THE WABANAKI STUDIES LAW

21 Years After Implementation

Abbe Museum

ACLU Maine

MAINE INDIAN TRIBAL-STATE COMMISSION

PENOBSCOT MI'KMAQ MALISEET PASSAMAQUODDY WABANAKI ALLIANCE

CONTENTS

ON THE COVER

Norma Randi Smith, Passamaquoddy artist, find her at randismithpaints.com

> "Despite colonization and attempted genocide—including the forced removal of their children—the Wabanaki tribes have endured as sovereign and self-determining peoples, with distinct and diverse languages, cultures, governments, and economic structures."

ACKNOWLEDGEMENTS

This report is a joint project of the Abbe Museum, ACLU of Maine, Maine Indian Tribal-State Commission (MITSC), and Wabanaki Alliance. Emma Bond, former Legal Director of the ACLU of Maine, wrote much of the text and led the Freedom of Access Act requests that spurred the disclosure of many of the documents that form the basis for this report. She was assisted by Margaret Edwards, former paralegal for the ACLU of Maine. qainat khan, former Communications Director for the ACLU of Maine, provided substantial editing and coordinating of the report. Michael Kebede, Policy Counsel for the ACLU of Maine, managed this project during a substantial portion of its life. Conan Tobias edited and Talley-O Design designed the report. Jessica Payson provided enormous help fact checking and cite checking the report, and Zachary Heiden, Chief Counsel for the ACLU of Maine, drafted certain sections of the report. John Dieffenbacher-Krall, Executive Director of the Wabanaki Alliance; James E. Francis and Margo Lukens, Ph.D., Co-Chairs of the Abbe Museum Board of Trustees; Paul Thibeault, Managing Director of MITSC; Rachel Bell, Projects Coordinator for MITSC and Nolan Altvater, Curator of Education for the Abbe Museum all also helped manage the report in the final days of its production and worked to align the report with their organizations' missions and values.

We are grateful to the following people for providing invaluable feedback on various drafts of this report, and for helping its progress in other ways: Ambassador Maulian Dana, Representative Rena Newell, Vice Chief Darrell Newell, Ambassador Zeke Crofton-MacDonald, Darren Ranco, Donna Loring, Donald Soctomah, Fiona Hopper, Brigid Neptune, Lynn Mitchell, John Dennis, Starr Kelly, Grace Hooke, Tiffani Ortiz, Meagan Sway, Alison Beyea, Stephanie Francis, Ellen Nicholas, the Law and Legislative Reference Library at the Maine State Legislature, and Zach Taibi. We are also grateful to the following students for agreeing to let us print their art in this report: Adrian Sockalexis, Xavier Newell, Jack Downing, Celia Tomah-Neptune, Wiphun Neptune, Merrillyn Downing, Elina Smith, Jayce Altvater, River Dana and Amanda Hersi.

Finally, we are grateful to the people who agreed to be interviewed for the report, and to the Maine Department of Education and school districts for responding to our requests for public documents. This report would not be possible without the willingness of public institutions to engage with us, and the willingness of people to share their knowledge of Wabanaki Studies.

Abbe Museum · ACLU Maine · Maine Indian Tribal-State Commission · Wabanaki Alliance

EXECUTIVE SUMMARY

The Penobscot Nation, Passamaquoddy Tribe, Mi'kmaq Nation, and Houlton Band of Maliseet Indians (collectively known as the Wabanaki tribes) have lived for thousands of years in the land we now call Maine. Despite colonization and attempted genocide—including the forced removal of their children—the Wabanaki tribes have endured as sovereign and self-determining peoples, with distinct and diverse languages, cultures, governments, and economic structures. A landmark law signed on June 15, 2001, requires schools to teach Maine K–12 students about Wabanaki territories, economic systems, cultural systems, governments, and political systems, as well as the Wabanaki tribes' relationships with local, state, national, and international governments. This Wabanaki Studies Law, now codified at 20-A M.R.S. § 4706(2), is critical to overcoming stereotypes and ignorance about Indigenous peoples, which are harmful to Wabanaki students and non-Native students alike. As explained by Donna Loring, the former Penobscot Nation Representative who sponsored the Wabanaki Studies Law: "[I]n order for Maine students to be better prepared to meet global challenges, they must first learn about the contributions of Maine's first people and accept diversity in their own communities and within their own state." After decades of residential schools and other systems that erased Indigenous perspectives, Representative Loring explained that education is required to ensure that Wabanaki lives are "seen," "understood," and "recognized as the talented, creative people and brilliant human beings that they are."

Just over twenty years after its enactment, the ACLU of Maine, the Wabanaki Alliance, and the Abbe Museum undertook to evaluate the successes, challenges, and future of this important law. The purpose of this report is to celebrate the purpose of Wabanaki Studies Law, to assess current implementation of the law, and to urge leaders at all levels of our education system to do more to ensure complete implementation of this important law.

To investigate current implementation of the law, we sent Freedom of Access Act (FOAA) requests to the Maine Department of Education and ten school districts in Maine, seeking information about implementation of Wabanaki Studies. These ten school districts included five of the largest school districts and five school districts neighboring tribal communities. We also spoke with leaders in the area of Wabanaki Studies who have been involved over the years in attempting to implement the Wabanaki Studies Law. After completing our investigation, we came to the following findings and recommendations. Although MITSC did not participate in these requests, it supports these findings and joins in the authorship of this report.

FINDINGS ↘

THE WABANAKI STUDIES LAW IS NOT MEANINGFULLY ENFORCED ACROSS THE STATE.

The Wabanaki Studies Commission—the entity responsible for guiding the new law into being—envisioned that the Maine Department of Education would enforce the Wabanaki Studies Law statewide and would provide sample lesson plans and other resources. Yet, twenty-one years after enactment, the Wabanaki Studies Law is not fully implemented in Maine schools. The Maine Department of Education has made

CORN MOTHER
Adrian, Penobscot
Grade 12, Orono High School

some progress toward this goal, and many of its staff care deeply about the Wabanaki Studies Law. However, the Department has failed to use available tools to enforce the law.

For example, the Department oversees statewide standards for K–12 learning through the Maine Learning Results. Yet references to Wabanaki Studies in the Maine Learning Results are too vague to provide meaningful guidance to schools. Similarly, although the Department has authority to review schools' compliance with state law, it has not listed the Wabanaki Studies Law as one of the laws with which schools must certify compliance. Although its website includes some resources to implement the Wabanaki Studies Law, the Department has not posted sample lessons, curricula, or other necessary guidance. Finally, although the Department has included Wabanaki voices on a Wabanaki Studies Committee in recent years, members of the Committee are not paid for their participation and do not have formal authority or oversight over enforcement of the Wabanaki Studies Law. Overall, more statewide action is needed to realize the important aims of the Wabanaki Studies Law.

DESPITE SOME SUCCESSES, SCHOOL DISTRICTS HAVE FAILED TO CONSISTENTLY AND APPROPRIATELY INCLUDE WABANAKI STUDIES IN THEIR CURRICULUM.

The absence of statewide enforcement means that schools' implementation of the law is uneven. There are some successes, including Portland Public Schools, which have collaborated with Wabanaki tribes and experts to reconfigure their curriculum with Wabanaki Studies at the core. Calais High School offers classes in the Passamaquoddy language, representing an important way to recognize the Passamaquoddy Tribe's unique language. Many Wabanaki educators have offered their expertise to school districts across the state. Despite these successes, most schools that we evaluated failed to cover all of the areas required by the statute—including Wabanaki history, economic systems, political systems, and culture. One school offered no records at all, and another school admitted that it did not systemically include Wabanaki Studies into its curriculum. Many schools referred to Wabanaki peoples only in the past tense, focusing exclusively on the era of colonization, playing into the common and harmful misconception that Wabanaki people no longer exist.

> “Despite these successes, most schools that we evaluated failed to cover all of the areas required by the statute—including Wabanaki history, economic systems, political systems, and culture.”

TEACHER TRAINING AND PROFESSIONAL DEVELOPMENT REMAIN INSUFFICIENT TO EQUIP EDUCATORS TO TEACH WABANAKI STUDIES.

In the twenty-one years since enactment of the Wabanaki Studies Law, Wabanaki educators and other experts have offered a multitude of high-quality trainings in Wabanaki Studies, many of which are accessible online. Yet too many teachers lack the knowledge and skills necessary to teach Wabanaki Studies. The state has failed to implement any mandatory pre-certification or continuing education requirements in this area. None of the education colleges in Maine require a course in Wabanaki Studies to obtain a teaching certificate. The State Board does not require Wabanaki Studies as an area of professional development or continuing education. Most schools were unable to document any required professional development in the area of Wabanaki Studies. This absence of systematized teacher training in Wabanaki Studies results in many teachers being unprepared to effectively teach Wabanaki Studies.

RECOMMENDATIONS ↘

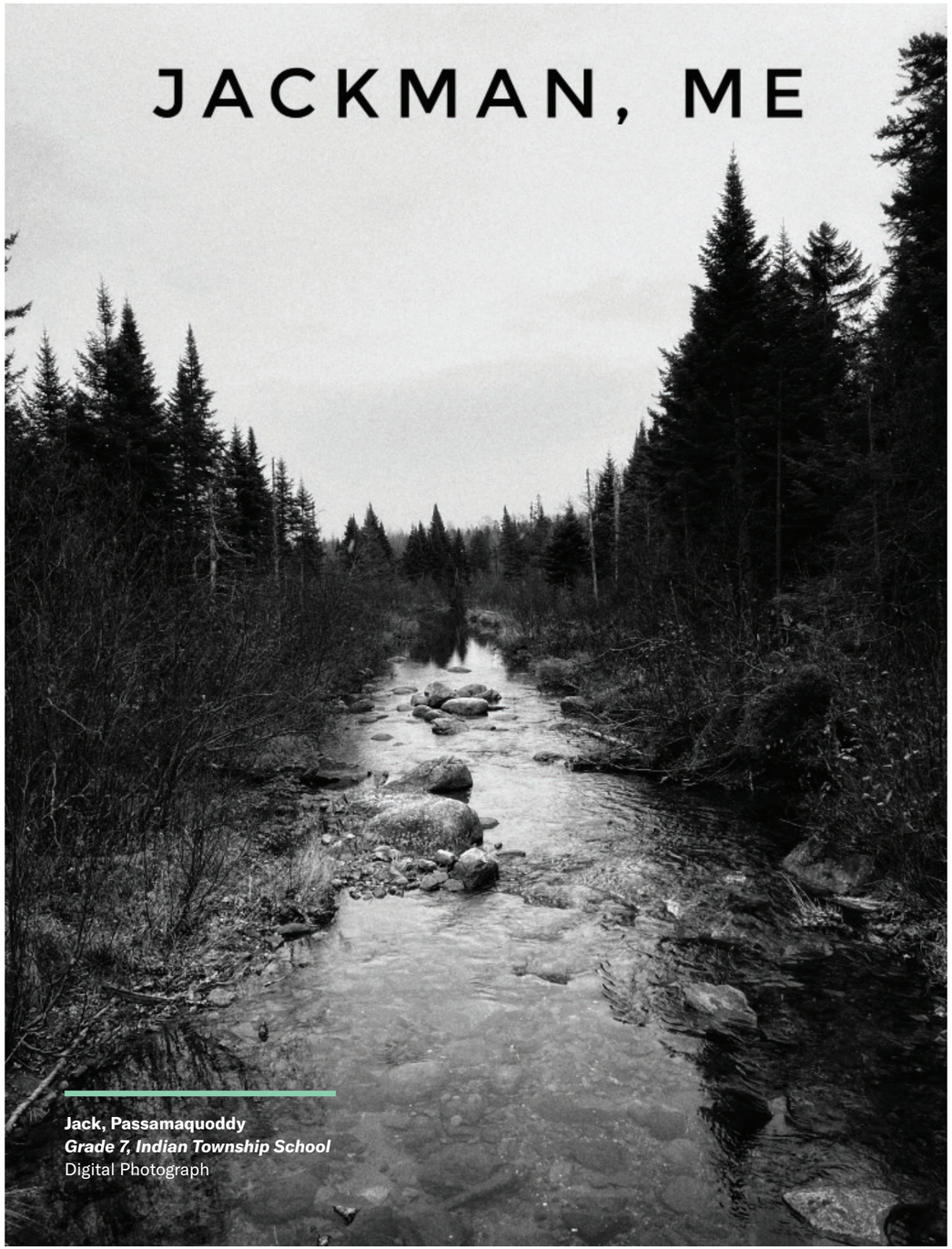
RECOMMENDATIONS RELATING TO STATEWIDE ENFORCEMENT OF THE LAW

Reinstate the Wabanaki Studies Commission.
When the Wabanaki Studies Law was passed in 2001, the legislature also created the Wabanaki Studies Commission—including tribal members, education experts, and government stakeholders—to articulate a vision for Wabanaki Studies curriculum and provide recommendations for implementing the law. The Commission's reports remain visionary documents about proper implementation of the law. To comply with the Wabanaki Studies Law and ensure fidelity for years to come, the State should reinstitute the Wabanaki Studies Commission to guide oversight, make recommendations about curriculum and resources, and help to shape necessary teacher training. In the process of reinstituting the Wabanaki Studies Commission, its composition should be carefully examined to ensure all the perspectives and stakeholder interests that should be present are represented. The Wabanaki Studies Commission should be funded and given meaningful authority in implementing the law.

DOE should update the Maine Learning Results with specific learning outcomes for Wabanaki Studies.
The Maine Department of Education should update the Maine Learning Results to include specific areas of study recommended by the Final Report of the Wabanaki Studies Commission, including tribal sovereignty, as well as any recommendations made by a newly configured Wabanaki Studies Commission.

School districts must be held accountable through review of comprehensive education plans.
In collaboration with the State Board, the Maine Department of Education should use its school approval authority—including review of comprehensive education plans—to ensure that schools are meaningfully implementing the Wabanaki Studies Law. School boards should review comprehensive education plans for full and effective implementation of the Wabanaki Studies Law. Comprehensive plans should be publicly posted so that members of the public can easily assess their school's implementation of the law.

Community members should be involved in holding their school districts accountable.
Students, parents, and community members should act as local enforcers of the Wabanaki Studies Law by investigating their school's implementation and by advocating for mandatory teacher training and improved curricula in their schools.



Jack, Passamaquoddy
Grade 7, Indian Township School
Digital Photograph

RECOMMENDATIONS REGARDING CURRICULUM IN WABANAKI STUDIES

The DOE should work with a newly constituted Wabanaki Studies Commission to create model curriculum.
The Wabanaki Studies Commission should oversee the development of a sample curriculum that can be replicated across the state, for school administrative units that do not create their own comprehensive curriculum development in this area. The Department must provide compensation for the time, energy, and expertise of Wabanaki people in creating these resources.

The DOE and school administrative districts must support educators with access to materials to teach Wabanaki Studies.
In collaboration with the newly constituted Wabanaki Studies Commission, the Department of Education should update existing publicly available materials to ensure that there are adequate curricular resources—including sample lesson plans, curricula, and other resources—for all subject areas required by the statute, in all grades, in multiple subject areas (e.g., social studies, science, and English language arts).

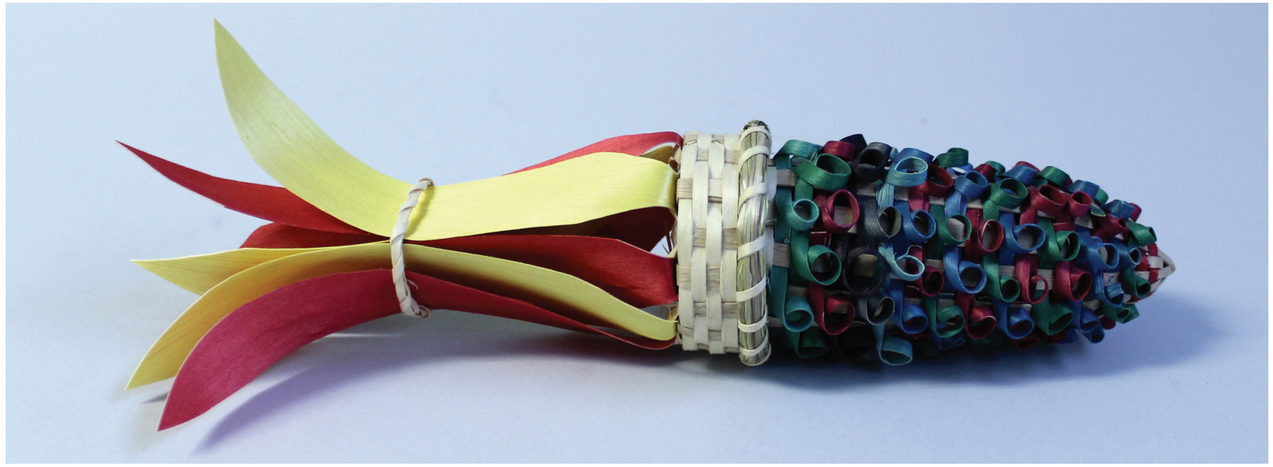
School administrative districts must ensure that Wabanaki Studies curricula covers all areas required by the law, including: Wabanaki cultural systems and history; Wabanaki territories; Wabanaki economic systems; and Wabanaki governments and political systems and their relationship with local, state, national, and international governments. Wabanaki Studies must be taught at all grades and woven throughout units, rather than in an isolated manner. School administrative districts should invite Wabanaki educators to participate in appropriate programming, and must compensate them for their time and expertise. In school districts neighboring tribal communities, school administrators should consult with leaders from tribal communities and students about their education priorities.

RECOMMENDATIONS RELATING TO TEACHER TRAINING AND DEVELOPMENT

Wabanaki Studies must be required as part of teacher certification and continuing teacher education.
The University of Maine System and other teacher education colleges in Maine should require a course in Wabanaki Studies as a prerequisite to graduation, not unlike many universities. Additionally, the State Board of Education and individual school districts should require annual professional development regarding Wabanaki Studies as a requirement of ongoing certification. Such pre-service training and professional development should cover *all* content areas required by the Wabanaki Studies Law, including contemporary government, economics, cultural systems of the Wabanaki tribes, and interactions with other governmental entities.

At a summit celebrating twenty years of the Wabanaki Studies Law, Representative Loring explained that the trauma from attempted genocide and removing children from Wabanaki families runs deep and is suffered both by Native people and the governments who inflicted it. “We fix it with truth and education about history, truth about current events. Truth must overcome the lies.” Only when we provide all Maine students with an accurate education about our inherited past and imperfect present can we have meaningful and informed conversations about our shared future.

INTRODUCTION



PIYESKOMONIS / LITTLE CORN
Ash and Sweetgrass Basket
Xavier, Passamaquoddy
Grade 8, Indian Township School

Twenty-one years ago, the State of Maine adopted an important law requiring all public elementary and secondary schools in the state to teach about the Indigenous Peoples who have long inhabited the land that eventually became the State of Maine. The Penobscot Nation, Passamaquoddy tribes of Indian Township and Sipayik, Mi'kmaq Nation, and Houlton Band of Maliseet Indians are often referred to as the "Wabanaki," or "people of the dawn," and trace their presence in this part of the world back thousands of years. At a summit in celebration of the law's twentieth anniversary, Donna Loring, the former Penobscot Tribal Representative and co-sponsor of the law, described the importance of the law for Wabanaki students and non-Native students alike:

[I]n order for Maine students to be better prepared to meet global challenges, they must first learn about the contributions of Maine's first people and accept diversity in their own communities and within their own state.[1]

The sponsors of the Wabanaki Studies Law[2] understood that achieving this goal would require change and leadership. At the time of its enactment, many Maine students did not know that the Wabanaki people continue to inhabit the land that we now call Maine. When Indigenous history was taught, it all too often played up harmful stereotypes. Teachers were not trained in Wabanaki history, culture, government systems, or sovereignty. Recognizing these challenges, the Wabanaki Studies Law created the Wabanaki Studies Commission to determine how to implement the law to ensure it achieved its intended purposes.

The Wabanaki Studies Commission included representatives from the Houlton Band of Maliseet Indians, the Mi'kmaq Nation, the Penobscot Nation, and the Passamaquoddy Tribe; education experts; representatives from the Maine Department of Education; and representatives from other government bodies. The Commission issued three reports, setting forth a vision for Wabanaki Studies, as well as recommendations for enforcement, curriculum development, and teacher training. The Commission envisioned statewide enforcement and assessment; widespread and mandatory teacher training; and meaningful and compensated participation of Wabanaki peoples in developing appropriate and culturally sensitive curricula.

In its current form, the Wabanaki Studies Law states:

A required component of Maine studies is Maine Native American studies. Maine Native American studies and Maine African American studies must be included in the review of content standards and performance indicators of the learning results conducted in accordance with section 6209, subsection 4. Maine Native American studies must address the following topics:

A. Maine tribal governments and political systems and their relationship with local, state, national and international governments;

B. Maine Native American cultural systems and the experience of Maine tribal people throughout history;

C. Maine Native American territories; and

D. Maine Native American economic systems.[33]

More than twenty years after its enactment, we ask: Have schools in Maine achieved the vision set forth by the Wabanaki Studies Commission? Have state actors, such as the Department of Education, ensured effective and uniform implementation of the law across the state? Have individual schools implemented a culturally appropriate and accurate curricula covering each of the mandated areas in the statute? Are teachers trained and ready to teach Wabanaki Studies as required by the law?

This report represents an attempt to answer these questions. In **Part I** of this report, we will discuss some of the background considerations that led to the need for the Wabanaki Studies Law and the ongoing resonance of these issues today. **Part II** discusses the legislative history and purposes of the law. **Part III** discusses the vision and recommendations of the Wabanaki Studies Commission. **Part IV** discusses whether current implementation has achieved the vision of the Wabanaki Studies Commission, finding that the vision of the Commission has yet to be realized. **Part V** contains our recommendations for the state, local school districts, and other stakeholders.

The Wabanaki Studies Law was a landmark and groundbreaking success at the time it was passed in 2001. Properly implemented, it would be a part of recognizing the past and present of the people of the Penobscot Nation, the Passamaquoddy tribes of Indian Township and Sipayik, the Mi'kmaq Nation, and the Houlton Band of Maliseet Indians. Fully implementing the Wabanaki Studies Law is critical to achieving an accurate understanding of the past and present of this place we now call Maine—and to creating a just future.

WHY IS MAINE'S WABANAKI STUDIES LAW NECESSARY?

