

In Search of the Missing Navajo Pilot Program Locating Opportunities and Spaces in Educational Policies for Teaching Native Languages

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Utah Dual Language Immersion (Utah DLI) provides students in Utah schools the opportunity to acquire both English and an additional language such as Spanish, French, German, Portuguese, Chinese or Russian. Although the Navajo language was included in the Utah DLI initiative, a Navajo language pilot program was never implemented. We began our research by asking, *what happened to the missing Navajo pilot?* After examining state legislation and policies, education data and research on the Utah DLI, we determined the focus was not on *endangered* languages, but on *critical* languages. In this chapter we provide suggestions on how to create opportunities for Native American language instruction in schools despite the absence of federal and state policy supports for sustaining Native language.

The State of Utah has a Dual Language Initiative (DLI) that has provided bilingual education to Utah students for over a decade. The legislation that created this initiative initially included a Navajo (Diné) language immersion pilot program. However, it was never implemented. We began our research on the Utah DLI specifically focusing on the Navajo pilot program to understand why it was never implemented. The Navajo language was still a part of the legislation until 2018 when it was removed during reauthorization. This led us to ask, “What happened to the missing Navajo pilot?” Our attempt to answer this question led us to see the disconnect between state policy and practice, requiring us to address the role of teacher agency in navigating policy to teach Native American languages.

We begin this article by introducing who we are as advocates for sustaining Native languages. We then provide the theoretical lens we use to understand Indian education policies. Then we provide a brief historical account of Native American educational language policy, followed by an overview of the Utah Dual Language Initiative. Lastly, we provide the lessons we learned about how Native language educators can create opportunities to teach Native languages through examining their own contexts. Daniel Piper is a White, non-Native educator who has worked in Title VI programs in collaboration with staff and Native families to create Navajo language enrichment programs. He is currently a doctoral student focusing on Native American language policy and planning and Title VI Indian Education programs. Professor Cynthia Benally, Diné, has over 15 years of teaching experience and currently works with pre- and in-service teachers. We know based on our own experiences as educators and community members that

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teachers are not simply passive implementers of top-down educational policy. On the contrary, we take the stance that Native American language teachers are powerful agents of change who negotiate their individual and classroom contexts to resist and reshape restrictive educational policies in order to teach Indigenous languages.

We approached our research using Lomawaima and McCarty's safety zone theory (2006, 2014) to examine and analyze the Utah DLI initiative. We approach policy as "modes of human interaction, negotiation, and production mediated by relations of power" (McCarty, 2004, p. 72). As such, we use the zone of sovereignty (Lomawaima & McCarty, 2014) to speak to how Native educators locate opportunities for Native language teaching. The zone of sovereignty has "the intent of staking out, protecting, and nurturing expressions of Indigeneity, and to clarify the lived reality that being Indigenous can be dangerous" (Lomawaima & McCarty, 2014, p. 65). To track down the missing Navajo program, we downloaded official documents and artifacts from websites, e.g., Utah State legislature, Utah Board of Education, individual Utah school districts, and other sites associated with the Utah DLI. In those documents, we searched for any mention of the Navajo language. We also created a search of scholarly publications using the keywords *Utah Dual Language Immersion* and *Navajo*. There was very little mention of the Navajo DLI pilot program, except in the bills and in the enacted law. Only one book chapter (Leite & Cook, 2015) referenced Navajo in conjunction with DLI.

Native American Educational Language Policy

As the educational landscape of the United States shifted throughout the 20th century, so too did federal policies about the teaching of Native American languages. Legislation such as the Bilingual Education Act of 1968 allowed the use of a students' home language in school for the acquisition of English. In addition, the Indian Education Act of 1972 and the Self Determination and Education Assistance Act of 1975 provided new pathways for educators to bring Native languages into schools (Lomawaima & McCarty, 2006). The centerpiece of federal Native American language policy, the Native American Languages Act (NALA) of 1990, was amended in 1992 to provide grants through the Administration for Native Americans to develop language education programs. Additionally, the Title VI Section of the Every Student Succeeds Act of 2015 allows language instruction as a program activity. However, in many public schools, opportunities to learn Native American languages are not readily available (Ninneman, Deaton & Francis-Begay, 2017). Today, Native nations are addressing the importance of Native American languages by developing their own language programs, many of which are immersion programs (for a detailed list, see Iokepa-Guerrero, 2016).

