

Bridging The Gap: A Reassessment

January 1978

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A report of the Minnesota Advisory Committee to the United States Commission on Civil Rights prepared for the information and consideration of the Commission. This report will be considered by the Commission, and the Commission will make public its reaction. In the meantime, the findings and recommendations of this report should not be attributed to the Commission but only to the Minnesota Advisory Committee.

Bridging The Gap: A Reassessment

—A report prepared by the Minnesota Advisory Committee to the U.S. Commission on Civil Rights

ATTRIBUTION:

The findings and recommendations contained in this report are those of the Minnesota Advisory Committee to the United States Commission on Civil Rights and, as such, are not attributable to the Commission. This report has been prepared by the State Advisory Committee for submission to the Commission, and will be considered by the Commission in formulating its recommendations to the President and Congress.

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LETTER OF TRANSMITTAL

MINNESOTA ADVISORY COMMITTEE
TO THE U.S. COMMISSION ON CIVIL RIGHTS
January 1978

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Sirs and Madam:

The Minnesota Advisory Committee submits this report on Indian education and employment in the Minneapolis-St. Paul metropolitan area as part of its responsibility to advise the Commission about civil rights problems within this State.

This report is a reassessment of some of the issues this Advisory Committee examined in its 1975 report, *Bridging the Gap*. The Advisory Committee found that in some areas limited progress has been made, but that in others the educational and employment opportunities for Indians in the Twin Cities remain unchanged.

The 1975 report indicated that one of the major problems in the area of education was the Indian dropout rate, which was substantially higher than that of other races. In 1977 this situation remains unchanged. But, the Advisory Committee did find a few selected schools which appeared to be meeting the educational needs of Indian students.

The Advisory Committee's findings in the area of employment were also mixed. (Similar to its 1975 report, the Advisory Committee focused on employment within the public sector.) While some employers have made progress over the last 2 years in eliminating the underutilization of Indian employees, others have made virtually none. As in the area of education, the pockets of progress that were found suggest actions that can be taken to make even further progress.

The Minnesota Advisory Committee offers a number of recommendations to local, State, and Federal officials, including the U.S. Commission on Civil Rights which, if implemented, would materially affect the education and employment opportunities of Indians living in the Twin Cities area. We hope the Commission will fully support and promptly act on the recommendations included in this report.

Respectfully,

Lupe Lopez
Chairperson

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THE STATE ADVISORY COMMITTEES

An Advisory Committee to the United States Commission on Civil Rights has been established in each of the 50 States and the District of Columbia pursuant to section 105(c) of the Civil Rights Act of 1957 as amended. The Advisory Committees are made up of responsible persons who serve without compensation. Their functions under their mandate from the Commission are to: advise the Commission of all relevant information concerning their respective State on matters within the jurisdiction of the Commission; advise the Commission on matters of mutual concern in the preparation of reports of the Commission to the President and the Congress; receive reports, suggestions, and recommendations from individuals, public and private organizations, and public officials upon matters pertinent to inquiries conducted by the State Advisory Committee; initiate and forward advice and recommendations to the Commission upon matters in which the Commission shall request the assistance of the State Advisory Committee; and attend, as observers, any open hearing or conference which the Commission may hold within the State.

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Chapter 1

Indian Education and Employment: Recent Trends

*"The sharp cultural and social gradients that foster tension and conflict in many cities are absent...thus producing a metropolis in which social and cultural conflict has rarely attained the proportions it has in other places."*¹

In its 1975 report, *Bridging the Gap: The Twin Cities Native American Community*, the Minnesota Advisory Committee to the U.S. Commission on Civil Rights concluded that the Indian community "is small enough so that its problems are manageable, given a positive response from government institutions."² Two years later it is clear that the appropriate government institutions have addressed the problems of the Indian community in the Twin Cities. How successfully they are being solved, however, is another question.

With that question in mind, the Minnesota Advisory Committee has continued its assessment of the status of American Indians living in the Twin Cities metropolitan area. In its earlier (1974) investigation the Advisory Committee examined four areas: employment (in the public sector), education, administration of justice, and health care. In 1976 the Advisory Committee focused its investigation on the areas of education and employment and found that many of the same problems continue to plague the Indian community. However, some favorable changes were evident, and there are indications that more progress will be made, albeit sporadically, in the near future.

Indians are still being denied adequate educational and employment opportunities. While this report focuses on changes which have occurred over the last 2 years, the gains that have been made must be viewed within the larger context of the conditions Indians continue to suffer in the 1970s and how much progress remains to be accomplished. Table 1 indicates that Indians are less than half as likely to complete high school as the total Twin Cities' school population, they are three times as likely to be unemployed and six times as likely to live in poverty. The income of Indian

families is approximately one-half the income of other families.

The Minnesota Advisory Committee will continue to examine the changing status of Indians in the Minneapolis-St. Paul metropolitan area. This is not a final report on this subject. Implementation of some of the recommendations offered in *Bridging the Gap* contributed, in part, to the gains noted in this report. But severe problems remain. Hopefully, the findings and recommendations included in this report will result in further gains that the Advisory Committee will be able to document in its future assessments.

Education

A total of 90,738 students were enrolled in the Minneapolis and St. Paul public schools in 1976. According to sight-count statistics provided by the schools, 3,181 (3.5 percent) were Indians.³ Duane Dunkley, Minneapolis director of Indian education, believes these figures underestimate the actual number of Indian students. Dunkley estimated that there are probably over 3,000 Indians in the Minneapolis public schools, while the school system's official figure is 2,759.⁴ The St. Paul schools report a sight count of 422 (1.1 percent) Indian students, and James Shelton, Jr., affirmative action program coordinator for the St. Paul public schools, acknowledged that the actual number may be as high as 700. (p. 234) In his letter of June 17, 1977, to the Commission staff, Shelton stated that a subsequent survey revealed there were 695 Indian students in the St. Paul public schools as of May 31, 1977.

One indication that Indians do not receive an education comparable to that of the majority students is the dropout rate. In its 1974 investigation, the Advisory Committee found that in the Minneapolis public schools "The dropout rate for Native American students is significantly higher than for students of other races."⁵ The Advisory Committee also found that efforts to reduce the Indian dropout rate did not have a significant impact.⁶

If anything, the picture has worsened since 1974.⁷

The number of Indian dropouts increased from 111 in 1974 to 259 in 1976 in the Minneapolis public schools. Although Indians constituted 5.1 percent of the total school enrollment in 1974 and 5.3 percent in 1976, they accounted for almost 10 percent of all dropouts in 1976 compared to 5.1 percent in 1974, according to the Minneapolis public schools' official figures. Also 33 percent of all Indian students enrolled in the tenth grade in 1974 had dropped out by 1976 as compared to 8 percent of all students. During the years 1974-76, the proportion of Indians in the school population increased slightly, from 5.1 to 5.3 percent, while the proportion of Indians graduating declined from 1.8 to 1.1 percent (see table 2). The proportion of Indians reaching high school graduation age in the 1970s is higher and has been increasing more rapidly than that of the total population,⁸ therefore, figures for the declining proportion of Indian high school graduates are even more striking.

Employment

Assessing the employment status of American Indians in the Twin Cities is difficult, because the most recent official labor-force participation data for Indians were gathered before 1970. These difficulties are compounded by the methodologies used to determine unemployment. Even the census count of Indian population is questionable. However, some rough estimates of the status of Indians relative to the rest of the metropolitan area population can be made.

According to 1970 census figures, there were 9,852 Indians or 0.5 percent of the Twin Cities population of 1,813,647.⁹ In 1975 the official Twin Cities population was 2,300,508¹⁰ and the projected estimate for 1977 was 1,988,400.¹¹ Pat Sayers, director of CETA (Comprehensive Employment and Training Act) programs at the Native American Center in Minneapolis, estimated there were 15,000 Indians in the SMSA (Standard Metropolitan Statistics Area), and George Baptiste, research assistant for the Minnesota Indian Affairs Commission, put the figure at 17,000 to 18,000.¹² Based on the 1977 census projections, these estimates would indicate the Indian population to be somewhere between 0.75 and 0.91 percent of the total population. Considering that the

Indian population in Minnesota increased by almost 50 percent¹³ between 1960 and 1970 and the proportion of the State's Indians living in the Twin Cities area increased from 21 percent to 43 percent during those years,¹⁴ an estimate of 18,000 Indians residing in the area in 1977 is quite reasonable.

The official unemployment rate in the Twin Cities area increased from 3.2 percent in 1970 to 6.8 percent in 1975, according to the Minnesota Department of Employment Services. For minorities the increase was from 5.7 percent to 11.8 percent,¹⁵ and for Indians the most recent official unemployment figure was 9.5 percent in 1970.¹⁶ If it is assumed that the Indian unemployment rate was almost three times as large as the total unemployment rate in 1975, as it was in 1970, then the Indian unemployment rate in 1975 could be estimated at 20 percent.