This report is primarily concerned with discussing and evaluating implementation of the Wabanaki Studies Law over the past twenty-one years, but it is worth providing some additional context for why successful implementation of the law is so urgent. The Wabanaki Studies Law educates Maine school children about the Wabanaki people. It is critical that Indigenous students in public schools are accurately represented in the curriculum, not erased or depicted in ways that reinforce harmful stereotypes. For non-Native students, teaching Wabanaki Studies is essential for gaining a complete understanding of Maine and the United States. Anyone seeking to understand and participate in current debates about environmental protection, tribal sovereignty, health and welfare, economic development, or any number of other critical topics facing our state, our country, and our planet cannot do so fully unless they have meaningfully engaged with the Indigenous perspective broadly, and Wabanaki perspectives specifically.

THE WIDESPREAD IGNORANCE ABOUT WABANAKI PEOPLES IS HARMFUL TO ALL SCHOOL CHILDREN ↘

Unrepresentative curricula harms both Indigenous students and non-Native students, and yet it is pervasive. "Most of the people of Maine have little awareness of the Wabanaki—the people who have been living here for 12,000 years."[4] This was true in 2001, when the Wabanaki Studies Law was enacted, and too often, it remains true to this day.

Lynn Mitchell, a Passamaquoddy educator and linguist, described a recent experience of guest-teaching a class of fifth grade students in Western Maine. The students were unaware that Wabanaki people still existed in the state. Once introduced to the four Wabanaki tribes in Maine, some of students asked if the Wabanaki people still lived in teepees.

Nolan Altvater, a student-teacher and Passamaquoddy citizen, described the frustration expressed by non-Native high school students after learning about the rich Wabanaki history in this region that they had never previously been taught. They were frustrated by the incomplete version of state and national history that omitted meaningful reference to Wabanaki perspectives. According to Altvater, when students learned about Wabanaki history, both Native and non-Native students expressed excitement at feeling closer to the history of this place we now call Maine. Similarly, after Mitchell shared knowledge about Wabanaki present-day culture and tradition with fifth-grade students, they were eager to learn more.

These examples illustrate why meaningful and comprehensive implementation of the Wabanaki Studies Law is critical to Maine's classrooms. As discussed below, it is essential to achieve representation for Indigenous students, and to ensure a comprehensive education for all students living in the land that we now call Maine.

THE IMPORTANCE OF REPRESENTATION ↘

Requiring schools to teach Wabanaki Studies enables Native students to see their history, culture, and community reflected in their education. Studies confirm that non-white students struggle to feel a personal connection to the past when they do not see themselves as a part of the history they are taught.[5] Beyond a lack of personal connection, this unrepresentative history leads to alienation and continues to perpetuate narratives of erasure and oppression.[6]

The impact of unrepresentative curricula in schools is only compounded by what is often a stereotypical depiction of Native history when it is taught. In a study of five recent editions of popular U.S. history textbooks, only one included a leading Native historian as a reviewer.[7] The writing invalidated Native views and supported colonialist narratives, emphasizing violence and lawlessness by Indigenous people.[8] Such stereotyping, tokenizing, and demeaning paternalism does not come without cost, and images of negative stereotypes decrease the self-esteem of Native students.[9] A 1969 report by the U.S. Senate Special Subcommittee on Indian Education explained the serious harms associated with stereotypical depictions of Indigenous students:

The basis for these stereotypes goes back into history—a history created by the white man to justify his exploitation of the Indian, a history the Indian is continually reminded of at school, on television, in books and at the movies.

It is a history which calls an Indian victory a massacre and a U.S. victory an heroic feat. It is a history which makes heroes and pioneers of goldminers who seized Indian land, killed whole bands and families and ruthlessly took what they wanted. It is a history which equates Indians and wild animals, and uses the term "savages" as a synonym for Indians.

It is this kind of history—the kind taught formally in the classroom and informally on street corners—which creates feelings of inferiority among Indian students, gives them a warped understanding of their cultural heritage and propagates stereotypes.[10]

More recent studies have confirmed that stereotypical Native American imagery can harm Native American students.[11] For example, studies have shown that using Native mascots lowers "the self-esteem of American Indian students."[12]

Given the prevalence of these harmful stereotypes, it is critical that Native students engage with accurate information about the past and present culture, government, territories, and economies of Indigenous peoples in schools. "Researchers have shown that when students are exposed to accurate instruction about their culture, they exhibit improved self-esteem, which in turn promotes opportunities for academic success and participation in extracurricular learning experiences."[13]

Some of the curriculum materials provided by the schools (discussed in further detail below) reflect a wrong and dangerous assumption that Wabanaki children are not part of their study body. Although Maine is often referred to as the "whitest" state in the country, that label masks the significant representation of Indigenous people in Maine.[14] As a percentage of population, the proportion of people who identify as Indigenous in Maine is higher than any of its neighboring states, ranking Maine as twenty-first out of fifty states in the percentage of Indigenous people in the population.[15] Although many of the Indigenous people in Maine live in tribal communities on the Penobscot Nation's reservation, the Passamaquoddy Tribe, the Houlton Band of Maliseet, and the Mi'kmaq Nation, many others, including many Wabanaki people, live off-reservation and send their children to public schools. Wabanaki children attending *any* school in Maine should be able to see themselves and their heritage accurately and sensitively reflected in the curriculum.

BREAKING THROUGH STEREOTYPES ↘

Biased and incomplete representation of Wabanaki peoples also inflicts harm on all students in Maine, regardless of ethnicity. Studies consistently show that including Indigenous history, government, and culture in school curricula breaks down stereotyping, racism, and biases among students from the dominant culture. Providing accurate education about Indigenous studies can "help students as young as five break through stereotypes, acquire cultural knowledge, and gain appreciation for [diversity]."[16] "Students demonstrate more understanding and appreciation of others and also of their own unique heritage(s) when they have the opportunity to learn about their own and other ethnic groups."[17] The Wabanaki Studies Law provides a powerful opportunity for non-Native students to learn a more holistic and comprehensive history of Maine, while actively working to break cycles of racism, stereotyping, and colonialism.

THE IMPACTS OF IGNORANCE ↘

The lack of knowledge about the Wabanaki tribes in Maine, and Indigenous history in North America more broadly, has ongoing consequences for the present autonomy, dignity, and survival of Native tribes. The diverse histories of the Wabanaki tribes that have lived in Maine for thousands of years are too poorly disseminated.[18] This includes the history of the Wabanaki Confederacy—unified in 1606—and its support of American revolutionaries against King George in a relationship formalized by the 1776 Treaty of Watertown.[19] Despite this support, "Wabanaki people were radically decimated" after the American Revolution, due to warfare, famines, and epidemics of infectious disease.[20] And, too many non-Native Mainers do not know about the Maine Indian Claims Settlement Act from 1980—a law that conferred some benefits when adopted but now prevents Wabanaki tribes from benefiting from the advances in tribal sovereignty occurring elsewhere across the country.[21]

The push for tribal sovereignty in recent years exemplifies the need for full implementation of the Wabanaki Studies requirements. A shared knowledge about the "relationship" and "history" between tribal governments and "local, state, national and international governments"[22] is essential as elected representatives consider proposed amendments

> "Although Maine is often referred to as the 'whitest' state in the country, that label masks the significant representation of Indigenous people in Maine. As a percentage of population, the proportion of people who identify as Indigenous in Maine is higher than any of its neighboring states, ranking Maine as 21st out of 50 states in the percentage of Indigenous people in the population."

to the decades-old Maine Indian Claims Settlement Act to restore sovereignty to Wabanaki tribes in Maine.[23] The legislature has considered legislation over multiple sessions, leading to heated battles in committee rooms and on the floors of the House and Senate.

Most recently, in 2022, the Wabanaki tribes came closer than ever before to getting legislation passed to restore tribal sovereignty. The legislation, L.D. 1626, had enormous public support, with more than 1,600 pieces of testimony supporting the bill,[24] and a diverse coalition of over 100 organizations backing the Wabanaki tribes.[25] L.D. 1626 passed in both chambers of the Legislature—an enormous victory and achievement for the Wabanaki tribes. But Governor Mills threatened a veto, citing concerns that restoring tribal sovereignty as described in the bill would lead to more litigation and conflict between the state and the tribes.[26] Without vetoproof majorities in the House and Senate, the bill died.

Despite its demise, LD 1626 represented an enormous advance in the public conversation about tribal sovereignty, a public education campaign undertaken by Wabanaki leaders and their allies to bring legislators and the Maine public up to speed on one aspect of their Indigenous identity. Nevertheless, as the tribal chiefs noted, more education was required: "Wabanaki sovereignty is good for all of Maine. Everyone should support it, but we need to educate more people, including local municipalities and the forest products industry, who continue to misunderstand how tribal sovereignty can be the rising tide that lifts the economies and overall socioeconomic wellbeing of our neighbors in rural Maine."[27]

There are important conversations to be had about our shared future in the state, and we cannot have meaningful and informed conversations without an accurate understanding of our inherited past.

WABANAKI STUDIES ARE MORE CRITICAL NOW THAN EVER ↘

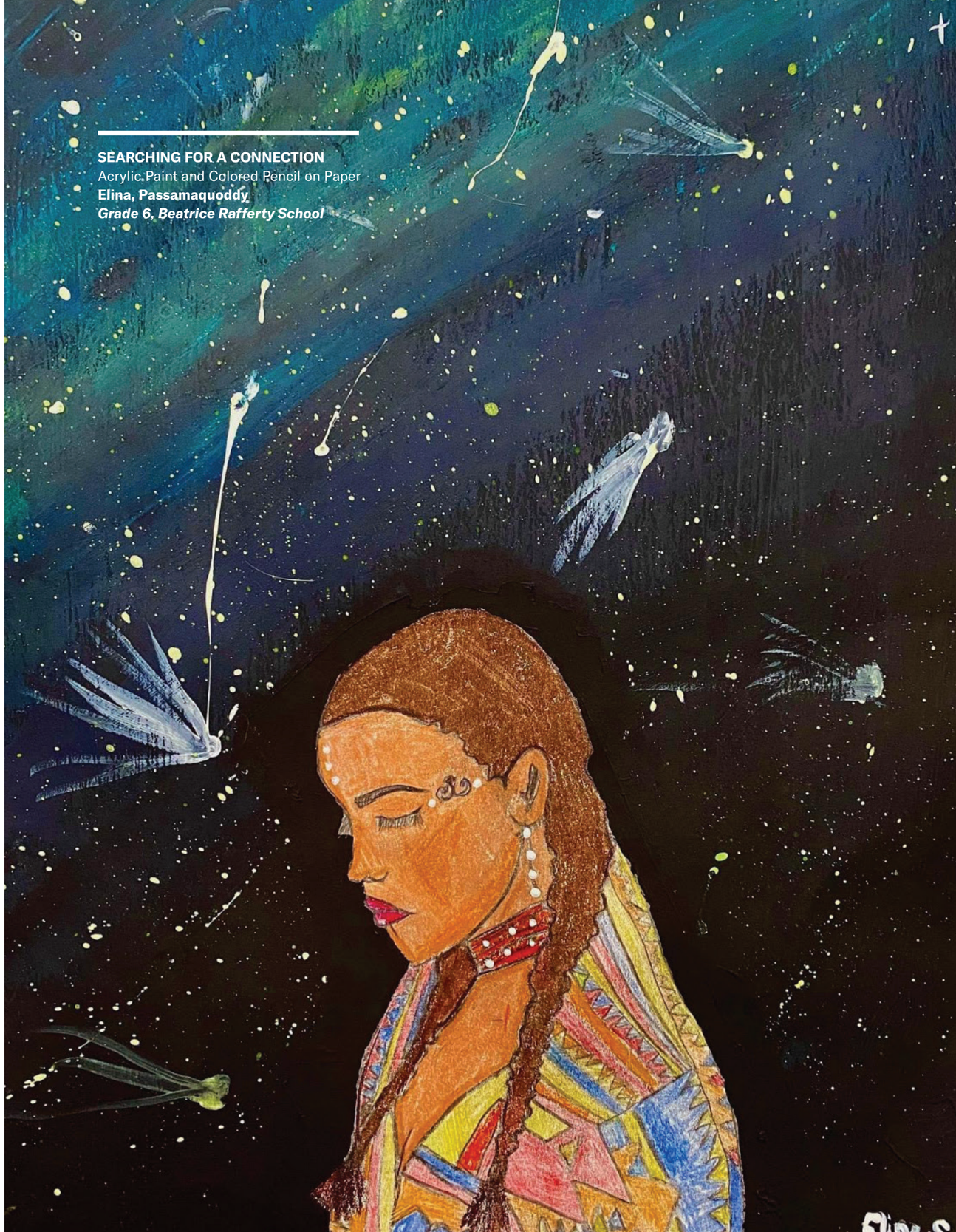
Twenty twenty-one unfolded with an international reckoning of the genocidal history of residential schools, with the discovery of thousands of unmarked graves of Indigenous children at those schools. In a period known as the "residential school era," from the early 19th

century through the late 20th century, governments in the United States and Canada removed Indigenous children from their families and communities and sent them to faraway boarding schools. There, the "schools" required children to cut their braids, wear uniforms instead of traditional dress, abandon their languages and cultures, and otherwise assimilate to the dominant culture.[28] Wabanaki children were sent from Maine to the Carlisle Indian Industrial School in Pennsylvania. The school's founder famously described the philosophy of assimilation as "kill the Indian ... and save the man."[29]

In the summer of 2021, investigators "unearthed over 1,300 unmarked graves in Canada ... on sites of five former residential schools for indigenous children."[30] U.S. Secretary of the Interior Deb Haaland, a citizen of the Pueblo of Laguna and the first Native American to serve as a U.S. cabinet secretary, ordered an investigation of American residential schools where children endured routine injury and abuse.[31] The ordered report was released May 11, 2022, titled *Federal Indian Boarding School Initiative Investigative Report*.

The practice of removing Wabanaki children from their communities continued into the 2000s, and includes Maine's practice of placing these children into white foster families.[32] In 2012, Wabanaki Tribes and the State of Maine created the Maine Wabanaki-State Child Welfare Truth & Reconciliation Commission, to shine light on the practice of removing Indigenous children from their families and communities.

Despite genocide, epidemics, colonization, and forced removal of children, the Wabanaki tribes have endured through creativity and perseverance as sovereign and self-determining peoples, with distinct and diverse languages, cultures, governments, and economic structures. Donna Loring, a citizen of the Penobscot Nation, was the lead sponsor of the Wabanaki Studies bill while she served as the Penobscot Tribal Representative in the Maine Legislature.[33] Loring explained, at a summit celebrating twenty years of the Wabanaki Studies bill's legislation, that the trauma from this history runs deep and is suffered both by Native people and the governments who inflicted it.[34] "We fix it with truth—truth and education about history, truth about current events. Truth must overcome the lies."[35] Secretary Haaland, whose great-grandfather was a survivor of the Carlisle residential school, has similarly explained that "only by acknowledging the past can we work toward a future that we're all proud to embrace."[36]



SEARCHING FOR A CONNECTION
Acrylic Paint and Colored Pencil on Paper
Elina, Passamaquoddy
Grade 6, Beatrice Rafferty School

HOW DID THE WABANAKI STUDIES LAW COME TO EXIST?

THE ORIGINAL BILL ↘

The Wabanaki Studies Law was sponsored by Donna Loring, the Representative of the Penobscot Nation in the 120th Maine Legislature.[37] The bill was assigned the legislative document number of L.D. 291. The summary in the committee file described L.D. 291 as follows:

This bill requires that Maine Native American history and culture be taught in all elementary and secondary schools and requires the Department of Education to include Maine Native American history and culture in the system of learning results. This bill establishes a commission to investigate and recommend how the Department of Education will accomplish this task.[38]

The public hearing for the bill was held on February 15, 2001. Testimony at the public hearing helps illuminate the important purposes behind the Wabanaki Studies Law.

PUBLIC SUPPORT FOR AND OPPOSITION TO THE BILL ↘

SUPPORT FROM TRIBAL REPRESENTATIVES

As is customary at the Maine Legislature, Representative Loring, as the lead sponsor of the bill, introduced the bill and provided the first testimony in support. Representative Loring testified that "Maine history and Maine Indian history are interwoven. You cannot teach one without the other."[39] In the course of her work in the legislature, Representative Loring "realized that the average Maine citizen knew nothing about Maine Indian history let alone current Indian issues," and found that she was "spending much of [her] time educating and re-educating [her] legislative colleagues."[40] She urged the committee to act with this imperative: "Maine Indian history needs to be taught in Maine schools."[41] Representative Loring explained that too few children were taught the basic facts about Wabanaki history or the "constant" relationship between Maine and the tribes since Maine's founding, such as:

- When Europeans came to this continent, the Wabanaki peoples already "had their own governments, our own traditions, language and culture."
- "[The Wabanaki peoples] have left [a] mark on the State of Maine with names of Wabanaki origins such as Allagash, Androscoggin, Aroostook, Caribou, Carrabasset, Katahdin, Kenduskeag, Kennebunk, Norridgewock, Ogunquit, Olamon, Penobscot, Passamaquoddy, Piscataquis, Sebago, Skowhegan, and Wiscasset (just to name a few)."
- "The Penobscot, Passamaquoddy, [Mi'kmaq], and Maliseet tribes played a prominent role during the [R]evolutionary War in securing the boundaries of the State we now call Maine."
- "When Maine requested to be separated from Massachusetts one of the conditions of its Statehood was to honor the obligations that Massachusetts had with the Maine tribes. Since 1820 when Maine became a State … it has had a constant relationship with the tribes."[42]

Representative Loring asked the legislature to pass L.D. 291 so that "understanding and communication through education [can] be the building blocks of a new Tribal State relationship, one that recognizes and honors the struggles and contributions of its native people."[43]

Representative Loring's colleague, Passamaquoddy Tribal Representative Donald Soctomah, also testified in support. Representative Soctomah told the committee that he was "shocked" to learn how "little information" was provided "within the Maine school systems and in the general public concerning Maine Indian history, or information about the present day Tribal life."[44] He explained that, when he toured schools in Maine, "children are surprised to learn about the rich past and the present situation of the Tribes in Maine." He provided a brief background about Wabanaki tribes that was not generally known:

- "[E]ach river had major Tribes located among them," with "Maine Native populations reach[ing] upwards of 25,000 people and f[alling] to a[n] all time low of around 600 in the 1700's. … Unlike other tribes around the nation, Maine Tribes never left the rivers and are still resid[ing] on their ancestral lands."
- "Maine tribes were known for the design of the birch bark canoe, snowshoe and hundreds of other uniquely designed materials."
- "Maine Tribes were the first tribes in the nation to have an organized baseball team. … Fifty years before Jackie [Robinson] played baseball in the [M]ajor [L]eague, the Penobscot Tribe sent Louis Sockalexis to play in Cleveland's [M]ajor [L]eague team."
- "Maine Tribes have interacted with the kings and queens of England and France, with presidents including George Washington, Andrew Jackson, Franklin Roosevelt and Jimmy Carter."
- "Maine Tribes sent the highest percentage per community of men and women to war in both [W]orld [W]ars I & II. The last man killed in World War I was a Passamaquoddy man."[45]

As Representative Soctomah concluded, "This is a truly amazing history, a history of the first people in Maine. A people who hunted caribou and mammoths and even stood atop the mile high glacier, which covered the State 15,000 years ago."[46]

THEMES FROM SUPPORTERS

Many spoke in support of the bill—legislators, historians, students, and members of the public. Their testimony built on a number of the key themes presented by Representative Soctomah and Representative Loring.

The need to teach complete and accurate history

Rebecca Cole-Will, the curator at the Abbe Museum in Bar Harbor, testified that the "single most common question our staff is asked by visitors" is: "Are there any Native Americans living in Maine today?"[47] She asked, "With a history and cultural uniqueness that extends back at least 12,000 years, why are Native Americans so invisible in Maine history and education?"[48] She explained that "[s]tudents are more likely to learn about Native American communities of the American Southwest or Latin American than of Maine from textbooks

produced at the national level that hold no local history content."[49]

Dr. Maureen Smith, enrolled citizen of the Oneida Nation of Wisconsin and Director of Native American Studies at the University of Maine, Orono, explained that students who took courses about Native American Studies at the University of Maine "express their frustration that they never heard of the material that we cover in the courses," and feel "deprived" and "confused" at "how little they have learned about Native people in general and ... how little they know about Maine Indians."[50] As she explained:

It is critical that we all understand the rich legacy of the Maine Native people. It is ludicrous to think about an educated student not knowing about the history of the United States or the State of Maine, yet how can any student be fully educated without an understanding of the original inhabitants of this land we now call home? How can a student have a complete education about the state without knowing the history and culture of the Wabanaki people?[51]

Dr. Peter Rees, a school psychologist, testified that "[w]ith some admirable exceptions among Maine schools Native people are largely ignored, their history of oppression, displacement, betrayal and marginalization seldom mentioned."[52] Professor Margo Lukens testified that "[f]or too long we have relied on American history curricula written exclusively from the perspective of EuroAmericans; it is now our opportunity and responsibility to create a law designed to introduce broader perspectives and to foster our children's discovery of the real truth about Maine. Students who learn Maine's Native American history will have a better sense of their own relation to the State's land and people, and will be able to make more just and informed decisions as adult citizens."[53]

This testimony all supported the foundational principle that, whatever the topic, history instruction should strive for as much accuracy and completeness as possible. With regard to the history of the Indigenous Peoples of Maine, most instruction was falling well short of the mark.

The need to dispel stereotypes

In Maine, many schools organize "Civil Rights Teams," with support from the Maine Attorney General's Office. The purpose of these teams is to provide support for students who may be experiencing discrimination or bias in their schools, and to provide an avenue for students to speak out against injustice. Multiple students from the Civil Rights Team at a middle school in Lisbon Falls, Maine, attended the hearing and submitted testimony in support of the bill, providing a strong youth voice encouraging an accurate and inclusive curriculum.

