

Education: A Tribal-State Approach to the Reduction of Criminal Disparity among American Indian Youth in Maine



Eileen Luna-Firebaugh¹ and Mary Jo Tippeconnic Fox²

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Abstract

The awareness of the impact of education on a successful future for American Indian youth is not one that is missed by the Tribes. This paper focuses on tribes in the state of Maine. It references extensive research published by Education World in 2000 to provide an important perspective into the history of the development of an educational approach and programs to divert youth from criminal conduct.

Research presented in this article was conducted, with the assistance of Maine State tribal members, in June of 2012. This research determined that the

¹ University of Arizona, Department of American Indian Studies

² University of Arizona, Department of American Indian Studies

Corresponding Author: Eileen Luna-Firebaugh

Harvill Room 218

PO Box 210076

Tucson, AZ 85721

eluna@email.arizona.edu

(520) 621-7108

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mainstream approach recommended by Education World had little effect on the education or retention of Native American youth in public secondary schools. However, the inclusion of traditional values and culture which includes Native approaches within systems of mainstream education does appear to increase the retention of American Indian youth in high school and affects their subsequent educational progress. The multiple prospects of this research have created excitement among those who work Maine and in Indian Country. The evidence also affirms that more research is needed on the topic. Additional research will further the ability of scholars and educators to determine which forms of traditional and cultural approaches show the most beneficial outcomes in furthering educational success and reducing the alienation and criminal behavior of tribal youth.

Introduction

The awareness of the impact of education on a successful future for American Indian youth is not one that is missed by the Tribes. The research shows that if native students do not succeed in education, the result is a high likelihood of exposure to the criminal justice system. The Maine tribes have taken note of the criminal justice disparity for native youth and have emphasized education in an attempt to reduce the likelihood of criminal justice experiences. It is these approaches that are examined in this paper with a focus on the education of American Indian youth living on either reservation or on trust land who attend local public high schools.

This article incorporates the inquiry done previously by Education World in 2000, which includes case studies of issues and approaches utilized in seeking solutions to problems experienced by youth from two tribes in Maine (Dunne & Delisio, 2012). This paper also includes findings from fieldwork done by the authors on a number of Maine reservations, including information related to tribal youth, data from the two tribal schools, and conducted in Maine with the assistance of Jamie Bissonette Lewey, Chair of the Maine Indian Tribal-State Commission and Newell Lewey, Passamaquoddy Tribal Council member, in June of 2012. This longitudinal approach fills the gaps of the Education World examination, and it allows researchers and policy makers to extend their understanding of issues facing American Indian youth.

The tribes of Maine, Passamaquoddy of Pleasant Point, Penobscot Indian Nation, the Maliseet, and the Micmac tribe, are known as the People of the Dawn, the first people in North America to welcome the sunrise. They have a long history of contact and resistance to the colonizers of the North American continent. Like

many Native Nations, they suffered continued warfare, acts of enslavement, and were decimated by disease.

Land and tribal government issues were unresolved throughout the 1800's and 1900's. The Trade and Intercourse Acts were passed over the course of several years between 1790 and 1834. These legislative Acts officially federalized the relationship between Indian Country and the U.S. government. However, the colonies and early states continued to violate the rights of American Indian people and communities. The tribes of the colony of Massachusetts and those which were later within the state of Maine were victimized by the local governments' failure to honor these Acts, which set the stage for heated legal battles surrounding the assertion of land claims based on aboriginal title.

In 1975, the Passamaquoddy Tribe successfully asserted their claim for federal trust in their case, *Joint Tribal Council of Passamaquoddy Tribe v. Morton* (528 F.2d 370 (1st Cir. 1975)). This case resulted in the Maine Indians Claims Settlement Act (25 U.S.C.A. sec. 1701, et sec) which extinguished aboriginal title and provided federal funds for the purchase of lands on behalf of the state's tribes. The Act, signed by President Carter in 1981, gave the Passamaquoddy Tribe, the Penobscot Indian Nation, and the Houlton Band of Maliseets a total sum of \$81.5 million. This was the largest settlement of its kind at the time, and the first to include provisions for Native Nations to participate in the reacquisition of land. However, the lands held or occupied by the Maine tribes are still subject to both state and tribal jurisdiction, which creates a joint jurisdiction different from that experienced by the tribes of other states. Knowledge of the laws of the state of Maine is helpful to understand the issues important to the tribes within its boundaries.

The Laws of the State of Maine

The Maine Indian Claims Settlement Act

The Maine Indian Claims Settlement Act was passed to resolve all land and financial claims by the Passamaquoddy, the Penobscot, and the Houlton Band of the Maliseet against the State of Maine and the U. S government. The Maine Implementing Act, 30 MRSA §6101 - §6214 (1980), is the State of Maine's codification of the settlement agreement.

The responsibilities of the Maine Indian Tribal-State Commission (MITSC)

The section establishing the MITSC (1980) sets forth the responsibilities of the commission as follows: “continually review the effectiveness of this Act and the social, economic and legal relationship between the Houlton Band of Maliseet Indians, Passamaquoddy Tribe, Penobscot Nation and the State”. The MITSC is also responsible for making recommendations about the acquisition of certain lands to be included in Indian Territory, promulgating fishing rules for certain ponds, rivers, and streams adjacent to or within Indian Territory, making recommendations about fish and wildlife management policies on non-Indian lands to protect fish and wildlife stocks on lands and water subject to regulation by the Passamaquoddy Tribe, the Penobscot Indian Nation, or MITSC, and reviewing petitions by the Tribes for designation as an “extended reservation.”

The Act created the Maine Indian Tribal-State Commission, and sets forth the following language regarding state and tribal jurisdiction:

§6204. Laws of the State to apply to Indian Lands

Except as otherwise provided in this Act, all Indians, Indian nations, and tribes and bands of Indians in the State and any lands or other natural resources owned by them, held in trust for them by the United States or by any other person or entity shall be subject to the laws of the State and to the civil and criminal jurisdiction of the courts of the State to the same extent as any other person or lands or other natural resources therein. [1979, c. 732, §§ 1, 31 (NEW).]

As is evident, this section of the act allows that the State laws and personnel have jurisdiction over tribal lands and tribal people, clearly affecting the education and detention of tribal youth.

Linkage between Education and Crime Reduction

American Indian tribes throughout the United States are concerned about the well-being of their youth. A number of tribes have developed approaches in order to better understand the forces at play which result in an increase in the alienation and criminal behavior of tribal youth. Many organizations have conducted research emphasizing a linkage between the reduction of high school dropout rates and that of crime reduction and increased earning power. The initial paragraph of “Saving Futures, Saving Dollars: The Impact of Education on Crime Reduction and Earnings”

published by the Alliance for Excellent Education (Delisio, Ellen, August 2006 reads as follows: "America's standard of living and international competitiveness will be strengthened if its high schools are improved. Research indicates that about 75 percent of America's state prison inmates, almost 59 percent of federal inmates, and 69 percent of jail inmates did not complete high school" (Alliance for Excellent Education, 2006).