But the official unemployment figures underestimate the actual extent of unemployment, particularly for minorities. In order to be included among the officially unemployed, one must be out of work and have actively looked for work in the previous 4 weeks. Those who want a job but who have not actively sought work recently because they do not believe a job is available (discouraged workers) are not counted among the unemployed. Likewise, those who are working part-time but would prefer to be working full-time if a full-time job were available are not included in the official unemployment figures.¹⁷ If these two groups (discouraged workers and part-time workers seeking full-time jobs) were added to the official unemployment rate, the National Urban League estimated that for the second quarter of 1975 the national unemployment rate would be 15.6 percent, rather than 8.7 percent as reported by the Department of Labor. For nonwhites, the figures would increase to 26.1 percent as opposed to 14.2 percent, and for whites, the figures would be 14.2 percent instead of 8.0 percent.¹⁸ Assuming the figures for Indians would be three times that of the total population and recognizing that the Twin Cities unemployment rate was approximately 1 percent lower than the national rate, Indian unemployment could be estimated at 40 percent in the Minneapolis-St. Paul metropolitan area in 1975. If the undercount of minorities in census and other official surveys is taken into consideration, then

Baptiste's estimate of a 50 percent unemployment rate for the Twin Cities' Indian population seems reasonable.¹⁹

Even with these qualifications the severity of unemployment and underemployment is understated, particularly for minorities. Among those who are unemployed, nonwhites are more likely to be unemployed for extended periods of time.²⁰ While there are no quantitative data available, labor market experts agree that an increasing number of workers are forced to take jobs at skill and pay levels below those for which they are trained and qualified.²¹ To understand unemployment in the United States, and particularly how it impacts on specific groups, it is necessary to look beyond the official national unemployment rate.

By almost any measure, the Indian population in the Twin Cities area does not enjoy a standard of living comparable to that of the total population. "Sharp cultural and social gradients" are not absent. A critical factor in determining opportunities for participation in virtually all social activities is employment. While official figures estimate the minority labor force at 3 percent and the female labor force at 42 percent of the total,²² no comparable estimates are available for the Indian labor force in the Twin Cities. One benchmark which can be used to estimate the Indian labor force is the Indian population estimate of 0.9 percent. Utilizing this population figure, it is evident some progress has been made, at least in the public sector, over the last 2 years in upgrading the employment status of Indians. But it is equally clear that room remains for improvement.

If the Indian population estimate of 0.9 percent is used as a benchmark, it appears most public employers are in a position to eliminate underutilization of Indians in the near future. In at least some cases, however, more progress will have to be made than has been recorded in recent years.

The city of Minneapolis, for example, reported that 0.7 percent of all employees in 1976 were Indians. This represents an improvement from the 0.5 percent reported for 1974 (see table 3). Indians constituted 0.4 percent of city employees in St. Paul in 1976 and an even higher proportion (0.8 percent) of professionals, officials, and administrators (see table 4). No comparable data are available for 1974.

Employment of Indians in the Minneapolis public schools increased from 1.5 percent to 1.6 percent between 1974 and 1976 (see table 5). As indicated earlier, these figures compare with an Indian enrollment of 5.1 percent in 1974 and 5.3 percent in 1976. In St. Paul, Indians constituted 0.3 percent of all school employees in 1976, a decline from 0.4 percent in 1974 (see table 6). Again these figures compare with an Indian enrollment of 1.1 percent in the St. Paul public schools in 1976.

According to Stanley Gardner, Minnesota director of equal opportunity, little progress has been made in the employment of Indians in State government. He reported that the percentage of Indian employees in State agencies throughout Minnesota increased from 0.4 percent to 0.56 percent between 1974 and 1976. (p. 201).

Table 7 indicates that the proportion of Indian employees with Federal Government agencies in the Twin Cities is commensurate with the proportion of Indians in the population. Progress in recent years is most noticeable at the higher-level jobs where the proportion of Indians has doubled since 1971.

In general, public sector employers have made efforts to open up employment opportunities for Indians in the Twin Cities areas, and their efforts have resulted in some progress. However, most people in the Twin Cities area are employed in the private sector where virtually no progress is evident. (At least 90 percent of all workers are employed within the private sector.)²³ In both 1972 and 1975 Indians constituted 0.4 percent of total employees in businesses employing 100 or more people. And in 1975 only 0.2 percent of professional, administrators, and officials in the private sector were Indians.²⁴ Equal employment opportunity for Indians is still not a reality in the public sector.

Notes to Chapter 1

1. Ronald Abler and others, *The Twin Cities of St. Paul and Minneapolis* (Cambridge, Mass.: Ballinger Publishing Co., 1973), p. 3.

2. Minnesota Advisory Committee to the U.S. Commission on Civil Rights, *Bridging the Gap: The Twin Cities Native American Community* (January 1975), p. 2 (hereafter cited as *Bridging the Gap*.)

3. Minneapolis, Minn., Public Schools, *Fall 1974 Elementary and Secondary Schools Civil Rights Survey*; St. Paul, Minn., Public Schools, *Racial-Ethnic Count by School or Program*, Oct. 1, 1976.

4. Duane Dunkley, testimony before the Minnesota Advisory Committee to the U.S. Commission on Civil Rights, informal hearing on Native Americans, Minneapolis, Minn., Mar. 25-26, 1977, p. 285. Hereafter, page numbers in parentheses cited in the text will refer to statements recorded in the hearing transcript.

5. *Bridging the Gap*, p. 92.

6. *Ibid.*, pp. 38-39.

7. James Shelton, Jr., affirmative action program director, St. Paul Public Schools, told Commission staff that no dropout data are maintained by the school system, so all dropout data are for the Minneapolis public schools only. According to the publications listed above in footnote 3, over 82 percent of the Indian students enrolled in the Twin Cities public schools are enrolled in Minneapolis. The Minneapolis figures are reasonably representative for Indian students in the entire metropolitan area.

8. U.S., Department of Commerce, Bureau of the Census, *General Population Characteristics, Census of Population: 1970, PC(1)B25 Minnesota*, table 25, pp. 85-86 (hereafter cited as *General Population Characteristics*); and U.S., Department of Commerce, Bureau of the Census, Subject Reports, *American Indians, Census of Population: 1970*, table 12 (hereafter cited as *American Indians*.)

9. *General Population Characteristics*, table 23, p. 80.

10. State of Minnesota, Office of the State Demographer, *Population Estimates for Minnesota Counties 1975* (September 1976). Chris Zaglife, telephone interview, Mar. 29, 1977.

11. State of Minnesota, Office of the State Demographer, *Minnesota Population Projections: 1970-2000* (November 1975). Chris Zaglife, telephone interview, Mar. 29, 1977.

12. Pat Sayers, telephone interview, Mar. 29, 1977; George Baptiste, telephone interview, Mar. 29, 1977.

13. *General Population Characteristics*, tables 17 and 18.

14. *Bridging the Gap*, p. 13.

15. State of Minnesota, Department of Employment Services, *Manpower Information for Affirmative Action Programs 1975* (May 1976), table, 2, p. 5 (hereafter cited as *Manpower Information*.)

16. *American Indians*, table 13.

17. U.S., Department of Labor, Bureau of Labor Statistics, *How the Government Measures Unemployment* (1973).

18. National Urban League Research Department, *Quarterly Economic Report on the Black Worker* (July 1975), p. 5.

19. *Bridging the Gap*, p. 14. George Baptiste, telephone interview, Mar. 29, 1977.

20. U.S., Department of Labor, *Manpower Report of the President 1974*, table A-22, p. 215.

21. Denis F. Johnston, "Education of Workers: Projections to 1990," *Monthly Labor Review*, November 1973, p. 28; James O'Toole, "The Reserve Army of the Underemployed," *Change Magazine*, May 1975; Neal H. Rosenthal, "The United States Economy in 1985: Projected Changes in Occupations," *Monthly Labor Review*, December 1973, p. 24; and Jack Shingleton, *Recruiting Trends Survey 1974-75*, (East Lansing; Michigan State University Placement Services, 1974), p. 1.

22. *Manpower Information*, table 2, p. 5.

23. The sum of all employees included in tables 3 through 7, plus the 34,000 State employees (not all of whom work in the Twin Cities area) totals approximately 5 percent of the Twin Cities labor force as reported in the 1970 census.

24. *Bridging the Gap*, p. 15. 1975 EEO-1 Report Summary, Minneapolis-St. Paul SMSA.

TABLE 1
Social Characteristics of Indian Population and
Total Population in Minneapolis-St. Paul SMSA

	<u>Indian Population</u>	<u>Total Population</u>
Median school years completed (25 years and older)	11.4	12.4
Percent completing 4 or more years of high school	32.5	66.1
Percent unemployed (16 years and older)		
Male	6.8	2.5
Female	3.9	1.6
Median family income	\$6,618	\$11,682
Percent of families with income below poverty level	27.7	4.6
Percent professional, technical, and kindred workers (16 years and older)		
Male	9.5	19.6
Female	8.4	16.6

Sources: U.S., Department of Commerce, Bureau of the Census, Subject Reports, *American Indians*, Census of Population: 1970, PC(2) 1F, tables 11, 13, 14; U.S., Department of Commerce, Bureau of the Census, *General Social and Economic Characteristics*, Census of Population: 1970, PC(1) C25 Minnesota, tables 83, 85, 86, 89, 90.

