

Critically Analyzing ACT 31: A Non-Indigenous Instructor's Teaching Reflections on An Online American Indian¹ Course for Wisconsin Teachers

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Author note

A special appreciation to my critical friend and colleague, Dr. J P Leary who provided his wisdom and guidance on earlier drafts of this paper

Abstract

This paper critically analyzes Act 31 and its implementation in an additional qualification course for licensed teachers in Wisconsin. The course fulfills the statutory requirement for the study of the history, treaty rights, and current situation of Wisconsin Native Americans. I first explain how Act 31 came about and examine its legal requirements for experienced and student teachers in teacher education programs. I then recount my experience as the instructor of the online summer course for experienced teachers. My reflections on teaching practice and the context of the course question the rigor and accountability of Act 31. Findings indicate that for Act 31 to be effective, teacher education programs must do more in hiring, designing, and delivering American Indian courses in conjunction with Wisconsin's American Indian communities. Such a partnership and investment of resources would allow for more impactful and influential teaching.

Background of Act 31

It is important to note that there is only one comprehensive scholarly work published on Act 31; thus, it is heavily referenced in this section. Act 31 is another hopeful initiative enacted in 1989 but officially in effect in 1991. It had the goal of reforming curriculum to accurately reflect the current identities and the histories of American Indians in Wisconsin. Leary (2018) offered historical insights into how American Indians engaged with policy makers about American Indian curriculum. For example, in the 1910s and 1920s, the Society of American Indians and the Grand Council Fire of American Indians aimed "to challenge misconceptions about Native history and identity that were accepted as official knowledge in American schools" (Leary, 2018, p. 225). Then from the 1950s to the 1970s, the American Indian Historical Society worked toward ensuring textbooks about American Indians were free of biases and stereotypes and instead accurately demonstrated the lives and histories of American Indians through the lens of authors who were American Indians (Leary 2018). By the 1980s, textbooks had more accurate

¹ The term "American Indians" is used by the university and in some academic literature, and it was part of the title of the course I taught; thus, I use it in this paper. I acknowledge that people categorized as American Indians may wish to identify in other ways, for instance, with respect to their tribal identity. I sometimes use the word Indigenous throughout the paper as this is more commonly accepted as appropriate terminology.

pictures of American Indians and offered critiques of what a white man's Indian definition was in contrast to how American Indians defined themselves (Leary, 2018).

The American Indian Language and Culture Education Board (AILCEB) and the Ad Hoc Commission on Racism in Northern Wisconsin were both pertinent in helping formulate Act 31. The AILCEB was housed in Wisconsin's Department of Public Instruction (DPI) but was responsible to the office of the Governor. Another key committee that played an important part in passing Act 31 was the American Indian Study Committee (AISC).

Made up of elected members of the Wisconsin Assembly and Senate and public members representing tribal nations in Wisconsin, AISC was to study issues relating to American Indians and the American Indian tribes and bands in this state and develop specific recommendations and legislative proposals relating to these issues. (Leary, 2018, p. 236)

The AISC was powerful in recommending curriculum policy solutions to address the rising concerns about racism toward American Indians and the lack of knowledge about tribal sovereignty (Leary, 2018). To place courses and resources in the hands of school personnel, the political representatives, Alan J. Caldwell (a Menominee tribal member and educational consultant to DPI) and Representative Boyle, endorsed and supported Bill 31 by way of testimonies and financial allocation. As a result of the concerted efforts,

on August 8, 1989, Governor Tommy Thompson signed Senate Bill 31, the 1989–1991 Biennial Budget Act, which included these new statutes related to instruction in the “history, culture, and tribal sovereignty of the federally recognized tribes and bands in the state” and related issues. The bill became known as 1989 Act 31, or in common parlance Act 31, upon publication on August 20, 1989. (Leary, 2018, p. 250)

The declaration of Act 31 was a triumph for Indian educators, American Indians, and anyone who wanted to learn and teach about Wisconsin's American Indians.

A Critical Analysis of Act 31

Wisconsin Department of Public Instruction (2021) lists the statutes and rules that make up Act 31. I offer the following critical questions to readers and researchers to highlight the vagueness and lack of accountability that these statutes exhibit, with the hope that further revisions will be made.

§115.28(17)(d), Wis Stats.