Additionally, the number of prison inmates without a high school diploma has increased over time (Harlow, 2003). Reforming the nation's high schools could potentially increase the number of graduates and, as a result, significantly reduce the nation's crime-related costs, adding billions of dollars to the economy through the additional wages the non-incarcerated individuals would earn. This Alliance issue brief asserts "Increasing the graduation rate and college matriculation of male students by only five percent could lead to combined savings and revenue of almost eight billion dollars each year" (Alliance for Excellent Education, 2006).

The Alliance issue brief goes on to assert that "lower educational attainment levels increase the likelihood that individuals, particularly males, will be arrested and/or incarcerated." For instance, a study that looked at state prisoners' education levels in 1997 showed that "male inmates were about twice as likely as their counterparts in the general population to not have completed high school or its equivalent," and "four times as many males in the general population had attended some college or other postsecondary classes than those in prison" (Harlow, 2003).

The issue brief examines the financial cost of education as compared with the cost of crime. It notes that the annual cost of incarcerating an inmate (\$22,600) is almost two and a half times more than the annual cost of educating a student (\$9,644). The United States spent almost \$50 billion in incarceration costs in 2004 (Alliance for Excellent Education, 2006). The Alliance (2006) reported that "if the male graduation rates were increased by just five percent, *annual crime-related savings* to the nation would be approximately 5 billion dollars". This would be in addition to the increased economic impact of people who were working rather than being incarcerated, the enhancement of community life given the reduction in crime, and the enhancement of family life that hasn't been negatively affected by the specter of criminality.

This information has been supported by extensive research. It has also been widely discussed by those working within American Indian communities, particularly given the low educational achievement and high detention and incarceration rate in Indian Country. Many tribes and urban Indian communities have begun to focus on the role of education in redirecting juvenile behavior into more positive trajectories. The Maine tribes are an example of this focus.

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The state of Maine is particularly concerned with the circumstances facing minority youth but has little data addressing specifically American Indian youth. In 2010 there were 1237 American Indian youth in the state of Maine from a total youth population of 121,607, or just over 1 %. The overall Minority arrest rate is 61.55 youth arrested per 1,000 minority youth aged 10-17 in the population as compared with a White arrest rate of 41 youth arrested per 1,000 white youth aged 10-17 population. There is no specific arrest data for American Indian youth (2012 Maine Juvenile Justice Data Book).

American Indian youth involvement in the National Juvenile Justice System

Nationally, American Indian youth are arrested twice as often as other youth. While they comprise 1% of the U.S. population between the ages of 10-17, nationally they comprise 2% of the arrests. Nationally 43% of the American Indian population is under 20 years old, and in some tribes the population is even younger (Coalition for Juvenile Justice, 2000).

American Indian youth are 50% more likely than Anglos to receive the most punitive measures (e.g. out-of-home placement after adjudication, or waiver to the adult criminal justice system). In states where there are enough American Indians to allow for comparison, they are committed to adult prison at a rate that is 1.3 to 18.1 times that of Anglo youth. While there are no national statistics on juvenile recidivism, the U.S. Department of Justice, in *Juvenile Offenders and Victims: 2006 National Report*, presents average rates of recidivism for a select group of states. The study showed that juveniles who were released from incarceration were often rearrested within one year of their release (Kalist and Yee, 2009).

A National Snapshot of Education for American Indian Youth

To effectively combat possible juvenile crime with education, an understanding of the complexity of schooling for American Indians in the United States is necessary.

In 2010, there were approximately 644,000 American Indian and Alaska Native students in kindergarten through twelfth grade (Fairchild & Tippeconnic III, 2010). The education of Native students occurs in multiple venues with the majority (92%) attending public schools and 8% attending schools operated or funded by the federal Bureau of Indian Education (BIE) or individual tribes. Native students are more likely (46%) to attend rural schools than their non-native peers, a majority live off reservations, an increasing number are being educated in urban schools, and one third of these students attend schools where 50% or more of the population is Native (Fairchild & Tippeconnic III, 2010).

The Journal of American Indian Education published an article in 1983 which took an early look at the dire situation facing American Indian students (Coladarci, 1983). That research determined that the American Indian drop-out rate was approximately 60 percent. While this is higher than the present rate of approximately 50 percent, it is not markedly different.

The authors of this early research (1983) conducted extensive interviews and surveys of American Indian high school dropouts and came forward with a series of recommendations for educators and policy makers in Indian Country. These recommendations included an enhancement of cultural awareness, an emphasis on practical content, a strengthening of the teacher-student-administrator relationship, enhanced flexibility in the high school academic program, and sensitivity to the home life issues faced by many students (Coladarci, 1983). The irony is that now, more than thirty years later, these issues remain largely unaddressed. The question arises how much improvement could have been achieved over this time period if their recommendations had been followed.

The Bureau of Indian Affairs, Office of Indian Education Programs (2010) determined that the national Native American drop-out rate from BIA high schools juveniles was reduced from 17 percent in 1992-1993 to 10 percent in 1999-2000 (Fairchild & Tippeconnic III, 2010). Unfortunately these numbers reflect only the experience of BIA secondary schools and not public state operated schools located in urban and rural areas. Obtaining the information from public schools has proven to be much more difficult. Until very recently data gathering on demographics placed Native American students in the category of "Other" due to their generally small numbers in the population of public school students. However research published by the Alliance for Excellent Education in July 2004 asserted that only

49.3 percent of American Indian and Alaskan Native students entering ninth grade earn a high school diploma within four years, as compared with more than 76 percent of white students. This research also indicated that a demonstrable achievement gap existed for American Indian and Alaska Native eighth graders, with only 19 percent scoring at or above proficiency in reading, compared with 38 percent of white students (Alliance for Excellent Education, 2004).

The College Board Advocacy and Policy Center issued the College Completion Agenda in 2010. In it they reported that the 2008 four year public high school graduation rate for students who entered as freshmen was 74.9%. For American Indian students nationally the rate was 64.2%. The published report issued a set of recommendations which proposed interventions to address the dropout problem in the United States. The relevant recommendation for addressing the high school dropout problem is as follows: Implement the best research-based dropout prevention programs in order to allow states and local educational agencies to adopt targeted interventions (starting in elementary and middle schools) focused on early warning signs of students in danger of dropping out. They then recommended the development of programming which identifies such students and puts an educational safety net under them (College Board Advocacy and Policy Center, 2011).

A report by Fairchild & Tippeconnic III (2010) addressed the graduation and dropout situation of Native students. The researchers analyzed 2005 data from the National Center for Educational Statistics (NCES) from twelve states, seven of which held the highest population percentage of American Indian and Alaska Native students. Five of these were located in the Pacific and Northwestern regions of the United States. The findings revealed that on average, less than 50% of Native students in the twelve states studied graduate from high school each year. The overall student graduation rate in the same twelve states ranged from 54.1% to 79.2% while the graduation rate for American Indians and Alaska Natives varied from 30.4% to 63.8%. In all cases, the graduation rates for Native students were lower than the overall state rates for all students. The gap between the overall state graduation rates and the graduation rates of American Indian and Alaska Native students was 17% or more except for the two states of Oklahoma and New Mexico (Fairchild & Tippeconnic III, 2010).