TABLE 2
Minneapolis Student Data

	<u>1974</u>		<u>1976</u>	
	<u>Total</u>	<u>Indian</u>	<u>Total</u>	<u>Indian</u>
Enrollment	54,613	2,792 (5.1%)	52,402	2,759 (5.3%)
Dropouts	2,166	111 (5.1%)	2,666	259 (9.7%)
Graduates	3,750	66 (1.8%)	3,356	37 (1.1%)
Suspensions	4,352	170 (5.5%)	Not Available	
Percent of 10th grade students enrolled in 1974 and dropped out by 1976			8%	33%

Sources: Elementary and Secondary Civil Rights Survey Fall 1974, Pupil-Personnel Sight Count, Oct. 19, 1976, and supplemental data provided by the Minneapolis Public Schools.

TABLE 3**Minneapolis City Employment (excludes board of education)**

	Total Full-Time Employees	
	1974	1976
All Employees	4,542	4,570
Minorities*	151 (3.3%)	146 (4.3%)
Females	882 (19.4%)	863 (18.9%)
American Indians	25 (0.5%)	31 (0.7%)

* Minorities include Blacks, Hispanics, Asian Americans, American Indians and Others.

Source: Information on the Employment of Native Americans by the City of Minneapolis, Affirmative Action Office, Mar. 25, 1977.

TABLE 4**St. Paul City Employment
(1976)**

	All Categories	Professionals, Officials, Administrators
Total Employees	4,158 (100%)	636 (6.5%)
*Minority	266 (6.4%)	46 (7.2%)
Female	1,181 (28.4%)	150 (23.6%)
American Indian	17 (0.4%)	5 (0.8%)

* Minority employees include Blacks, Hispanics, Asian or Pacific Islanders, American Indians and Alaskan Natives.

Source: Affirmative Action Program Survey for the City of St. Paul, Minn., Dec. 31, 1976.

TABLE 5**Minneapolis Public Schools' Full-Time Employees**

<u>1974</u>	<u>Total</u>	<u>*Minority</u>	<u>Female</u>	<u>American Indian</u>
Professional staff	3,637	351 (9.6%)	2,098 (57.7%)	28 (0.8%)
Other staff	2,370	246 (10.4%)	1,466 (61.9%)	63 (2.7%)
Total staff	6,007	597 (9.9%)	3,564 (59.3%)	91 (1.5%)
<u>1976</u>	<u>Total</u>	<u>*Minority</u>	<u>Female</u>	<u>American Indian</u>
Professional staff	3,501	358 (10.2%)	2,005 (57.3%)	40 (1.1%)
Other staff	2,351	208 (8.8%)	1,484 (63.1%)	53 (2.2%)
Total staff	5,852	566 (9.7%)	3,489 (59.6%)	93 (1.6%)

* Minority groups include Blacks, Hispanics, Asian or Pacific Islanders, and American Indians or Alaskan Natives.

Sources: EEO-5 Reports of Minneapolis Public Schools, Oct. 15, 1974, and Oct. 19, 1976.

TABLE 6**St. Paul Public Schools' Full-Time Employees**

<u>1974</u>	<u>Total</u>	<u>*Minority</u>	<u>Female</u>	<u>American Indian</u>
Professional staff	2,792	172 (6.2%)	1,535 (55.0%)	7 (0.2%)
Other staff	1,712	149 (8.7%)	1,181 (69.0%)	10 (0.6%)
Total staff	4,504	321 (7.1%)	2,716 (60.3%)	17 (0.4%)
<u>1976</u>	<u>Total</u>	<u>*Minority</u>	<u>Female</u>	<u>American Indian</u>
Professional staff	2,760	207 (7.5%)	1,529 (55.4%)	8 (0.3%)
Other staff	1,099	26 (2.4%)	610 (55.5%)	2 (0.2%)
Total staff	3,859	233 (6.0%)	2,139 (55.4%)	10 (0.3%)

* Minority groups include Blacks, Hispanics, Asian or Pacific Islanders, and American Indians or Alaskan Natives.

Sources: EEO-5 Reports of St. Paul Public Schools, Jan. 15, 1974, and Mar. 30, 1976.

TABLE 7

Federal Employment by Grade Level in the Twin Cities

	<u>All Employees</u>		<u>Minorities*</u>		<u>Female</u>		<u>American Indians</u>	
	<u>1971</u>	<u>1976</u>	<u>1971</u>	<u>1976</u>	<u>1971</u>	<u>1976</u>	<u>1971</u>	<u>1976</u>
GS 1-8	4,246	4,145	239 (5.6%)	240 (5.8%)	2,851 (67.1%)	2,655 (64.0%)	38 (0.9%)	43 (1.0%)
GS 9-17	3,252	3,978	103 (3.2%)	162 (4.1%)	388 (11.9%)	340 (8.5%)	13 (0.4%)	32 (0.8%)
Median grade	6-8†	8	6-8 Male 3-5 Female	9 Male 5 Female	3-5	5	9 Male 3-5 Female	11 male 4 Female
Total	7,498	8,123	342 (4.6%)	402 (4.9%)	3,239 (43.2%)	2,995 (36.9%)	51 (0.7%)	75 (0.9%)

* Includes Blacks, Hispanics, American Indians, and Asians.

† 1971 Data were collected by groups: 1-2, 3-5, 6-8, and single steps thereafter.

Sources: Twin Cities Federal Executive Board Employment Progress Survey, July 1, 1971-Dec. 31, 1971.
Twin Cities Federal Executive Board Employment Progress Survey, July 1, 1975-June 30, 1976.

Chapter 2

Educating the Urban Indian

"I would be a fool to say we are meeting needs. We are not, not by a long range." (p. 264)

Director, Indian education, Minneapolis public schools.

The dropout rate of Indian students is a strong indication that Indians are not receiving an adequate education in the Twin Cities area. This is evident whether the 9.7 percent figure reported by the Minneapolis public schools is used or the 50 percent estimate provided by Duane Dunkley, Minneapolis public schools director of Indian education. (p. 264)

Officials with employment responsibilities in the public sector cited the failure of the schools as one barrier to job opportunities for Indians. According to Stanley Gardner, director of equal opportunity for the State of Minnesota, Indians and minorities in general are not "test ready." (p. 202) He went on to say, "I think that the educational system has not adequately addressed the need of the American Indian." (p. 203) Thomas Gleason, chief examiner and director of personnel for the city of St. Paul, also indicated that Indians were not ready to go to work, at least under the conditions that the city offers employment. (p. 131) Public school officials and other educators in the Twin Cities area also acknowledged deficiencies in the education of Indian students. In addition to Dunkley's statement that "we are not meeting needs," Dr. William Antell, assistant commissioner for special and compensatory education, Minnesota Department of Education, said that while the State provides adequate funding for education in general, funding for specific groups like American Indians is not sufficient. (pp. 53-54) James O'Brien, executive director of the Heart of the Earth Survival School (a private alternative school serving 135 Indian students) stated, "If the public schools were doing their jobs there would be no need for [Heart of the Earth]." (p. 289)

What is Being Done?

A number of coordinated efforts on the part of Federal, State, and local agencies have been initiated in attempts to deal with the widely recognized problems of educating Indian students in the Minneapolis-St. Paul public schools.¹ According to Dr. Antell, "the most successful program the Department has had" is the Indian scholarship program. (pp. 49-50) This program began in 1955 with an appropriation of \$5,000 from the State, and the State's current appropriation is \$400,000 annually. The Federal Government's contribution is substantially larger. Dr. Antell said that close to a total of \$2 million is allocated for this program.

Between 850 and 1,000 students are currently enrolled in the program. Through this program many students are pursuing vocational education and others are attending colleges and universities. Some former students have received their masters and doctorate degrees.