General duties. The state superintendent shall, in conjunction with the American Indian

Language and Education Board develop:

(17) AMERICAN INDIAN LANGUAGE AND CULTURE EDUCATION.

(d) Develop a curriculum for grades 4 to 12 on the Chippewa Indians' treaty-based, off-reservation rights to hunt, fish and gather. (Wisconsin Department of Public Instruction, 2021)

Critical questions: What is the relationship between the state superintendent and the American Indian Language and Education Board? How was this relationship developed with meaningful and respectful engagement given the political and historical context between the state and the American Indians this board represents? What is the state superintendent's level of engagement in producing this curriculum? Is there a power imbalance and political tension, and how does this impact the process of designing and developing curriculum?

§118.01(2)(c)(7.and 8.), Wis Stats.

Educational goals and expectations.

(2) EDUCATIONAL GOALS . . . each school board shall provide an instructional program designed to give pupils:

7. An appreciation and understanding of different value systems and cultures.

8. At all grade levels, an understanding of human relations, particularly with regard to American Indians, Black Americans and Hispanics. (Wisconsin Department of Public Instruction, 2021)

Critical questions: Who on the school board participates in this program design? What training will be given to whoever delivers this program? Who will cover the costs of the PD and the development of this instructional program? How will this be sustainable in future years, and will there be amendments as current events arise, such as stories of survivors of the schools? How will Act 31 address Black Americans and Hispanics, who the Act mentions, and the Hmong population, which exists in Wisconsin but the Act does not mention?

§118.19(8), Wis Stats.

Teacher certificates and licenses.

(8) The state superintendent may not grant to any person a license to teach unless the person has received instruction in the study of minority group relations, including

instruction in the history, culture and tribal sovereignty of the federally recognized American Indian tribes and bands located in this state. (Wisconsin Department of Public Instruction, 2021)

Critical questions: Does the state superintendent have the people power/resources to check if each teacher candidate has received instruction on the above topics? How does this work? What constitutes instruction on each of these topics? From what and whose perspective is the above content covered?

§121.02, Wis Stats.

School district standards.

(1) Except as provided in §118.40 (2r)(d), each school board shall:

(h) Provide adequate instructional materials, texts and library services which reflect the cultural diversity and pluralistic nature of American society.

* * *

(L) 4. Beginning September 1, 1991, as part of the social studies curriculum, include instruction in the history, culture and tribal sovereignty of the federally recognized American Indian tribes and bands located in this state at least twice in the elementary grades and at least once in the high school grades. (Wisconsin Department of Public Instruction, 2021)

Critical questions: What resource pool will the school board access, and how do they pick the textbooks? How will library service be held accountable for reflective cultural diversity resources? Is there a budget for the creation and securing of culturally relevant texts? What does instruction for a minimum of two times in elementary and once in high school entail? How many instructional hours are given to this teaching? Who teaches it? How are they prepared? Who is consulted? How can three learning occurrences be sufficient for the students to gain meaningful insightful into American Indian tribes in Wisconsin? Without proper resources or clarity of funding, how is Act 31 helping teachers and schools practically set up for success in implementing and enacting this Act? This prompts the question of the political motive behind this Act when the infrastructure does not provide financial support or practical teaching resources.

Methodology

The methodology used in this paper draws on the background and text analysis of Act 31, a recent literature review on Act 31, and my teaching experience of the online one-credit “American Indians in Wisconsin” course. I analyzed Act 31 through a critical lens, reflecting on the gaps and challenges in its implementation. This study employs a critical policy analysis, examining the positionality of the policy (Act 31) as an outcome of the historical and social contexts and power relations (Edmondson, 2004; Taylor, 1997).

The literature review provides a foundation of how Act 31 was received and understood and current scholarship on the importance of challenging Eurocentric school structures in order to create space for Indigenous ways of knowing and being. In addition, I share teaching reflections on an online course I taught on American Indians in Wisconsin considering the implementation of Act 31.

Literature Review

It is important to note that there is no state school board in Wisconsin, but there is an elected, nonpartisan state superintendent whose office is established in the state constitution. The state superintendent is independent and not a member of the governor’s cabinet. Almost all authority over educational decision-making is given to locally elected school boards whose responsibilities are defined under s. 121.02 Wis. Stats. (See <https://dpi.wi.gov/cal/20-standards>). With this background policy information in mind, I provide the following literature review.