On the average, the graduation rate for American Indians and Alaska Natives of 46.6% was lower than whites (69.8%), Blacks (54.7%), Asians (77.9%) and Hispanics (50.8%) in the states studied. Graduation rates for Native males ranged from 61% to 28.2%, and from 61.3% to 31% for Native women (Fairchild & Tippeconnic III, 2010).

The authors also examined literature on why American Indian and Alaska Native students dropout; however, the research reported was limited in scope and dated [1980s and 1990s]. Fairchild & Tippeconnic III (2010) attribute the dropout crisis to a lack of student engagement, an absence of empathy among teachers, passive teaching methods, irrelative curriculum, inappropriate testing, tracking, and nonexistence of parental involvement. Other factors are feeling unwanted or pushed out of school, poor relationship with teachers, lack of parent support, peer pressure, boredom, poor relationships with other students, discipline problems, academic difficulties, responsibilities at home or at a job, distance from school, pregnancy, poor attendance, lack of goals, retention in grade, student mobility/transiency, legal problems, substance and alcohol abuse, frustration, lack of transportation to school, medical concerns, high rates of suspension and expulsion, lack of interest in school, transferring between schools, inability to adjust to school, failure to reenroll, failure to complete assignments, parental requests, childcare, employment, running away, marriage, low expectations, sibling who dropped out, spending more than three hours alone at home, and poverty (Fairchild & Tippeconnic III, 2010).

Based on their research and professional experiences, Fairchild and Tippeconnic III (2010) recommended the following strategies in order to decrease the dropout rates and improve the graduation rates of Native students. Their recommendations are only first steps. They caution to acknowledge the wide range of cultural and linguistic diversity among Native students as well as the multiplicity in size, location, and type of schools they attend.

1. Review and revise school policies and avoid implementation of policies that exclude, repress, demean, embarrass, harass or alienate Native students.
2. Make schools physically, mentally and emotionally safe by working to end racism, sexual harassment and other forms of physical and emotional assault.
3. Demonstrate an ethic of care and concern for students
4. Hold high expectations for students and challenge them to succeed
5. Avoid use of negative stereotypes
6. Recognize that not all students perform or achieve the same
7. Avoid blaming students or their parents and families for their academic failure or low performance of the school
8. Actively involve parents and families in schools and communities

9. Individualize instruction and work to actively engage students in the learning process
10. Provide opportunities for students to be immersed in their Native language and culture and develop and implement culturally appropriate and relevant curricula
11. Prepare educators to work with American Indian/Alaska Native students
12. Use tests and assessments as a means of supporting and assisting students rather than a means of promoting failure (Fairchild & Tippeconnic III, 2010)

Fairchild and Tippeconnic also emphasize the need to respond immediately to the dropout and graduation crisis of American Indian and Alaska Native students. One third of all Natives are under the age of eighteen. These youth hold the key to the future social, economic, and cultural survival of indigenous populations in the United States. Given the proportion of Native youth in public schools, the failure to ensure that Native students graduate from public high schools places the entire American Indian population at risk. Some of the effects of low graduation and high dropout rates are; increased risk of joblessness, low paying jobs, family instability, possible involvement with the criminal justice system, and poverty. Failure to respond to this graduation crisis will have disastrous consequences for Native peoples, including the widening of the social and economic gap that exists between American Indians and the larger U.S population. The fact that tribal youth are completing high school at percentages much lower than their non-native counterparts seriously threatens the self-sufficiency of tribal peoples and their nations.

American Indian Education in Maine

Maine allows for an interesting study as tribal lands and tribal people are subject, not only to the jurisdiction of the tribe and the federal government, but also to the jurisdiction of the state. In 2000, six-tenths of 1 percent of Maine residents, or about 7,000 people, identified themselves as American Indian (U.S. Census, 2000). The four largest tribes in Maine are the Maliseet, the Micmac, the Passamaquoddy, and the Penobscot. While the Passamaquoddy Tribe and Penobscot Indian Nation both have elementary schools on the reservations, Tribal youth largely attend local schools, particularly at the high school level.

Education World (2012) conducted research on reservation schools operated by the Passamaquoddy and Penobscot. Their researchers visited two Maine schools during this project. They did not focus on the Houlton Band of Maliseet Indians nor

the Aroostook Band Micmac; however, the two schools of the Passamaquoddy and Penobscot on which they did focus were among 187 schools located on 63 Indian reservations in 23 U.S. States. These two Maine schools are funded by B.I.A., Title I, and the state of Maine through the Department of Maine Indian Education (Education World, 2012). The schools attended by Maliseet and Micmac youth were included in the research conducted by the authors of this article.

The Alliance for Excellent Education (2009) conducted a study of Native American students in Maine in 2005-2006 which they published in July of 2009. This research found that about 76 percent of Maine high school students were graduating in four years. Although there were significant differences between student subgroups, high school students generally, and white students in particular, continued to graduate at the 76 percent rate. The four year graduation rate for Native American high school students was at a significantly lower rate of 41 percent, which was also lower than the percentage for 2004 (Alliance for Excellent Education, 2009).

The Alliance for Education published another study in March of 2012. This later study of Maine High Schools found that the graduation rate for all students had risen to 77 percent, one percent higher than three years earlier. Unfortunately, the Alliance did not report any recent data specifically on American Indian students. However in this study, the Alliance did report that the national four year graduation rate for American Indians is currently estimated to be 54 percent. This is much lower than the overall state rate of 77 percent in Maine (Alliance for Excellent Education, 2012).

The National Caucus of Native American State Legislators (2010) issued a position paper on the state of American Indian education. This study presented 2006 data compiled by *Education Week* which established that Maine ranked 9th in the nation for American Indian High School graduation rates out of all U.S. states. Their research indicated that the national average high school graduation rate for American Indians was 50.0%, as compared with a rate of 77.1% for White high school students. The rate in the state of Maine was ten points lower than the national average, as only 40.5% of American Indian high school students were graduating in a four year period (Native American Legislators, 2010).

The Maine Department of Education (2012) has provided data which allows for a closer look at recent state achievement gaps and graduation rates for high school students in the state. This study presented data from the academic years of 2008-09, 2009-2010, and in some instances 2010-11. The following charts from this study provide evidence of a gap in both proficiency and graduation rates for Native American students (Maine Department of Education, 2012).