A program initiated under the Indian Education Act passed by Congress in 1972 and funded under Title IV, part A of the Elementary and Secondary Education Act of 1965 has improved the employment and educational opportunities of Indians in the public schools, according to Dunkley. The two basic objectives of this program are to increase educational opportunities for Indian students and to utilize the resources of Indian parents and organizations in providing services to the schools.²

Dunkley said these funds have been used to place 30 to 35 Indian paraprofessionals in the public schools, who have been trained as social worker aides and to assist teachers and administrators in the education of Indian students. Six professionals who teach arts and crafts and Indian studies have also been employed to work in schools throughout the district. "Overall," Dunkley admitted, "we haven't made that much gain in the employment of the Indian Americans." (pp. 257-60) One favorable development, according to Dunkley, is that attendance rates of Indian students served by these funds has "increased dramatically." (pp. 257-60)

Alternatives to the Public Schools

One response to the inadequacies of public schooling has been the creation of private alternative schools. In the 1960s hundreds of alternative schools were started throughout the United States. Many of these schools developed around the theme of total freedom for individual students.³ "Free schools," as they were frequently labeled, rejected the rigid, bureaucratic structure of traditional schools and attempted to establish a totally different kind of educational curriculum and environment. Other alternatives, however, maintained an emphasis on academic skills and formal classroom instruction. The common underlying element of these various experiments was dissatisfaction with the education offered by public schools. Although the attrition rate was high, some of these alternative schools maintained viable educational programs and continue operating today.⁴ In the Minneapolis-St. Paul area there are currently more than 120 nonpublic alternative schools in operation, according to Robert Williams, Minneapolis associate superintendent for intergroup education. (p. 191)

Two of these schools, Heart of the Earth in Minneapolis and the Red School House in St. Paul, were created to serve Indian students. According to James O'Brien, there are at least 11 Indian alternative or survival schools in the country. (p. 291) O'Brien argued, "I feel these kids [Heart of the Earth students] are going to be better equipped when they walk out the door at the end of 12 grades than a public student would." (p. 296) He claimed that the dropout rate at Heart of the Earth was substantially lower than that of the public schools (p. 298), that parents approve of the education their children receive at the school (p. 292), and that the diploma its graduates receive is generally recognized by postsecondary educational institutions. (p. 297) Although Heart of the Earth graduates are entitled to a diploma from the Minneapolis public schools, none have pursued that option.

O'Brien had no data on the specific number of students who dropout or who graduate. Although he did report on the postsecondary activities of two students (p. 298), he had no systematic information concerning what students did after leaving

the Heart of the Earth School. Evaluating the merits of alternative schools is made even more difficult, because the public schools lack vital information that would provide a benchmark for comparing alternative schools. Neither Heart of the Earth nor the public schools maintain detailed information on the activities of their graduates upon leaving school. The Minnesota Advisory Committee believes it would be useful to know the percentage of graduates who go on to college or to other postsecondary education and the comparative figures for white and nonwhite (particularly Indian) students. Among those not entering a postsecondary school, it would be informative to know the kinds of jobs or other endeavors they pursue after leaving school. A survey of public and alternative school students and parents regarding their degree of satisfaction with the educational program could provide another comparative yardstick. There is clearly a need for research and data along these lines that would permit a more solid comparison between public and alternative schools.⁵

Indian Studies Curriculum—Still a Dream

One of the recommendations made by the Minnesota Advisory Committee in *Bridging the Gap* was that an Indian studies curriculum be developed and offered in each school. In its subsequent investigation, the Advisory Committee found no one who was against proliferation of more Indian studies courses, but it found that little was being done towards this end. Minneapolis Superintendent of Schools Dr. John B. Davis, Jr., indicated that in the fall of 1974, 25 social studies teachers took a course entitled "American Indian Studies: Past and Contemporary Issues in Indian Education" as a start towards developing an Indian studies curriculum at the secondary level. The teachers' course was conducted by Roger Buffalohead of the University of Minnesota Department of American Indian Studies. However, due to a lack of funds, Dr. Davis said the school district was limited in the staff time devoted to the development of an Indian studies curriculum for the schools.⁶

In 1975 the Bush Foundation of St. Paul and the Minneapolis Public Schools funded the Indian Elementary Curriculum Project. A staff of four full-

time professionals and four part-time students from the University of Minnesota developed 11 minicourses dealing with the various aspects of Indian studies. The primary objective of the project is to acquaint students, teachers, and administrators with Indian-designed education. The staff designs classroom units and audiovisual materials and utilizes consultants for these minicourses. In 1975 three of the minicourses were taught at the Hans Christian Anderson complex. ⁷

Dunkley told the Advisory Committee that he intends to ask for a curriculum development position so he can hire someone to create Indian studies courses for the elementary and secondary grades. Due to the size of the district, he said, it would take a person working full-time to develop an adequate series of courses. Dunkley asserted, "If I get that position, I know I can begin to make some strides." (pp. 271-72)

When asked what was being done in the Minnesota State Department of Education to further the development of Indian studies courses, Dr. Antell responded that the efforts were "very limited." (p. 59) While stating he was in favor of a more comprehensive Indian studies program, he nevertheless maintained that the impetus for action would have to come from the State board of education or the State legislature. What is required, in Dr. Antell's opinion, is a formal policy statement indicating that local school districts must incorporate Indian studies for all students into their educational programs. Once the minimum State requirements are met, local school districts have control over curriculum development. Unless specific authority is granted by the State board of education or some other legislative body it is difficult to influence the curriculum established by local school districts. Dr. Antell also said he was not arguing for a rigid set of requirements to be met by each district, but rather a general flexible policy guideline that would permit local school districts to meet their particular needs. (pp. 57-60)

Heart of the Earth School has a strong Indian studies component in its curriculum. In the school's social studies, culture, and art classes, and in classes taken from other educational institutions, the students are offered instruction in various aspects of Indian studies. (pp. 287-88)

Indian Schools for Indian Students?

One response to the public school system's failure to provide Indian students with an adequate education is to concentrate Indian students within specific schools. This approach appears to be meeting with some success. Such concentration occurs by design in Heart of the Earth and other private alternative schools, but in the public schools the story is different. A high concentration of Indians students due to housing patterns can be found in some public schools. One example is the Hans Christian Anderson Elementary school complex which houses approximately 1,400 students, 700 of whom are Indians, and which according to Dunkley, "has done some fantastic things." (pp. 266-67)

Attendance at the Anderson School and participation in the educational program is much greater than in most of the district's schools, according to Dunkley. He maintained that a major reason for this success is that the Indian students feel more secure when they look around and see other Indian students and several Indian teachers. In addition, because of the concentration of Indian students, the school system has been able to concentrate more of its resources for available Indian studies material.

Another sign of progress is that at Anderson very few Indian students are in special education classes. While 9.3 percent of the Indian students in the Minneapolis public schools are in special education, only 0.9 percent of the Indians enrolled in the Anderson complex are special education students. In general, Indian students at Anderson are one-tenth as likely to be placed in special education classes compared to Indian students throughout the school system. ⁸ One reason is that the student and staff interact much better than they do in other schools, according to Dunkley. He also stated that the success of the Anderson school indicates that many Indian students at other schools are misplaced when they are put in special education classes. (pp. 266-72)

A substantial amount of research conducted over the last decade has documented that minority students are frequently tracked into special and vocational education programs. Assumptions are frequently made by teachers, counselors, and ad-

ministrators about the potential abilities of various groups. Simply by acting on those assumptions, minority students are provided with unequal educational opportunities and, not surprisingly, their so-called "achievement test" scores eventually reflect those inequalities. Once labelled by the system as a "slow-learner" students often came to accept that evaluation of their abilities.⁹ This process was documented in one case study of a class of kindergarten students in St. Louis. After just 8 days of class the teacher had identified fast and slow learners and had placed them at different tables. The only information this teacher had about the students was the occupation of their parents, whether or not they came from broken homes and were on welfare, their skin color, mode of dress, and other noncognitive data. In general, those who spoke fluent English, who were not from broken homes, and who were neatly dressed were placed at one table and were offered positive reinforcement by the teacher while others received less attention in the classroom. By the end of the second grade, the self-fulfilling prophecy had come true, and those identified as having academic potential in the first 8 days of kindergarten scored higher on achievement tests.¹⁰ More systematic evidence was provided by James Coleman when he found that the achievement gap increased between whites and nonwhites the longer students remained in school.¹¹

In the late 1960s, the courts finally addressed the issue of tracking and found that one system in the Washington, D.C. public schools was unconstitutional because it denied equal educational opportunity to minority students.¹² Although the Advisory Committee is unaware of any similar research of legal action regarding the education received by Indians in the Twin Cities area, the possibility that Indian students in the public schools have been similarly victimized cannot be overlooked. One method to minimize such practices is to assure that minority students have the opportunity to interact with others who share a common culture and background. The fact that these conditions exist in the Anderson school may well account for its success.

One major barrier to the establishment of alternative schools aimed specifically at the needs of Indians students in the public schools and to public support of private alternative schools, ac-

ording to some officials, is that such actions may violate Federal and State civil rights requirements.

The Minneapolis public school system is currently operating under a Federal court order which requires that no school have a minority enrollment greater than 42 percent and that no single minority group constitute more than 35 percent of total enrollment.¹³ Technically, therefore, the Anderson complex is not in compliance with the court order, and some concern was expressed at the March hearing that the court would order the desegregation of that school, although it appears to be meeting the educational needs of Indian students. In July 1977 Judge Larsen handed down an order requiring the Minneapolis school district to raise the percentage of majority students in the Anderson complex.¹⁴

Dr. Antell acknowledged that a large segment of the Indian community wants alternative schools within the public schools as well as access to public funds to support private alternatives. (pp. 46-48) The State department of education, according to Dr. Antell, is not against alternative schools. The difficulty, he stated, is to come up with an interpretation of the law in which the alternative schools would not exist in violation of prevailing civil rights requirements. (p. 65) Dr. Antell emphasized that the conflict between civil rights laws and public support of alternative schools "is the problem in our State." (pp. 48-49)

According to the regional counsel for the Commission's Midwestern Regional Office, alternative Indian education programs operated or assisted by public school districts on an open enrollment basis do not violate Federal civil rights laws.¹⁵ This opinion was supported in April 1977 by Albert T. Hamlin, Acting Director, Office for Civil Rights, Department of Health, Education and Welfare (HEW), when he said, in reference to Bizindum School, an alternative Indian education program in Duluth:

The present legal position of the Office for Civil Rights is that Title VI permits tribes to operate education or other services for the benefit of their constituents and permits States or subdivisions of States, such as local school districts, to assist tribes in that endeavor.¹⁶

The key to these interpretations is that public support of alternative Indian education programs does not violate Federal civil rights requirements, pro-

vided that such programs are open to all students and are not restricted to Indians.