One student noted that, "A lot of people don't really understand [Wabanaki peoples] and that a lot of the myths they hear *aren't* true. ... Many students that don't understand about Native Americans make fun of them and the way they talk, act and live because it is different tha[n] the ways they talk, act and live."[54] Another observed that many people "believe the stories and myths that they hear from people who don't know what they are talking about. ... The prejudice in our society can really hurt people's feelings."[55]

Students expressed concern about the long-term effects of stereotypes on fellow students. One testified that if "young adults are educated about the culture and history of Native people it would limit discrimination, bias, and

"Any student who does not see people like him or herself represented in the school curriculum is likely to feel marginalized and de-valued. This is particularly true of students in categories that have been oppressed and demeaned traditionally."

misconceptions."[56] Another testified that commonly used textbooks left the message "that Native people were nothing more than murderers."[57] She concluded by observing that she would be "ashamed, embarrassed, and deeply hurt" if her own children believed such an inaccurate view of history: "Right now you can teach the next generation of new students or go on with stereotypes."[58]

The importance of dispelling stereotypes was also a feature in the testimony of school officials. Superintendent of Schools, Maine Indian Education, Ronald Jenkins, testified about issues in the news at the time, including tribal sovereignty and water rights, and asked whether students could have an accurate understanding of these issues, given the state of their education in Maine schools.[59] And school psychologist Dr. Peter Rees testified that "any student who does not see people like him or herself represented in the school curriculum is likely to feel marginalized and de-valued. This is particularly true of students in categories that have been oppressed and demeaned traditionally."[60] Such treatment "often leads to lower achievement, more frequent dropouts, and other regrettable behaviors."[61] Ignorance among the dominant group "breeds prejudice. Maine Indians are commonly subject to racist epithets, and are often demeaned and socially excluded in the majority society including in school. ... The best antidote to prejudice is education."[62]

Members of Indigenous communities testified about the effect that stereotypes had on their lives. One Passamaquoddy tribal citizen, Georgia M. Mitchell, testified that she had recently been asked by a Caucasian middle-aged man whether she "lived in a tee-pee."[63] She went on to note that "[r]acism is prevalent in our schools ... because of lack of understanding," and that it was important for her grandchildren and all children to "know and understand each other's background" and "understand where each and everyone of us comes from [because] we all share this planet."[64]

Others testified about the importance of learning Wabanaki Studies in order to have an informed opinion about current day public affairs. For example, Phil White Hawk posed a set of questions for the legislative committee to consider in relation to Wabanaki history:

- "How can tribal entities, which have survived for many thousands of years in harmony with their environment be considered inconsequential in this day and age?"

- "How can legislative bodies deal with Native American sovereignty issues without knowledge of tribal attitudes and customs regarding property rights, privacy rights, rights of self-expression, religious rights, and the social structure of the clan system itself?"[65]

The need for training and support from the State

Supporters of L.D. 291 also expressed concern about the importance of teacher training and professional development in fully implementing any requirement to teach Wabanaki Studies. For example, Representative Soctomah testified that "[m]ost teachers have had little or no formal study about Maine's Tribes," and "feel inadequate to teach about Native Americans" when they lack "[c]ourse work on the subject" and "their knowledge comes from stereotypes about Indians."[66] He explained that part of the design of L.D. 291 was that the State of Maine would help "to develop curricular programs which are appropriate to school administrative units and educators."[67]

Dr. Smith also testified about the importance of professional development. Despite acknowledging that many teachers wanted to "infuse their curriculum with Native American history … in a culturally appropriate, adequate fashion," Dr. Smith explained that many "may not have ready access to such materials or know about any" and thus "find it difficult to incorporate it into the curriculum."[68] She supported the bill because it would "ensure that *all* teachers would have ready access to culturally appropriate, accurate material," and would "ensure that *all* teachers also include this material into their lesson plans."[69]

The challenges that Dr. Smith and Representative Soctomah anticipated were also expressed by teachers speaking about their own experiences. Former library media specialist Kathleen Perkins testified that "Maine teachers struggle to find information sources with regard to the topic of Maine Native American history which are known to be authentic and accurate representations of this topic. The limited sources which are at their disposal may not present the material in an age-appropriate format, for example, they may be written at … the comprehension level of an anthropologist."[70] And Mary Griffith, a seventh-grade teacher and the former program director for the Wabanaki Program of the American Friends Service Committee, testified about being involved in the creation of a teaching resource in response to "Maine educators' requests for materials that they could use in classrooms to teach about Maine Indian history and culture."[71] She described the "committee of Wabanaki people" including "members of four tribes or nations who decided what to include in the book and how it should be presented."[72]

> "In an interview after the bill's passing, Representative Loring said that the statute 'was created because it was time for the majority culture to learn about Native people. … It was my goal to make us visible, where we are invisible.' Such knowledge is critical to understanding and overcoming longstanding inequities."

Those testifying about the bill reflected a shared understanding that it would be implemented statewide, with significant assistance from the Maine Department of Education. Dr. Smith explained, "Teachers and students alike will understand the significance of [Wabanaki] history and culture as they are assessed on their teaching and learning of the material."[73]

Themes of caution and concern

The original text of the bill required that "Maine Native American history and culture must be taught in all elementary and secondary schools, both public and private," and it required the Department of Education to engage in rulemaking.[74] In addition, the original bill required the Commissioner of Education to amend the Maine Learning Results[75] in the content-standard subject areas of: social studies addressing the topics of Maine tribal governments and political systems, cultural systems and the experience of Maine tribal people throughout history, territories, and economic systems. The bill also established a Wabanaki Studies Commission to examine the inclusion of Wabanaki history and culture in Maine's system of learning results.[76] This Commission was authorized to make recommendations to the Commissioner of Education, and the Commissioner was authorized to implement those recommendations.

The Maine Department of Education testified in support of the bill but expressed some concern about particular aspects. For example, the Department testified against the creation of a Wabanaki Studies Commission (which was nonetheless included in the enacted law).[77] On the other hand, the Department's testimony acknowledged the importance of effective oversight and implementation statewide, explaining that "[t]o ensure [Wabanaki Studies] becomes part of each child's education in Maine schools, the concepts proposed should be addressed in statute and in the content standards and performance indicators of Maine's *Learning Results*."[78]

FINAL PASSAGE

The Education and Cultural Affairs Committee voted that the bill ought to pass as amended to address several of the Department of Education's concerns.[79] After the bill was passed by the House and the Senate, then Governor Angus King signed L.D. 291 into law on June 14, 2001.[80]

In an interview after the bill's passing, Representative Loring said that the statute "was created because it was time for the majority culture to learn about Native people. … It was my goal to make us visible, where we are invisible."[81] Such knowledge is critical to understanding and overcoming longstanding inequities.

The First Steps Toward Implementation:

THE WABANAKI STUDIES COMMISSION

As reflected in the legislative history, proponents of the Wabanaki Studies Law recognized that there was a great deal of work to do. At the time of passage in 2001, many schools did not meaningfully teach Wabanaki Studies, or else taught stereotypical or negative depictions of Indigenous peoples. Regulators, administrators, and teachers who wanted to include accurate information about Wabanaki Peoples often lacked sufficient training and resources. This is why the creation of the Wabanaki Studies Commission was so critical to the implementation of the law.

As enacted, the Wabanaki Studies Law created "a study commission to identify and explore available resources for Maine educators to use in implementing these instructional areas." The bill required the Wabanaki Studies Commission to:

include a plan to assist the Department of Education in helping school administrative units implement instruction in Maine Native American studies. ... The plan for assistance must be established by July 30, 2004, and implemented during the 2004-05 school year.[82]

The membership of the Commission included "[e]ight members selected by the tribal chiefs and governors of the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians and the Aroostook Band of Micmac."[83] Also on the Commission were six members selected by the Commissioner of the Maine Department of Education and one member selected by the Chancellor of the University of Maine system.[84] The Commission was charged with "assist[ing] school administrative units and educators to explore a wide range of educational materials and resources relating" to Wabanaki history and culture, and with "[i]dentify[ing] materials and resources for implementing Maine Native American history and culture."[85]

The newly formed Commission was charged with providing a final report by September 2003, including resources and a plan "to assist the Department of Education in helping school administrative units implement instruction in Maine Native American studies," and "criteria to identify school administrative units having difficulty meeting the instructional components" of the new law, "and the provision of assistance to these school administrative units."[86] This plan was due to be implemented by 2004, with the new curriculum requirements to be implemented "during the 2004-2005 school year."[87] In a series of reports—including a preliminary report in 2002, a final report in 2003, and a supplemental report in 2004—the Wabanaki Studies Commission made multiple recommendations to ensure statewide enforcement of the law; easy access to comprehensive and appropriate resources and materials; and appropriate teacher training.

The preliminary report of the Commission, issued in 2002, detailed the vision of the Commission: "to help prepare for the inclusion of Maine Native American Studies as part of Maine Studies taught in Maine's schools."[88] The preliminary report articulated a vision in which Wabanaki Studies would be taught and assessed statewide, using culturally appropriate curricula and resources developed with the meaningful and compensated collaboration of Wabanaki peoples. It envisioned that teachers across the state would receive appropriate teacher training and professional development on Wabanaki Studies, just like other content areas that they were expected to teach.

The Wabanaki Studies Commission issued its final report in October 2003, though the group continued to meet and issued a supplemental report in 2004. These reports were the culmination of over two years of monthly meetings by a Commission comprised of representatives from the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians, and the Mi'kmaq Nation; six members appointed by the Commissioner of Education; and a member selected by the Chancellor of the University of Maine System. The Commission was chaired by Professor Maureen Smith (Oneida), the Director of Native American Studies at the University of Maine.[89] The 2003 and 2004 reports provided recommendations and resources to accomplish the vision of full implementation of the Wabanaki Studies Law.

STATEWIDE IMPLEMENTATION AND ASSESSMENT ↘

The Commission found that the goal of the Wabanaki Studies Law was to achieve statewide implementation in schools throughout Maine, with Wabanaki Studies taught throughout the curriculum in Grades K–12, with benchmarks for compliance. The preliminary report recognized that the Maine Learning Results were a necessary tool for accomplishing this goal. As the report explained, "[b]ecause every Maine school must build its curriculum based on Learning Results, it is really important to link Maine Native American Studies to Learning Results."[90] The Commission explained that the Maine Learning Results "should be used to ensure the broadest possible implementation."[91]

In its 2003 and 2004 reports, the Wabanaki Studies Commission made several recommendations to accomplish statewide implementation and enforcement of the Wabanaki Studies Law. Specifically, the Commission recommended that the Department of Education "require local school administrative units to submit an annual implementation plan by May 1 of each year that includes goals that are consistent with the requirements of L.D. 291 and a description of how they will meet the goals."[92] To assist the Department of Education in such oversight, the Commission recommended creating a new position within the Department "to coordinate the implementation of [Wabanaki] Studies."[93]

In the 2002 report, the Commission emphasized the importance of assessment and oversight over implementation of the new law, finding that the "Maine Department of Education should develop assessment tools that ensure that what students learn about the Wabanaki people is authentic and culturally appropriate."[94]

THE LONELY STREET
Digital Photography
Wiphun, Passamaquoddy
Indian Township School

In the 2003 and 2004 reports, the Wabanaki Studies Commission issued recommendations relating to the importance of assessment. "[T]o measure the success of the implementation of L.D. 291, it is essential to assess what teachers are teaching and what students are learning about Wabanaki Studies," both at the "state level (e.g. by weaving Wabanaki Studies into the Learning Results and asking questions about it on the MEAs) and at the local level (e.g. through assessments developed by local school administrative units)."[95] The Commission recommended involving representatives of the Wabanaki Studies Commission in assessment revisions, including in the Learning Results and statewide assessments.[96]

In articulating its vision of statewide enforcement, the Commission acknowledged the absence of appropriated funds for the Wabanaki Studies requirement.[97] The Wabanaki Studies Commission envisioned a future with sufficient resources to implement the law, with Wabanaki people guiding the development of resources, including a process overseeing the appropriateness and accuracy of materials, with funding to support such development of resources, and a central repository for resources and curriculum.[98]

Importantly, the Commission specifically addressed the prohibition on unfunded mandates in the Maine Constitution.[99] The Commission explained that implementing the Wabanaki Studies requirement would not require additional outlay of local resources because of the resources for teachers that had been compiled by the Commission and made available statewide. As such, there was no basis for local school administrative units to evade the requirement. Specifically, the Commission found that, in light of the resources they had made available, "*all school administrative units in Maine can comply with LD 291.* The Commission could think of no criteria that would legitimately exempt a local unit from meeting the requirements of the law."[100]

CURRICULUM AND RESOURCES ↘

The Commission envisioned the availability of Wabanaki Studies sample curricula and resources that are culturally appropriate and encompass the full range of topics required by the statute. These resources would include "a focus on the present of the Wabanaki people, as well as on their past," and the "diversity among the four Tribes in Maine."[101] To accomplish these goals, the Commission explained, "Wabanaki people must be involved centrally in designing curricula and in teaching about Maine Native American Studies."[102] The Commission, which included designees from the Maine Department of Education, documented its commitment to "play a significant role in developing prototype units of learning about key concepts (e.g. culture, colonialism and its impacts, tribal government, tribal economics, etc.)."[103]

The Commission's final report laid out the range of areas that the curricula should cover, including all of the areas required by statute. The Commission referred to these as "Concentrated Areas of Study." The list included:

- **Introduction** about Wabanaki Studies, including history about the four tribes, stereotypes, and Wabanaki contributions, such as medicines, place names, and more.
- **Wabanaki tribal territories**, including concepts of Wabanaki lands, traditional lands, conflicts over land, and contemporary land use.
- **Wabanaki tribal governments and political systems**, including traditional roles, sovereignty, the impact of contact with colonialists on governmental systems, and contemporary Wabanaki Governments.

- **Wabanaki economic systems**, including traditional economic systems, the impact of contact on economic systems, and contemporary Wabanaki economic systems.
- **Wabanaki history**, including traditional history and origin stories, contact with colonialists, revolutionary period, interactions with the United States, interactions with Massachusetts and Maine, survival, and self-determination.
- **Wabanaki culture**, including worldview, languages, family, land ethics, oral traditions, health systems, art, government, education, technology, science, and housing.[104]

The Commission also provided a long list of resources and sample curricula, and recommended a centralized and statewide "Wabanaki Studies website." The Commission recommended that this website should include such items as:

- an overview of L.D. 291
- the Concentrated Areas of Study developed by the Commission
- reports by the Commission
- a Wabanaki Studies resource list to support teachers
- sample lesson plans [and] syllabi
- original documents such as treaties
- maps of tribal lands
- information about speakers and resources (*including how to approach and contact them and the need to reimburse them*)
- notes and tips to teachers about teaching Wabanaki Studies
- links to other helpful websites[105]

In its supplemental 2004 report, the Wabanaki Studies Commission provided an updated resource list of textbooks, websites, and frequently asked questions, including descriptions about tribal sovereignty, citizenship, and languages of the Wabanaki tribes. It also included sample lesson plans, units of learning, and proposed learning results. In explaining how these resources should be implemented, the Commission emphasized the importance of integrating Wabanaki Studies into existing classes in a meaningful way. "Social studies is perhaps the most obvious place to integrate these concepts, but American Indian cultural topics can also be brought into government, math, science, reading, and other classes."[106] The Commission encouraged schools "to take advantage of the many opportunities to integrate these concepts into current courses."[107]

The Commission emphasized the importance of ensuring culturally appropriate curriculum and resources. It recommended processes to ensure that curriculum and other resources are culturally appropriate—including assessing whether American Indians are stereotyped in the representation and whether the author is qualified to write a book dealing with the topic.[108]

Related to this goal, the Commission repeatedly highlighted the need to compensate Wabanaki educators and experts for their time and work. "It is important to compensate Wabanaki people for their involvement in educating others,"[109] and the Department of Education should "[i]nform local school administrative units that Wabanaki people should be compensated when they visit or provide services to schools."[110]

TEACHER TRAINING AND PROFESSIONAL DEVELOPMENT ↘

The 2002 report explained that full implementation of the law would require educators to receive appropriate pre-service training and professional development in order for them to have the cultural competence to deliver information and use available resources. As the Commission explained, "Training and support are essential to enable non-Native teachers to provide accurate, culturally competent information about the Wabanaki people."[111] The "many feelings and emotions" inherent in teaching Wabanaki Studies "reinforces the importance of teacher training and other means of supporting teachers in the classroom."[112]

"The Commission believes that pre-service and in-service training are essential to the successful implementation of the Public Law 200[1], Chapter 403."[113] "Commission members believe that Wabanaki Studies needs to be a fundamental component of the curriculum, which only a classroom teacher can teach," which "further underscores the importance of teacher training"—both pre-service and in-service.[114] "It is critically important for training to be institutionalized and ongoing."[115]

> "The Wabanaki Studies Commission laid out a clear and detailed vision for what they hoped education on Wabanaki history, culture, and government would look like ten years after passage. Yet even early implementation of the law was 'decidedly uneven'."

The Wabanaki Studies Commission made recommendations about how to achieve this vision of pre-service and in-service training in Wabanaki Studies. Specifically, the Commission recommended that the Department of Education collaborate with the University of Maine on "regional in-service training sessions and workshops."[116] Specifically, the Department should continue with the Summer Institute, which had provided in-depth professional development to teachers across the state.[117] The Department should "[m]ake sure people are qualified in Wabanaki Studies before they are certified as teachers."[118] Although the Commission did not expect teachers to become Wabanaki "experts," it did highlight the "critical" nature of in-service professional development.[119]

ASSESSMENT OF IMPLEMENTATION AFTER TWENTY-ONE YEARS

The Wabanaki Studies Commission laid out a clear and detailed vision for what they hoped education on Wabanaki history, culture, and government would look like ten years after passage. Yet even early implementation of the law was "decidedly uneven." Beginning in 2006, the Maine Indian Tribal-State Commission (MITSC) sought to engage in the law's implementation, and found the "single largest obstacle ... to the introduction of Wabanaki Studies was the scarcity of free, quality curriculum materials."[120] In addition, MITSC identified a need for teacher training, and for Maine institutions—including MITSC, DOE, and the University of Maine system—"to renew their commitment and responsibility to Wabanaki Studies."[121] MITSC was successful in working with DOE between 2008 and 2009 to convene a working group of Wabanaki and non-Wabanaki educators and experts to create curriculum resources across grade spans.[122] MITSC also worked with DOE to create the first DOE webpage devoted to Wabanaki Studies resources, including the curriculum created by this working group.[123]

Despite periods of activity and interest, there have not been sustained, consistent efforts and leadership from Maine entities, especially the Department of Education, to implement the Wabanaki Studies Law. The result is that, twenty-one years after passage, little of what the Wabanaki Studies Commission had hoped and planned to achieve has been realized.

To investigate current implementation of the law, the ACLU of Maine, the Wabanaki Alliance, and the Abbe Museum sent Freedom of Access Act (FOAA) requests to the Maine Department of Education and ten school districts in Maine, seeking information about implementation of Wabanaki Studies. These ten school districts included the five largest school districts and five school districts neighboring tribal communities. We also spoke with leaders in the area of Wabanaki Studies who have been involved over the years in attempting to implement the Wabanaki Studies Law.

The overall conclusion from our investigation is that implementation has been uneven. Some schools have shown real success in developing and implementing programs of study that meaningfully integrate the history and perspectives of Wabanaki culture. But other schools do little to satisfy the requirements of the law, and the State Department of Education has not engaged in meaningful oversight to identify these school districts or otherwise enforce the law.

Many staff at the Department of Education care deeply about implementing the Wabanaki Studies Law. For example, Department staff organized a Wabanaki Studies summit in the summer of 2021, featuring leading experts in Wabanaki Studies. DOE staff field requests from educators seeking guidance on teaching Wabanaki Studies, and send educational and professional development opportunities to social studies teachers, including about Wabanaki Studies, as they arise. Commissioner Pender Makin reconvened a Wabanaki Studies committee to "revive awareness of the law requiring teaching Wabanaki History and Culture, and to make available updated resources for schools."[124] The committee members, including educators and Wabanaki experts, have provided input and feedback guiding the Department's process for creating resources teaching Wabanaki Studies.[125] Commissioner Makin was also among the Maine dignitaries who attended the opening of the new Sipayik Elementary School in September 2021.[126]

Nevertheless, these efforts by the Department fall short of implementing the law in the fashion envisioned by the Wabanaki Studies Commission. There is no statewide accountability or assessment. The Department generally does not compensate experts in Wabanaki Studies for their time and input. While the Department has a website that provides resources for teachers,[127] many of the links are broken.[128] More is needed to achieve the important purposes of the Wabanaki Studies law.

METHODOLOGY OF THE INVESTIGATION ↘

Request to School Administrative Units

In March 2021, the Abbe Museum, ACLU of Maine, and Wabanaki Alliance[129] submitted public document requests to ten school districts across the state, which were selected on the basis of their size or their proximity to large Indigenous communities: Portland, Lewiston, Bangor, Oxford Hills, Auburn, Eastport, Old Town, Houlton, Calais, and Presque Isle.[130] As in the request to the state, the local requests focused on both the requirements of the statute and the nature of implementation (along with any barriers to implementation).

In particular, the authors were interested in the responses concerning the particulars of statutory compliance. The Wabanaki Studies Law[131] requires schools to develop and present curricula on the following topics: (a) Wabanaki "governments and political systems and their relationship with local, state, national and international governments"; (b) Wabanaki "cultural systems and the experience of [Wabanaki] people throughout history"; (c) Wabanaki "territories"; and (d) Wabanaki "economic systems." In our public documents requests, these statutory categories are encapsulated in requests 1(a)–(d).[132]

In addition, the schools were asked to provide documents concerning professional development; outreach to the State of Maine for help, support, resources, or funding for implementation of the Wabanaki Studies Law; guidance received from the Department of Education on how to create and develop curricula in compliance with the Wabanaki Studies Law; financial considerations related to implementation; and any other identified obstacles to implementation.

While the depth, accuracy, and complexity varied, nine of the ten districts provided at least some records in response to the request.[133] Eight of the ten schools produced at least one page of curricula records pursuant to one or more of the curriculum categories.[134] Responses to the requests relating to implementation were much more uneven: six districts provided records about professional development;[135] one provided a record of outreach to the State of Maine for assistance;[136] three produced examples of guidance provided by the Department of Education;[137] one produced records about financial needs associated with implementation,[138] and four produced records relating to other obstacles to implementation.[139]

Request to the State Department of Education

In April 2021, the Abbe Museum, ACLU of Maine, and Wabanaki Alliance submitted a public documents request to the Maine Department of Education, seeking public records in the custody of the Department of Education on the following topics:

- compliance with the statutory obligations of the Wabanaki Studies Law
- professional development
- requests for assistance made to the Department of Education regarding implementation of the Wabanaki Studies Law
- guidance provided by the Department of Education to teachers, schools, or school districts regarding Wabanaki Studies curriculum development
- financial concerns related to implementation of the Wabanaki Studies Law
- discussion of obstacles to full implementation of the Wabanaki Studies Law

These requests mirror those made to Maine school districts, and they are informed both by the recommendations of the Wabanaki Studies Commission from 2003, as well as by the promises made, and concerns raised, by the Maine Department of Education during the original legislative debate.

The Department responded by providing a cache of emails to the statewide social studies listserv (including emails on *all* topics, not broken out by emails relating to Wabanaki Studies). The Department also referred the authors to publicly accessible materials on their website. The authors accordingly undertook a search of publicly available documents, such as material posted on the Maine Department of Education website, in order to assess the public-facing implementation efforts by the State. These public-facing materials included video links to the recent professional development summit in summer 2021, and the authors reached out to many of the experts and educators who had been featured in this summit. In response, the Department provided a rolling production of records, arising from a search of staff email from 2017 to June 2021.