With a critical lens, I examine recent literature on Act 31 and the policy itself with respect to teaching about American Indian people in Wisconsin at present and their histories. Leary (2018) shared that almost immediately after the passing of Act 31, multiple questions were raised about how Act 31 was to be implemented, given

concerns about instructional materials, professional development, enforceability, and the adequacy of the new program’s funding and staffing levels. Because the specificity of the new requirements represented an unprecedented state directive to school districts, many of these questions hinged on state versus local control. (Leary, 2018, p. 254)

This brings forth the political dimension of educational policy when it comes to how local control is given the power to interpret policy, what resources they use, and how much they make it a priority. Act 31 did not specify such details (Leary, 2018). Moreover, there is a major concern about whether the financial budget should be used to sustain the creation of teaching resources for training, develop courses for university teacher education programs, and upgrade teaching credentials (Leary, 2018). Although all Wisconsin Indian tribes initially approved of this use of the budget, it was later disputed as other pressing concerns set aside in the passing of Act 31 bubbled back to the surface. These concerns included “educational opportunities for Native people, suggesting that efforts to enact new curricular requirements had overshadowed the pressing need for quality education for Wisconsin Indian youths” (Leary, 2018, p. 259). Thus, the implementation of Act 31 has been fraught with a range of worries and challenges.

Moody (2019) focused on Act 31 being a pathway to reducing racism, stating: “the specific requirements of the Act were to create a change within education throughout the state of Wisconsin and to specifically address tribal sovereignty, treaty rights, and cultures while providing a foundational basis for extinguishing racism and discrimination” (p. 130). Her work explains how Act 31 has created a pathway to help teach about American Indians but is not enforced with accountability in teacher education programs in Wisconsin and the public schooling system (Moody, 2019). Moody (2019) claims that

the state standards for American Indian topics are very broad and do not detail what is expected of the schools in terms of content and time allotment in relation to the components of Act 31. The wording of the Act allows schools to determine what fulfills the state requirement, which permits schools to address the topics within their chosen timeframe and without proving that learning has occurred. (p. 135)

After analyzing the 2000 and 2014 surveys sponsored by the Wisconsin Indian Education Association, along with her own experiences in consulting on teaching about American Indians in Wisconsin, Moody (2019) realized there were three practical barriers for teachers and administrators to implement Act 31: “(a) limited curriculum and lack of age/grade appropriate material, (b) time and class conflicts, and (3) lack of funding and resources” (p. 136). Given this insight, she argued that Act 31 may have set legal requirements, but it is evident that the practical barriers have not been removed yet (Moody, 2019).

Similarly, Blackhawk (2007), Carjuzaa (2009), and Writer (2013) shared that teacher education programs have not done enough to support the learning curve of teacher candidates to dismantle the internalized stereotypes of American Indians. Nor have they provided a great deal of teaching resources on how and what to teach when it comes to learning about American Indians in Wisconsin.

Act 31 and the Requirement of Teacher Education Programs

Act 31 seems to be an Act without much accountability or depth. I make this claim given what is directly stated in the Act (which is four paragraphs in length) and how it holds teacher education programs accountable. Although there is a conceptual framework for teacher licensing available on the Wisconsin Department for Public Instruction website (PI 34), it does not provide accessible information that gives more detail to what is to be taught by whom and why; thus, I will focus on the instructional details provided directly in the statutes.

Within ACT 31, the statute that pertains to teachers and teacher education programs is the following:

Beginning September 1, 1991, as part of the social studies curriculum, include instruction in the history, culture and tribal sovereignty of the federally recognized American Indian tribes and bands located in this state at least twice in the elementary grades and at least once in the high school grades. (Wisconsin Department of Public Instruction, 2021)

Based on the above statute (s. 121.02(1)(L)4), teaching about American Indian people is expected to occur at minimum (which may be for some teachers a maximum) twice a year in elementary school and once in high school. This was the foundation of offering a one-credit course to current teachers in the field who needed to upgrade their qualifications to learn about and include American Indian knowledge and content in their classrooms. What is unclear is what locally constitutes instruction in the history, culture, and tribal sovereignty of the 11 tribes across Wisconsin. Does this mean a video or a short activity? This is not a serious commitment to something that has been ignored and to people American settlers have harmed. Given these parameters, how can a one-credit online course address these requirements in a more meaningful way?