Dunkley would like to see a "minidistrict" or an alternative school established within the public school district to meet the special needs of Indian students, but admits such action might violate the current desegregation order. Since the dispersal of Indian students throughout the district would hinder the Minneapolis Department of Indian Education's efforts to deal with the needs of Indian students, Dunkley would like the court to exclude Indians in that desegregation order.¹⁷

Despite the barriers, Dunkley said an alternative at the secondary level will probably be established in the near future. He also said that he will do all he can, within the law, to assist Heart of the Earth School. The public schools have given Heart of the Earth some furniture and also money as a downpayment for purchasing the building in which the school is presently located. Heart of the Earth students also participate in publicly funded transportation and hot-lunch programs. (pp. 277-78) The school's director, James O'Brien, acknowledged that Dunkley is doing all he can for the alternative school, but he said it was not enough. He asserted, "the public school system is not facing up to [its] responsibility." (p. 290)

The issue of tuition reimbursement represents one example. Robert Williams, Minneapolis associate superintendent, pointed out that alternative schools do not receive tuition reimbursements for students transferred out of the public schools to alternative schools. (p. 192) In order to receive such reimbursement, O'Brien said, legislation would be required, because talking with school officials is "just like beating your head against the door." (p. 290) While O'Brien would like to receive more assistance from the public schools, he is concerned that such assistance might result in the private alternative schools being absorbed into the system, a situation he wants to avoid. (pp. 290-94)

O'Brien said his primary objective at this time, however, is to get a bilingual-bicultural bill through the legislature. (p. 290) This objective he shares with the Minnesota Department of Indian Education, which has also called upon the legislature to strengthen bilingual-bicultural education in the schools.¹⁸

The situation in the Anderson complex and in the Minneapolis schools, in general, is not unique.

In its national assessment of bilingual-bicultural education the U.S. Commission on Civil Rights said that there is a need for:

An alternative to education in the monolingual English school system which has been found to be among the causes of low achievement, overageness, and grade retention. The longer [language minorities, including Indians] remain in school, the further they fall behind native English-speaking students in grade. They are also likely to be forced out or to drop out of school early.¹⁹

The Commission pointed out that bilingual-bicultural programs encourage parental involvement in schools and enhance the pride and confidence of minority students as well as foster greater understanding among children of different racial and ethnic backgrounds. In conclusion the Commission stated:

Although bilingual-bicultural education has been criticized for nurturing ethnic separateness in this country, it can provide one of the best means for diminishing such separation. Without full economic and social opportunity, language minority groups will almost certainly remain isolated, outside the American mainstream. If bilingual-bicultural education fulfils its promise to provide educational skills, knowledge, and English language proficiency, it can be a major step in helping to remove the barriers which currently exclude language-minority groups from that mainstream. Moreover, it can provide opportunities for all children to learn about and experience the benefits of a multicultural society.²⁰

Notes to Chapter 2

1. For a summary of Indian education programs in the Minneapolis Public Schools, see *Dabway: The Truth*, Annual Report of the Department of Indian Education, January 1977 (hereafter cited as *Dabway*.)

2. For a more complete summary of the objective of this program see Minnesota Advisory Committee to the U.S. Commission on Civil Rights, *Bridging the Gap: The Twin Cities Native American Community* (January 1975), pp. 55-57.

3. A.S. Neill, *Summerhill: A Radical Approach to Child Rearing*, (New York: Hart Publishing Co. 1960); John Holt, *How Children Fail* (New York: Dell Publishing Co., 1964); Jonathan Kozol, *Death at an Early Age*, (Boston: Houghton Mifflin Co., 1967); Jonathan Kozol, *Free Schools* (Boston: Houghton Mifflin Co., 1972).

4. Allen Graubard, "The Free School Movement," *Harvard Educational Review*, August 1972.

5. In an unpublished manuscript, "Open Schools," (1973), Lee Joiner reported the results of a 2-year study of alternative

schools in Minneapolis. The basic findings were that fourth, fifth, and sixth graders attending alternative schools became more alienated and had lower academic achievement than public school students while an opposite pattern was uncovered for secondary school students. Wilbur B. Brookover and Edsel L. Erickson, *Sociology of Education* (Homewood, Ill.: Dorsey Press, 1975), p. 351.

6. Dr. John B. Davis, Jr., Minneapolis superintendent of schools, letter to Cecil E. Newman, Apr. 14, 1975.

7. DABWAY, pp. 9-10

8. Duane Dunkley, letter to Gregory Squires, MWRO staff June 1, 1977. Dr. Arnold Ranond, director of special education, Minneapolis public schools, telephone interview, June 17, 1977.

9. Robert Rosenthal and Lenore Jacobson, *Pygmalion in the Classroom* (New York: Holt, Rinehart and Winston, 1968); Edward McDill and Leo Rigsby, *The Academic Impact of Educational Climates* (Baltimore: John Hopkins University Press, 1973); Wilbur B. Brookover and Edsel L. Erickson, *Society, Schools, and Learning* (Boston: Allyn and Bacon, 1971); and Aaron A. Cicourel and John I. Kitsuse, *The Educational Decision Makers* (New York: Bobbs-Merrill Co., 1963).

10. Ray C. Rist, "Student Class and Teacher Expectations: The Self-Fulfilling Prophecy in Ghetto Education," *Harvard Educational Review*, August 1970.

11. James Coleman and others, *EQUALITY OF EDUCATIONAL OPPORTUNITY* (Washington, D.C.: Government Printing Office, 1966), p.20.

12. *Smuck v. Hobson*, 408 F.2nd 175 (D.C.Cir.1969).

13. *Booker v. Special School District No.1, Minneapolis, Minn.* 351 F.Supp.799 (D.Minn.1972), Order of May 7, 1975.

14. *Booker v. Special School District No.1*, Order of July 11, 1977.

15. A Resolution of the Minnesota Advisory Committee to the U.S. Commission on Civil Rights, Feb.12, 1977.

16. Albert T. Hamlin, letter to Howard B. Casmeay, commissioner of education, Minnesota State Department of Education, Apr.5, 1977.

17. *Dabway*, appendices, Duane Dunkley, testimony before the State Board of Education Subcommittee, pp.5-6. Duane Dunkley and Jay Kanassatega, testimony before the Minnesota Advisory Committee, pp.6-7.

18. *Dabway*, appendices, James O'Brien, testimony before the State Board of Education Subcommittee, pp.2-3.

19. U.S. Commission on Civil Rights, *A Better Chance to Learn: Bilingual-Bicultural Education*, May 1975, pp.138-39.

20. *Ibid.*, p.141.

Chapter 3

Indian Employment in the Public Sector

Mr. Barron. Overall, Mr. Gleason, what is your impression of the progress that has been made, let's say, over the last several years in terms of placing American Indians in positions with the city? Have you seen much progress at all?
Mr. Gleason. No. (p. 129)

That Indians do not enjoy equal employment opportunity in the Twin Cities area is generally recognized by public sector employers. Those who testified before the Advisory Committee recognized that they had an obligation to upgrade the employment status of Indians, and each indicated steps they were taking to do so.

One problem noted by several officials was that they had to rely primarily on 1970 census data in their assessments of the employment status of Indians. Besides being outdated, the existing data are insufficient. (pp. 71, 151, 232) The primary barrier to the collection of adequate information is simply cost. According to Emmet J. Cushing, commissioner of the Minnesota Department of Employment Services (MDES), the only way reliable data could be collected would be through a separate monthly survey similar to those conducted by the U.S. Bureau of the Census and the Bureau of Labor Statistics, and he doubted whether the State or the Federal Government would be willing to underwrite the costs.¹ (The State receives its labor market information from the U.S. Bureau of Labor Statistics). Donald M. Buckner, assistant commissioner of MDES, reiterated Cushing's sentiments and said that while such information "is very badly needed," he doubted whether such data would be reported in the near future. (p. 151)

Despite the limitations of available data, a number of barriers to Indian employment have been identified. And there are indications that some progress is being made in overcoming them.

Barriers to Indian Employment

Availability or Recruitment?

A shortage of qualified Indian employees was noted as one reason why more Indians were not working in State and local government or in the public schools. (pp. 258-60, 201-03, 241) As indicated earlier, part of the problem was attributed to inadequacies within the schools. Witnesses claimed many Indians were not adequately prepared for the kinds of jobs that were available. On the other hand, Dunkley argued that the availability of Indian teachers is also limited because many college graduates, who are prepared to teach, are offered more attractive salaries for positions in various government programs than teachers are offered.