Table 1 Graduation Rate by Student Subgroup, 2008-09 and 2009-10

| School Year | All Students | Econ. | Disab. | ELL | White | African-American | Hispanic | Asian | Native American |
|-------------|--------------|-------------|-------------|------------|-----------|------------------|------------|------------|-----------------|
| 2008-09 | 80 | 68 (-12) | 64 (-16) | 77 (-3) | 80 (-) | 70 (-10) | 71 (-9) | 83 (+3) | 63 (-17) |
| 2009-10 | 82 | 70 (-12) | 64 (-18) | 79 (-3) | 82 (-) | 71 (-11) | 82 (-) | 87 (+6) | 65 (-17) |

% Finishing (Gap)

Table 2 Statewide Achievement Gaps in Reading and Math, High School

| Subject Tested | School Year | All | Econ. | Disab. | ELL | White | Af.-Am. | His. | Asian | Nat.-Am. |
|----------------|-------------|-----|-------------|-------------|-------------|------------|-------------|-------------|-------------|-------------|
| Reading | 2008-09 | 49 | 34 (-15) | 16 (-33) | 16 (-33) | 49 (-) | 26 (-23) | 37 (-12) | 46 (-3) | 46 (-3) |
| | 2009-10 | 48 | 31 (-17) | 16 (-32) | 13 (-35) | 48 (-) | 28 (-20) | 43 (-5) | 43 (-5) | 43 (-5) |
| | 2010-11 | 50 | 34 (-16) | 16 (-33) | 9 (-41) | 51 (+1) | 23 (-27) | 45 (-5) | 52 (+2) | 52 (+2) |
| Math | 2008-09 | 42 | 26 (-16) | 12 (-30) | 19 (-22) | 42 (-) | 15 (-27) | 28 (-14) | 52 (+10) | 19 (-23) |
| | 2009-10 | 45 | 28 (-17) | 15 (-30) | 15 (-30) | 46 (+1) | 22 (-23) | 41 (-4) | 51 (+6) | 28 (-17) |
| | 2010-11 | 49 | 31 (-18) | 15 (-34) | 16 (-33) | 50 (+1) | 21 (-28) | 36 (-13) | 61 (+12) | 32 (-17) |

% Proficient (Gap)

As these charts from the Maine Department of Education (2012) clearly establish, the levels of achievement of proficiency in reading and math differ for Native American students than for all other student populations. The proficiency levels achieved by Native American students in 2008-09 was significantly lower than those achieved by all students; however, it is evident that the proficiency levels for both reading and math rose for Native American students over the years studied.

Further, the proficiency scores for of American Indian students in 2010-2011 exceeded those for all students, and exceeded those of White students in reading.

Unfortunately, the 2010-2011 data for graduation rates in Maine were not available. However, the graduation rate for Native American students for the years presented by the state's education department show that the rates did increase over the years studied. Although promising, the graduation rates for Maine's native students remain significantly lower than those of all other ethnic groups. This is striking given that the proficiency scores in reading almost meet or exceed those of all other students including African American or Hispanic students. In particular, the Native American proficiency rate substantially exceeds that of African Americans, even though the graduation rate for African Americans is higher (Maine Department of Education, 2012). The question is then why, when American Indian students are academically competitive, are they failing to graduate? Why is the education system still failing American Indian students?

While these research projects were conducted by various researchers and in various ways, the information when examined over time presents a relatively bleak picture for American Indian youth. Taking all information into consideration it is apparent that the high school graduation rates for American Indian youth in Maine are markedly low, while the graduation rates for other students including White, African-American, and Hispanic students have remained at a much higher level or have even increased.

The Situations Facing Various Tribes of Maine

The tribes in Maine are all unique and face circumstances based upon their particular needs, issues, and situations. A common element among tribes is the diversity that exists within Indigenous cultures.

The Passamaquoddy of Pleasant Point

The Passamaquoddy Tribe of Maine is geographically divided into two groups, living on the Pleasant Point and Indian Township reservations, which are located approximately 20 miles apart. Sipayik, the small village at Pleasant Point, was the focus of this research. The researcher met with Chief Pos Bassett and Sgt. Frances La Coote of the Tribal Police Department. This meeting was facilitated by Newell Lewey, a member of the Passamaquoddy Tribal Council. During this meeting the Chief of Police stated that there are 2,100 tribal members, with 900 of these tribal members being residents of Pleasant Point. One hundred and twenty of these

tribal members are high school students who live on the reservation, all of whom attend off reservation schools (Luna-Firebaugh, interviews, 2012).

The tribal youth attend Shead High School, in Eastport, Maine. Education World (2000) determined that this high school was relatively small with an enrollment in of 175 students, of whom 61 were Native American. Shead High School also had the highest percentage of Native American students in the state. The principal of Shead contended that many Native American students drop out prior to graduation. The school has attempted to address this through a program of credit recovery and through a GED program. The principle is quoted in the Education World article that many Native American students “have low aspirations and have trouble making long-term plans” (Education World, 2000).

Shead developed a high school alternative program which emphasizes counseling, individual instruction, work experience, or tutoring others as an alternative to traditional class work. The program also provided students with assistance in setting long term goals. This program enabled Shead teachers to home school students and in some cases teach individual students on the reservation. By 2012, eighteen of the 25 students in this alternative program were Native American (Education World, 2012). Unfortunately reports from the state of Maine found that the overall dropout rate for Native American youth increased from 4.79 percent in 2001-2002 to 5.93 percent in 2005-2006 (Maine Department of Education, 2012).

At present there are very few legal issues or acts of criminal behavior by high school students taking place on the reservation. When interviewed by this researcher, Chief Bassett stated that this is a change from the past when young people were visible hanging around on street corners. Now youth are largely invisible on the streets of Pleasant Point. However, Chief Bassett stated that there are problems with the youth which occur while they are off reservation. Although there is no formal record of this, the local and state police have told him that 20 percent of the theft at the local Wal-Mart, located off of the reservation, is done by American Indian youth who live in either in Indian Township or Pleasant Point (Luna-Firebaugh, interviews, 2012).

There is no formal state reporting process to the tribe or to the tribal police if tribal youth get into trouble off reservation, are detained by the police, or are locked up in juvenile facilities. Thus the tribe has no official way of knowing what has occurred with their youth. The state and local police do not work with tribal police on juvenile criminal justice issues. The biggest problems the tribal police are aware are vandalism and theft which occur mostly off reservation but sometimes on reservation as well (Luna-Firebaugh, interviews, 2012)

At the time this research was conducted, the Passamaquoddy tribe at Pleasant Point was not supervising young people in any residential or diversion program, and very few tribal youth were participating in tribal juvenile programs. The tribal police believe that Charleston State Juvenile Hall in the 1990's had five to ten tribal youth in residence but could not give the author an estimate of the numbers of tribal youth in residence there now.

The tribal police create reports on the important issues that come to their attention. These reports are submitted to the tribal judge who can make decisions. There is a Community Justice Board operating in Washington County, Maine which addresses juvenile diversion. A tribal advocate who is employed by the Maine Indian Education office works with youth at the high school. She is very helpful and concerned. The tribal council and police department believe that her work has been beneficial to tribal youth (Luna-Firebaugh, interviews, 2012).

Penobscot Indian Nation

Another Maine tribe visited by both the Education World researchers and the author was the Penobscot Indian Nation. The Penobscot tribal government is in Penobscot County, and is located on Indian Island, one of 146 islands on the Penobscot River. The Indian Island School serves youth up to the eighth grade. Linda McLeod, principal of the Indian School stated to the Education World researchers in 2000 that dropout prevention was a major part of the school's mission. She stated, "My biggest problem is getting them from eighth grade into a [secondary] school" (Education World, 2012). Sources at the school contended that the drop out problem was the result of a number of factors. One obvious difference is that the students attend small elementary and middle schools while on reservation. These American Indian youth transfer to the large public high school from a small, reservation-based middle school. The tribal community believes that these Native youth "get lost" at Old Town High School, because it is a much larger public school.