Teaching the Online Course

I taught this course because my Chair directed me to do so two weeks before it started, even though I had no background in the subject. Given the power dynamics in this request of an untenured faculty (myself), I felt I needed to fulfill the request, and I also wanted to learn more about this content area as I did not know much about it.

This one-credit online course took place for eight weeks in the summer semester. It is important to mention that the term “American Indians” is used by the university and the statute and that this course was offered to fulfill Act 31 requirements. In particular, the online course fulfills the Act 31 requirement for teacher education programs to educate about the 11 tribes that lived and currently live in Wisconsin and their cultural traditions, and as such, it was made available to teachers already in the field and new teachers. Some of the current teachers in Wisconsin did their degree before 1991 when the Act was just passed and now could upgrade their credentials. In addition, some teachers who wanted to be licensed to teach in Wisconsin and were coming from elsewhere could also take this course to fulfill the statutory requirements on American Indian content.

In preparation to teach the course, I reached out to past instructors and heard back from only one. This past instructor shared that the course was a reading course. It used Patty Loew’s book *Indian Nations of Wisconsin: Histories of Endurance and Renewal* (2013), published by the Wisconsin Historical Society Press, and asked students to write weekly 250-word reflections on what they read then write a final paper toward the end of the course. Moreover, the past instructor stated that the lighter assignment load was because it was a one-credit course, and students had complained that there were too many assignments for a one-credit course. Although I understood this reasoning, I thought that the course did not do justice to engaging students on American Indians in Wisconsin. Thus, I decided to revise the course as best as I could in the time left to prep it.

I reached out to Wisconsin’s Department of Public Instruction as I knew they had some online resources to consult, and I put them as links for students to examine and explore. I also added links to videos that included interviews/recordings with living American Indians in Wisconsin. I uploaded PDFs of news articles and controversial images (e.g., school mascots) about American Indians in Wisconsin; some addressed current issues of racism and poverty, and others spoke to American Indians’ accomplishments. One of my favorite websites that a former colleague shared

with me was “The Ways” (<https://theways.org/>), which had multiple short videos showing intergenerational learning outdoors about Indigenous ways of being. I also drew on other practical texts such as *Rethinking Columbus* (1998) and academic sources such as Anton Treuer’s (2012) book *Everything You Wanted to Know About Indians But Were Afraid to Ask*. As for assignments, I changed the weekly open reflections to answering critical questions based on the combination of weekly reading(s), video(s), and images. In addition, I required that students list at the end of their weekly response assignment a teaching resource they found interesting in relation to teaching about American Indians in Wisconsin. Moreover, I added a lesson plan assignment to bridge their teaching and their intended elementary school student audience. Lastly, I required students to research, examine from different perspectives, and respond to a present-day issue from the news or in a journal article. There was an option to redo assignments if needed or desired, which helped reduce anxiety about grades, as I thought of this course as fundamental to a learning journey that needed to be engaging.

I hoped that the online course would provide a historical account and present-day knowledge about the 11 federally recognized Wisconsin tribes. The weekly responses were posted online in a forum, and the setting could be set to private or public at the student’s discretion, thus allowing for collegial learning as well. The weekly listed teaching resources and lesson plans were to be compiled at the end of the semester to provide a full list of teaching resources and lessons for all students to explore. Lastly, the final paper was given a lot of feedback in the form of a conversation, with the hope of pushing students’ critical thinking and engagement with material on American Indians.

Findings from Teaching the Course

Finding #1: A Surface-Level Understanding and Lack of Desire to Learn More

Looking back through my teaching notes from this short online course, I noticed that reading responses lacked depth and only provided a surface-level understanding of the reading and videos despite being formulated based on a critical question. I offered individual feedback for the reading responses, often asking students, “Why do you think this is the case?” Although students were not required to resubmit, I invited them to do so; unfortunately, no student resubmitted their reading responses. Thus, the students reflected a surface-level understanding of readings and no desire to make meaningful connections with the content.