The records and public-facing documents reflect Department efforts to implement the Wabanaki Studies Law, which include:

- monthly emails to the social studies listserv, many of which refer to external professional development efforts (often through the Abbe Museum or Maine Historical Society)
- occasional communications with teachers looking for materials on Wabanaki Studies (who were often referred externally, e.g., to the Abbe Museum)
- emails organizing the Wabanaki Studies Committee, a group that gathered intermittently to discuss implementation of the Wabanaki Studies Law

These emails produced by the Department reflect the best of intentions and wishes for schools to effectively implement the Wabanaki Studies Law. However, as discussed in greater detail below, the emails and other materials made available by the Department fail to exhibit the type of leadership, inclusion, and vision envisioned by the Wabanaki Studies Commission to implement the law.

ASSESSMENT OF STATEWIDE IMPLEMENTATION ↘

A primary question in our review of responsive documents was whether the responsible stakeholders have effectively implemented the Wabanaki Studies Law across the state. As described above, the Wabanaki Studies Commission envisioned statewide implementation in Grades K–12 linked to the Maine Learning Results, with oversight and assessments overseen by the Maine Department of Education. As discussed below, schools have not achieved statewide implementation, and the Department of Education has not enforced it. There have been important successes since 2001, but more work is needed to ensure statewide access to high-quality curriculum on the topics required by the Wabanaki Studies Law.

According to the Maine Department of Education website, "Schools and districts are responsible for implementing Maine Native Studies at all grade spans."[140] Yet review of the individual school districts' records demonstrates that the Wabanaki Studies Law is not implemented across the state. One school did not respond to the FOAA request at all, while others admitted they did not implement the Wabanaki Studies Law in any systemic fashion. Although a number of schools indicated that they made an effort to include Wabanaki history in their courses, many failed to do so in a comprehensive fashion. Schools sometimes played into harmful tropes and often omitted present-day representation, leading to the twin problems of stereotyping and erasure of Indigenous people. Few schools were able to demonstrate systemic teaching about Wabanaki Studies at every grade level and in each of the specific areas required by Maine law.[141] A number of districts highlighted the challenges they face in developing and teaching Wabanaki Studies, along with their enthusiasm for the topic and their recognition of its importance.

The uneven implementation across different schools prompts the question: Has the Maine Department of Education used the accountability and enforcement tools envisioned by the Wabanaki Studies Commission? Here again, the answer is uneven.

MAINE LEARNING RESULTS

Although the Maine Department of Education has attempted to incorporate Wabanaki Studies into the Maine Learning Results, it has done so at a level of generality that fails to provide sufficient guidance to schools across the state. This is a missed opportunity to implement and enforce the Wabanaki Studies Law.

The Maine Learning Results are required by law and designed to ensure that students across the state have a common opportunity for a public education. Enacted the same year as the Wabanaki Studies Law, the Maine Learning Results explicitly require the Department to establish statewide standards for Maine studies, which includes Wabanaki Studies.[142]

The Wabanaki Studies Commission recognized the importance of the Maine Learning Results in achieving consistent and uniform implementation across the state. As the Commission explained, the Maine Learning Results are premised on the idea that

> “Although the Maine Department of Education has attempted to incorporate Wabanaki Studies into the Maine Learning Results, it has done so at a level of generality that fails to provide sufficient guidance to schools across the state. This is a missed opportunity to implement and enforce the Wabanaki Studies Law.”

“completion of public school should have common meaning throughout Maine,” and “[s}erve as a focal point to develop consensus on common goals for Maine education.”[143] As the report explained, “Because every Maine school must build its curriculum based on Learning Results, it is really important to link Maine Wabanaki Studies to Learning Results.”[144] The Commission explained that the Maine Learning Results “should be used to ensure the broadest possible implementation.”[145] The Wabanaki Studies Commission provided guidance by breaking down important areas of learning into Concentrated Areas of Study, including in history, territories, government, economies, and culture.[146]

In the area of “Wabanaki Tribal Governments and Political Systems,” for example, the Commission included specific areas including:

- traditional leadership roles and the Wabanaki Confederacy
- tribal sovereignty
- impact of Contact on Wabanaki Governmental Systems
- contemporary Wabanaki Governments[147]

Yet in crafting the Maine Learning Results, the Department failed to meaningfully incorporate these concentrated areas of learning—including tribal sovereignty—opting instead for general references that fail to provide sufficient guidance and oversight.[148] References to Wabanaki Studies appear at a high level of generality in the areas of civics and government; personal finance and economics; geography; and history.[149] For example, the Civics and Government standard for first grade states only that “[s]tudents understand Maine Native Americans by explaining their traditions and customs,” without providing any further detail.[150] This offers nothing more than a partial restatement of the law, without providing any meaningful guidance on standards and concepts that students should understand. This is particularly problematic because, as discussed below, teachers are not required to have pre-service or in-service training on Wabanaki Studies, despite being required by state law to teach it. Given this lack of background knowledge, the vague references to “tradition” and “culture” leave teachers adrift.

The same is true for higher grades. For example, the Civics and Government standard for Grades 6–8 requires students to understand “political and civic aspects of cultural diversity by … [d]escribing the political structures and civic responsibilities of the diverse historic and current cultures of Maine, including Maine Native Americans.”[151] In another example, the Maine Learning Results simply add “Maine Native Americans” to a longer list, e.g., “historical and recent immigrant groups in Maine, United States, and the world.”[152] These references simply tack on “Maine Native Americans” to a broader theme of diversity, which, as the Department’s social studies coordinator, Joe Schmidt, acknowledged, can feel like an “add-on” without meaningful guidance.[153]

These concerns persist, despite recent efforts by Department staff to improve the Maine Learning Results with respect to Wabanaki Studies. In 2019, the Department engaged in a review of the social studies standards and revised the references to “Maine Native Americans.” To give credit to the Department, they recognized the problem with the cursory manner that Wabanaki Studies were referenced in the pre-2019 Maine Learning Results. As explained in one video, the previous standards referenced “Maine Native Americans” only as an add-on:

Every time that the term Maine Native American showed up in the standards, it was “including Maine Native American.” It was part of something else. … [T]he Steering committee said that it felt like an add-on, that somebody just added in the words, … like it was confetti being thrown around the room hoping it would stick someplace.”[154]

It is commendable that the Department recognized the problem with such surface-level treatment, but recognizing the problem is only one step in the process of solving it. In this case, the attempt at rewriting the standards did not solve the problem, and the current Maine Learning Results still tack on Wabanaki Studies issues to other areas without the specificity and expertise that would provide meaningful guidance to schools. [155]

In many ways, the ongoing challenges come down to a problem with process. It is not surprising that the Maine Learning Results fail to meaningfully incorporate clear and enforceable standards to teach Wabanaki Studies when the people drafting those standards are not experts in Wabanaki Studies. The Wabanaki Studies Commission anticipated this problem. Indeed, members of the Commission “expressed concerns about the lack of Native perspective in the development of Learning Results [and] the omission of important areas relating to the Wabanaki people.”[156] Although the Department has invited experts in Wabanaki Studies to participate on a committee, they have not created an internal, compensated position requiring such expertise. Nor have they given meaningful decision-making authority to outside (and paid) experts. Without a process that gives power to experts in Wabanaki Studies, it is unsurprising that a key enforcement mechanism for the law—the Maine Learning Results—is failing in its intended mission.

APPROVAL AUTHORITY

The Department has also failed to use its approval authority to enforce the Wabanaki Studies requirement. The Wabanaki Studies Commission recommended that the Department of Education “[r]equire local school administrative units to submit an annual implementation plan … each year that includes goals that are consistent with the requirements of [the Wabanaki Studies Law] and a description of how they will meet the goals.”[157]

The Maine Department of Education has authority to require such an implementation plan. The Department already requires annual approval of school administrative units and public schools, including minimum areas such as assessment and evaluation of student performance, and training and development of personnel.[158] As part of the annual approval, schools must complete a comprehensive education plan addressing all applicable laws and rules, as outlined in a resource compiled by the Department.[159] Yet the Maine Department of Education has not used its approval authority to assess or ensure implementation of the Wabanaki Studies Law in each school administrative unit. In a chart on the Department's webpage, the Department fails to even identify the Wabanaki Studies requirement, 20-A M.R.S. § 4706, as one of the statutes with which schools' comprehensive education plans must certify compliance.[160]

FAILURE TO ASSESS

Also of concern, the State does not incorporate Wabanaki Studies into the statewide assessments required by 20-A M.R.S. § 6209(1-A).[161] This is despite the Wabanaki Studies Commission's recommendation to "develop assessment tools that ensure that what students learn about the Wabanaki people is authentic and culturally appropriate."[162] The Commission emphasized the importance of assessing "what teachers are teaching and what students are learning about Wabanaki Studies," including by "weaving Wabanaki Studies" into the Maine Learning Results and asking questions about the topic on the statewide assessment that was in effect at the time.[163] Although the statewide assessment has changed in the intervening years, such an assessment remains mandated by law.[164] Yet, because the State has failed to incorporate Wabanaki Studies into reading, mathematics, or science—the topics required in the statewide assessment—the Department has not included Wabanaki Studies on the statewide assessment. Any effort at assessing what schools are teaching about Wabanaki Studies, therefore, is left to outside groups to piece together after the fact.

MANDATE

A final concern regarding statewide implementation is the perception by some that the requirement to teach Wabanaki Studies is optional and dependent on resources. For example, one school responded to the FOAA request by stating that, due to a variety of resource constraints, they were not prepared to teach the subject.[165] Contrary to this perception, the Wabanaki Studies Law is *mandatory* for all public schools, and private schools with enrollment of 60% or more publicly funded students.[166]

This misconception may arise from a provision in the original version of the Wabanaki Studies Law, which has since been superseded by the Maine Learning Results. The bill stated that the Wabanaki Studies Law "represents a state mandate pursuant to the Constitution of Maine."[167] In light of a restriction in the Maine Constitution against unfunded mandates, the fiscal note further stated that "the local school administrative units may not be required to implement this change."[168]

However, this assessment regarding unfunded mandates has since been superseded by the system of Maine Learning Results—which are supported by state funding for all "Essential Programs and Services."[169] The state funding formula—that allocates the amount that states and localities must spend—funds the programs and resources that are essential for students to have an opportunity to achieve Maine's Learning Results.[170] Wabanaki Studies are a required component of Maine studies, which, in turn, are

A FALL OF COLORS DANCING IN THE WIND
Art Paper, Leaves, and Crayons
Celia, Passamaquoddy
Grade 4, Indian Township School

required as part of the Maine Learning Results.[171] By this chain of reasoning, it is mandatory to teach Wabanaki Studies, as a component of the Maine Learning Results. As explained on the Department's website, "Schools and districts are responsible for implementing Maine Native Studies at all grade spans."[172] In short, teaching Wabanaki Studies is not optional. The Department of Education must enforce it accordingly.

ASSESSMENT OF CURRICULUM AND RESOURCES ↘

The next question is whether Maine has achieved the goals articulated by the Wabanaki Studies Commission related to curriculum development:

- for schools to teach all areas listed in the statute;
- for the Department of Education to provide resources and samples to assist schools and teachers; and
- for schools and the Department to use processes to ensure that curriculum are culturally appropriate.

To answer this question, the authors evaluated the quality of curriculum provided across a range of schools, as well as the materials and resources available on the Department of Education's website.

Overall, the quality of curriculum across schools was uneven. Some schools have gone to great lengths to provide guidance and other resources for teachers. The most promising developments are at schools that incorporate the time, expertise, and insight of Wabanaki peoples—and provide compensation for their time. Other schools, however, have done very little. Still more schools do not provide comprehensive education on all areas delineated by the Wabanaki Studies Law, or they offer curriculum with stereotypical representations of Indigenous people.

As to the resources offered statewide, the Maine Department of Education staff have devoted significant time to creating a website with resources about Wabanaki Studies.[173] Taken as a whole, however, the Department has not accomplished the vision set forth by the Wabanaki Studies Commission decades ago—to create a single website to store sample lesson plans, resources, and other materials to facilitate effective statewide implementation of the Wabanaki Studies Law.

Discussed in further detail below are: (1) examples of successes in various school districts; (2) concerns with school curricula; and (3) evaluation of the resources collected and provided by the Department of Education.

SUCCESSES IN IMPLEMENTING THE WABANAKI STUDIES LAW ↘

The successes in certain school districts can serve as models and templates for other teachers and schools across the state. As an initial matter, each of the eight districts that provided responsive curricula demonstrated success in achieving at least some parts of the vision of the Wabanaki Studies Law. By providing curriculum records about Wabanaki Studies, these schools reflected at least some effort to achieve district-wide implementation of the law. The records provided by these schools also reflected efforts to gather reliable books and resources, including *The Wabanakis of Maine and the Maritimes: A Resource By and About Penobscot, Passamaquoddy, Maliseet, Micmac, and Abenaki Indians;* and materials from the Abbe Museum, Dawnland, Penobscot Nation Curriculum, The Upstander Project, Wabanaki REACH, and more. As one example of this, RSU 34–Old Town included print and video resources about the craft of master basket maker Barbara Francis.[174]

Some schools demonstrated success in incorporating Wabanaki Studies throughout multiple subject areas and disciplines—including social studies, science, and language arts. For example, lesson plans from RSU 34–Old Town highlight how Wabanaki Studies is incorporated into their fourth grade science and engineering units regarding "Changing Land."[175]

Similarly, Portland Public Schools incorporate Wabanaki Studies into earth sciences, ecology and life science, and sustainability.[176] Portland's third-grade curriculum on local history is built within a framework of how to be a water protector.[177] This curriculum includes teaching students about dams, watersheds, and ecologies in the Portland area. Through this lens of contemporary water issues, students will learn about the intersections of science, Indigenous ecological knowledge, and settler colonialism history. By fashioning the social studies units in this way, Portland Public Schools will incorporate Wabanaki Studies throughout the entirety of the curriculum, rather than in a specific and isolated manner.

Some schools exhibited success in providing curriculum on Wabanaki Studies that spanned throughout kindergarten to twelfth grade.[178] Bangor, for example, updated resources for Grades K–5 and 6–8.[179] Similarly, Auburn provided records for Grades K–2, 4, 7–8, and 9–12.[180]

Some school districts included resources engaging with the important and ongoing issues of settler colonialism, stereotyping, forced removal, and tribal sovereignty. For example, Lewiston Public Schools produced topics on forced migration, current events in the Maine Legislature, residential schools in the US and Canada, and issues surrounding Alewives and rights to fish in traditional waters.[181] Portland Public Schools provided resources to teachers about introducing concepts such as genocide in developmentally appropriate ways.[182] Auburn Public School District included references to the article "Why is Maine so White? And What It Means to Ask The Question,"[183] and included materials referencing treaty formation.[184]

Schools achieved the most success when they partnered with Wabanaki experts. For example, MSAD 1–Presque Isle has worked to bring Mi'kmaq drummers into their schools.[185] Similarly, RSU 29–Houlton has explained that they "typically invite many Maliseet and MicMac tribal members (including students) to present within the classrooms to supplement the Native American curriculum in ELA, science, social studies, and art.[186] RSU 34–Old Town stated that they participate in "Wabanaki Reach activities for teachers and students," as well as inviting guest speakers such as Ambassador Maulian Dana.[187]

Another exciting offering is Lynn Mitchell's classes in the Passamaquoddy language in Calais, which is offered to students from Indian Township and Sipayik, as well as to other students.[188] This course represents an important way to preserve and celebrate the survival of the Passamaquoddy Tribe's ancient traditions, culture, and language. John Dennis, a Mi'kmaq linguist and expert, has emphasized the importance of preserving and passing along language skills to the next generation.[189]

As another example of the power of partnership, Portland Public Schools has engaged in significant collaboration with Wabanaki tribes

and experts to reconfigure their curriculum, placing equity and Wabanaki Studies at its core. Portland Public Schools are in the multi-year process of redeveloping their curriculum to ensure that students receive an inquiry-driven education that is both anti-racist and decolonized, anchored in sovereignty. Through this effort, Portland Public Schools have sought to weave Wabanaki Studies throughout the entire curriculum, across all grade levels and multiple subject areas.[190] In Portland Public Schools, teachers are guided to curriculum compendiums and ready-made lesson plans created by the Maliseet tribes of the province of New Brunswick and tribal historians of the Passamaquoddy Tribe, along with resources made by Indigenous scholars, such as Abenaki scholar Lisa Brooks, and exhibits at the Maine Historical Society co-curated by Wabanaki leaders, historians, and scholars.[191] In collaboration with Wabanaki consultants and experts, Portland Public Schools has also created excellent guides for teachers, including:

- Wabanaki Studies Dos and Don'ts[192]
  - Providing many helpful tips, united by the key guidelines: "Develop an awareness of what you don't know. Do not engage in cultural appropriation or interpretation. Seek out Indigenous perspectives."
  - Including the important tip, "Do invite Indigenous storytellers to your classroom," making sure to offer speakers compensation and travel expenses.
- Wabanaki Studies Planning Guide for Portland Educators, including an overview of the law and Wabanaki Studies and curriculum in Portland Public Schools, guidance "before" lesson planning begins, planning tools, and content resources (with Indigenous authors prioritized in each section).
- Wabanaki Studies books, articles, and videos, including picture books, reference books, traditional stories, YA historical fiction novels, higher-level reads, articles, films, and videos (included in the Content Resources section of the Planning Guide).
- Wabanaki Studies Pre-K–12—Scope and Sequence, providing case studies, document studies, and unit descriptions for Wabanaki Studies from pre-K to Grade 12.[193]

CONCERNS WITHIN THE CURRICULA AND RESOURCES ↘

Review of the school curricula also revealed broader concerns with the implementation of the Wabanaki Studies Law. Unlike the success stories, the records reflected that many of the schools failed to cover all areas required by the statute, failed to include Wabanaki voices or to compensate Wabanaki people for their time and expertise, and failed to incorporate Wabanaki Studies in a systemic fashion across grade levels.

A particular concern of the Wabanaki Studies Commission was that all curricula be culturally sensitive. This is particularly important (and challenging), given the need to counteract hundreds of years of harmful stereotypes featured in the dominant culture. The records presented numerous concerns about cultural sensitivity, including assumptions and stereotypical depictions, and potentially harmful use of language. Each of these concerns are discussed greater detail below.

In reviewing these concerns, it is important to recognize that time has passed since collecting school records in 2021. As such, some of the concerns listed below may already have been remedied by individual school districts. However, because the concerns below have not been systematically addressed on a state level, it remains important to identify and explain themes of concerns in these records.

FAILURE TO COVER ALL AREAS REQUIRED BY THE STATE

Since 2001, the Wabanaki Studies Law has required education about the four areas specifically delineated by law:

A. Maine tribal governments and political systems and their relationship with local, state, national, and international governments
B. Maine Native American cultural systems and the experience of Maine tribal people throughout history
C. Maine Native American territories
D. Maine Native American economic systems.[194]

These areas were carefully selected to provide a comprehensive understanding of the Wabanaki peoples. As discussed above, the Wabanaki Studies Commission created a detailed outline of Concentrated Areas of Study to add specificity to each of these areas.[195] Yet many schools do not have any system in place to ensure that teachers are covering all four topics mandated by statute, much less to ensure that teachers can cover the specific sub-topics contemplated by the Wabanaki Studies Commission in the Concentrated Areas of Study. For example, one school's curriculum map provides little guidance about covering each of the areas mandated by the Wabanaki Studies Law, instead taking the approach of citing the relevant statewide social studies standards and then providing a list of potential resources for teachers to follow.[196] This lack of guidance is concerning, given that many teachers do not have the pre-service or in-service training to explore such topics on their own, without the structure and resources provided by school administrators or Department regulators. Another school has some reference to contemporary Wabanaki communities, but fails to include any reference to Wabanaki governments, cultural systems, relationships with other governments, or treaties.[197] Failing to incorporate these specific areas into the curriculum deprives students of important information and also increases the risk that teachers will focus exclusively on a narrow and perhaps stereotypical representation of Wabanaki communities.

Relatedly, many districts teach Wabanaki Studies as unit-specific, rather than integrating these studies throughout disciplines, units, and grades. Material in compliance with the Wabanaki Studies Law is often either separate and isolated, taught in relation to Thanksgiving, or clumped in with other historically oppressed and marginalized groups. Greater planning and support is required to ensure that teachers have the resources they need to meaningfully incorporate Wabanaki Studies into their broader curriculum.

FAILURE TO INCLUDE PRESENT-DAY REPRESENTATION

Multiple schools focused primarily or exclusively on historic representations of Wabanaki people, playing into the erasure of present-day Wabanaki people. Numerous curricula refer to Wabanaki people primarily in the past tense and fail to include any modern-day representation of Indigenous peoples, places, cultures, and sovereignty. Overwhelmingly, the most common statutory category found in the records provided by school districts is coverage of "[Wabanaki] tribal people throughout history," with an emphasis on *past* "cultural systems and experiences of … [Wabanaki] tribal people."[198]

An example below uses the past tense when referring to Wabanaki economies, cultural traditions, and contributions:

Graphic 1. ***Sample Unit Questions that Isolate Wabanaki Peoples to the Past***

UNIT QUESTIONS:

- **What are some of the Native American tribes of Maine and how do the physical features of Maine impact their culture?**
- **What was the economy of Maine Native Americans?**
- **What were the cultural traditions and contributions of Maine Native Americans?**

SOURCE: MAINE SCHOOL ADMINISTRATIVE DISTRICT (MSAD) 17-OXFORD HILLS PRODUCTION AT 163.

In this example, the unit questions primarily utilize past tense by saying, "What was the economy," and "What were the cultural traditions and contributions" of Wabanaki peoples. This emphasis on the past implies that Wabanaki economies, cultural traditions, contributions, and peoples no longer exist. Another school required students to learn "how did Maine Native Americans live, work, and play,"[199] without referencing the existence of present-day Wabanaki communities.[200] Again, this implies that Wabanaki people no longer do those things.[201]

It is important to recall the testimony of the former curator of the Abbe Museum in support of the Wabanaki Studies Law, explaining that the single most common question by visitors is "Are there any Native Americans living in Maine today?"[202] Twenty-one years later, that misconception remains all too common. School curricula that refer to Wabanaki people primarily in the past tense, and that fail to include contemporary representation, contribute to the common—and harmful—misconception that Wabanaki people no longer exist.