Dual language programs provide students with literacy and academic content in English and an additional language. There are three main types of dual language programs, one way, two way and heritage program models. One-way immersion programs consist of a student population who primarily speak the

same language or L1 (for example, English) who receive immersion instruction in a target language or L2 (for example French). These are also referred to as foreign language immersion, as most languages in these programs are identified as global languages. Two-way bilingual immersion programs consist of two student populations that have different native languages (for example Spanish and English) with the aim of both student populations achieving fluency in both languages through immersion instruction as well as building off each other's linguistic backgrounds. The Utah dual language initiative utilizes both one-way and two-way immersion models. Heritage language programs are structured as one-way immersion, and the desired target language can be an Indigenous language. In all of the models, content and instruction can occur as either a 50/50 model with a balanced time of the school day in each language, or 90/10 model where 90% of instruction in the day is in the target language, and 10% is in English (see e.g., Pacific Policy Center, 2010).

Dual Language Initiative in Utah

In 2008, the Utah legislature passed Senate Bill (S.B.) 41 to establish Dual Language Immersion (DLI) Pilot Programs in Chinese, Spanish, French and Navajo in Utah public schools. As of the 2017-18 school year, 195 Utah schools offered the following languages as part of their dual language immersion programs: 55 in Chinese, 27 in French, 2 in German, 9 in Portuguese, 1 in Russian, and 101 in Spanish (Utah State Board of Education, 2017). To provide context for this auspicious act, the overall population of Utah is 78.5% White, 14% Hispanic or Latin@, 2.6% Asian and 1.5% Native (United States Census Bureau, n.d.). School enrollment demographics of the 652,348 students in Utah public schools in the 2017-18 school year is 75% White, 17% Hispanic/Latin@, 2% Asian and 1% American Indian (Utah State Board of Education, n.d.) English language learners comprise about 7% of the school enrollment (Utah State Board of Education, n.d.). Currently three school districts have over 20 dual language immersion programs. These districts are in areas with 50% to 83% White student enrollment (Utah State Board of Education fall enrollment, n.d.). Owing to the high percentage of White students, it is most likely that these schools offer one-way immersion programs. As of 2019, there are no Navajo immersion programs in the State of Utah. However, six of the twelve schools in San Juan School District in southeast Utah offer Navajo enrichment, and some Title VI programs offer evening heritage language classes (San Juan School District, 2018).

Schools who want to offer dual language immersion programs need to be approved by the Utah State Board of Education. School districts may receive up to \$18,000 per school annually for six years if they qualify to offer DLI programs. In the 2017 fiscal year, DLI school programs received \$2,956,000, a total of \$13 million from 2010 to the present (Office of the Legislative Fiscal Analyst, 2017). The programs also receive subsidized funding through two federal grant resources; the Department of Defense Flagship grants and National Security Agency STARTALK grants (Office of the State Auditor, 2017). The Flagship mission is:

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The Language Flagship leads the nation in designing, supporting, and implementing a new paradigm for advanced language education. Through an innovative partnership among the federal government, education, and business, The Language Flagship seeks to graduate students who will take their place among the next generation of global professionals, commanding a superior level of proficiency in one of many languages critical to U.S. *competitiveness* and *security* [emphasis added]. (The Language Flagship, 2008).

The STARTALK mission is “to increase the number of U.S. citizens learning, speaking, and teaching critical need foreign languages” (STARTALK, 2019). We could not determine the total funding from The Flagship and STARTALK grants. The Department of Defense and the National Security Agency provides additional funding to DLI programs based on languages that support neoliberalism (liberalism that tends to support free-market capitalism) and security. Although the Navajo language was critical to the security of the United States during World War II, it seems the government now sees the language as not worth an investment (see e.g., Navajo Code Talkers Recognition Act of 2008).

The DLI initiative developed from an older Utah law, S.B. 80, which was passed in 2007 as the Critical Language Program. The definition of “critical languages,” according to S.B. 80, are those languages identified by the National Security Language Initiative (NSLI). NSLI is a 2006 federal initiative coordinated by the White House under George W. Bush. Some of those languages are Arabic, Chinese, Japanese, Korean and Russian. A study from the U.S. Department of Education and Office of Postsecondary Education (2008) indicated that learning a foreign language was “fundamental to the economic *competitiveness* and *security* interests of the nation” (p. 1, emphasis added). Here, we ask, “What about endangered languages such as Native languages?” Are they not critical to the future sustainability of our communities and the sovereignty of Native nations? The neoliberal focus of the Utah Dual Language Immersion pilot programs rearticulates NSLI and the Critical Language program motives. The then Utah Governor, Gary Herbert, wrote the reasons for learning a language is that “[o]ur students must be afforded these opportunities as we compete on the global scene with other students from around the world” (Utah Language Roadmap for the 21st Century Writing Committee, n.d.). Navajo and other Native languages are not associated with competitive global markets.