Finding #2: Shallow Multicultural Approach to Teaching about American Indian Peoples

For the lesson plan assignment, I asked students to draw on a variety of resources to design, develop and deliver their lesson plans. This assignment often brought forth a multicultural perspective on American Indians in Wisconsin. Although some may argue that it is good to teach about what American Indians historically ate and wore, it lacked critical conversation about what happened to them historically and in the present day; thus, it ended up stereotyping and discriminating against them. Again, I offered virtual office hours to discuss the lesson plan assignment before and after it was due, but no student came. I qualitatively reviewed what I taught and what emerged from students’ responses and lesson plans to gain insights on their practical understanding of the course’s content and application of it. This allowed me to provide

meaningful and constructive feedback to ensure that the lesson plans had depth in contrast to being superficial and shallow.

Finding #3: Superficial Engagement with Current Controversies

The last assignment, which looked at why land acknowledgments needed to be said, what they meant, and why culturally appropriated “Indian” sports mascots were problematic—important issues in 2018—had an increased level of engagement. Students were also invited to pick any other current controversial topic that was relevant insofar as it involved American Indian people and their cultures. The only concern arising from this assignment was that despite their interest in current topics, students had no desire to understand the root of the problems, which were embedded in history and politics and impacted policy creation. The sentiment from the assignment was that it was great to be part of the dialogue but not to the point of accountability or action in response to the inequities faced by American Indian people in Wisconsin.

Discussion

Despite the efforts of Indigenous initiatives in an educational policy such as Act 31, which aims to create curriculum change, mainstream education continues to operate under a Eurocentric perspective and privilege, which often leaves out Indigenous perspectives. It is under the guise of neutrality that mainstream teacher education educators fail to acknowledge how Eurocentric views are at the center of the program and (un)consciously leave out Indigenous models of knowing and learning (Battiste, 2002; Cherubini, 2014; Dion, 2009; Donald, 2009; Lowman & Barker, 2015).

The three findings that all point to shallow, surface-level, and superficial engagement with assignments and the course overall reveal a problem. Why are students not meaningfully engaging and learning about the history, cultures, ways of being, and current struggles of American Indian people in Wisconsin? I would argue that the course being delivered asynchronously online in an abbreviated manner during the summer semester by a non-Indigenous instructor not well-versed in this area would contribute to why students may not be deeply invested or engaged. Assigning this course to me also had an undertone of epistemological racism in that content knowledge of American Indians is not thought as valuable as mainstream Eurocentric knowledge, and thus an inexperienced instructor would suffice. Teachers who went through teacher education programs prior to 1991 and Act 31 seem to be very removed from understanding the need to learn this content and do not know how to develop instructional teaching practices that would allow them to carry out the statutory requirements in order to teach it to their public school students.

The roots of colonialism are deep for teachers who were educated in a colonial institution and who (un)consciously sustain it by way of their identity and practices in public school classrooms today. I wonder how experienced teachers are to unravel these deep roots while still contributing to a colonial institution that perpetuates only Eurocentric perspectives and knowledges. This is a real concern given that there is a decline in new teachers entering the profession in Wisconsin, and many of those entering the profession are doing so with emergency credentialing due to the shortage (Goff et al., 2018).

Thus, unfortunately, despite Act 31, very little has changed in knowledge dissemination about the American Indian people of Wisconsin and their history. The limited requirements of the Act allow for a conservative approach that is not critical or authentic. The online course is an example of how students did not engage with critical questions that encouraged a “decolonizing perspective” (McCarty & Lee, 2014; Vavrus, 2017), possibly because of many students’ deep-rooted stereotypical thinking about American Indian people. In many of the weekly assignment submissions, there was cultural appropriation instead of a critical lens on the history and present-day life of American Indian people. Hence, this online course formulated to bridge the gap in the knowledge of American Indians was not very successful. However, there is hope in the constructive feedback provided to student(s) on various assignments. How teachers returning for this upgraded credential may use the critical readings in the future is unknown. The vision is that when these teachers teach about American Indians, they will draw on the online course material and the resources they acquired throughout to inform them and help create critical and meaningful lessons for their students.