CONCERNS ABOUT CULTURALLY APPROPRIATE MATERIALS

Recognizing the prevalence of inaccurate stereotypes about Indigenous people, the Wabanaki Studies Commission gave significant thought to ensuring that resources and curricula implementing the Wabanaki Studies Law are accurate and culturally appropriate. It recommended, among other things, that the Department "develop assessment tools that ensure that what students learn about the Wabanaki people is authentic and culturally appropriate."[203] Portions of the records we reviewed, however, demonstrated significant concerns about whether the material was being presented in a culturally appropriate manner.

> "School curricula that refer to Wabanaki people primarily in the past tense, and that fail to include contemporary representation, contribute to the common—and harmful—misconception that Wabanaki people no longer exist."

For example, class assignments often ask students to compare and contrast "Americans" from Native Americans. Such dichotomies play into the harmful othering of Native Americans with an "us" versus "them" mentality, and encourage reliance on harmful stereotypes. Records from elementary schools demonstrated that students are often tasked with verbally describing, drawing, or writing the differences between students' homes, traditions, or cultures and Native homes, traditions, or cultures, or, more simply, "your life" and "Wabanaki life."[204] This is further exemplified below.

Graphic 2. ***Example Compare and Contrast Activity***

POSSIBLE EXTENSION:

- **Create a venn diagram comparing and contrasting your life with the Wabanaki**

SOURCE: BANGOR SCHOOL DEPARTMENT PRODUCTION AT 110.

In this example, students are tasked with contrasting the students' life "with the Wabanaki." The impact of this is othering and assumes that there are no Wabanaki-identifying students in the classroom. In light of the many Wabanaki and Indigenous people attending public schools in Maine, such an assumption is often inaccurate and always sends a harmful message to students in the class.

Some records also reflect some stereotypical depictions of Indigenous people. Visually, this includes stereotypical illustrations of Native peoples, homes, and regalia in a variety of educational materials. Examples of such depictions are below:

Graphic 3. ***Sample Stereotypical Depictions of Indigenous Peoples and Homes***

Note: These two images were found in records from different school districts. The graphics demonstrate how stereotypes are visually perpetuated in the curriculum.

SOURCES: BANGOR SCHOOL DEPARTMENT PRODUCTION AT 39 (TOP) AND MSAD 1-PRESQUE ISLE PRODUCTION AT 170 (BOTTOM)

Some assignments ask students to draw Native Americans, which, depending on how it is taught, can encourage students to lean into stereotypical representations of Wabanaki people.[205] Other assignments ask students to "[t]ell a favorite part of a Maine Native American story."[206] Here again, sensitivity is required. As the Portland Public Schools' "Dos and Don'ts"

MY ANCESTORS
Digital Art
Jayce, Passamaquoddy
Grade 6, Beatrice
Rafferty School

guide explains, it is culturally appropriative for students to "engage in [the] interpretation of Indigenous arts, stories, or spiritual practices," and advises teachers to "seek out Indigenous voices"—such as by inviting an Indigenous storyteller to the classroom or playing recordings of an Indigenous person telling stories, "perhaps even in the [Indigenous] language."[207]

As the guide explains, "non-Indigenous people don't need to know everything about Indigenous cultures in order to teach students that Indigenous peoples and cultures exist and to offer an honest account of US history."[208] Yet, here again, the records suggest that many schools fail to incorporate basic facts when teaching Wabanaki history. Few curricula materials reflect the removal of, violence against, and governmental relations with individual Wabanaki Tribes. Instead, curricula often omit material on forced removal, warfare, alliances, treaties, or any other interactions in the time between. Rarely are topics such as the Carlisle Industrial Indian School or Phips Bounty Proclamation on Penobscot peoples mentioned. Like the omission of facts about violence against Indigenous people in curricula, the records frequently omitted topics highlighting alliances and treaties between colonial settlers and Native Americans, such as the Wabanaki Tribes' role in fighting alongside settlers in the Revolutionary War.

Some of the records also asked students to empathize with settlers, against Indigenous people. One school asked students to discuss what "major problems" European colonizers had with Wabanaki people, and follows up with the question: "What *other obstacles* did Europeans face when settling Maine," implying the Wabanaki people who inhabited the land for thousands of years were merely one of the "obstacles" facing European colonizers (emphasis added).[209] Such a framework others Wabanaki tribes and condones genocide of the Indigenous population by the European colonizers.

These concerns with culturally appropriate materials simply reinforce the importance of statewide guidance for assessing the cultural appropriateness of resources to teach Wabanaki Studies. Staff at Portland Public Schools have drafted a resource evaluation guidebook and have highlighted other authorities on how to evaluate resources.[210] The Department of Education has not yet provided guidance on its website to assist educators in assessing whether resources or curriculum are culturally appropriate.

DEPARTMENT OF EDUCATION WEBSITE AND RESOURCES

The Wabanaki Studies Commission anticipated challenges with implementing the Wabanaki Studies Law, including availability of lesson plans, resources, and culturally appropriate guidance. To address some of these concerns, the Commission articulated a vision for a Wabanaki Studies website. "The Commission believes that the most cost effective means of providing information about the Wabanakis to teachers is through a Wabanaki Studies Website."[211] This website would include:

[A]n overview of LD 291, the Concentrated Areas of Study … , reports by the Commission, a Wabanaki Studies resource list to support teachers, sample lesson plans, syllabi, original documents such as treaties, maps of tribal lands, information about speakers and resource people (including how to approach and contact them and the need to reimburse them), notes and tips to teachers about teaching Wabanaki Studies, and links to other helpful websites.[212]

Although the Commission envisioned that the University of Maine system would take the lead on the comprehensive website, it assigned the Department of Education the task of using its "own Website to help inform educators about the requirements of LD 291 and to highlight resources available to assist teachers."[213] In the intervening years, it has been the Department of Education that has taken on primary responsibility for maintaining a central website with resources about the Wabanaki Studies Law. The Department should be commended for having made significant progress in recent years. Overall, however, its website has not yet achieved the Commission's vision for a central Wabanaki Studies website.

Starting with the positive, the Department has taken critical steps to create a central repository of resources on its own website.[214] As the Department acknowledges, much of the initial guidance for its work came from the Wabanaki Studies Commission: "The document and resources are rooted in the early work of the Wabanaki Studies Commission established by the Maine Legislature in 2001."[215] Nonetheless, a great deal of work has gone into expanding and maintaining the website, and attempting to keep the references up-to-date. The current version of the website includes the following sections:

- Maine Native Studies in Schools, providing a background about the website's history and purpose.
- Suggested Curriculum and Implementation,

including teacher resources for each of the different Maine Learning Results standards relating to Wabanaki Studies, for grades pre-K–12.

- Historical, which draws from multiple sources.[216]
- Benefits of Maine Native Studies, explaining the benefits of integrating Wabanaki Studies into the curriculum "at all grade spans," and explaining that "[s]chools and districts are responsible for implementing Maine Native Studies."[217]
- Maine Tribal Governments, providing links to the websites for the Houlton Band of Maliseet Indians, the Mi'kmaq Nation, the Passamaquoddy Tribe at Motahkmikuk and Sipayik, the Penobscot Nation, the Indian Island School, and the Maine Indian Tribal-State Commission.
- Resources, listing resources from the Wabanaki Alliance, the Abbe Museum, the Maine Memory Network, the Wabanaki Collection, the Penobscot Nation Curriculum, the Maliseet-Passamaquoddy Language Resources, the Mi'kmaq Curriculum from Nova Scotia, a video about the Maine Indian Land Claims, and many more.
- Acknowledgments and Contributions, recognizing the leadership of the sponsors of the Wabanaki Studies Law: Donna Loring, Penobscot Nation, former Maine State Tribal Representative; Donald Soctomah, Passamaquoddy Tribe, Maine State Tribal Representative; and the many people who have worked hard to implement the Wabanaki Studies Law in the years since.
- Statute, pasting the current version of the Wabanaki Studies Law.

The current iteration of the website, therefore, accomplishes some of the goals anticipated by the Commission. Yet meaningful attention to other areas remains missing, including sample lesson plans and syllabi and notes and tips to teachers about teaching Wabanaki Studies.

As to lesson plans, the Department has not provided age-appropriate sample lesson plans on its website,[218] nor has it engaged in the collaboration with Wabanaki experts that would be necessary to create such plans. It has made some effort to include age-appropriate materials on its website, by listing resources by grade level and Maine Learning Result standard.[219] Yet even on these pages, purporting to provide "Suggested Curriculum Implementation," many of the links are broken.[220] In addition, the Department does not include the concentrated areas of study prepared by the Wabanaki Studies Commission, nor does it provide a general overview of the time periods and principles that students should learn. These types of resources are needed to assist teachers in seamlessly and meaningfully incorporating Wabanaki Studies into the classroom.

Regarding notes and tips to teachers about teaching Wabanaki Studies, the Department's website includes a caution regarding culturally appropriate teaching of Wabanaki Studies that had been referenced by the Wabanaki Commission:

IMPORTANT CONSIDERATION: To provide students with a culturally-appropriate learning experience and demonstrate the highest level of respect for Maine's Native people, educators should refrain from engaging in any activity that may infringe upon the spiritual traditions of all Indigenous peoples such as: drumming, smudging, dancing, assigning "native" names to students, recreating sacred ceremonial designs, making headbands with feathers, or "dressing up" in Native regalia or as Indians.[221]

This consideration, identified initially by the Wabanaki Studies Commission,[222] is undoubtedly an important one. Unfortunately, this warning incorporates the phrase "Maine's Native people." As described in Portland's "Dos and Don'ts" document, non-Native educators generally should avoid using "possessives when talking about Indigenous peoples (e.g., Maine's Native people, our Native people, etc.)."[223] By using a possessive in this way, the records suggest that the Wabanaki people are from the settler colonialist framework of Maine, rather than from what is now considered to be the State of Maine.

Other than the consideration above, the Department has not created a resource with tips for teachers in teaching Wabanaki Studies. This is an important role for the Department to play, especially considering the ongoing absence of pre-service training and professional development about Wabanaki Studies. Teachers need guidance that has been developed in partnership with Wabanaki experts.

Social studies teachers generally show a real desire to teach Wabanaki Studies well and recognize the lack of resources as a barrier.

According to a survey conducted by the DOE's social studies specialist,[224] about a third of the 179 social studies teachers who responded said they do not teach about the Wabanaki tribes[225]—the majority of them citing lack of quality resources as a barrier,[226] and some citing discomfort teaching about "Maine Native Americans."[227] The rest reported that they do teach Wabanaki Studies, most utilizing resources they've cobbled together themselves.[228] A major theme from the teachers who are teaching about Wabanaki Studies is the need for vetted, quality resources. As one teacher wrote, "The lack of resources is the most frustrating thing. My teaching colleagues and our principals WANT this to happen but are really frustrated by the fact that materials and lessons plans are so hard to find. It is one reason why I am making a website with the materials I have found."[229]

Some schools have stepped into the vacuum and created the types of resource and guidance materials that are badly needed statewide. As

"The lack of resources is the most frustrating thing. My teaching colleagues and our principals WANT this to happen but are really frustrated by the fact that materials and lessons plans are so hard to find. It is one reason why I am making a website with the materials I have found."

GALAXY ANIMALS
Digital Art
River, Passamaquoddy
Grade 5, Beatrice Rafferty School

discussed above, for example, the Portland Public Schools have created tips for teachers on "Dos and Don'ts" in teaching Wabanaki Studies.[230] Although it is appropriate for schools to update their own local and regional curricula, the reality is that some schools and teachers are not doing it. Students all across the state—including those in smaller and under-resourced schools—would benefit from their teachers having access to quality lesson plans and tips for teaching about Wabanaki Studies.

There is promising news in making this a reality. The University of Maine McGillicuddy Humanities Center, at the initiative of Professor Margo Lukens, was awarded a $59,000 grant from the National Endowment for the Humanities to create a Wabanaki Studies portal for teachers. This two-year pilot project, on which the Maine DOE is a partner, would "centralize access to disparate, already-digitized collections of Wabanaki source materials as well as appropriate lesson plans, activities, and units for teaching to Maine Social Studies standards."[231]

TEACHER TRAINING AND PROFESSIONAL DEVELOPMENT ↘

Teacher training and professional development are the threads running through all of the implementation concerns about the Wabanaki Studies Law. As the Wabanaki Studies Commission explained, "Wabanaki Studies needs to be a fundamental component of the curriculum, which only a classroom teacher can teach," underscoring "the importance of teacher training."[232] "Commission members strongly believe that both pre-service training and in-service training are essential to the successful implementation of LD 291. It is critically important for training to be institutionalized and ongoing."[233]

Yet Wabanaki Studies is the rare subject that teachers are required by law to teach, but not required to learn in order to graduate from education school.[234] Nor are teachers required to demonstrate their proficiency in Wabanaki Studies to earn their teacher certification.[235] As documented by Dr. Rebecca Sockbeson, "teachers in Maine are being certified without verifying their preparedness" to teach in the area of Wabanaki Studies, even though they are required to incorporate Wabanaki Studies in a variety of subject across multiple grade levels.[236] This is particularly problematic in an area still dominated by centuries-old stereotypes.

Virtually all of the implementation problems stem from this common problem. The absence of statewide enforcement of the Wabanaki Studies Law would be less concerning if teachers had the training and skills they needed to seamlessly implement courses in Wabanaki Studies. Likewise, the absence of a statewide resource containing sample lesson plans and tips would not be a barrier to learning, if teachers had the training to go it alone.

That is not to say there are no classes or professional development resources available to those who seek them out. The University of Maine System offers courses in Native American Studies. In fact, at the invitation of the University of Maine system, Dr. Sockbeson wrote an assessment and recommendations for supporting the university's efforts to integrate Wabanaki Studies into its education curriculum. Dr. Sockbeson's recommendations to the University system included creating a compulsory course for pre-service teachers in Wabanaki Studies, and working with the DOE to "revise licensure requirements/testing measurements to ensure Maine teachers demonstrate a readiness to comply with [the Wabanaki Studies Law]."[237]

Organizations like the Abbe Museum offer critical information and resources. The Department of Education has offered summer institutes in past years, as documented by the 2003 and 2004 reports by the Wabanaki Studies Commission. In 2019, after updating the Maine Learning Results, the Maine Department of Education held all-day workshops related to Wabanaki Studies.[238] This included presentations by John Bear Mitchell, University of Maine Wabanaki Center Outreach and Student Development Coordinator; Richard Silliboy, Vice Chief of the Mi'kmaq Nation; Fiona Hopper, Wabanaki Studies Coordinator, the Portland Public Schools; representatives from Wabanaki REACH; and Department staff.[239] In June of 2021, moreover, the Department held a summit to celebrate the twentieth anniversary of the Wabanaki Studies Law, featuring leaders in the field of Wabanaki Studies and including topics such as: Wabanaki Studies for the elementary classroom; resources on Wabanaki culture and history; Wabanaki Stories in the secondary classroom, decolonizing education; introduction to the Mi'kmaq language; Maine

Indian policy history, racism, and the future of Wabanaki tribal sovereignty; and Wabanaki diplomacy and L.D. 291.[240] The summit was an important public recognition of the visionary Wabanaki Studies Law, but as Beth Clifford, the curriculum coordinator of Maine Indian Education, put it in an email to the DOE organizers, "What do we have to celebrate?" One of her core suggestions was for the DOE to create a dedicated Wabanaki Studies coordinator position to "engage with/consult with Wabanaki peoples around resources, a specified set of learning progressions for K-12 students, and to provide job embedded [professional development] for educators around unit development, background knowledge, and understandings regarding Wabanaki studies." Clifford writes that although there is a volunteer Wabanaki Studies Working Group, they do not have the "time/capacity to engage in this work in the manner in which it deserves to be."[241] This echoes an unrealized recommendation from the Wabanaki Studies Commission to have a dedicated DOE staff position to coordinate the Wabanaki Studies program—instead of relying on Wabanaki experts for their uncompensated participation.[242]

With the availability of these resources on YouTube and other publicly available video sharing websites, teachers have a trove of information at their fingertips. Yet without publicizing these records—and, ideally, requiring them as part of certification or re-certification—the number of "views" on each of these courses remains in the dozens at the time of this writing, when it should be in the thousands.

In another positive example of professional development, records from the Portland Public Schools emphasize their ongoing efforts to educate teachers on topics like terminology, decolonization, and resource evaluation in a broader push to decolonize their entire curriculum across disciplines and grade levels. Using Amy Lonetree's framework from her book *Decolonizing Museums,* Portland Public Schools model their Wabanaki Studies curriculum after principals of collaboration, privileging Indigenous perspectives, and truth-telling.[243] In their resources for educators, Portland Public Schools remind teachers that "decolonizing is not just about Indigenous representation, it is about engaging in a process of undoing and relearning, most critically, learning to respect Indigenous sovereignty and self-determination."[244]

The remaining records tell a different story. Throughout the records provided by school districts, challenges and obstacles are evident—frequently identified by teachers themselves. Many of these challenges and obstacles are tied to a lack of resources for educators, both financial and otherwise. Educators most frequently cite a lack of professional development when expressing what prevents them from effectively and meaningfully implementing Wabanaki Studies in their classrooms. This is echoed in the records themselves, which very rarely include any documentation of professional development required or provided by individual school districts.

THE SACRED FIRE – KOMAC KCITPOT SQOT
Drawing/Coloring/Crayon, Marker, Colored Pencil
Merrillyn, Passamaquoddy
Grade 1, Indian Township School

RECOMMENDATIONS

The Wabanaki Studies Law has never been more important, but the past twenty-one years have shown that serious obstacles prevent full implementation of the law across the state. Fortunately, there is broad recognition across the state and across multiple sectors of government that students in Maine need accurate, up-to-date information about the history, culture, and government of the Wabanaki people. And there are concrete steps that can help translate that intention into action.

STATE-LEVEL RECOMMENDATIONS ↘

RECONSTITUTE THE WABANAKI STUDIES COMMISSION

One of the most important things the State of Maine can do is to reinstitute the Wabanaki Studies Commission, with appropriate staffing support and funding. The Wabanaki Studies Commission reports from 2002, 2003, and 2004 were exceedingly comprehensive, and they presented a clear vision for what Maine can and should do with regard to Wabanaki Studies. But the State did not follow through with the execution of that planning, and that vision was never realized. A reconstituted, appropriately funded Wabanaki Studies Commission could help guide oversight, make recommendations about curriculum and resources, and help to shape necessary teacher training.

Reconstituting the Wabanaki Studies Commission is essential for effective implementation of the law in each of the respects covered by this report—including statewide enforcement, curriculum and resource development, and teacher training. In each of these areas, Maine is lacking a statewide institution that has decision-making authority and membership with expertise in Wabanaki Studies.

The current state of available curriculum and resources reinforces the need to reinstate the Wabanaki Studies Commission. To be truly successful, sample lessons and resources must be available to all schools in the state and should be developed with the collaboration and expertise of Wabanaki people who must, in turn, be compensated for that work. The Wabanaki Studies Commission created a process for inclusion and should be reinstated. The Wabanaki Studies Commission should oversee the development of a sample curriculum that can be replicated across the state for school administrative units that do not wish to embark on their own comprehensive curriculum development in this area.

In addition, in the nineteen years since the Wabanaki Studies Commission was disbanded, there has been no formalized and compensated way for representatives from the Wabanaki tribes to provide input, resources, and recommendations about implementation of the law. Although the Maine Department of Education has created an informal committee to inform the Department's implementation of the law, it does not compensate Wabanaki experts for their time in serving on the committee, nor does the committee have a formal role in overseeing or implementing the law. Such a role is critical to the ongoing vitality and effectiveness of the law, and to ensuring that curricula are culturally appropriate. The Wabanaki Studies Commission should be provided sufficient funding to permit it to carry out its critical mission, including funding to appropriately compensate experts. It also ought to be given meaningful authority to aid in enforcement and implementation of the law.

ENFORCE COMPLIANCE WITH THE WABANAKI STUDIES LAW

The Maine Department of Education should engage in a process to revise the Maine Learning Results to specifically articulate the topics required to cover all areas of the Wabanaki Studies Law. This will ensure that teachers have sufficient guidance to implement the law, and that the Department has sufficient tools to enforce it. A helpful starting point would be reviewing the concentrated areas of study recommended in the Final Report of the Wabanaki Studies Commission,[245] including tribal sovereignty, as well as any recommendations made by a newly configured Wabanaki Studies Commission (as recommended above). The process must incorporate Wabanaki people in positions of authority, and must also provide appropriate compensation to Wabanaki people who participate in the process.

Additionally, in collaboration with the State Board, the Maine Department of Education should use its school approval authority and oversight over comprehensive education plans to ensure that schools are meaningfully implementing the Wabanaki Studies Law. Comprehensive plans should be publicly posted so that members of the public can assess their school's implementation of the law.[246]

ENSURE ACCESS TO QUALITY RESOURCES ON THE DEPARTMENT OF EDUCATION WEBSITE

The State of Maine, acting primarily through the Maine Department of Education, is best situated to provide sample curriculum, training, and resources to teachers and districts across the state, to monitor compliance with the law, and to elevate and publicize best practices from Maine's diverse classrooms.

The Maine Department of Education should review publicly available materials to ensure that there are adequate resources for all curricula areas of the statute, in all grades, in all subject areas (including, e.g., social studies, science, and English language arts). The Department of Education and school administrative units must provide book, article, and film reference lists for all grades, for all curricula areas of the statute, and must create replicable processes and lesson plans, so educators do not reinvent the wheel. All of these resources should be collected at an easily accessible, up-to-date online resource hub, where educators can access all of these lists, ready-made lessons, and other educator support documents.

INCORPORATE WABANAKI STUDIES INTO TEACHER TRAINING AND CERTIFICATION

The State should implement mandatory pre-certification and continuing education requirements to ensure that teachers have the knowledge and skills necessary to effectively implement the Wabanaki Studies Law.

None of the education colleges in Maine require a course in Wabanaki Studies to obtain a teaching certificate. The State Board does not require Wabanaki Studies as an area of professional development or continuing education. Most schools were unable to document any required professional development in the area of Wabanaki Studies. Perhaps unsurprisingly, given that the subject area is not required for teacher certification or re-certification, many teachers have expressed that they do not feel comfortable teaching in this area.

> School leadership, and the communities they serve, have a responsibility to ensure that schools are actively engaged in a race to the top when it comes to teaching Wabanaki Studies, rather than relying on outmoded stereotypical teaching material or, worse yet, not teaching any Wabanaki Studies at all."

Nearly two decades ago, the final report of the Wabanaki Studies Commission explained the importance of teacher training, stating that "pre-service training and in-service training are essential to the successful implementation of LD 291."[247]

The University of Maine System and other teacher education colleges in Maine should require a course in Wabanaki Studies as a prerequisite to graduation, not unlike universities in Canada in which education students are required to do coursework in Aboriginal/Indigenous education.[248] If that change is not forthcoming, university students should advocate for it. Additionally, the State Board of Education and individual school districts should require annual professional development regarding Wabanaki Studies as a requirement of ongoing certification.