There are three high schools which these Penobscot youth can attend, Old Town, Orono, and John Baptist. In 2012 Education World examined only one of these high schools, Old Town. They asserted that once native students transfer to attend Old Town High School there is a clash of Native American and Anglo cultures as well as teaching and learning styles. The researchers found that the students were also intimidated by the sheer numbers of students at larger schools. If they got behind, it was difficult for them to catch up as they were "accustomed to one-

on-one attention”, which they did not receive in the local high school (Education World, 2012).

Old Town High School attempted to address the drop out problem of Indian Island students by developing programs specifically aimed at American Indian youth. These efforts included monthly meetings with Penobscot high school students which were initiated by the tribe. The school itself hosted some school wide programs that addressed Native American culture (Education World, 2012).

Unfortunately for the current analysis, the Old Town and Orono High Schools were two of only a few Maine high schools that did not report dropout rates in 2010 for the study by the Alliance for Excellent Education researchers. Another gap in the data exists because the state of Maine published information related to drop outs but does not distinguish the rates for Native Americans from the rest of the student population. The Carsey Institute of the University of New Hampshire also publishes un-distinguished drop out information for Penobscot County. However, the information obtained from these two sources indicated a large increase in the number of high school drop outs for the Old Town and Orono high schools over just a short period. In 2000-2001 the dropout rate for the Old Town School District was 3.5 percent, which increased to 8.1 percent in 2005-2006. The overall dropout rate for the Orono School Department was 0.08 percent in 2000-2001, increasing to 7.3 percent in 2005-2006. No specific information was reported regarding the dropout rates of Native American students attending these schools during this period (Carsey Institute, 2009)

In June of 2012, one of the authors of this article met with Tribal Police Chief Robert Bryant and other tribal members. The Chief and other police personnel were interviewed. Although Chief Bryant is not a tribal member, he has worked in the field of law enforcement for his entire career, many years of which he has spent working in the local area. He stated that the Penobscot face a difficult situation. One reason for this is based on the challenges the tribe faces due to extremely unfavorable economic conditions on the reservation, with the conditions in Washington County being even worse. He stated that the police department is currently tracking underlying reasons for crime in the local community which includes a lack of economic opportunities both at present and in the future. He further stated that he does not dismiss the issue of profiling and how the courts as well as law enforcement behave in regards to these youth but he is also looking at the breakdown in communication between Native youth and the non-Native police personal. He does not dismiss the possibility that the surrounding law enforcement may be profiling native people; however, he also believes that

Penobscot may be more at risk for police contacts due to socio-economic factors (Luna-Firebaugh, interviews, 2012).

Chief Bryant stated that many of the goals of law enforcement and public safety are data driven. Given this reality he also contends that simply reviewing the numbers is not enough. Chief Bryant contends that putting a cultural interpretation on numbers is also important. He stated that the question that law enforcement needs to ask has two-parts: First, do we have the numbers and second, what do these numbers mean to us?

As an experienced non-Indian police officer, now chief of a tribal police department, Chief Bryant expressed some frustration in his dealings with local law enforcement. He stated, "Oftentimes, in the work we do, there is an unwritten law enforcement agreement—it is a challenge to bring people to create a formal agreement." Thus Chief Bryant contends that it is often difficult for different law enforcement agencies to craft and negotiate written memorandums of agreements and/or mutual aid agreements. He stated that, regardless of his efforts, the tribal police still experience poor communication and implementation when attempting to collaborate with local and state police. The tribal police chief also stated that there has been talk about a mutual aid agreement between agencies but, to date, one does not exist. Overall, a current problem which Chief Bryant expressed is the understanding that when tribal police arrive to an off-reservation scene state enforcement treats tribal officers as assistants rather than as equal participants.

Chief Bryant has taken the initiative to collaborate with state and local police in order to develop an effective inter-agency approach in addressing criminal justice issues relevant to the Penobscot. He stated that in particular, child sexual abuse cases require a different kind of investigation, one that requires this type of inter-agency cooperation. Yet according to the tribal police chief, this cooperation between the agencies has been difficult to establish.

Chief Bryant contends that the Penobscot juvenile justice system does not work as well as it should. He stated that all cases of juvenile offenses are adjudicated in the Tribal Court unless the charge is a felony and falls under federal jurisdiction. According to the police chief, in 2010, the Penobscot formed a juvenile advisory group to examine the tribe's current system of youth justice. They hired a professional consultant who was assigned to write a report on the Penobscot juvenile justice system and to offer formal solutions to the advisory group. There were a total of ten team-members on the advisory board. The tribe also hired two to three case workers to set up a system similar to the current method used by the state of Maine. Unfortunately, there is still a high percentage of juvenile recidivism

and the team has not been able to ascertain the reasons why or for that matter stop the youth from engaging in criminal behaviors.

This continued pattern of recidivism has resulted in the demoralization of police personnel. A number of the officers do not want to continue to write reports on the behaviors of youth when the system does not seem to be effective in changing their activities. The police chief believes that to be able to create change, the police have to have faith in the system, and the system also has to have faith in the police. In order to change the negative mind set of the police, the chief needs to be able to say that his police force is not going to be soft. Furthermore, if the system is about getting people to make change, the officers and the tribal members have to continue to have faith in the justice system itself. Chief Bryant and other tribal members with whom we spoke believe that enhanced data sharing and inter-agency communication would greatly assist the Penobscot community to contend with the challenges they currently face. Chief Bryant provided the following list to the author that he believes is the most effective approach to solving the problems faced by the community.

1. Current and future policies must be transparent.
2. There must be a collection of outcome data.
3. Outside evaluations of data and its collection must be made.
4. Reports need to be made and circulated.
5. New cases should be able to be generated.
6. Data sharing must take place.
7. Review of current policies and practices should include input from the community
8. Confidence must be built in the Health Department and the JAG process.
9. Education, specifically joint education of police and court personal

(Luna-Firebaugh, Interviews, 2012)

The Maliseet Tribe

The method used by the Maliseet of Aroostook County in Maine has emphasized the importance of education for the last 15 years. The following information was gathered during interviews that were conducted by the author and a Passamaquoddy tribal council member. They met in summer 2012 with Chief Brenda Commander and Maliseet Tribal Administrator, Brian Reynolds. During this

time, the tribal officials expressed the concern among tribal members that the State of Maine does not acknowledge the tribal police department.

The tribe has no current tribal court so all legal issues must be resolved in non-tribal courts operated by local municipalities. The nearest town is Houlton, where the tribe contends local police treat Maliseet police like security guards. If the Houlton police respond first, even on the reservation, they won't wait for the Maliseet police to arrive. The Maliseet have no direct complaints about mistreatment of their children by the state criminal justice system because they have worked diligently to limit the contact tribal children have with the state justice system. (Luna-Firebaugh, interviews, 2012)

The Maliseet tribal government, particularly given the lack of a tribal court, was concerned that the state Department of Human Services (DHS) would take a larger role in monitoring tribal children and perhaps might go as far as to take the children into the state system. At the time this study took place the Maliseet tribal enrollment was 1,262, more than 500 of which were children. Due to the lack of reservation-based schools, all Maliseet children attend state and local schools, and in the Houlton school system 12% of the student population is Maliseet.