In addition, former President George W. Bush stated the purpose of the NSLI was that “[I]earning a language—somebody else’s language—is a kind of gesture. It’s a gesture of interest. It really is a fundamental way to reach out to somebody and say, I care about you. I want you to know that I’m interested not only in how you talk but also in how you live” (U.S. Department of Education & Office of Postsecondary Education, 2008). Since the Navajo DLI pilot program was not implemented, what does it say about the interests the nation and state have for Navajos? In the next section, we provide the central lessons we learned in our attempt to find what happened to the missing Navajo pilot program. To

do this, we highlight opportunities for agency where Native language educators can locate opportunities in their own contexts in order to advocate and teach Native American languages.

Locating Opportunities for Teaching Native Languages

Teachers of Native American languages are faced with the challenges of negotiating educational policies from the federal, state and local level to teach Native American languages. These layers of policy overlap, often creating contradictory contexts for teaching them. Some challenges include high-stakes assessments, standardized curricula and top down education policies. Hopi scholar Sheilah Nicholas and her colleague Mary Combs (2012) have described how restrictive policies such as Proposition 203, which outlaws bilingual education in Arizona, have created difficult contexts for Native American language teachers. We understand that the following lessons we offer to find spaces to teach Native American languages in a settler society could be “dangerous.” It is our hope that the “creative self-determination toward a goal of equity” (Lomawaima & McCarty, 2014, p. 66) will assist teachers in their work to sustain Native languages.

Lesson #1: Finding “Loopholes”

Policies are implemented based on how stakeholders interpret laws and/or policies, not necessarily the way the policymakers may have imagined (Yanow, 2006). Implementers execute policies and laws in a variety of ways. To illustrate how interpretation impacts implementation, consider for a moment the United States Constitution. Although the document mentions citizens, it does not define who they are. The official definition of a United States citizen was declared later in 1868 with the Fourteenth Amendment of the United States Constitution. Section 1 of the Fourteenth Amendment states:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws. (U.S. Const. amend. XIV, § 1)

However, this law about who is a US citizen was open to many interpretations by various stakeholders. One of the interpretations viewed Native peoples as not United States citizens despite the fact that what is currently known as the United States was and still is their ancestral homelands. An additional law, the Indian Citizenship Act of 1924, was enacted to include Native peoples as United States citizens—over fifty years later! Policy implementation studies have shown that the ambiguity of laws results in policies not being implemented (Fowler, 2013). However, Benally (2019) argues that using the ambiguous wording of laws can be leveraged to include Native content instruction, in particular by identifying

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opportunities within existing laws.

In order to create opportunities to teach Native American languages, educators must look for policies that can create and put into practice Native American language programs. The Title VI Indian Education section of the Every Student Succeeds Act (ESSA) provides support for the development of Native American language programs. While limited in multiple ways, ESSA can be used as a starting point to develop language enrichment programs.

The Title III section of ESSA, Language Instruction for English Language Learners and Immigrant Students, is an opportunity to advocate for teaching Native American languages. The goal of Title III is to support English language learners. While the majority of Native American students' first language is English, many are identified as English language learners because Indigenous languages are spoken at home (Carjuzza & Ruff, 2016). In 2014, the WIDA Consortium published guidelines on how teachers and administrators can support Native American English language learners (WIDA, 2014, p. 2):

- Teaching in terms of 'place'
- Listening to, as well as hearing, the needs of the students and the community
- Building bridges to students and to the community
- Recognizing the relational aspect of teaching.

Although these principles are for teaching English, teachers can also use them to highlight the importance of teaching Native languages.

Lesson #2: Teachers as Policy Makers and Language Planners

Teachers employ both *de facto* and *de jure* policies in their praxis. *De jure* policies are officially mandated through the district, state or federal legislation. Conversely, *de facto* policies often emerge through teaching traditions but do not have official statutes or mandates. We view teachers as *de facto* policy makers who—based on their interpretation of existing laws and policies and on their experiences, beliefs and ideologies—implement them in practice. An example of a *de facto* policy is that for decades, fourth-grade teachers throughout California, as part of their study on California history, required students to create models of one of the 21 California missions. The practice that celebrated settler colonialism existed from the 1960s to 2017 despite no state social studies or other educational standards (Kryder-Reid, 2015). The California Department of Education recently countered the mission project by enacting a *de jure* policy, the History Social Science Framework for California Public Schools (2017). In the framework, the Department of Education admonished the practice by stating, “Building missions from sugar cubes or popsicle sticks does not help students understand the period and is offensive to many” (p. 76). One teacher reflected on the rationale for assigning mission models, “Because we’ve always done it” (Lambert, 2017). Rather than official written policy, the California Mission Projects became a

de facto policy for all 4th grade teachers in California. Although the California Mission Project is problematic to Native students and communities, we offer it as an example of how *de facto* policies emerge in school settings. We agree with Priestley, Biesta and Robinson (2013) that agency “is not to be understood as something that people have; it is something that people do” (p. 190). Teachers through their daily instructional delivery exercise agency; they make decisions on a minute by minute basis about what content to include and exclude.