Such pre-service training and professional development should cover *all* content areas required by L.D. 291 (discussed above), including contemporary government, economic, and cultural systems of the Wabanaki tribes, and interactions with other governmental entities.

LOCAL-LEVEL RECOMMENDATIONS ↘

Maine school districts practice a great deal of autonomy, which is sometimes in tension with state legal requirements concerning curriculum. But the best feature of local autonomy is that it provides a space for teachers and schools to creatively explore the best possible ways to teach a particular subject. School leadership, and the communities they serve, have a responsibility to ensure that schools are actively engaged in a race to the top when it comes to teaching Wabanaki Studies, rather than relying on outmoded stereotypical teaching material or, worse yet, not teaching any Wabanaki Studies at all. Below are recommendations for all actors at the local level—including school boards, school administrators, teachers, students, parents, and other community members.

INCORPORATE WABANAKI STUDIES INTO LOCAL COMPREHENSIVE EDUCATION PLANS

School administrative units should incorporate Wabanaki Studies into their comprehensive education plans each year. School boards should review those plans for full and effective implementation of the Wabanaki Studies Law, in all grades, across all subjects.

Students, parents, and community members should advocate for greater education about Wabanaki Studies in their schools, in all grades, in all subject matters. That process should begin with people educating themselves about Wabanaki Studies. Fortunately, Maine is home to tremendous resources to help people learn about the Wabanaki people, whether it is an in-person visit to the Abbe Museum, a virtual tour of the Wabanaki Alliance website, or watching some of the excellent presentations available for free on the Department of Education's website.

Community members—including students and parents—should help hold teachers and schools accountable for living up to their best intentions. Community members have the right—and the obligation—to pay attention to a school comprehensive education plan, and to offer comments and suggestions when those plans are submitted for review to the school board each year.

CULTIVATE RELATIONSHIPS WITH LOCAL TRIBAL COMMUNITIES

In school districts neighboring tribal communities, school administrators should consult with those tribal communities and students about their education priorities, including, if requested, providing language instruction by tribal instructors. Expert linguists in the tribes would be in the best position to recommend potential instructors.

MEANINGFUL TEACHING IN THE CLASSROOM

School administrative units must ensure that educators have access to curriculum and resources in which Wabanaki Studies are woven throughout units, rather than in an isolated manner. Curricula should rely on source materials from Wabanaki resources whenever possible. School administrative districts must provide compensation for the time, energy, and expertise of Wabanaki people in creating these resources, teaching, or presenting to teachers or classes.

Sample focal points include decolonizing education, amplifying Native voices as a non-Native educator, shifting perspective to assume that there are Native students in the classroom, teaching Wabanaki Studies without perpetuating erasure narratives, and bringing Wabanaki Studies into subject areas beyond social studies.

Students and parents should advocate before their school boards to require teachers in their school districts to obtain mandatory training in Wabanaki Studies.

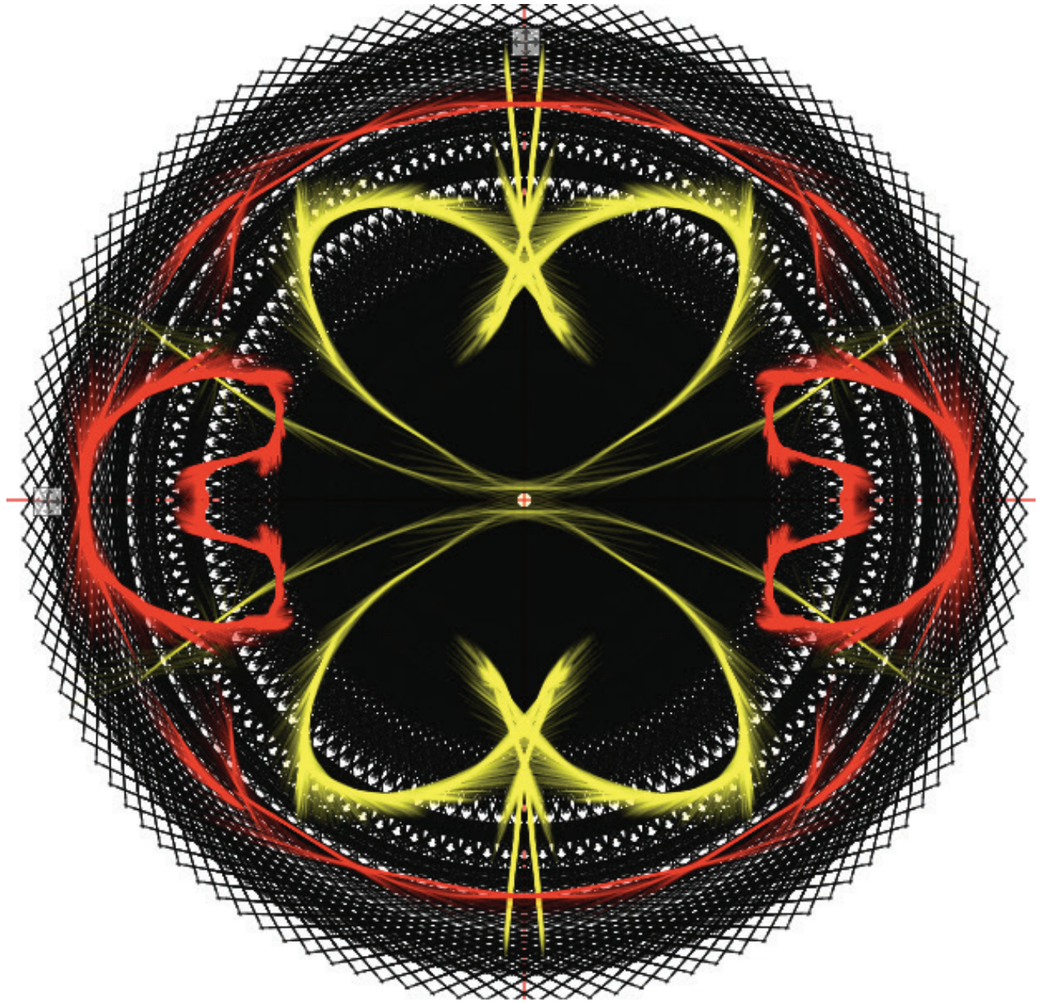
PROVIDE APPROPRIATE PROFESSIONAL DEVELOPMENT

Across the State, many leaders and stakeholders—including the Abbe Museum, leaders from Wabanaki Tribes, Wabanaki REACH, the Maine Department of Education, and experts in Wabanaki Studies—have helped develop and present meaningful and educational professional development and other resources to support teachers in implementing the law. Many of these resources are collected on the Department's website[249] and on the University of Maine's website.[250] Yet teacher training and professional development remain insufficient. Individual school districts should require in-service training on Wabanaki Studies for all teachers.

CONCLUSION

Those who sponsored, supported, and enacted the Wabanaki Studies Law, and those on the Wabanaki Studies Commission responsible for the first steps in implementing it, were driven by a vision of a more just Maine. That vision is worth acknowledging and celebrating, even as we take the time to observe how far we still must go to realize it.

Having considered both the original case for the law and the efforts at compliance over the past twenty-one years, it is our conclusion that the law remains just as necessary as it was in 2001—and that achieving the law's vision is possible. Our conversations with educators highlighted stories of students who are eager for more knowledge about the Wabanaki peoples who have lived on this land for thousands of years. To do justice to these students—and generations of students to come—all stakeholders in our education system must do their part to ensure full implementation of the Wabanaki Studies Law.



THE PASSAMAQUODDY DOUBLE CURVE ART PIECE
Digital Art
Amaya, Passamaquoddy
Grade 4, Beatrice Rafferty School

ENDNOTES

1 Maine Department of Education, *MDOE 20th Anniversary LD 291 – Welcome Speeches*, June 14, 2021, video, 11:28, https://www.youtube.com/watch?v=lZtB7gEn6nI.

2 As enacted, the law was called "An Act to Require Teaching of Maine Native American History and Culture in Maine Schools." Throughout this report, the law will be referred to as the "Wabanaki Studies Law," because the term "Maine Native American Studies" suggests that the Wabanaki tribes belong, in some fashion, to Maine, even though they pre-existed the creation of the State of Maine. Overall, whenever possible and accurate, this report will preference the use of the term "Wabanaki" in lieu of "Maine Native American."

3 20-A M.R.S. § 4706(2). The Wabanaki Studies Law applies to all public schools, as well as private schools with sixty percent publicly funded students; 20-A M.R.S. § 6209; 20-A M.R.S. § 2951(6).

4 Maine Indian Tribal-State Commission, *Final Report of the Wabanaki Studies Commission 2003*, October 2003, http://digitalmaine.com/mitsc_docs/16. As described in the Commission's 2004 Report, Representative Donna Loring advanced this legislation after an informal survey in a Portland doughnut shop "revealed 7 out of 10 patrons who were quizzed about the tribes in Maine responded, 'there are no tribes in the State.'" Maine Indian Tribal-State Commission, Wabanaki Studies Commission supplemental report, September 2004.

5 Richard Harris and Rosemary Reynolds, "The History Curriculum and its Personal Connection to Students from Minority Ethnic Backgrounds," Journal of Curriculum Studies 46, no. 4 (2014): 464–84, https://doi.org/10.1080/00220272.2014.881925.

6 Harris and Reynolds, "The History Curriculum," 467–68.

7 Christine Rogers Stanton, "The Curricular Indian Agent: Discursive Colonization and Indigenous (Dys)Agency in U.S. History Textbooks," Curriculum Inquiry 44, no. 5 (2014) 649, 665, https://doi.org/10.1111/curi.12064.

8 Stanton, "The Curricular Indian Agent," 658.

9 Travis Lazarcyzk, "Effort to Expel Native American Mascots from Maine Schools Finds a Few Holdouts," *Portland Press Herald*, May 31, 2014, https://www.pressherald.com/2014/05/31/effort-to-expel-native-american-mascots-from-maine-schools-finds-a-few-holdouts/.

10 S. Rep. No. 91-501, 22 (1969), https://narf.org/nill/resources/education/reports/kennedy/1-2.pdf, accessed September, 2022.

11 Steve Craig, "Drums, Whoops and War Paint: Team Spirit or Racial Mockery?," *Portland Press Herald*, October 17, 2017. http://www.pressherald.com/2017/10/16/mother-says-atmosphere-at-wells-football-game-mocked-native-americans; "Summary of the APA Resolution Recommending Retirement of American Indian Mascots," American Psychological Association, accessed September 1, 2022, https://www.apa.org/pi/oema/resources/indian-mascots.

12 Lazarczyk, "Effort to Expel." See also: "Summary of the APA Resolution," American Psychological Association.

13 Maine Indian Tribal-State Commission, Wabanaki Studies Commission supplemental report, September 2004, 2.

14 Rebecca Sockbeson, "Maine Indigenous Education Left Behind: A Call for Anti-Racist Conviction as Political Will Toward Decolonization," Journal of American Indian Education 58, no. 3 (2019): 105, 111, https://muse.jhu.edu/article/798566.

15 States with the Biggest Native American Populations, Stacker, Stacker Media, November 3, 2021, https://stacker.com/stories/6203/states-biggest-native-american-populations.

16 Sockbeson, "Maine Indigenous Education Left Behind," 115.

17 Maine Indian Tribal-State Commission, Wabanaki Studies Commission supplemental report, 2.

18 "Wabanaki History," Wabanaki Alliance, accessed January 13, 2022, https://wabanakialliance.com/wabanaki-history/.

19 "Who We Are," Wabanaki Alliance, accessed January 13, 2022, https://wabanakialliance.com/who-we-are/.

20 "Who We Are," Wabanaki Alliance.

21 "Who We Are," Wabanaki Alliance. See also: "Wabanaki History," Wabanaki Alliance; *Maine Department of Education, Maine Indian Policy History – Darren Ranco*, June 14, 2021, video, 46:38, https://www.youtube.com/watch?v=Ds-PU3Tq9NM.

22 20-A M.R.S. § 4706(2)(A), (B).

23 Caitlin Andrews, "The Hurdles Ahead in 2021 for Maine's Stalled Tribal Sovereignty Bid," *Bangor Daily News*, November 21, 2020, https://bangordailynews.com/2020/11/21/politics/the-hurdles-ahead-in-2021-for-maines-stalled-tribal-sovereignty-bid/.

24 Evan Popp, "Tribal Sovereignty Supporters Fill State House, Urge Lawmakers to Recognize Wabanaki Rights," Beacon, Maine People's Alliance, March 9, 2022, https://mainebeacon.com/tribal-sovereignty-supporters-fill-state-house-urge-lawmakers-to-recognize-wabanaki-rights/.

25 "Who Supports LD 1626?," Wabanaki Alliance, accessed August 31, 2022, https://wabanakialliance.com/allied-groups/.

26 Randy Billings, "Gov. Mills' Opposition Halts Tribal Sovereignty Bill," *Portland Press Herald*, April 26, 2022, https://www.pressherald.com/2022/04/25/mills-outlines-opposition-to-tribal-sovereignty-bill-seeks-to-cool-emotions/.

27 "Wabanaki Nations' Statement on LD 1626," Wabanaki Alliance, accessed August 31, 2022, https://wabanakialliance.com/wabanaki-nations-ld1626-statement/.

28 Allison Winter, "Federal Investigation Seeks to Uncover Painful History of Native American Boarding Schools," Beacon, Maine People's Alliance, July 9, 2021, https://mainebeacon.com/federal-investigation-seeks-to-uncover-painful-history-of-native-american-boarding-schools/.

29 Maulian Dana, "Opinion: Native Mascots, Residential Schools and the Question of Who Can Be 'Indian,'" Beacon, Maine People's Alliance, June 4, 2021, https://mainebeacon.com/native-mascots-residential-school-violence-and-the-question-of-who-can-be-indian/.

30 "What Happened at Residential Schools for Indigenous Children in North America?," *The Economist*, July 26, 2021, https://www.economist.com/the-economist-explains/2021/07/26/what-happened-at-residential-schools-for-indigenous-children-in-north-america.

31 U.S. Secretary of the Interior Deb Haaland, letter to Assistant Secretaries, Principal Deputy Assistant Secretaries, and Heads of Bureaus and Offices, June 22, 2021, https://www.doi.gov/sites/doi.gov/files/secint-memo-esb46-01914-federal-indian-boarding-school-truth-initiative-2021-06-22-final508-1.pdf.

32 "Truth and Reconciliation," Wabanaki REACH, accessed August 29, 2022, https://www.wabanakireach.org/truth .

33 Donna M. Loring. Papers. UNE Library Services, University of New England, Biddeford, Maine. https://library.une.edu/mwwc/home/exhibits/online/donna-m-loring-a-penobscot-voice-in-politics-and-community/.

34 Maine Department of Education, *MDOE 20th Anniversary LD 291*.

35 Maine Department of Education, *MDOE 20th Anniversary LD 291*.

36 Winter, "Federal Investigation Seeks to Uncover Painful History."

37 By rule, the Penobscot Nation, Passamaquoddy Tribe, and Houlton Band of Maliseet Indians are each permitted to select one non-voting member of the Maine Legislature, who is permitted to serve on committees and propose legislation.

38 L.D. 291, 120th Legis. (2001), https://legislature.maine.gov/legis/bills/bills_120th/billtexts/LD029101-2.asp.

39 An Act to Require Teaching of Maine Native American History and Culture in Maine's Schools: Hearings on L.D. 291, Before the Joint Standing Committee on Education and Cultural Affairs, 120th Legislature (2001) (statement of Donna Loring, Penobscot Tribal Representative), 69.

40 Act to Require Teaching of Maine Native American History (Loring), 70.

41 Act to Require Teaching of Maine Native American History (Loring), 70.

42 Act to Require Teaching of Maine Native American History (Loring), 69.

43 Act to Require Teaching of Maine Native American History (Loring), 71.

44 An Act to Require Teaching of Maine Native American History and Culture in Maine's Schools: Hearings on L.D. 291, Before the Joint Standing Committee on Education and Cultural Affairs, 120th Legislature (2001) (statement of Donald Soctomah, Passamaquoddy Tribal Representative), 24.

45 Act to Require Teaching of Maine Native American History (Soctomah), 25.

46 Act to Require Teaching of Maine Native American History (Soctomah), 25.

47 An Act to Require Teaching of Maine Native American History and Culture in Maine's Schools: Hearings on L.D. 291, Before the Joint Standing Committee on Education and Cultural Affairs, 120th Legislature (2001) (statement of Rebecca Cole-Will, Abbe Museum curator), 49.

48 Act to Require Teaching of Maine Native American History (Cole-Will), 49-50.

49 Act to Require Teaching of Maine Native American History (Cole-Will), 50.

50 An Act to Require Teaching of Maine Native American History and Culture in Maine's Schools: Hearings on L.D. 291, Before the Joint Standing Committee on Education and Cultural Affairs, 120th Legislature (2001) (statement of Dr. Maureen Smith, Director of Native American Studies, University of Maine, Orono), 13.

51 Act to Require Teaching of Maine Native American History (Smith).

52 An Act to Require Teaching of Maine Native American History and Culture in Maine's Schools: Hearings on L.D. 291, Before the Joint Standing Committee on Education and Cultural Affairs, 120th Legislature (2001) (statement of Dr. Peter Rees, school psychologist), 36-37.

53 An Act to Require Teaching of Maine Native American History and Culture in Maine's Schools: Hearings on L.D. 291, Before the Joint Standing Committee on Education and Cultural Affairs, 120th Legislature (2001) (statement of Dr. Margo Lukens, Associate Professor of English, University of Maine), 53.

54 An Act to Require Teaching of Maine Native American History and Culture in Maine's Schools: Hearings on L.D. 291, Before the Joint Standing Committee on Education and Cultural Affairs, 120th Legislature (2001) (statement of Kristen Ruby, student at Philip W. Suggs Middle School), 28.

55 An Act to Require Teaching of Maine Native American History and Culture in Maine's Schools: Hearings on L.D. 291, Before the Joint Standing Committee on Education and Cultural Affairs, 120th Legislature (2001) (statement of Sabrina Bucher, student at Philip W. Suggs Middle School), 28.

56 An Act to Require Teaching of Maine Native American History and Culture in Maine's Schools: Hearings on L.D. 291, Before the Joint Standing Committee on Education and Cultural Affairs, 120th Legislature (2001) (statement of Abby Wright, student at Philip W. Suggs Middle School), 29.

57 An Act to Require Teaching of Maine Native American History and Culture in Maine's Schools: Hearings on L.D. 291, Before the Joint Standing Committee on Education and Cultural Affairs, 120th Legislature (2001) (statement of Megan Virginia Filmore, student at Philip W. Suggs Middle School), 29.

58 Act to Require Teaching of Maine Native American History (Filmore).

59 An Act to Require Teaching of Maine Native American History and Culture in Maine's Schools: Hearings on L.D. 291, Before the Joint Standing Committee on Education and Cultural Affairs, 120th Legislature (2001) (statement of Ronald Jenkins, Superintendent of School for Main Indian Education), 63–64.

60 Act to Require Teaching of Maine Native American History (Rees).

61 Act to Require Teaching of Maine Native American History (Rees).

62 Act to Require Teaching of Maine Native American History (Rees).

63 An Act to Require Teaching of Maine Native American History and Culture in Maine's Schools: Hearings on L.D. 291, Before the Joint Standing Committee on Education and Cultural Affairs, 120th Legislature (2001) (statement of Georgia Mitchell, Passamaquoddy Tribal Member), 67.

64 Act to Require Teaching of Maine Native American History (Mitchell), 67–68.

65 An Act to Require Teaching of Maine Native American History and Culture in Maine's Schools: Hearings on L.D. 291, Before the Joint Standing Committee on Education and Cultural Affairs, 120th Legislature (2001) (statement of Phil White Hawk), 23.

66 Act to Require Teaching of Maine Native American History (Soctomah).

67 Act to Require Teaching of Maine Native American History (Soctomah).

68 Act to Require Teaching of Maine Native American History (Smith), 12.

69 Act to Require Teaching of Maine Native American History (Smith).

70 An Act to Require Teaching of Maine Native American History and Culture in Maine's Schools: Hearings on L.D. 291, Before the Joint Standing Committee on Education and Cultural Affairs, 120th Legislature (2001) (statement of Kathleen Perkins, Library Media Specialist, Skowhegan Area Middle School), 46.

71 An Act to Require Teaching of Maine Native American History and Culture in Maine's Schools: Hearings on L.D. 291, Before the Joint Standing Committee on Education and Cultural Affairs, 120th Legislature (2001) (statement of Mary Griffith, science teacher at Philip W. Suggs Middle School), 26.

72 Act to Require Teaching of Maine Native American History (Griffith).

73 Act to Require Teaching of Maine Native American History (Smith), 14.

74 L.D. 291, 120th Legis. § 1(3-4) (2001), https://legislature.maine.gov/legis/bills/bills_120th/billtexts/LD029101-1.asp.

75 "Maine Learning Results," Maine Department of Education, accessed August 29, 2022, https://www.maine.gov/doe/learning/diplomas/MaineLearningResults.

76 L.D. 291, 120th Legis. § 2-4 (2001).

77 An Act to Require Teaching of Maine Native American History and Culture in Maine's Schools: Hearings on L.D. 291, Before the Joint Standing Committee on Education and Cultural Affairs, 120th Legislature (2001) (statement of Judith Lucarelli, Maine Department of Education Deputy Commissioner), 39. The Department objected to a commission because local school districts develop their own curriculum to implement the Maine Learning Results and because the Department didn't have resources to pay for commission expenses or to provide staff support.

78 An Act to Require Teaching of Maine Native American History and Culture in Maine's Schools: Hearings on L.D. 291, Before the Joint Standing Committee on Education and Cultural Affairs, 120th Legislature (2001) (statement of Judith Lucarelli, Deputy Commissioner Maine Dep't of Educ.), 39.

79 120th Leg. First Regular Session, Bill Summaries, Joint Standing Committees on Educational and Cultural Affairs, 10th Leg. (August 2001), 284, http://lldc.mainelegislature.org/Open/Sums/120/sum120-LD-0291.pdf.

80 *See* 2001 P.L. ch. 403.

81 Sockbeson, "Maine Indigenous Education Left Behind," 109.

82 P.L. 2001, ch. 403, § 3. The text of this Public Law is available as Attachment 1 to Maine Indian Tribal-State Commission, *Final Report of the Wabanaki Studies Commission 2003*, October 2003, http://digitalmaine.com/mitsc_docs/16.