The tribe has taken proactive approaches to protecting their children when they attend local schools. One issue of concern to the Maliseet was that tribal children were getting picked on while being transported to school on the bus. Maliseet students were being called names and experiencing daily acts of bullying from local children. Concerned with this issue, the tribe hired a bus monitor to sit on the bus and control the problematic behavior. The tribe then also paid for a video camera to be installed on the bus which effectively stopped the behaviors of concern. The tribe also developed programs to teach DHS and the school system about community parenting. The state system was resistant; however, once the programs were in place the tribal meeting participants asserted that dropout rate was drastically reduced. The tribe believes that the activities that they initiated turned the problems around.

Maliseet tribal officials believe that the residents of the local town are, "very racist, but it is hidden." The tribal representatives at the meeting gave evidence that covert prejudices towards American Indian people and youth are still present. The tribal officials contend that the racism is exacerbated by the heads of police agencies because local police come from small towns which promote the beliefs that set this hostile tone. The Maliseet have thus decided to emphasize education and services over law enforcement to improve the situation for their youth and the tribe.

The Maliseet Chief Brenda Commander sees education as a key to the youth's future and also as a successful alternative to misconduct. The tribe initiated a program that rewards continued education in a number of ways. Initially a GED was sufficient to be eligible for the tribal awards issued for satisfactory completion of education. The tribe has changed the requirements and obtaining a GED no longer meets the criteria for the program, which now requires high school graduation. The tribal program is designed so that upon graduation from high school each student is awarded a large cash sum. While the exact amount was not revealed, Chief Commander did say that it was enough money for Maliseet young people to buy cars for transportation to college. A dinner is also held in the graduating students' honor and they get to choose a speaker for the event. Each graduate also receives a gift in acknowledgement of their achievement. This program has been highly effective. All tribal youth are now graduating from high school which puts their graduation rate at 100 percent. Yet another striking result is that the tribe now has no youth in juvenile detention and at the time of this research only two adult tribal members were in prison.

In order to create a new environment for Maliseet children the tribe has decided to emphasize services and opportunities. The tribe just secured 600K for an athletic field on the reservation. They have developed a Memorandum of Understanding with local agencies for joint use of the facilities and have allocated 30K to begin athletic programs. Most recently, the Tribal Administrator was hired as the football coach for the local high school, which the Maliseet believe will assist in the tribal/local relationship. The Maliseet are also building bridges for native children into the non-Indian world. They invite non-Native children to attend their head start program, and are also currently seeking funding to build an Olympic size pool for the Houlton area.

The overall unemployment rate for the Maliseet is 70% but the Maliseet tribe is the biggest employer in the community. Even though the Maliseet Tribe brings in more money and employment to the area than any other entity, tribal members still have great difficulty getting jobs in the outside community. In order to address this, the tribe is doing social and economic strategic planning. The tribe is working with the American Indian Economic Development Program at Harvard and is pursuing economic development programs and funding. They have also created a job bank which includes both tribal and local employment opportunities.

The Micmac Tribe

Interviews were conducted by the author and a Passamaquoddy tribal council member in summer, 2012. They met with Micmac Tribal Chief Rick Getchell and Tribal Councilor, Richard Silliboy. The Micmac are located on trust land throughout Aroostook County in Maine. They have no reservation but there are areas of tribal jurisdiction which include more than 5,000 acres of trust land.

The tribe contends that racism in Aroostook County is very deep. The tribe is interested in developing a tribal juvenile diversion program, but at present the youth are subject to county jurisdiction. The tribe has conducted studies that have determined that the Indian Child Welfare Act is not being applied in the way it should be and is not being honored (Luna-Firebaugh, interviews, 2012). A complication is that in order to assert tribal jurisdiction, the Maine Claims Settlement Act needs to be amended to include tribal jurisdiction. The tribe contends that Micmac kids are disadvantaged at every stage in the criminal justice system. As compared with non-Indian students, Micmac youth receive longer sentences and higher fines. This is being documented by the tribe along with the cases of four youth who are being tracked through the criminal justice system.

The tribe has a strong belief that the answer for their children lies in a tribal assertion of sovereignty. They intend to obtain statistical data to determine the impact of the criminal justice system on tribal youth and also to develop a strategic plan. They see the need to have mechanisms in place to extract data from public reports. The tribe is working with a County Probation Officer who has the same concerns as the tribe about the situation. They have focused on three areas of concern; governance, data collection and health care.

Increasing High School Graduation Rates for American Indians Youth in Maine

Given the widespread economic recession, the likelihood of a higher education is endangered for many students and none more so than for American Indian youth. For many young people, the ticket to a bright future is not just graduation from high school but also college or technical school attendance and graduation. So the question of how best to enhance the likelihood of high school graduation for American Indian youth in Maine must be addressed. There are many approaches that can be undertaken.

Community recognition

The Mailseet community recognition and award program is one that has proven highly successful. The tribe makes financial awards, holds community recognition dinners, and awards gifts to all tribal high school graduates. The tribe has moved to the point where all tribal youth are now graduating from high school.

Awards and financial incentives

Maine has had a university scholarship program for Native American students since 1934 when university trustees voted to grant full scholarships to five students who were members of the Penobscot or Passamaquoddy tribes. In 1971, the criteria were broadened to include all North American Indians, but few took advantage. In 2001, the university streamlined the program, and enrollment has increased. This program was amended again in 2008. Now, the North America Indian Waiver and Scholarship program covers tuition, mandatory fees, and room and board charges for any North American Indian student who wishes to attend the University of Maine. Eligible applicants are those individuals whose names are included on the current tribal census or who have a parent or grandparents on the current tribal census of the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet, the Aroostook Band of Micmac, or individuals who are on a current tribal census or who have at least one parent or grandparent included on the census of a state, federal, or provincial North American Indian Tribe. Proof of residency is required of all except current tribal members of the four previously designated Maine tribes. About 500 students throughout the University of Maine system are enrolled in the program (University of Southern Maine, North America Indian Waiver and Scholarship program, 2012)

Changes in the approach for law enforcement

In general tribal law enforcement officers contend that the unique cultural components of Native communities were not addressed at state police academies. Tribal police officers believed that relevant cultural components need to be addressed in training both tribal and other local police. As the state police have jurisdiction over Indian lands, the tribal police officers contend that state and local officers would greatly benefit from cultural awareness training. This is of particular importance because of the difficulties which can exist in the interactions between tribal youth and state or local law enforcement. The officers also believe that the state should ensure that all state and local police agencies will recognize the

jurisdiction of tribal police. Lines of communication should be developed and maintained between all law enforcement personnel operating in the state of Maine.