The Advisory Committee finds a second barrier to Indian employment, noted by those who testified in March, a more compelling explanation. That barrier is inadequate recruitment. Given the high rate of unemployment among Indians and the fact that Indian unemployment has undoubtedly been increasing along with the general increase in unemployment of recent years, the Advisory Committee does not find availability to be a satisfactory explanation for the employment status of American Indians.

Stan Gardner, Minnesota director of equal opportunity, pointed out that the State employs no recruiters to seek out minority job applicants but relies on walk-ins to fill job openings. He admitted, "We have 200 American Indians or 0.56 percent. It really doesn't show a hell of a lot of improvement in my opinion....We are not recruiting heavily enough." (pp. 201, 202) Gardner went on to say, "It would be very helpful" if the legislature would provide funds for an adequate recruitment effort. (p. 210)

Brian Isaacson, Minneapolis personnel director, also indicated a need for greater recruiting efforts. One full-time recruiter had left and his agency had been given a 15 percent budget cutback. Con-

sequently, he said, he was not sure if there were funds in the budget to fill that position. He acknowledged that additional recruitment personnel were badly needed. Isaacson was reviewing his budget to determine if a recruiter could be hired with available funds. If not, he intends to ask city council for the necessary funds. (pp. 106-08, 115)

Otis Smith, affirmative action director for the city of Minneapolis, also pointed to a shortage of funds as the primary reason for the city's inability to conduct an adequate recruiting program. Smith said he has continuously struggled to increase the size of his staff. In 1974 he had one assistant and one secretary. As of March 1977 he had a staff of seven. (pp. 75-77, 88)

Federal Incentives Discourage Indian Job Placement

The number of Indians and non-Indians applying for jobs through the Minnesota Department of Employment Services and the percentage of applicants actually placed has been fairly consistent since 1974. (see table 8) Statewide, approximately 340,000 people have applied each year and approximately 6,200 have been Indians. The percentage of non-Indians placed has ranged between 18.3 and 19.3 compared to 23.1 and 24.6 for Indians. Within the Twin Cities area, the figures have also remained fairly constant and at almost the same levels as the statewide figures for 1975 and 1976.

Indians have actually been served in greater proportion than their number in the State's total population. One possible reason might be that other groups have other options available and are not as dependent on public employment services in locating jobs. In considering the unemployment rate of Indians compared to other groups, it is clear something must be done to assist this particular group. Unfortunately, the Federal Government offers a strong incentive for State employment services to assist groups with lesser need.

As Donald Buckner of MDES stated:

The Department of Labor funds employment security agencies across the United States on a basis of placement activities primarily. Placement activities, as you understand, are more easily made for some groups than others. The more placements you get, the more dollars you receive. (p. 150)

Because minorities are more difficult to place, there is little financial incentive for MDES to serve them. Buckner acknowledged a weighting formula exists. He said, "the difference between the very easy to place and the very difficult to place is so minute that it doesn't have an impact." (p. 159) In other words, there is a financial incentive to focus on white suburban high school graduates rather than on Indians or other minorities, in general. Buckner said his department does not operate strictly according to policies that would result in the maximum possible placements, and that his department does make special efforts to place Indians and other so-called hard to placed applicants. Those efforts include locating facilities and assigning staff in predominantly Indian neighborhoods and having counseling staff provide services in schools with significant numbers of Indian students. But he admitted that a certain productivity level must be maintained, thus limiting to some extent, the efforts the department would like to make in placing Indians and other minorities.² (p. 158)

The System "Turn Off"

A common theme expressed during the Advisory Committee's informal hearing was that the system turns people off. (pp. 96-98, 202, 217, 249) A problem cited by several State and local officials was the length of time between filling out an application and actual selection which discourages many people, particularly minorities, from pursuing jobs in the public sector. As Gardner stated:

I think down through the years what has happened with all minorities [is that] they have been turned off by the system. It takes so long to get a job....A person applying for a position wants to be employed today or tomorrow or the next weekend at the most. They don't have a lot of money. They need a job in order to put food on the table, clothes on their backs, and a roof over their head. They cannot wait 3 or 4 months to be called in for an interview, if they are called at all, and then wait to see whether or not they get the job some month or some months later. (pp. 202, 217-18)

Isaacson pointed out that there is a contradiction between expediting the placement process and informing the community that a job is open. (p. 98) The longer a position is advertised, and the

more people who become aware of that opening, the longer the wait is for many individuals between application and placement. While no specific suggestions were offered for overcoming such contradictions and for expediting the process, most agreed this was a problem which had to be solved.

The delay was not the only factor cited which "turned people off." Pat Sayers, acting director for CETA programs at the Native American Center in Minneapolis, pointed to the treatment Indians frequently receive from non-Indian public employees in the process of applying for jobs. He maintained that Indians are more likely to seek training and jobs if they are served by other Indians. The Native American Center employs Indians and, as a result, those who seek CETA services are more likely to follow up on their initial contact, he said. (p. 13) Tom Mason, evaluation technician for the Native American Center, presented data to indicate that the CETA program has placed 30 percent of all applicants in jobs between January 1975 and June 1976. (pp. 26-27) This relatively high placement rate supported Sayers statements about the value of employing Indians to serve the needs of other Indians.

Impact of Tests

A continuing barrier repeatedly pointed out at the informal hearing was the disparate impact of tests, many of which bear little relationship to the skill requirements of the jobs in question. (pp. 67, 79, 119, 200, 201, 220, 221, 237) James Shelton Jr., affirmative action program coordinator of the St. Paul Public Schools, cited a test for bus drivers utilized by the St. Paul schools, as one example. The last time the test was given, 72 individuals, including 29 (40.3 percent) minorities and 9 (12.5 percent) Indians, were examined for 20 positions. Of the 20 selected, 6 (30 percent) were minorities and none were Indians. This particular test, Shelton pointed out, "was an oral one and how well you conversed about a given situation was the criteria of selection." (p. 237)

Gardner said that during a recent 5-month period the passing rates for tests administered by the State were 53.8 percent for whites, 48 percent for blacks, 46.3 percent for Hispanic Americans, and 33.8 percent for Indians. In addition, he said, positions which many Indians apply for are those for which the relationship between the tests and the jobs is most tenuous. (p. 201)

For example, Minnesota Equal Opportunity Director Stan Gardner said, many Indians apply for low-paying jobs like janitor, jobs for which written exams are given but where "the exam itself may not really be germane or job related." (p. 201) Gardner went on to say, "Some of the tests that I have looked at for janitor [are] ridiculous." (p. 220)

Steps are being taken to eliminate the discriminatory effects of testing; however, a lack of staff was cited as one reason why more progress had not been made up to this point. (pp. 119, 221)

Additional Civil Service Impediments

Two civil service practices identified at the March hearing cannot help but perpetuate the effect of prior discriminatory activity, in the opinion of the Minnesota Advisory Committee. These are the "rule of one" in the city of Minneapolis and the maintenance of "promotion only" jobs in St. Paul.

According to civil service rules in Minneapolis, the top ranking candidate for any position must be offered the position. Department supervisors do not have the option of choosing from the top three candidates as in many other civil service systems. (p. 92) According to Minneapolis Personnel Director Brian Isaacson, this can work in favor of minorities because department heads cannot refuse to hire a minority if he or she comes out on top. If recruiting and selecting has been fair, Isaacson argued, minorities might do better than under a rule of three or five. (pp. 101, 102) In the opinion of the Advisory Committee, however, such a policy assumes a level of objectivity and fairness in the recruitment, testing, and selection procedures that simply cannot be obtained at this point in time. Unless there is some room for discretion, and affirmative action is a required policy on the part of department heads, such a rigid policy cannot help but continue to freeze out at least some minorities and women who might otherwise secure employment. The city is making progress towards eliminating discriminatory barriers in its employment practices, but the fact that four people are working full time on test development indicates that some work still remains to be done in this one area alone. (p. 96)

The "promotion only" policy in St. Paul is quite explicit. As Gleason told the Advisory Committee:

The law says that any city employee...covered by civil service, hired through civil service, who has worked for the city for the period of 2 years or more and has a satisfactory service rating, may take an examination on a promotion basis. That is any examination. If he passes that examination, we establish two lists, a promotion list and an original entrance list. We cannot hire anyone off the original list until the promotion list is gone. It is absolute preference. (p. 133)

According to Gleason:

...in the long run it is the best thing the minorities could hope for, because once they do get in, they come in at the bottom and they're not going to get left there because they're minorities. They are going to have the same promotion rights that present employees have. (p. 124)

Gleason also pointed out that when a current employee moves up, a vacancy is created so the "promotion only" policy does not necessarily limit all employment opportunities to current employees. However, such a policy does lengthen the time period involved in employing women and minorities at higher levels within the city. When the number of new employment opportunities diminishes, as Gleason stated has been the case in recent years (p. 121), this time period is even longer. Clearly, the "promotion only" policy serves to perpetuate the effects of prior discrimination.