83 P.L. 2001, ch. 403, § 2(1)(A).

84 P.L. 2001, ch. 403, § 2(1)(B)-(C).

85 P.L. 2001, ch. 403, § 2(2)(A)-(B).

86 P.L. 2001, ch. 403, § 3. In the original passage of the bill, the law provided that "school administrative units may not be required" to spend additional moneys from local revenues unless the Maine Department of Education paid "for 90% of the additional costs" of implementation, but the law required that any "school administrative unit that determines that it is unable to implement instruction in Maine Native American studies within existing state and local resources shall present its findings and supporting evidence to the Department of Education," which "shall review the findings and evidence and, if necessary, assist the unit in planning for implementation"; P.L. 2001, ch. 403, § 4.

Notably, the Maine Constitution provides that "the State may not require a local unit of government to expand or modify that unit's activities so as to necessitate additional expenditures from local revenues unless the State provides annually 90% of the funding for these expenditures from State funds not previously appropriated to that local unit of government." Me. Const. art. IX, § 21; Op. Me. Att'y Gen. 93-1, https://lldc.mainelegislature.org/Open/AG/Opinions/1993/ag_19930202.pdf; Op. Me. Att'y Gen. 2011-01, https://lldc.mainelegislature.org/Open/AG/Opinions/2011/ag_20110616.pdf.

Before being enacted, then Senator Jill M. Goldthwait made a speech on this issue:

"There is another issue about the bill and that is that it is a requirement for schools to teach Native American History and Culture. That is a mandate, however in this situation, the bill does not have a mandate preamble, it does not provide funding for the program. Therefore, under the Maine Constitution, the schools are not required to follow the program. It has some other valuable pieces to the legislation in that it provides some resources for those schools who should choose to do this, but in its current form, assuming it is not further amended, without that preamble or the funding, schools are not required to follow this statute, although many of them do because of the learning results. Again, because of the absence of the specific fiscal note, my committee did move to exempt it from the table." 2 Legis. Rec. S-1096 (2001), http://lldc.mainelegislature.org/Open/LegRec/120/Senate/LegRec_2001-06-05_SP_pS1068-1099.pdf.

87 P.L. 2001, ch. 403, § 3.

88 Maine Indian Tribal-State Commission, *Preliminary Report of the Wabanaki Studies Commission*, June 1, 2002, 3, https://www.une.edu/sites/default/files/3-WabStudies1-prelimreportwabanakistudiescomm-2002.pdf.

89 Maine Indian Tribal-State Commission, *Preliminary Report*, 2.

90 Maine Indian Tribal-State Commission, *Preliminary Report*, 6.

91 Maine Indian Tribal-State Commission, *Preliminary Report*, 6.

92 Maine Indian Tribal-State Commission, *Final Report*, 10.

93 Maine Indian Tribal-State Commission, *Final Report*, 10.

94 Maine Indian Tribal-State Commission, *Preliminary Report*, 9.

95 Maine Indian Tribal-State Commission, *Final Report*, 6.

96 Maine Indian Tribal-State Commission, *Final Report*, 11.

97 Maine Indian Tribal-State Commission, *Final Report*, 1.

98 Maine Indian Tribal-State Commission, *Final Report*, 4-5, 11.

99 *See* discussion, *supra* note 86.

100 Maine Indian Tribal-State Commission, *Final Report*, 10.

101 Maine Indian Tribal-State Commission, *Final Report*, 4-5.

102 Maine Indian Tribal-State Commission, *Preliminary Report*, 4-5.

103 Maine Indian Tribal-State Commission, *Preliminary Report*, 7.

104 Maine Indian Tribal-State Commission, *Final Report*, 26-34.

105 Maine Indian Tribal-State Commission, *Final Report*, 7.

106 Maine Indian Tribal-State Commission, supplemental report, 4.

107 Maine Indian Tribal-State Commission, supplemental report, 3.

108 Maine Indian Tribal-State Commission, supplemental report, 120-121.

109 Maine Indian Tribal-State Commission, *Preliminary Report*, 4-5.

110 Maine Indian Tribal-State Commission, *Final Report*, 11. Additional recommendations relating to curriculum are included in the 2003 Final Report, Section 5, Subsections BC, C4, C5, D3, and E4. Additional recommendations as to Materials and Resources are included in B8, C6, D4, E2, and F3 of the 2003 report.

111 Maine Indian Tribal-State Commission, *Preliminary Report*, 4-5.

112 Maine Indian Tribal-State Commission, *Preliminary Report*, 7.

113 Maine Indian Tribal-State Commission, *Preliminary Report*, 7.

114 Maine Indian Tribal-State Commission, *Final Report*, 7.

115 Maine Indian Tribal-State Commission, *Final Report*, 7.

116 Maine Indian Tribal-State Commission, *Final Report*, 10-11.

117 Maine Indian Tribal-State Commission, *Final Report*, 11.

118 Maine Indian Tribal-State Commission, *Final Report*, 12. Additional recommendations relating to teacher training may be found in Section 5, subsections B9, C7, D2, and F3 of the report.

119 Maine Indian Tribal-State Commission, supplemental report, 3.

120 John Dieffenbacher-Krall and Maine Indian Tribal-State Commission, An Analysis of the Status of Wabanaki-State Relations Along with a Summary of the Activities of the Maine Indian Tribal-State Commission (July 1, 2008- June 30, 2009), 2010, 24, https://digitalmaine.com/cgi/viewcontent.cgi?article=1027&context=mitsc_docs.

121 Dieffenbacher-Krall and Maine Indian Tribal-State Commission, "An Analysis of the Status of Wabanaki-State Relations."

122 Dieffenbacher-Krall and Maine Indian Tribal-State Commission, "An Analysis of the Status of Wabanaki-State Relations."

123 Dieffenbacher-Krall and Maine Indian Tribal-State Commission, "An Analysis of the Status of Wabanaki-State Relations."

124 Maine Department of Education Production, email, June 2019, 515, on file with authors.

125 Maine Department of Education Production, June 2019. For example, the working group members have offered feedback on developing a Wabanaki Studies booklist for elementary grades, provided feedback on the June 2021 Wabanaki Studies summit, and provided feedback on the Maine Department of Education's process of creating an online module for teaching Wabanaki Studies, which was ultimately pulled, given working group members' concerns.

126 Rhonda Stevens, "New Sipayik School Creates Space for Education, Culture," *The Quoddy Tides*, September 24, 2021. http://quoddytides.com/new-sipayik-school-creates-space-for-education-culture.html.

127 "Maine Native Studies," Maine Department of Education, accessed August 29, 2022, https://www.maine.gov/doe/learning/content/socialstudies/resources/mainenativestudies.

128 For a partial list of many of these, see discussion, *infra* note 220.

129 The Maine Indian Tribal-State Commission was not among the organizations that filed the FOAA requests. Thus, the term "authors" in this section refers only to the Abbe Museum, ACLU of Maine, and Wabanaki Alliance.

130 Some of these districts also serve multiple municipalities. Presque Isle is part of Maine School Administrative District (MSAD) 1, which serves Chapman, Castle Hill, Mapleton, and Westfield, https://www.sad1.org/. Oxford Hills is part of MSAD 17, which serves Norway, Paris, Oxford, Otisfield, Harrison, Hebron, Waterford, and West Paris, https://www.msad17.org/. Old Town is part of Regional School Unite (RSU) 34, which serves Alton, Bradley and Old Town, https://www.rsu34.org/. Houlton is part of RSU 29, which serves Houlton, Hammond, Littleton, and Monticello, https://www.rsu29.org/page/about-rsu-29.

131 20-A M.R.S. § 4706(2).

132 See Appendix for a copy of all public document requests.

133 Calais was the only school that did not respond at all to our request for information. Responses to the FOAA requests that the authors received from each school may be found at https://www.aclumaine.org/en/publications/wabanaki-studies-report.

134 Portland Public Schools Production, 3–38, 61; Lewiston Public Schools Production, 1–2; Bangor School Department Production, 1–122, 116–127; MSAD 17–Oxford Hills Production, 1–8, 15–107, 135–243, 249–254, 261–271; Auburn School Department Production, 1–216; Eastport Public Schools Production, 1-5; RSU 29–Houlton Production, 175–177, 187–192, 198–201, 229–231, 245–252, 256–259, 262–269, 561–574; MSAD 1–Presque Isle Production, 1–31, 34–101, 110–150, 203–220.

135 RSU 29–Houlton Production, 275; Portland Public Schools Production, 61–69, Lewiston Public Schools Production, 2; Bangor School Department Production, 113–114, MSAD 17–Oxford Hills Production, 9–14, 117–122, 125, 127–134; MSAD 1–Presque Isle Production, 34.

136 MSAD 17–Oxford Hills Production, 125, 272.

137 Portland Public Schools Production, 45; Bangor School Department Production at 78, 91–111; MSAD 17–Oxford Hills Production, 245–247.

138 Portland Public Schools Production at 65–69.

139 Portland Public Schools Production, 1–2, 9, 12, 23, 39–43; Lewiston Public Schools Production, 2; Paul Theriault, Eastport Principal, e-mail, March 12, 2021, on file with authors; MSAD 1–Presque Isle Production, 96.

140 "Benefits of Maine Native Studies," Maine Department of Education, accessed August 31, 2022, https://www.maine.gov/doe/learning/content/socialstudies/resources/mainenativestudies/benefits.

141 "Schools and districts are responsible for implementing Maine Native studies *at all grade spans*," and should "approach this content as integrative rather than an 'add-on'" (emphasis added). "Benefits of Maine Native Studies," Maine Department of Education.

142 A public law enacted after the Wabanaki Studies Law in 2001 implemented Maine's System of Learning Results: P.L. 2001, ch. 454, https://legislature.maine.gov/ros/LOM/LOM120th/10Pub451-471/Pub451-471-03.htm#P129_24653. The newly revised law required the Department of Education to "[s]upervise, guide and plan for a coordinated system of public education … based on the system of learning results." P.L. 2001, ch. 454, § 1 (amending 20-A M.R.S. § 201). The same public law amended the Wabanaki Studies Law to make clear that Maine studies and Wabanaki Studies are required as part of the Maine Learning Results. P.L. 2001, ch. 454, § 20 (amending 20-A M.R.S. § 4706). Yet another bill passed the same year clarified that Maine studies (which includes Wabanaki Studies) "must be taught as specified in the system of [the Maine Learning Results] in Section 6209." P.L. 2001, ch. 667, § A-42, https://legislature.maine.gov/ros/LOM/LOM120th/5Pub651-700/Pub651-700-16.htm#P1381_275615. A later amendment in 2009 clarified that (as provided in the current version of the law) "instruction in American history, government, citizenship and *Maine studies* [which includes Wabanaki Studies] must be aligned with the parameters for essential instruction and graduation requirements established under section 6209" (emphasis added). P.L. 2009, ch. 313, § 8, https://legislature.maine.gov/legis/bills/bills_124th/chapters/PUBLIC313.asp.

143 Maine Indian Tribal-State Commission, *Final Report*, 6.

144 Maine Indian Tribal-State Commission, *Final Report*, 6.

145 Maine Indian Tribal-State Commission, *Final Report*, 6.

146 Maine Indian Tribal-State Commission, *Final Report*, 26–34.

147 Maine Indian Tribal-State Commission, *Final Report*, 29-30.

148 "Suggested Curriculum Implementation," Maine Department of Education, accessed August 31, 2022, https://www.maine.gov/doe/learning/content/socialstudies/resources/mainenativestudies/curriculum. The essential learning areas set forth in the Final Report of the Wabanaki Studies Commission are not listed in the Maine Learning Results. Although Maine Department of Education's website lists "sovereignty" as a subset of "MLR Content Standard E" relating to worldview and continuity and change, sovereignty is not actually included as a separate Maine Learning Result strand of learning. For more presentations at the rollout of the most recent Maine Native American standards, see "Maine Native American Standards," Maine Department of Education, accessed August 31, 2022, https://www.maine.gov/doe/learning/content/socialstudies/standards/mainenative.

149 "Maine Learning Results for Social Studies" (Revised 2019), Maine Department of Education, August 29, 2022, https://www.maine.gov/doe/sites/maine.gov.doe/files/inline-files/Maine%20Learning%20Results%20for%20Social%20Studies%20-%20Revised%202019_5.pdf.

150 "Maine Learning Results for Social Studies," Maine Department of Education, 5.

151 Maine Learning Results for Social Studies, Maine Department of Education, 8-9.

152 Maine Learning Results for Social Studies, Maine Department of Education, 17-21 (describing the Geography and History standards).

153 Maine Department of Education. *Overview of Social Studies Standards with Joe Schmidt, Portland, 9.25.19*, February 21, 2020, video, 7:04, https://www.youtube.com/watch?v=fzJCQhxElUI&t=225s.

154 Maine Department of Education. Overview of Social Studies Standards.

155 The authors want to note, however, that John Bear Mitchell, the only Wabanaki educational expert on the writing committee of the 2019 revision of the Maine Learning Results for social studies, described the standards as being more inclusive than the 2007 standards: "In the past, Maine Native Americans were added at the end of many individual performance expectations. Many of these have since been replaced with standalone expectations. Now, as we have moved forward, Maine Native Americans are embedded within the standards in a more inclusive and authentic way, as opposed to the previous 'including Maine Native Americans' which was added to the end of many performance expectations." Maine Department of Education, *Maine Native American Changes*, April 30, 2019, video, 0:23, https://youtu.be/drhSM4OrQNU?t=23.

156 Maine Indian Tribal-State Commission, *Preliminary Report*, 6.

157 Maine Indian Tribal-State Commission, *Final Report*, 10.

158 05 071 C.M.R. ch. 127, § 4 (2002); *Public School Approval Requirements and Citation Chart*, Maine Department of Education, https://www.maine.gov/doe/sites/maine.gov.doe/files/inline-files/Public%20school%20approval%20citation%20chart%20new%202020_0.pdf (laying out the "comprehensive list" of each element to be addressed in the Comprehensive Plan).

159 05-071 C.M.R. ch. 125, § 4.05 (2021); 20-A M.R.S. § 4502; *Public School Approval Requirements and Citation Chart*, Maine Department of Education, 1.

160 For this absence, see *Public School Approval Requirements and Citation Chart*, Maine Department of Education; 05-071 C.M.R. ch. 125 § 4.05 (2021).

161 20-A M.R.S.A §6209(1-A) only requires statewide assessments for reading, mathematics, and some areas of science. However, the only area of the Maine Learning Results with references to the Wabanaki Studies Law is the social studies section, which is not included in the statewide assessment required in public schools; "Maine Learning Results" Maine Department of Education.

162 Maine Indian Tribal-State Commission, *Preliminary Report*, 9.

163 Maine Indian Tribal-State Commission, *Final Report*, 6.

164 20-A M.R.S. § 6209(1-A).

165 Email correspondence from March 12, 2021, on file with authors.

166 20-A M.R.S. § 6209; 20-A M.R.S. § 2951(6).

167 Comm. Amend. A to L.D. 291, 120th Legis., No. H-666, Fiscal Note (2001).

168 Comm. Amend. A to L.D. 291, 120th Legis., No. H-666, Fiscal Note (2001). Specifically, the Maine Constitution provides:

"Section 21. State mandates. For the purpose of more fairly apportioning the cost of government and providing local property tax relief, the State may not require a local unit of government to expand or modify that unit's activities so as to necessitate additional expenditures from local revenues unless the State provides annually 90% of the funding for these expenditures from State funds not previously appropriated to that local unit of government. Legislation implementing this section or requiring a specific expenditure as an exception to this requirement may be enacted upon the vote of 2/3 of all members elected to each House. This section must be liberally construed." Me. Const. art. IX, § 21.

169 20-A M.R.S. §§6209, 15671.

170 20-A M.R.S. § 15671.

171 20-A M.R.S. § 4706.

172 "Benefits of Maine Native Studies," Maine Department of Education.

173 "Maine Native Studies Resources," Maine Department of Education, accessed August 31. 2022, https://www.maine.gov/doe/learning/content/socialstudies/resources/mainenativestudies/resources.

174 RSU 34–Old Town Production, 12.

175 RSU 34–Old Town Production, 21.

176 Portland Public Schools, *Overview of Wabanaki Studies Curriculum*, 2–5, 7, on file with authors.

177 Portland Public Schools Production, 59; Portland Public Schools, *Overview of Wabanaki Studies Curriculum*, 4.

178 Reiterating material on Wabanaki Studies throughout K–12 is consistent with the Maine Learning Results, which require a "course of study in which students will see the same topics throughout their school career, with each encounter increasing in complexity and reinforcing previous learning." 05-071 C.M.R. ch. 132 (2022).

179 Bangor School Department Production, 78.

180 Auburn Public Schools Production.

181 Lewiston Public Schools Production, 1.

182 Portland Public Schools, Overview of Wabanaki Studies Curriculum, 5.

183 Auburn Public Schools Production, 208.

184 Auburn Public Schools Production, 59–60.

185 MSAD 1–Presque Isle Production, 1.

186 RSU 29–Houlton Production 578 (despite stating that such invitations have not been possible under COVID guidelines). As another example, RSU 29–Houlton also incorporates writing by Brian Reynolds of the Houlton Band of Maliseet Indians titled "Native Impact on Southern Aroostook," RSU 29–Houlton Production 211, and incorporated materials from an Abbe Museum book into their fourth grade materials, RSU 29–Houlton Production 278-79.

187 RSU 34–Old Town Production 12.

188 Calais schools did not respond to the FOAA request, so there is no indication that the school administrative unit otherwise complies with the Wabanaki Studies Law.

189 Maine Department of Education, *Intro to MicMac Language – John Dennis*, June 14, 2021, video, 51:46, https://www.youtube.com/watch?v=qSqM_0tE8IU&feature=youtu.be.

190 Fiona Hopper, "Finding a Riverview: Anti-Racist Education, Decolonization, and the Development of a District-Wide Wabanaki Studies Curriculum," *Journal of School & Society* 7, no. 1 (2021): 47, http://www.johndeweysociety.org/the-journal-of-school-and-society/files/2021/03/4.pdf.

191 Portland Public Schools, *Wabanaki Studies Planning Guide for Portland Educators*, accessed August 31, 2022, https://docs.google.com/document/d/117cd7dO6JfdD4QmQdaCu_oaZ4i8_IMBpEr0Oeq96iOI/edit.

192 Portland Public Schools, *Wabanaki Studies/Indigenous Studies Dos and Don'ts*, 2019, https://docs.google.com/document/d/1vmtbZBz_FCgybtNV98yjAs9U7FpTDepyosaicMQHfC4/edit.

193 Portland Public Schools, *Overview of Wabanaki Studies Curriculum*, on file with authors.

194 20-A M.R.S. § 4706(2).

195 Maine Indian Tribal-State Commission, *Final Report*, 26-34.

196 *See, e.g.*, RSU 29–Houlton Prod. at 197, 199-200, 203-05, 212-13, 255, 263, 266-67, 274-75, 298, 312, 320, 329, 338, 358, 361, 379, 394, 406, 422, 437, 471 (repeating Social Studies learning standards without more detail about incorporating Wabanaki studies) and *id*. at 579-584 (listing potential resources for teachers to explore).

197 Bangor School Department Production, 40, 72.

198 20-A M.R.S. §4706(2).

199 Auburn Public Schools Production, 7

200 Auburn Public Schools Production, 6–7; RSU 29–Houlton Production, 272 / 586 (identifying "essential questions" in the fourth grade Native American unit as "What resources *did* Native Americans need to meet their needs" and "How *did* Native American traditions reflect their way of life, and how do they compare to traditions of today?); but see RSU 29–Houlton Production, 278 (asking "What *is* the Wabanaki worldview?") (emphasis added).

201 Some school records, by contrast, recognized that the Wabanaki tribes not only were "the first group of people" who inhabited this land, but also continue to live in Maine to this day. Bangor Public Schools Production, 49; Bangor Public Schools Production, 55 ("It is important to remember that how the Penobscot lived [in the past] is very different from how modern-day Penobscot people live."); Bangor Public Schools Production, 82 (recognizing that "[a]s recently as June 2020 the Wabanaki Alliance was formed by the Tribes in Maine, made up of the Aroostook Band of Micmac, the Houlton Band of Maliseet, the Passamaquoddy Tribe and the Penobscot Nation. As we learned in the beginning of this book, their history in the region is older than the city [of Bangor] itself. They are carrying out important work to educate people about how their history impacts their needs and rights today." Despite these acknowledgments, classroom resources still suggest that students "[c]reate a venn diagram comparing and contrasting your life with the Wabanaki" (Bangor Public Schools Production, 126)—not only a nonsensical project for any Wabanaki students in the classroom, but also perpetuating the harmful stereotype of erasing modern-day Wabanaki peoples.

202 An Act to Require Teaching of Maine Native American History and Culture in Maine's Schools.

203 Maine Indian Tribal-State Commission, *Preliminary Report*, 9.

204 MSAD 17–Oxford Hills Production, 32; Bangor School Department Production, 116. Notably, while this example of comparisons is used to highlight how curricula builds an us-versus-them mentality in this instance, it is important to acknowledge that an activity like this also strengthens stereotypical depictions of Indigenous peoples, confines diverse peoples to a single narrative, and assumes that there is no one in the classroom with Native heritage.

205 Auburn Public Schools Production, 9.

206 Auburn Public Schools Production, 9.

207 Portland Public Schools, *Wabanaki Studies Dos and Don'ts*, 5.

208 Portland Public Schools, *Wabanaki Studies Dos and Don'ts*, 5.

209 Auburn Public Schools Production, 104.

210 Portland Public Schools, *Wabanaki Studies Lesson, Unit, and Resource Evaluation Tool*, 2018, https://docs.google.com/document/d/1Q_SBq84P8eNnlWiHfBlc30Gb8GoIFttIHq6ZLNYXoSs/edit. For other evaluation resources, see Doris Seale, Beverly Slapin, and Rosemary Gonzales, *How to Tell the Difference: A Guide to Evaluating Children's Books for Anti-Indian Bias* (Oyate, 2000), http://oyate.org/index.php/resources/41-resources/how-to-tell-the-difference; Dr. Debbie Reese, *American Indians in Children's Literature* (blog), accessed January 14, 2022, https://americanindiansinchildrensliterature.blogspot.com/; Portland Public Schools, *Reviewing Materials for Bias*, (undated), https://docs.google.com/document/d/1AoYKlRO2_6j8BnwQK5hKYQmTiYYDAc5wZ8AOShWQ1r0/edit.

211 Maine Indian Tribal-State Commission, *Final Report*, 7.

212 Maine Indian Tribal-State Commission, *Final Report*, 7.

213 Maine Indian Tribal-State Commission, *Final Report*, 11.

214 "Maine Native Studies," Maine Department of Education.