Taking a Pro-active approach to the achievement of educational goals

The National Caucus of Native American State Legislators (2010) published a position paper on education which set forth a number of goals directly related to improving the educational opportunities for Native children. Unfortunately the process by which these goals may be achieved is not specifically addressed. Their goals are set forth as follows:

1. Recognize the positive effects of early childhood education on improving a child's opportunity to be successful in school and support programs that will serve children and parents to strengthen their readiness for entry into K-12 schools. The Caucus also recognizes that schools need to be ready for children. Bilingual/bicultural children should have the same opportunities to succeed as monolingual and monoculture children.

2. Eliminate the academic achievement gap for American Indian, Alaska Native and Native Hawaiian students.

3. Increase the four-year high school completion rate of Native American students to 90 percent.

4. Include Native American history and culture as an integral, sustainable component in our preschool through higher education systems.

5. Restore and revitalize our Native languages as part of our educational systems.

6. Provide state funding (at an equitable level with ongoing funding for state two-year colleges) for students attending the tribal colleges who do not qualify for the tribal college federal funding.

7. Include urban Native American students in state policy, funding and other efforts to close the achievement gap and increase the high school completion rate.

8. Support the lifelong learning of Native adult learners through GED programs, adult basic education, workforce training and other skill building programs to support Native families both on- and off-reservations.

9. Ensure that all states with a significant enrollment of Native students in their preschool through higher education systems provide an annual report to their

respective state education leaders, educational boards/commissions, and tribal education leaders.

10. Reduce to an equitable level the disproportionate representation of Native Students in special education programs in our schools.

11. Reduce to an equitable level the disproportionate number of Native children who are expelled or suspended from our public schools.

12. Reduce poverty in Native American communities through educational opportunities that increase the achievement level of students through high school and college graduation rates.

13. Encourage early and frequent collaboration between tribes, states and districts that results in mutually agreed upon policies for Indian education.

Conclusion

Employing educational approaches to reduce juvenile crime is no easy task especially when the education system continues to fail American Indian/ Alaska Native students as shown by the high number of dropouts and low graduation rates. To combat juvenile crime and ensure an opportunity for a better life for Native youth, the school dropouts must decrease and graduation rates increase. The Maine tribes are using pro-active approaches to education to keep their youth in school with varying levels of success. An examination of published data and current case study of the Maine tribal groups reveals the following conclusions.

First, the state of the dropout and graduation crisis of Native students is uncertain because the reporting and gathering of the numbers are often inadequate and inconsistent. This is evident in Maine as well as nationwide. To get a true clear picture there must be consistent data collection and reporting. Many reports do not analyze Native students as a separate category because of their low numbers and in many cases lump them with other minority or ethnic groups. In order to access the trends, specific data must be available on Native students regardless of small overall numbers. There is also the element of culture which cannot be excluded from any analysis of data because it does play a role in how American Indians view the world and ultimately determines what strategies will work. This was emphasized by Chief Bryant when talking about how the goals of law enforcement and public safety are data driven with no regard for what they means culturally.

Second, the dropout and graduation crisis must be a priority of the school system, which for Maine means whether the local high school system is BIE or state

funded or both. The total number of American Indian students is small compared to other groups which makes it easier for Natives to become invisible even when they are the primary ethnic groups as is the case in several Maine communities. The Penobscot tribe believe the high dropouts rates are related to the fact that their children attend small elementary and middle schools while on the reservation then matriculate to much larger local Old Town High School where they get lost because of a cultural clash with Anglo cultures and teaching styles. In addition, the Penobscot students are used to one on one attention and they do not get it at Old Town High School which leads to some dropping out. The schools must incorporate strategies to help Native students adjust, feel welcome and succeed academically. This may involve training for educators on how to work with Native students as well as involvement and input from parents, students, and the community to ensure policies and procedures do not exclude or demean Natives.

Piece meal application of the recommended strategies may not work. There needs to be a long term comprehensive plan with buy in from all the stakeholders. Of course this takes financial and human resources as well as time commitments with collaboration and team work. Adding to the difficulty of a comprehensive plan is the diversity that exists among tribal groups. A one size fits all solution will not work. An evaluation of the various strategies needs to occur to determine their appropriateness. Any serious plan must start early in childhood and continue through higher education. This means every tribal group in Maine and nationwide will have to work with their local schools to employ such a plan. A positive incentive for Native students is the North America Indian Waiver and Scholarship program that covers tuition, mandatory fees and room and board charges for any North American Indian student at the University of Maine. Several efforts by Maine tribes are already in place such as community recognitions, awards and financial incentives, changes in approaches for law enforcement, and taking pro-active approaches to achieve educational goals. A comprehensive plan can easily build on them.

Maine Native students are competitive in reading and math scores but the rates of graduation are still lowest of all ethnic groups. The question is then why, when American Indian students are academically competitive, are they failing to graduate in Maine and nationally? Is it social economic factors, the lack of economic opportunities, or low expectations? Most likely it is all, and more concerning is that these same factors are also known to be the underlying reasons for crime. It is evident by the interviews with tribal police departments in Maine that many believe there is a breakdown in communications between tribes and outside communities. The plan of the Maliseet tribe to build a 600k athletic field is part of a strategy of

services and opportunities to deal with current and future youth issues. Their efforts involve inviting non-Native children to use the services and attend their Head Start program to help build bridges between Native children and non-Natives and also possibly help eliminate prejudice and racism while promoting tolerance. All of these tribal initiatives are important but at the same time the literature emphasizes the need for culturally appropriate curricula for Native students in the schools. The history and culture of the Indigenous peoples of Maine is an important part of the state and national framework. American Indian history and culture need to be a part of the curricula for every student both Native and non-native.

The case studies of the tribes in Maine show their commitment to using education as a means to decrease dropouts, increase graduation rates, and combat juvenile crime. The efforts by the tribes often depend upon financial and human resources. The public schools in Maine are also attempting to address the dropout and graduation crisis of Native students, though often in one stop efforts without a comprehensive plan. It would be very useful if the state of Maine were to collect specific data related to the juvenile justice statistics related to Native youth.

Education and the prospect of a better future

The tribes of Maine, Passamaquoddy of Pleasant Point, Penobscot Indian Nation, the Maliseet, and the Micmac tribe, are developing and using educational strategies to tackle difficult challenges facing their youth in order to reduce juvenile crime, ensure a better future and to guarantee the survival of their tribal community. Some of the more successful approaches are community involvement and recognition, awards and financial incentives, changes in approaches for law enforcement, and taking pro-active approaches towards the achievement of educational goals.

The twelve strategies of Fairchild and Tippeconnic (2010) provide recommendations based upon their research for dealing with the graduation and dropout crisis facing American Indians and Alaska Natives. The case studies of the Maine tribes conducted by the authors of this article reveal an agreement of approaches on the ground with the educational approaches recommended in the literature. The commonalities include involving parents and families in the schools and communities by having public recognitions with awards and incentives; Reviewing and revising school and community policies to include cultural sensitivity, safety and well-being (physically, mentally and emotionally) of students so they can achieve academically; Working to end racism, sexism, stereotypes, and other forms of physical and emotional assault; caring about students as individuals; Not

blaming students and parents for failure or low performance; individualizing instruction; having high student expectations; preparing educators to work with Native students; accessing outcomes; and demanding reliable data.