Minneapolis Affirmative Action Plan Remains Uncertified

On April 21, 1976, William L. Wilson, commissioner of the Minnesota Department of Human Rights, notified the affirmative action office of the city of Minneapolis that its affirmative action plan did not meet certification standards. Seven specific deficiencies were noted:

1. Although policy orientation sessions have been held in some departments, there is no indication that key staff members of the departments have either a working knowledge of the affirmative action program or of its implication.

2. There is no identification of the persons who will be responsible at the department level for

ensuring that the specific goals will be met. Also, there is no reflection of the affirmative action goals in the performance indicators of department managers.

3. The establishment of departmental affirmative action committees is an excellent internal vehicle for the implementation of the city's program. However, the procedures and timetables should be specified for the committee, including target dates, composition, responsibility, accountability, and relationship to the director of affirmative action.

4. Although the affirmative action office is establishing a computerized personnel system, there seems to have been very little progress during the past year in making this system functional. The city is still unable to provide for the analysis of applicant flow, employee history, tuition reimbursement, termination, leave of absence, and suspension.

5. The city has taken no action to address the issue of disabled employees although disability is an area of coverage. The affirmative action report states, "the city feels there are disabled persons working for the city. All persons are able to do the job." This statement shows either complete insensitivity or ignorance to this facet of human rights.

6. Although the city has projected acceptable goals for minority men in the work force, no goals have been set for nonminority females, which constitutes a serious oversight in view of their underutilization in most job categories.

7. There are presently three charges of discrimination against the city, filed with the city's civil rights agency. Also, the Minnesota Department of Human Rights presently has 23 cause findings against the city of Minneapolis and to this date has been unable to eliminate the discriminatory practice. It is the commissioner's judgment that the large number of civil rights complaints filed against the city of Minneapolis, the largest number filed against any respondent in the State of Minnesota, is a strong indicator of the need for a workable affirmative action program.³

As of May 1977, the affirmative action plan of the city of Minneapolis has not been certified.⁴

Overcoming the Barriers

A number of steps have been taken towards eliminating practices and policies that have denied equal employment opportunities to Indians as well as other minorities and women. There are also signs that further progress will be made in the near future.

For many public-sector jobs, rigid formal educational requirements have been dropped and candidates have been permitted to substitute experience for education. In Minneapolis, for example, high school graduation requirements have been eliminated for all jobs, according to Isaacson. (Among those positions which formerly required a high school education is the job of janitor. (p. 100) For most jobs formerly requiring a college education, candidates can now substitute experience or a combination of education and experience, except where State law requires candidates to have a degree, license, or certificate, Isaacson reported. (p. 94) In St. Paul, clerical positions no longer require a high school diploma, and for several professional positions, experience can now be substituted for a college education, according to Gleason. (p. 218)

One of the recommendations directed to the Minnesota State Department of Education and the Minnesota State Department of Civil Service in *Bridging the Gap* was that the schools permit candidates for teacher certification to substitute experience for education, and steps have been taken in this direction. In January 1977 Kenneth L. Peatross, executive secretary of the Minnesota Board of Teaching, indicated that the board was considering an eminence licensure rule that would permit teachers of an American Indian language and culture to substitute experience for formal education.⁵ Peatross said considerable work remains to be done in the development of a rule that can be submitted for a public hearing. (See appendix A for a draft of eminence licensure rule which is currently under consideration.)

While this rule would be a step in the right direction, it is designed for teachers of an American Indian language and culture. Therefore, it would have a limited impact on the employment opportunities for Indians within the public schools.

Another favorable sign is a policy in St. Paul whereby heads of city departments must provide a written reason for not selecting a minority can-

didate, if a minority is one of the top three candidates certified for a position and is not chosen. The written responses are reviewed by the St. Paul Department of Human Rights. (p. 117) No written justification is required in those cases where a minority is selected.

Another potentially favorable development being considered is the adoption of a "rule of 13" by the State. According to Stanley Gardner, legislation now pending would permit an agency, deficient in the utilization of minorities and women, to request an additional 3 names to the list of 10, currently provided by the commissioner of personnel, when job openings occur. The additional names would provide greater flexibility for a department attempting to meet affirmative action goals. (pp. 223-24)

Gardner also is seeking authority to include successful implementation of affirmative action plans as a criterion in evaluating job performance. By basing merit increases and other rewards on a supervisor's success or failure in meeting goals, he maintained more progress would result. (p. 225)

The economic recession of the early 1970s has resulted in budget cuts for many public agencies. Frequently affirmative action takes the form of attempting to retain recently hired minorities and women when layoffs occur, in addition to increasing their numbers among new hires.⁶ The Minneapolis public school system is no exception. This year the schools may lose as many as 136 employees, and 16 are minorities of whom 4 would be Indians, according to Williams. (p. 178) Depending on the attrition rate, some of the 136 scheduled for separation may be rehired. Williams said that in previous years the attrition rate was high enough to rehire all minorities scheduled for separation, but he is not sure if the attrition rate will be high enough this year. He said special efforts will be made to retain the 16 minorities in danger of losing their jobs, even though the schools may be challenged in court for doing so.

The St. Paul school system has set an ambitious long-range goal for minority employment. According to Shelton, the objective is to match the proportion of minority employees with the proportion of minority students. (p. 240) Although minorities presently constitute 6 percent of all employees (see table 6) and 15.8 percent of all students (p. 239), Shelton acknowledged there may be

problems in reaching the long-term goal, but he maintained the schools would strive to make it.

Numerical Goals for Indians?

An issue which remains unsettled is whether or not employers should establish numerical goals for Indians and other specific minority groups, as well as goals for minorities as a whole. No public-sector employer in the Twin Cities area has done so to date. A number of legitimate arguments for and against specific numerical goals were discussed at the March hearing.

At that hearing, it was pointed out that in cases where a specific minority group has more difficulty in securing employment than minorities in general, it might be productive for employers to establish numerical goals for the group. (pp. 81, 206) Shelton agreed that specific groups should be included in affirmative action plans and stated, "I think we should set up goals and timetables for Native Americans, for Chicanos, for blacks, Asians, and others." (p. 248)

Gardner did not agree that this approach would be useful. His concern is to get as much of the "pie" as possible for minorities as a group rather than focus on how much of the "slice of the pie" should go to each group. (p. 206) He emphasized that his objective is to get the affirmative action program, in general, operating successfully and then to examine the problems of particular groups. He argued:

...you have got to get the program going in some way. You can get down to finite details after you see you have hit everyone in the head of these agencies with a two-by-four, and you have their attention, and they are willing to cooperate. (p. 228)

Otis Smith, St. Paul affirmative action director, indicated he had mixed feelings about this issue. He acknowledged that it was important to recruit among all minority groups, and if a trend develops in which a certain group continues to suffer disproportionately, then something might have to be done for that group. But without adequate data, he said, numerical goals for specific groups cannot be established and until such data are made available, the city of Minneapolis will not set numerical goals for Indians or for any other specific subclassification of the minority population. (p. 82)

Notes to Chapter 3

1. Emmet J. Cushing, letter to Carmelo Melendez, MWRO Staff, Sept. 28, 1976.
2. In his review of a preliminary draft of this report, MDES Commissioner Emmet J. Cushing said that "unless productivity levels were approved, resultant funding reductions would mean less staff to provide services to all applicants, including American Indians."
3. William L. Wilson, letter to Otis Smith, Apr. 21, 1976.
4. William L. Wilson, telephone interview, May 5, 1977.
5. Kenneth L. Peatross, letter to Carmelo Melendez, MWRO Staff, Jan. 11, 1977.
6. U.S. Commission on Civil Rights, *Last Hired, First Fired: Layoffs and Civil Rights*, February 1977.

TABLE 8**Minnesota Department of Employment Services Placement Rates**

	<u>Total</u>	<u>1974</u> <u>Indian</u>	<u>Total</u>	<u>1975</u> <u>Indian</u>	<u>Total</u>	<u>1976</u> <u>Indian</u>
STATEWIDE						
Applications	343,800	6,611 (1.92%)	333,152	6,326 (1.9%)	349,723	6,137 (1.75%)
Placement Rate	18.3% *	23.1%	19.3%	24.6%	19.2%	23.5%
TWIN CITIES						
Applications			150,025	3,539 (2.4%)	155,860	3,381 (2.2 %)
Placement Rate			16.2%	22.7%	16.0%	19.6%

* Placement Rates are for Non-Indians.

Sources: Minnesota Advisory Committee to the U.S. Commission on Civil Rights, *Bridging the Gap: The Twin Cities Native American Community* (January 1975), pp. 24-25. Data provided by Minnesota Department of Employment Services, Apr. 4, 1977.