In light of the findings, reflections, and the limited literature on Act 31, this study questions the effectiveness of an online asynchronous course that was created to help experienced teachers teach and learn about American Indians in Wisconsin. The foundation for this mandated content becomes especially apparent when considering the political statements made by non-Indigenous governing bodies (Arola, 2011; Jacob et al., 2015; Leary, 2018; Le Grange & Mika, 2018; Petrovic & Mitchell, 2018). In my view, the American political agenda of bringing attention back to American Indian people and their traditions is an attempt to address and quiet down the outcry from American Indian people who have been ignored and ill-treated for a long time.

Implications for Teacher Education

It is important to note that “Wisconsin institutions are continuing to address the lack of compliance in teacher preparation programs as need continues to be significant” (Moody, 2019, p. 142). In the meantime, we must acknowledge the harm done when courses devised to teach about American Indians are given limited time, limited credit, and very little attention to human resources. Although Act 31 has its weaknesses in design, it does begin the dialogue with teacher education programs in Wisconsin to think about and act on the need for American Indian content to be taught in a meaningful way that moves beyond the basic components required by Act 31. Moreover, the course(s) offered by teacher education programs need to help in understanding Indigenous worldviews and how they can challenge and create spaces for learning in schools via teacher practices and lessons. Beyond this, teacher education programs should invite local Indigenous Elders and community members into the classroom space where they can share their thoughts on concerns impacting them and their communities. It is not enough to have assignments that are thoughtful and delivered with the best intentions; there needs to be real engagement with Indigenous people who can speak for themselves with much greater knowledge and context than someone who is not familiar with these struggles. What is even more worrisome is that

*drawing from the responses in the Wisconsin Education Act 31
Administrator and Teacher Survey Report (see Hadley and Trechter), we*

can see that schools (a) may or may not teach anything, (b) what they teach may or may not be accurate and/or authentic, and (c) what they teach may or may not be about the Wisconsin tribes. (Byington, 2021, p. 202)

It can be argued that Act 31 has not had much of an impact yet. If the three subsections of the themes are at the pulse of public schools, then teacher education must advocate teaching with compassion and understanding toward non-Indigenous and Indigenous students and teachers the truths about Wisconsin's American Indians. Otherwise, educators in the field and in teacher education programs risk perpetuating the lack of visibility and knowledge, leaving the media's stereotypical views to take precedence in the young minds of Indigenous and non-Indigenous children (Byington, 2021).

Now is the time for educators to become allies—to unlearn what they have been taught—and teach the realities instead. Indeed, this is what educators can do: “I have spent the last 20 years of my life unlearning mainstream history in order to be able to connect with and understand the perspective of Native friends and colleagues” (Michaels n.p.). (Byington, 2021, p. 205)

Significance of the Study

This study is significant as it provides a critical analysis of Act 31 with respect to the statutes, the current literature on Act 31, and reflections based on the experience of teaching a mandated online American Indian course. It draws attention to Act 31's existence and challenges regarding how teachers address local Indigenous voices, histories, and ways of knowing in their classrooms. Unfortunately, Act 31 does not ensure that local Indigenous people's identities, histories, and worldviews are acknowledged, taught, and respectfully valued by teachers. Perhaps a stronger and clear reformulation of Act 31 that consults each local American Indian tribe can be brought about, redesigned to create implementation opportunities founded in meaningful dialogue and teaching practices with each American Indian tribe having a unique voice in the process. Moreover, such a reformation would be further supported by the human and financial resources required to sustain such initiatives. It is not until we involve local American Indians in Wisconsin as part of the process, delivery, and sustainability model of such policies that they can be truly impactful and effective.

Conclusion

Act 31 opens the door to experienced teachers and those going through teacher education programs in Wisconsin to provide instruction on Wisconsin's American Indian peoples. Those teachers who have wanted to teach about and with Wisconsin's American Indian peoples now have a legal policy to support them; it is now about finding appropriate financial and human resources to make these partnerships happen. At the same time,

the limited nature of Act 31 also hamper[s] implementation. The state's inability to override traditions of local control, limited staffing and

funding levels, and ambivalent leadership from the state superintendent constrained the law's potential transformative effects in the early years after its passage. (Leary, 2018, p. 266)

Thus, as it stands, the implementation of Act 31 is left to teacher choice and understanding of the importance of teaching about and with local American Indian communities. In closing, it is pertinent to acknowledge Moody's thoughts: "the effect of a healthier understanding between American Indians and non-American Indians not only affects the present but also the future of humanity" (Moody, 2019, p. 145).

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