The goals established by The National Caucus of Native American State Legislators (2010) are a positive measure and support many of the strategies mentioned above. However, the next challenge is to put the goals into practice and evaluate them. These efforts of the Maine tribal groups and the Caucus are good first steps toward making education achievable for their youth. To ensure success, the educational efforts must be sustained, enhanced and evaluated with collaboration between all parties. A one size fits all approach is not an answer given the diversity within tribal communities.

Research has shown that high school graduation, and achievement in higher education, is a pathway to a better life (Alliance for Excellent Education, 2006). This better life includes professional accomplishments and a reduction of criminal behavior. The question is how students are placed on and assisted along this path. Many research projects exist which intend to help focus several communities to answer this question, but even in mainstream communities this has not been highly successful. The numbers and rates are even worse for Native American students. Native American communities and students are left largely on their own with limited resources, incomplete data collection and reporting, inadequate support systems, little opportunity for input, and no accountability.

There are some elements that would seem to enhance the retention of Native American students in high school. Included among these are culturally compatible programs, smaller class sizes, more hands-on teaching techniques, isolating and combating prejudice, strengthening student-teacher-administrator relationships, positive peer influences, allowing flexibility in the high school program, review and revise school policies, safe schools, demonstrate care and concern for students, high expectations for students, recognize not all students perform or achieve the same, not blaming students and parents for academic failure, actively involve parents and families, individualize instruction and work, language immersion, prepare educators to work with Native students, and use tests and assessments as a means of supporting and assisting students rather than a means of promoting failure (Fairchild & Tippeconnic III, 2010:29-30).

The National Dropout Prevention Center/Network (2012) provides additional strategies which are early childhood education, early literacy development, mentoring and tutoring, service learning, alternative schooling, after-school opportunities, educational technology, and career and technology education. It is of

note that these recommendations are not substantially different from those being made over the last three decades.

It is obvious that many of these elements would benefit all students. At a time when funding is being cut for education, many Native American students are left to struggle unsupported. They can be lost to education, and the possibility of juvenile criminal behavior increases. An educational program that emphasizes personal and scholastic achievement with cultural components has the potential of great success. While this may cost more initially, the evidence shows that society benefits financially, and it is strengthened in the long run.

References

- Alliance for Excellent Education (2006). *Saving Futures, Saving Dollars: The Impact of Education on Crime Reduction and Earnings*, Issue Brief. Alliance for Excellent Education. Retrieved October 3, 2012, from <http://www.all4ed.org/files/archive/publications/SavingFutures/>
- Alliance for Excellent Education. (2009). *Understanding High School Graduation Rates in Maine*, Alliance for Excellent Education. Retrieved October 3, 2012 from <http://www.all4ed.org/about-the-crisis/>
- Carsey Institute (2009), University of New Hampshire, Penobscot County: High school dropout rate. <http://nneindicators.unh.edu/ShowOneRegion.asp?IndicatorID=22&FIPS=23019>
- Coalition for Juvenile Justice, *Enlarging the Healing Circle: Ensuring Justice for American Indian Children* (2000).
- Coladarci, T. (1983). High-School Dropout among Native Americans. *Journal of American Indian Education*, 23(1)
- College Board Advocacy and Policy Center. (2012) *College Completion Agenda – 10 Recommendations on Education*. College Board Advocacy & Policy Center. Retrieved October 5, 2012, from <http://completionagenda.collegeboard.org/recommendations>
- Dunne, D. W., & Delisio, E. (2012). *Education World: Lessons From Our Schools: Reporters' Notebook: Native American Struggle, Build Pride*. Retrieved September 28, 2012 from http://www.educationworld.com/a_issues/schools/schools012.shtml

- Education World (2012). Education World: Lessons from our Nation's Schools: Native American Schools Ponder, Assail Dropout Rates. Retrieved September 28, 2012 from http://www.educationworld.com/a_issues/schools/schools009.shtm
- Fairchild, S.C., & Tippeconnic, III, J.W. (2010). The Dropout/Graduation Crisis Among American Indian and Alaska Native Students: Failure to Respond Places the Future of Native Peoples at Risk. The Civil Rights Project/Proyecto Derechos civiles at UCLA and the Pennsylvania State University Center for the Study of Leadership in American Indian Education.
- Kalist, D.E., and Lee, D.Y. (2009). Measuring and Analyzing Juvenile Recidivism in Rural and Urban Pennsylvania, Shippensburg University of Pennsylvania, January. <http://completionagenda.collegeboard.org/recommendations>. Accessed 10/5/2012.
- Maine Department of Education (2012). State Achievement Gaps & Graduation Rate Data. Retrieved October 5, 2012 from <http://www.maine.gov/doe/accountability/gaps.html>
- Muskie School of Public Service, Cutler Institute for Health and Social Policy, 20012 Maine Juvenile Justice Data Book, http://muskie.usm.maine.edu/justiceresearch/datacenter_juvenile.html
- National Caucus of Native American State Legislators (2010). Position Paper: Education Committee. Retrieved October 5, 2012 from <http://www.nativeamericanlegislators.org/Documents/EducationCommitteePositionPaper2010>
- National Dropout Prevention Center/Network (2012). Effective Strategies for Dropout Prevention. Retrieved October 29, 2012 from <http://www.dropoutprevention.org/effective-strategies>
- U.S. Department of Justice, in Juvenile Offenders and Victims: 2006 National Report University of Southern Maine (2012) North America Indian Waiver and Scholarship program. Retrieved October 2, 2012 from <http://www.usm.maine.edu/mcsa/north-american-indian-tuition-waiver-scholarship-program>

About the Authors

Eileen Luna-Firebaugh is Associate Professor of American Indian Law and Policy at the University of Arizona. She is Choctaw and Cherokee. Prof. Luna Firebaugh is an attorney and also holds an MPA from the Kennedy School at Harvard University,

where her emphasis was on Criminal Justice Policy. She was a Justice of the Colorado River Indian Tribes Appellate Court for eight years and has served as a member of the Rangatahi Juvenile Courts of New Zealand. Prof. Luna-Firebaugh is currently a governing board member of the Southwest Center on Law and Policy, sponsored by the U.S. Department of Justice, which promulgates policies, codes, and ordinances for tribal governments. She is also a faculty member of the National Tribal Trial College. She is the author of several journal articles and chapters on American Indian Tribal Police and Tribal policy issues. Her book *Tribal Policing: Asserting Sovereignty, Seeking Justice*, was published in 2007 by the University of Arizona Press.

Mary Jo Tippeconnic Fox, PhD is a Research Associate Professor of American Indian Studies at the University of Arizona. She is an enrolled citizen of the Comanche Nation of Oklahoma. Dr. Fox is the author of a number of journal articles and book chapters on American Indian education, Native women and American Indian higher education, and co-editor of the monograph, *Serving Native American Students*. She has served on numerous boards including being a founding governing council member of Comanche Nation College. Currently, she is on the executive boards of the Western Social Science Association and Pathways Into Health. She teaches courses on the history of American Indian education, American Indian higher education, Tribal Colleges and Universities, and American Indian women.