Findings and Recommendations

Findings—Education

The Minnesota Advisory Committee to the U.S. Commission on Civil Rights finds that:

1. Virtually no progress has been made to reduce the Indian dropout rate since the Minnesota Advisory Committee first examined this issue in 1974. The dropout rate of Indian students continues to be significantly higher than for students of other races. While Indians constituted 5.3 percent of total enrollments in 1976, they accounted for almost 10 percent of all dropouts in the Minneapolis public schools.
2. According to certain indicators of educational participation, Indians receive a better education when they attend schools with a concentration of Indian students than when they are a small minority within the school. Indians attending schools with a concentration of Indians students have a lower dropout rate and are less likely to be assigned to special education classes than Indians students in general within the Minneapolis public schools.
3. While public school officials are generally supportive of alternative Indian schools, some believe that encouraging such schools within the public school system would constitute a violation of State and Federal civil rights laws.
4. Alternative Indian education programs operated or assisted by public school districts do not violate Federal civil rights laws, provided such programs are open to students of all racial and ethnic backgrounds and are not restricted to Indian students. This conclusion is supported by the attorney for the Midwestern Regional Office of the U.S. Commission on Civil Rights and also by a former Acting Director of HEW's Office for Civil Rights.
5. Little progress has been made towards incorporating Indian studies into the curriculum in most public schools.
6. Both public and private Indian alternative schools lack adequate data to assess their educational programs.
 - a. All schools lack followup information on students who have graduated, which is necessary to

evaluate the marketability of the schools' diplomas and how that marketability varies by sex and ethnic group.

- b. All private Indian alternative schools and some public schools lack data on graduation and dropout rates.

Recommendations—Education

1. The Minnesota Advisory Committee recommends to the Minneapolis and St. Paul public school systems that they establish alternative Indian education programs at both the elementary and secondary levels.
 - a. Indian educators should be centrally involved in developing the program, Indian administrators should have key administrative positions, and Indian teachers should be well represented on the faculty;
 - b. Such programs should be open to students of all racial and ethnic backgrounds in order to be in full compliance with Federal civil rights requirements;
 - c. Officials must ensure that the alternative Indian education programs do not become a first step towards more exclusionary and discriminatory practices, whereby minorities and women become restricted to racially or sexually identifiable educational programs. The establishment of alternative Indian education programs must in no way hinder the effectiveness of Federal and State civil rights efforts to guarantee equal educational opportunity for all individuals.
2. The Minnesota Advisory Committee recommends to Judge Larsen, in light of the success the Anderson complex has had in meeting the educational needs of Indian students and the fact that alternative Indian education programs in public schools do not violate Federal civil rights laws (provided such programs are open to students of all racial and ethnic backgrounds), that he exempt the Anderson complex from the July 1977 order in the *Booker* case.

3. The Minnesota Advisory Committee recommends to the State board of education that it establish a policy whereby all students in Minnesota schools will be able to take Indian studies as part of their course of study.

a. The State board of education should instruct local school districts that this is the policy and should provide all possible assistance to ensure that it is carried out.

b. Indian studies should be included in the regular curriculum. They should not be treated simply as extracurricular activities available to students before or after normal school hours.

4. The Minnesota Advisory Committee recommends to the Minneapolis and St. Paul public schools and to the private Indian alternative schools that they do a more complete assessment of their educational programs by:

a. Developing procedures for more accurately measuring the dropout rate of Indian students;

b. Conducting followup studies that would enable them to determine the activities (e.g., college, work, military service) of former students, at least for the first year upon leaving school;

c. Maintaining records of the number and percentage of its students who graduate, dropout, or transfer to another school, by race and sex; and

d. Conducting any other research deemed appropriate to obtain an objective assessment of their educational programs.

Findings—Employment

The Minnesota Advisory Committee to the U.S. Commission on Civil Rights finds that:

1. According to official statistics, some progress has been made in opening up employment opportunities for Indians by some public sector employers, particularly the Federal Government and the Minneapolis public schools. However, Indians are still underutilized by other public employers, most notably the St. Paul public schools and the State of Minnesota.

2. The Comprehensive Employment and Training Act (CETA) program at the Native American Center in Minneapolis has met with some success in placing Indian jobseekers. Approximately 30 percent of jobseekers who came to the center between January 1975 and June 1976 found jobs.

3. The Indian unemployment rate in the Twin Cities area is over three times the unemployment rate for the population in general. In addition, Indian families earn approximately half of what other families make, on the average, and Indian families are six times as likely to live in poverty.

4. No Indian labor-market data (e.g., employment, unemployment, labor-force participation) have been collected since the 1970 census.

5. The allocation formula used by the U.S. Department of Labor to fund State departments of employment services provides no incentive for placing so-called "hard-to-place" job seekers. In fact, the formula provides a disincentive to do so.

6. A major barrier to the expansion of Indian employment is inadequate recruitment.

7. Long delays between time of application and time of appointment discourage many Indians from even seeking employment with public agencies. Insensitivity of personnel officials also discourages Indians from making such efforts. When Indian job seekers deal with Indian personnel officials, they are more likely to pursue their efforts and the system is more likely to work for them.

8. Specific civil service policies serve to perpetuate the effects of past discrimination. The rule of one in the city of Minneapolis and the policy of restricting certain jobs to current employees in the city of St. Paul are two examples.

9. Over 1 year has passed since the city of Minneapolis was informed that its affirmative action plan did not meet State certification requirements. The city has yet to develop a certifiable affirmative action plan.

Among the problems noted are the following: No goals have been established for nonminority females, a group underutilized in most job categories, and the high number of discrimination complaints filed against the city (more than have been filed against any other respondent in the State), indicating the need for a stronger affirmative action plan.

Recommendations—Employment

1. The Minnesota Advisory Committee recommends to the U.S. Commission on Civil Rights that it request the U.S. Bureau of Labor Statistics to

collect and report annual labor force data for Indians on a national level and for the Twin Cities metropolitan area. The data should be comparable to that reported for the black and Hispanic populations.

2. The Minnesota Advisory Committee recommends to all public sector employers that they increase their recruitment efforts.

a. The State should hire a full time Indian recruiter by May 1978 to focus on recruitment of Indian employees;

b. The personnel director of the city of Minneapolis should complete his budget review as soon as possible to determine if funds are available to hire a recruiter. If funds are not available, he should request funds from the city council for the position. A recruiter should be employed by May 1978.

c. The personnel director of the city of St. Paul should request the city to fund a recruiter position and such a position should be filled by May 1978.

3. The Minnesota Advisory Committee recommends to the U.S. Commission on Civil Rights that it request the U.S. Department of Labor to develop an allocation formula in which State departments of employment services receive additional funds for the placement of minority and lower socioeconomic job seekers. The formula should provide enough incentive to encourage State departments of employment services to more actively place these job seekers.

4. The Minnesota Advisory Committee recommends to the city of Minneapolis that it rectify the deficiencies in its affirmative action plan so that it meets the State certification requirements. The first step should be the development of goals for nonminority women.

5. The Minnesota Advisory Committee recommends to the city of Minneapolis that it eliminate its "rule of one" and establish a "rule of three" which many civil service agencies use.

6. The Minnesota Advisory Committee recommends to the city of St. Paul that it eliminate the "promotion only" list and open up all job openings to all qualified candidates. No preferential treatment should be provided current employees, unless it can be shown that the experience of specific current employees is required on the job and that any training required to compensate for the lack

of such experience would cause a financial hardship on the city.

APPENDIX A

December 10, 1976
Standards and Rules Committee
Board of Teaching

EMINENCE LICENSE

Upon recommendation of the school board of a Minnesota school district, the Board of Teaching may authorize the Director of Certification to issue an eminence license to any person who has achieved and can demonstrate competence in teaching an American Indian language and culture.

Application

An application shall be submitted by a school district in behalf of an individual who has achieved eminence in an American Indian language and culture. The application shall include the following:

(a) Evidence that the candidate is fluent in speaking an American Indian language and has demonstrated competence in the other three basic communication areas of listening, comprehension, reading, and writing, and has an acceptable knowledge and understanding of the culture of the people who speak the language as natives.

(b) Resolutions attesting to the applicant's eminence from at least two of the following: the Tribal Government, the Reservation Business Committee, the local American Indian Education Committee, or other appropriate body, or—statements from authorized officials of appropriate professional and learned societies or institutions indicating evidence of eminence.

(c) A resolution by the school board of their intention to employ the person to teach the American Indian language and culture.

Issuance of the License

Each application for licensure shall be sent to the Director of Certification who shall recommend appropriate action to a subcommittee of the Board of Teaching. The committee of the Board of Teaching shall determine the validity of the application and shall award or deny the license on behalf of the Board.

Authorization

The license authorizes the holder to teach an American Indian language and culture at the grade levels approved by the Board of Teaching for the school district which forwards the application.

Term

The license shall be valid for a one year period and renewable for one year increments upon verification of acceptable performance as determined by an evaluation of the candidate by members of the community, the local school board, the superintendent, and the local American Indian Education Committee. In addition, the school district shall indicate willingness to rehire the applicant and the individual applicant shall show evidence of professional growth by the completion of 15 renewal units approved by the Local Continuing Education Committee.

Review

The Board of Teaching shall review this rule at least every five years following enactment. The initial review shall include specific proposals for a rule governing the issuance of a standard two year entrance license.

Effective date: July 1, 1978

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