



CALIFORNIA INDIAN LEGAL SERVICES

Spring 2012 Newsletter

EDUCATION MATTERS

Children are our most valuable resource; their education is a federally protected right. For Native Americans, the federal government's role in the education of Indian children has been an uneasy fit. Children were routinely taken from their reservation homes and isolated in Boarding Schools. At these schools Native languages and beliefs were banned. Education focused on forgetting the traditional and conforming to non-Native ways. Even today Indian children will face choices between their heritage and success at school.

“School employees’ lack of knowledge about the history and continued presence of Native Americans in California frequently results in non-responsiveness to complaints of harassment, or minimizing the potential harm caused by the harassment. This cycle creates barriers to the potential educational achievement of Native children, and reinforces distrust of the educational system.” – *Nicholas Mazanec, Sacramento Staff Attorney*

Students have been the target of unrestrained school yard bullying for the tradition of wearing long hair. Cultural harassment is even more devastating when it comes at the hand of adults. In one recent instance, triggered by a heritage report assignment, a school employee questioned the subject of the child's report. The employee did not believe that the child was Native American and called the child's mother to verify the student's ancestry. It took the school district 10 months to formally respond to the family's complaint. CILS assisted the family to obtain information disclosed during an investigation by the US Department of Education, Office of Civil Rights, and to preserve their right to bring a tort claim.

Minority children, especially those with disabilities and lower incomes, are more likely to face disciplinary actions than other students. They are also less likely to have the resources or information to pursue legal remedies. Behavior that leads to disciplinary action is often a manifestation of the child's disability. Under the United States Code a Manifestation Determination Review (MDR) is required to be held if a student is going to be excluded from school for more than 10 days. CILS provides much needed representation in these types of situations to low-income Native families. One such student was expelled, despite his qualification for special education, before a MDR was held.



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CILS represented this family in an appeal to the County Board of Education and the remanded expulsion hearing. CILS was instrumental in obtaining a new assessment regarding the child's disabilities.

The strained relationship between education and Indian youth has resulted in Native children remaining at the bottom for high school graduation rates and college application. The high school dropout rate for Indian students has been documented at twice the national average. Even when Native students make it to graduation, they can face cultural discrimination when they must fight to wear their eagle feather during commencement.

The newly formed Indian Education project group at CILS seeks to provide education and assistance to Tribes, individual Indians, and community and parent groups to ensure that schools give Indian children an education that respects their identity, prepares them to graduate and succeed academically beyond high school.



“The failure of school systems to address this disparity can be seen as the continuing breach of Native Americans rights, and the abandonment of responsibility to the children.” – *Nicholas Mazanec, Sacramento Staff Attorney*