215 "Maine Natives Studies in School," Maine Department of Education.

216 "Historical Education," Maine Department of Education, accessed September 1, 2022, https://www.maine.gov/doe/sites/maine.gov.doe/files/inline-files/Wabanakis.pdf. The historical overview starts 18,000 years ago, when glaciers still covered much of what is now North America, and it lays out the history of the Native people who inhabited the land after the glaciers retreated, describing hunting practices and transportation such as the birchbark canoe and the snowshoe. The history extends up to the 1990s, and covers Wabanaki government and politics, as well as Wabanaki lands and treaties.

217 "Benefits of Maine Native Studies," Maine Department of Education.

218 "Suggested Curriculum," Maine Department of Education, accessed September 1, 2022, https://www.maine.gov/doe/learning/content/socialstudies/resources/mainenativestudies/curriculum.

219 Cultural Systems and History," Maine Department of Education, accessed September 1, 2022, https://www.maine.gov/doe/learning/content/socialstudies/resources/mainenativestudies/curriculum/culturalsystems#epk2.

220 Cultural Systems and History," Maine Department of Education. Broken links for many of the movies and other resources on the webpage, including many of the materials on sovereignty include:

- Land Claims video, last accessed December, 20, 2021, http://www.viddler.com/explore/nazgul/videos/1/.
- *Sovereignty Redefined*, Jill Tompkins (2009), last accessed December, 20, 2021, http://media.learn.maine.edu/mdoe/MDOE_Sovereignty.
- "Aroostook Not Subject to Maine Law", Indian Country Today, The Arena Group, November, 9, 2007, last accessed December, 20, 2021, http://www.indiancountrytoday.com/archive/28143089.html.

- "Maine Tribal-State Commission Withdraws From State Budget Process," Indian Country Today, The Arena Group, September, 19, 2008, last accessed December, 20, 2021, http://www.indiancountrytoday.com/national/28659619.html.
- *H. Prins*, "Tribulations of a Border Tribe" (doctoral thesis, 1988), last accessed December 20, 2021, http://www.library.umaine.edu/speccoll/Guides/nativeamerican.htm.
- P. VanWechel, "Extend King's Legacy to Wabanaki People," editorial, *Bangor Daily News*, January, 16, 2009, http://www.bangordailynews.com/detail/97258.html.
- Indian Residential Schools (APCFNC 2008), last accessed December. 20, 2021, http://www.apcfnc.ca/indianschools.asp.

221 Maine Department of Education, "Maine Native Studies."

222 Maine Indian Tribal-State Commission, *Final Report*, 11.

223 Portland Public Schools, Wabanaki Studies Dos and Don'ts.

224 Maine Department of Education Production, attachment to email, February 2020, 1154, on file with authors (hereinafter "Maine Department of Education Production, survey").

225 Maine Department of Education Production, survey, 3.

226 Maine Department of Education Production, survey, 17–20

227 Maine Department of Education Production, survey, 17–20.

228 Maine Department of Education Production, survey, 5–9

229 Maine Department of Education Production, survey, 13.

230 Portland Public Schools, Wabanaki Studies Dos and Don'ts.

231 Maine Department of Education Production, email, July 2020, 63. In her email to DOE Commissioner Pender Makin, Lukens noted that teachers in a Wabanaki Studies working group expressed an "immediate need" for "teaching materials"; Maine Department of Education Production, press release, May 2021, 1195.

232 Maine Indian Tribal-State Commission, *Final Report*, 7.

233 Maine Indian Tribal-State Commission, *Final Report*, 7.

234 Sockbeson, "Maine Indigenous Education Left Behind," 122-123.

235 Sockbeson, "Maine Indigenous Education Left Behind," 123.

236 Sockbeson, "Maine Indigenous Education Left Behind," 122.

237 Maine Department of Education Production, email, May 2020, 185.

238 Maine Department of Education, "Standards & Instruction –Social Studies," last accessed September 1, 2022, https://www.maine.gov/doe/learning/content/socialstudies/standards.

239 Maine Department of Education, "Maine Native American Standards," last accessed September 1, 2022, https://www.maine.gov/doe/learning/content/socialstudies/standards/mainenative.

240 Maine Department of Education, "2021 Wabanaki Conference," last accessed September 2, 2022, https://www11.maine.gov/doe/wabanaki/PD/June-2021; Mitchell Center at the University of Maine, *Unpacking the Maine-Wabanaki Studies Law (LD 291): Past, Present, and Future, Nov 15, 2019*, Mitchell Center at the University of Maine, video, 3:04:29, https://vimeo.com/383853017 (recording of a symposium that included presentations from numerous experts).

241 Maine Department of Education Production, email, May 2021, 240.

242 DOE Production, email, June 2021, 306; "It is important to compensate Wabanaki people for their involvement in educating others," Maine Indian Tribal-State Commission, *Final Report*, 5; "Request a new position at the Department of Education in the State's biennial budget for FY2004 and FY 2005 to coordinate the implementation of Maine Native American Studies," Maine Indian Tribal-State Commission, *Final Report*, 10. In a separate and positive development, it appears that the DOE was hiring a coordinator to lead the creation of online modules (known as MOOSE modules) about Wabanaki history and culture, and wanted to focus on recruiting Wabanaki tribal members to apply for the role.

243 Hopper, "Finding a Riverview."

244 Portland Public Schools, "Wabanaki Studies Planning Guide for Portland Educators," 6.

245 Maine Indian Tribal-State Commission, *Final Report*, 26-34.

246 The Department could allow schools to indicate whether they're following established curricula that meaningfully incorporates Wabanaki Studies, e.g., from the Abbe Museum or Portland Public Schools. If the school has created its own, the school should detail the program to illustrate that it complies with the requirements of the law.

247 Maine Indian Tribal-State Commission, *Final Report*, 7.

248 *Your Program Plan*, University of Alberta Education Faculty, https://www.ualberta.ca/education/student-services/program-and-registration/your-program-plan.html.

249 Maine Department of Education, "Maine Native Studies"; Maine Department of Education, "Maine Native American Standards"; Maine Department of Education, "2021 Wabanaki Conference."

250 University of Maine Raymond H. Fogler Library, "Native American Programs: Wabanaki Studies," last accessed September 2, 2022, https://libguides.library.umaine.edu/nas/wabanaki.

> "The Wabanaki Studies Law was a landmark and groundbreaking success at the time it was passed in 2001. Properly implemented, it would be a part of recognizing the past and present of the people of the Penobscot Nation, the Passamaquoddy tribes of Indian Township and Sipayik, the Mi'kmaq Nation, and the Houlton Band of Maliseet Indians. Fully implementing the Wabanaki Studies Law is critical to achieving an accurate understanding of the past and present of this place we now call Maine—and to creating a just future."

APPENDIX

March 12, 2021

Superintendent Dr. Cornelia Brown
Auburn Public School District
60 Court Street
Auburn, Maine 04210
superintendent@auburnschl.edu

VIA ELECTRONIC AND CERTIFIED MAIL

Re: Request for Inspection and Copying of Public Records Pursuant to the Maine Freedom of Access Act, 1 M.R.S.A. § 408-A

Dear Superintendent Brown:

Please regard this letter as a request for inspection and copying of public records pursuant to 1 M.R.S.A. § 408-A filed on behalf of the Wabanaki Alliance, Abbe Museum, and American Civil Liberties Union of Maine Foundation. We request records regarding 20-A M.R.S. § 4706(2) "Instruction in American history, Maine studies and Maine Native American history" (hereinafter referred to as the "Wabanaki Studies Law," "requirement," or "statute"), which requires education on indigenous studies in Maine's schools. This year marks the twenty year anniversary since the statute was first enacted in 2001, creating the perfect opportunity to evaluate the successes and challenges over the last two decades. We hope that the information obtained from this request will help to improve implementation of this important requirement for years to come.

March 12, 2021

Superintendent Ellen Halliday
Regional School Unit 29
Office of the Superintendent
7 Bird Street
Houlton, Maine 04730
ellen.halliday@rsu29.org

VIA ELECTRONIC AND CERTIFIED MAIL

Re: Request for Inspection and Copying of Public Records Pursuant to the Maine Freedom of Access Act, 1 M.R.S.A. § 408-A

Dear Superintendent Halliday:

Please regard this letter as a request for inspection and copying of public records pursuant to 1 M.R.S.A. § 408-A filed on behalf of the Wabanaki Alliance, Abbe Museum, and American Civil Liberties Union of Maine Foundation. We request records regarding 20-A M.R.S. § 4706(2) "Instruction in American history, Maine studies and Maine Native American history" (hereinafter referred to as the "Wabanaki Studies Law," "requirement," or "statute"), which requires education on indigenous studies in Maine's schools. This year marks the twenty year anniversary since the statute was first enacted in 2001, creating the perfect opportunity to evaluate the successes and challenges over the last two decades. We hope that the information obtained from this request will help to improve implementation of this important requirement for years to come.

March 12, 2021

Interim Superintendent
Dr. Kathy Harris-Smedberg
Bangor Public School District
73 Harlow Street
Bangor, Maine 04401
kharrissmedberg@bangorschools.net

VIA ELECTRONIC AND CERTIFIED MAIL

Re: Request for Inspection and Copying of Public Records Pursuant to the Maine Freedom of Access Act, 1 M.R.S.A. § 408-A

Dear Superintendent Harris-Smedberg:

Please regard this letter as a request for inspection and copying of public records pursuant to 1 M.R.S.A. § 408-A filed on behalf of the Wabanaki Alliance, Abbe Museum, and American Civil Liberties Union of Maine Foundation. We request records regarding 20-A M.R.S. § 4706(2) "Instruction in American history, Maine studies and Maine Native American history" (hereinafter referred to as the "Wabanaki Studies Law," "requirement," or "statute"), which requires education on indigenous studies in Maine's schools. This year marks the twenty year anniversary since the statute was first enacted in 2001, creating the perfect opportunity to evaluate the successes and challenges over the last two decades. We hope that the information obtained from this request will help to improve implementation of this important requirement for years to come.

March 12, 2021

Superintendent Ronald Jenkins
Calais Public School District
Superintendent of Schools Office
32 Blue Devil Hill
Calais, Maine 04619
ronaldjenkins@calaisschools.org

VIA ELECTRONIC AND CERTIFIED MAIL

Re: Request for Inspection and Copying of Public Records Pursuant to the Maine Freedom of Access Act, 1 M.R.S.A. § 408-A

Dear Superintendent Jenkins:

Please regard this letter as a request for inspection and copying of public records pursuant to 1 M.R.S.A. § 408-A filed on behalf of the Wabanaki Alliance, Abbe Museum, and American Civil Liberties Union of Maine Foundation. We request records regarding 20-A M.R.S. § 4706(2) "Instruction in American history, Maine studies and Maine Native American history" (hereinafter referred to as the "Wabanaki Studies Law," "requirement," or "statute"), which requires education on indigenous studies in Maine's schools. This year marks the twenty year anniversary since the statute was first enacted in 2001, creating the perfect opportunity to evaluate the successes and challenges over the last two decades. We hope that the information obtained from this request will help to improve implementation of this important requirement for years to come.

March 12, 2021

Superintendent Jake Langlais
Lewiston Public School District
36 Oak Street
Lewiston, Maine 04240
suturgeon@lewistonpublicschools.org

VIA ELECTRONIC AND CERTIFIED MAIL

Re: Request for Inspection and Copying of Public Records Pursuant to the Maine Freedom of Access Act, 1 M.R.S.A. § 408-A

Dear Superintendent Langlais:

Please regard this letter as a request for inspection and copying of public records pursuant to 1 M.R.S.A. § 408-A filed on behalf of the Wabanaki Alliance, Abbe Museum, and American Civil Liberties Union of Maine Foundation. We request records regarding 20-A M.R.S. § 4706(2) "Instruction in American history, Maine studies and Maine Native American history" (hereinafter referred to as the "Wabanaki Studies Law," "requirement," or "statute"), which requires education on indigenous studies in Maine's schools. This year marks the twenty year anniversary since the statute was first enacted in 2001, creating the perfect opportunity to evaluate the successes and challenges over the last two decades. We hope that the information obtained from this request will help to improve implementation of this important requirement for years to come.

March 12, 2021

Superintendent Ben Greenlaw
Maine School Administrative District 1
79 Blake Street Suite #1
P.O. Box 1118
Presque Isle, Maine 04769
greenlawb@sad1.org

VIA ELECTRONIC AND CERTIFIED MAIL

Re: Request for Inspection and Copying of Public Records Pursuant to the Maine Freedom of Access Act, 1 M.R.S.A. § 408-A

Dear Superintendent Greenlaw:

Please regard this letter as a request for inspection and copying of public records pursuant to 1 M.R.S.A. § 408-A filed on behalf of the Wabanaki Alliance, Abbe Museum, and American Civil Liberties Union of Maine Foundation. We request records regarding 20-A M.R.S. § 4706(2) "Instruction in American history, Maine studies and Maine Native American history" (hereinafter referred to as the "Wabanaki Studies Law," "requirement," or "statute"), which requires education on indigenous studies in Maine's schools. This year marks the twenty year anniversary since the statute was first enacted in 2001, creating the perfect opportunity to evaluate the successes and challenges over the last two decades. We hope that the information obtained from this request will help to improve implementation of this important requirement for years to come.

March 12, 2021

Superintendent Rick Colpitts
Maine School Administrative District 17
Oxford Hills School District
232 Main Street Suite 2
South Paris, Maine 04281
r.colpitts@msad17.org

VIA ELECTRONIC AND CERTIFIED MAIL

Re: Request for Inspection and Copying of Public Records Pursuant to the Maine Freedom of Access Act, 1 M.R.S.A. § 408-A

Dear Superintendent Colpitts:

Please regard this letter as a request for inspection and copying of public records pursuant to 1 M.R.S.A. § 408-A filed on behalf of the Wabanaki Alliance, Abbe Museum, and American Civil Liberties Union of Maine Foundation. We request records regarding 20-A M.R.S. § 4706(2) "Instruction in American history, Maine studies and Maine Native American history" (hereinafter referred to as the "Wabanaki Studies Law," "requirement," or "statute"), which requires education on indigenous studies in Maine's schools. This year marks the twenty year anniversary since the statute was first enacted in 2001, creating the perfect opportunity to evaluate the successes and challenges over the last two decades. We hope that the information obtained from this request will help to improve implementation of this important requirement for years to come.

March 12, 2021

Superintendent Xavier Botana
Portland Public Schools
353 Cumberland Ave.
Portland, Maine 04101
superintendent@portlandschools.org

VIA ELECTRONIC AND CERTIFIED MAIL

Re: Request for Inspection and Copying of Public Records Pursuant to the Maine Freedom of Access Act, 1 M.R.S.A. § 408-A

Dear Superintendent Botana:

Please regard this letter as a request for inspection and copying of public records pursuant to 1 M.R.S.A. § 408-A filed on behalf of the Wabanaki Alliance, Abbe Museum, and American Civil Liberties Union of Maine Foundation. We request records regarding 20-A M.R.S. § 4706(2) "Instruction in American history, Maine studies and Maine Native American history" (hereinafter referred to as the "Wabanaki Studies Law," "requirement," or "statute"), which requires education on indigenous studies in Maine's schools. This year marks the twenty year anniversary since the statute was first enacted in 2001, creating the perfect opportunity to evaluate the successes and challenges over the last two decades. We hope that the information obtained from this request will help to improve implementation of this important requirement for years to come.

March 12, 2021

Principal Paul Theriault
Eastport Public Schools
100 High Street
Eastport, Maine 04631
ptheriault@shead.org

VIA ELECTRONIC AND CERTIFIED MAIL

Re: Request for Inspection and Copying of Public Records Pursuant to the Maine Freedom of Access Act, 1 M.R.S.A. § 408-A

Dear Principal Theriault:

Please regard this letter as a request for inspection and copying of public records pursuant to 1 M.R.S.A. § 408-A filed on behalf of the Wabanaki Alliance, Abbe Museum, and American Civil Liberties Union of Maine Foundation. We request records regarding 20-A M.R.S. § 4706(2) "Instruction in American history, Maine studies and Maine Native American history" (hereinafter referred to as the "Wabanaki Studies Law," "requirement," or "statute"), which requires education on indigenous studies in Maine's schools. This year marks the twenty year anniversary since the statute was first enacted in 2001, creating the perfect opportunity to evaluate the successes and challenges over the last two decades. We hope that the information obtained from this request will help to improve implementation of this important requirement for years to come.

March 12, 2021

Superintendent David Walker
Regional School Unit 34
156 Oak Street
Old Town, Maine 04468
david.walker@rsu34.org

VIA ELECTRONIC AND CERTIFIED MAIL

Re: Request for Inspection and Copying of Public Records Pursuant to the Maine Freedom of Access Act, 1 M.R.S.A. § 408-A

Dear Superintendent Walker:

Please regard this letter as a request for inspection and copying of public records pursuant to 1 M.R.S.A. § 408-A filed on behalf of the Wabanaki Alliance, Abbe Museum, and American Civil Liberties Union of Maine Foundation. We request records regarding 20-A M.R.S. § 4706(2) "Instruction in American history, Maine studies and Maine Native American history" (hereinafter referred to as the "Wabanaki Studies Law," "requirement," or "statute"), which requires education on indigenous studies in Maine's schools. This year marks the twenty year anniversary since the statute was first enacted in 2001, creating the perfect opportunity to evaluate the successes and challenges over the last two decades. We hope that the information obtained from this request will help to improve implementation of this important requirement for years to come.

From: Emma Bond <ebond@aclumaine.org>
Sent: Friday, April 16, 2021 3:11 PM
To: Herman, Mary <Mary.Herman@maine.gov>
Subject: follow-up on Wabanaki Studies Law

Hi Mary,

Thanks so much for meeting with me a few weeks ago and for sending along some of the records we discussed. There's a lot more work happening at the state level than I had realized! It was great to learn more about your ongoing efforts.

As we continue in our project to learn about current implementation of the Wabanaki Studies Law, we're wondering whether DOE could send along records on the same topics that we've asked from the schools. It sounds like Joe Schmidt has done a lot of the work in preparing curriculum, so I'd also be happy to coordinate with him, if that makes more sense. The topics on which we've requested records are below (and also on pages 8-9 of the attached sample request to Portland schools):

1. Records regarding any and all curricula used by educators to teach Native American Maine history, including, but not limited to, the specific statutory categories below:
   a. Records regarding compliance with the statutory obligation to provide education on "Maine tribal governments and political systems and their relationship with local, state, national and international governments";
   b. Records regarding compliance with the statutory obligation to provide education on "Maine Native American cultural systems and the experience of Maine tribal people throughout history";
   c. Records regarding compliance with the statutory obligation to provide education on "Maine Native American territories";
   d. Records regarding compliance with the statutory obligation to provide education on "Maine Native American economic systems"; and
   e. Records regarding any and all professional development provided to teachers relating to Native American Maine history.
2. Records regarding any and all dates of professional development in the last twenty years relating to Native American Maine history.
3. Records regarding any and all outreach to the State of Maine for help, support, resources, or funding to implement the Wabanaki Studies requirement.
4. Records regarding any and all guidance received from the Maine Department of Education on how to create and development curricula in compliance with the Wabanaki Studies requirement.
5. Records regarding any and all of the financial needs attached to implementing the Wabanaki Studies requirement.
6. Records regarding any and all obstacles in the last twenty years to implementing the Wabanaki Studies requirement.

We originally asked the schools for 20 years, but have agreed to a starting point of records from the past 3 years--so we would be happy to discuss that with you.

I know you're incredibly busy, and really appreciate any thoughts you may have about this request in the coming week or weeks. In the meantime, hope you have a great long weekend!

All the best,
Emma

follow-up on Wabanaki Studies Law
Emma Bond <ebond@aclumaine.org>
Tue 5/4/2021 6:51 PM
To: Herman, Mary <Mary.Herman@maine.gov>
Cc: Margaret Edwards <medwards@aclumaine.org>

Dear Mary,

I hope that you're doing well! I'm following up on the email (below) about our project with the Wabanaki Alliance and the Abbe Museum to learn more about implementation of 20-A MRS 4706, regarding Maine Wabanaki Studies instruction. As background, we requested public records on this topic from ten school districts (the five largest school districts and five school districts near tribal communities). Since you and I last spoke, we have received positive feedback and comprehensive records from nearly all of these schools, which is so exciting. We have heard numerous accounts from several school administrators about the great material that Joe Schmidt sends out to schools on the topic.

After learning more about efforts at the state level, we are realizing the assessment would be incomplete without state-level records. That is why we are reaching out to ask whether you can help us by providing public records MDOE may have on the topics below.

As a starting point, we're interested in state records on the same topics included in the (attached) FOAA request to schools:

1. Records regarding any and all curricula used by educators in the last three years to teach Native American Maine history, including, but not limited to, the specific statutory categories below:
   a. Records regarding compliance with the statutory obligation to provide education on "Maine tribal governments and political systems and their relationship with local, state, national and international governments";
   b. Records regarding compliance with the statutory obligation to provide education on "Maine Native American cultural systems and the experience of Maine tribal people throughout history";
   c. Records regarding compliance with the statutory obligation to provide education on "Maine Native American territories"; and
   d. Records regarding compliance with the statutory obligation to provide education on "Maine Native American economic systems"
2. Records regarding any and all dates of professional development relating to Native American Maine history.
3. Records regarding any and all outreach to the State of Maine for help, support, resources, or funding to implement the Wabanaki Studies requirement.
4. Records regarding any and all guidance received from the Maine Department of Education on how to create and development curricula in compliance with the Wabanaki Studies requirement.
5. Records regarding any and all of the financial needs attached to implementing the Wabanaki Studies requirement.
6. Records regarding any and all obstacles in the last twenty years to implementing the Wabanaki Studies requirement.

After reviewing the 2003 Report from the Commission that you included in your last email (thank you!), we'd also like to request:

- Records regarding any and all goals and plans that MDOE has received each year, during the last three years, from schools about Wabanaki Studies implementation, as is outlined in the report at Section A: 4 (page 14).
- Records regarding any and all questions used on Maine statewide standardized tests to evaluate compliance with Wabanaki Studies Learning Results.
- Records regarding any and all sample lesson plans that MDOE provides school administrations, as is outlined in the report at Section B (page 5).

Would you be able to review these nine categories and let me know if MDOE will be able to provide these records? Happy to discuss logistics and any questions that you may have. I know you're very busy, and I'd be happy to reach out to Joe Schmidt or another contact if that's preferable.

Thank you in advance for your support on this very important project -- and for ALL of your hard work and commitment in this area!

Best,
Emma

Abbe Museum

ACLU Maine

MAINE INDIAN TRIBAL-STATE COMMISSION

WABANAKI ALLIANCE