

Your Question

You asked for information about state school choice programs for Native American students.

Our Response

There are a handful of states with policy provisions specifically to charter schools and Native American students. With one exception, we were not able to track down any other school choice programs for Native American students at the state level.

Charter Schools

- **Oklahoma:** Following legislation in 2010 ([SB 1862](#)) and 2015 ([HB 1034](#)), the [state allows](#) federally-recognized Indian tribes to authorize charter schools in the state. While there are a couple of [Native language immersion schools](#) in Oklahoma (at least as of 2014), it isn't clear if both are charter schools, nor is it clear if any tribes are currently authorizing schools. A non-language immersion charter school specifically for Native American students was recently [proposed](#), although it would not be authorized by a tribe.
- **South Dakota** does not currently have state charter school laws. The legislature passed a bill in 2010 allowing the state to apply for a federal grant under the American Recovery and Reinvestment Act of 2009 to create a pilot charter school for American Indian students ([S.D. Codified Laws § 13-15A-1](#)). The curriculum of the school will emphasize science, technology, engineering, and mathematics as well as American Indian culture. However, [the legislature is considering](#) repealing this measure.
- **Wisconsin's** charter school statute allows the college of Menominee Nation and the Lac Courte Oreilles Ojibwa community college to operate and/or [authorize](#) charter schools. Beginning in the 2016-17 school year (and thereafter), a student attending a charter school established under a contract with both colleges must receive from the department of education an amount equal to the per pupil academic base funding the bureau of Indian education provided to tribal schools in the previous school year. ([Wis. Stat. Ann. § 118.40\(2r\)](#) and [Wis. Stat. Ann. § 118.40\(f\)](#)). At least [one such school](#) is currently in operation, although it doesn't appear the school is authorized by one of the above-referenced organizations.

Additional Resources

- ✓ [Public Charter Schools on Bureau of Indian Affairs Land](#), National Alliance for Public Charter Schools. This brief provides an overview of charters schools on reservations. The resources is not dated, but was likely released sometime around 2013 (see [this associated press release](#)).
- ✓ [Charter Schools Helping Tribes Revive Fading Native Languages](#), EdWeek, September 9, 2014.
- ✓ [As School Starts, More States Focus on Native American Students](#), Pew Charitable Trusts, September 8, 2016.
- ✓ [Research and Resources on Charter Schools and Native American Students](#), South Central Comprehensive Center at the University of Oklahoma

- **Minnesota:** American Indian Education aid. A school district, charter school, or American Indian-controlled tribal contract or grant school enrolling at least 20 American Indian students on October 1 of the previous school year is eligible for Indian education aid if it meets the requirements ([Minn. Stat. Ann. § 124D.81](#)). There is at least one charter school in Minnesota serving a significant number of Native American students – [TrekNorth Junior and Senior High](#) (as of at least 2015).
- **New Mexico** created the Indian Education Act to ensure equitable and culturally relevant learning environments, educational opportunities and culturally relevant instructional materials for American Indian students enrolled in public schools. The Act creates a ‘fund’ consisting of appropriations, gifts, grants and donations. Disbursement of the fund shall be made by warrant of the department of finance pursuant to *vouchers signed by the secretary of public education* ([N. M. Stat. Ann. § 22-23A-8](#)). The state has a few schools specifically designed to serve Native American students, mostly through the [Native American Community Academy](#).

Other School Choice Programs

The only state-level school choice program – aside from charter schools – we are aware of is in **Arizona**. The state has long had an education savings account program, the [Empowerment Scholarship Account](#). The first iteration was available only to students with disabilities but was expanded in subsequent years to include children with “unique needs” - defined as children with parents or guardians who are members of the armed services, wards of the state, *reside on an Indian reservation*, attend failing schools or are siblings of students already using an ESA. During the 2017 session, the state expanded the program to universal eligibility, meaning public school students in the states are eligible. However, that expansion is on hold following a legal challenge, and the expanded program will go before voters as a ballot measure in 2018.

Related Federal Legislation: Sen. John McCain introduced in 2016 and 2017 a bill allowing Indian tribes to create an Education Savings Account program and use Bureau of Indian Affairs funds to pay for K-12 education, including private school tuition, tutors, online education, Native language classes, special needs service and more. The bill specifies families would receive 90 percent of the funds that BIE would have spent on an individual student. Neither of the bills have passed.