is unable to perform classwork in English.

Minnesota:

Creolized English

English creoles such as Nigerian English, Liberian English, or Jamaican Patois should be recorded the home primary language. Speakers of English creoles should be screened. This does not include dialects such as British English.

Patterns in Possible Differentiation States

- Two main patterns:
 - An alternative pathway to ELP screening when no non-English language is identified on the home language survey, such as through a family interview, teacher observation, and academic performance evaluation (8 of 10)
 - English proficiency screening allowed when the home or primary language is identified as a "non-standard" English variety (2 of 10)
- Alternative pathway is not specified as being for Indigenous students (10 of 10)

Bureau of Indian Education (BIE)

- BIE is not subject to ESSA in the same way that states are.
- BIE's identification process
 - Home language survey asks: "Do you believe your child might need additional support learning the academic language for math, science, reading, or writing?"
 - School or district staff can administer an ELP screener if they observe that a student has an “unmistakable language barrier that limits the student’s access to classroom instruction.”
- BIE-funded schools serve Indigenous students and do not need to "differentiate" policies.
 - Considers academic performance like Washington
 - Uses teacher observation like possible differentiation states

Summary and Implications

- ESSA's EL definition is currently being operationalized in wide-ranging ways across 50 states. Only 4 states clearly and 7 states ambiguously differentiated EL identification policy for Indigenous students.
- U.S. Department of Education should work with Indigenous stakeholders and state education agencies to clarify the meaning and intent of ESSA's differentiated Indigenous EL definition and provide guidance on it.
- Importantly, the consequences of EL identification, the history of educational imposition and harm, and Indigenous education sovereignty should inform the process of policy and guidance development.

Discussion

(Discuss in a small group and share)

- North and South Dakota have different policy approaches to Indigenous EL identification. How are these policies enacted in practice?
- What do you think are the pros and cons of differentiation?
- If you could design a state's policy around Indigenous EL identification, what would it look like?

Thank you!

Q&A

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Links to research brief and papers:

[Research brief](#)

[50 state scan](#)

[Interviews with state leaders](#)



Photo credit: Brian Adams

Reference 1

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