Language teachers can do agency by enacting *de facto* policy, thereby creating opportunities to teach Native American languages in their classrooms. For many Native language programs, curriculum and materials are created by the teachers themselves (Hinton, 2011). These innovative practices are critical in contexts where Native languages do not have *de jure* policy support. In the first author’s experience working as a Title VI coordinator, he had to create Navajo language materials on his own. To assist Native language educators to critically examine their communities, schools and classrooms we provide the reflective questions shown in Table 1 on the following page that are inspired by the work of Ofelia Garcia and Kate Menken (2010). As you review the questions, think about *de facto* and *de jure* language policies in your own context. Where might there be opportunities to teach Native American languages?

Lesson #3: Lawsuits

The state judicial systems are influential in policy making (Fowler, 2013) and upholding policies and laws. During the second author’s study of the Native American history instruction laws in Arizona (Benally, 2014, 2018), the then-Executive Director of the Arizona Center for Law in the Public Interest and current attorney, Timothy Hogan, advised her that the local school boards are responsible for adopting and implementing statutes, and neglect of that responsibility could result in cases being filed against individual school districts (Tim Hogan, personal communication, March 20, 2013). Although we are reluctant to suggest litigation, sometimes legal actions are necessary to address injustices and inequalities.

Montana’s Indian Education for All (IEFA) curriculum is an example of how litigation is useful in Indian Education. In 1972, the ratification of the State Constitution included an amendment to “recognizes the distinct and unique cultural heritage of the American Indian and is committed in its educational goals to the preservation of their cultural integrity” (Mont. Const. art. X, §1). However, 33 years and two lawsuits later, IEFA finally received full support (Juneau & Juneau, 2011). Because of these two laws, “\$68 per K-12 student for schools and \$4.3 million for the Office of Public Instruction to develop curriculum, provide training, and distribute grants” were appropriated (Juneau & Juneau, 2011, p. 119). Another lawsuit was required in 2012 to ensure continued funding (Education Law Center, 2019). The judicial branch in a system of checks and balances determines whether *de jure* laws have been violated.

Table 1. Questions to Guide Native Language Educator Self-Reflection
(adapted from Garcia & Menken, 2010).

Native American Language Policies at Federal & State Levels
Federal: Familiarize yourself with federal language policies (NALA, Title III, Title VI) that advocate, support, and encourage the teaching of Native American languages. How can they be interpreted and applied in your context?
State: Familiarize yourself with state level language policies that advocate, support, and encourage the teaching of Native American languages. How can they be interpreted and applied in your context? What are the efforts by the Native Nations to teach their languages in your state? In what ways could you collaborate with them?
District: Identify the central stakeholders or administrators to determine district level policies and/or supports available for Native American languages. How can they be interpreted and applied in your context?
Native American Language Policies at the Local & Community Levels
School: Does your school teach Native American languages? If so, how, when, and by whom? How might you create a <i>de facto</i> or <i>de jure</i> school-based policy for Native American languages?
Community: What are the language resources in your community? What community members, fluent speakers, and language advocates are available for consultation? What advice would they give on creating a Native language program?
Families: What do families want?
Students: Native American students also act as language policy makers and language planners and often express their desire to learn their languages (McCarty, Romero-Little, Warhol & Zepeda, 2009). What do your students say about their languages?

Conclusion

The State of Utah is unique in its orientation and advocacy for multilingualism, however, the rationale and reasons for this orientation are more motivated by globalization and less focused on the importance of local multilingual communities (Valdez, Delavan & Freire, 2016). The Utah State Board of Education never implemented a Navajo Dual Language Immersion program, but the Utah

Dual Language Immersion Initiative remains strong and continues to grow. After illuminating the layers of Utah code and law, we discovered that the Dual Language Immersion initiative focused on the so-called *critical* languages. As it stands, there are no Native American language immersion programs in Utah. Nevertheless, Native language educators can use existing federal policies through their “creative self-determination” in their everyday classroom practices. We began this exploration to find out what happened to the missing Navajo language pilot program. We found that even though the law was written to include a Navajo program, it was never implemented and eventually disappeared from the legislation. Through locating loopholes in existing educational policies and drawing on local language resources, educators can continue to expand educational sovereignty and advocate for schools as places where Native American languages can be spoken.

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