# Documenting the 'Molly Hootch' Case



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## ALASKA'S "MOLLY HOOTCH CASE":HIGH SCHOOLS AND THE VILLAGE VOICE

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Journal Reference

Nine years ago, Anna Tobeluk was an 18-year-old casualty of Alaska's failure to provide rural high schools. Anna lived in Nunapitchuk, an Eskimo village of 400 people 410 miles west of Anchorage. After finishing ninth grade in the village's Bureau of Indian Affairs elementary school, she was at the end of the educational road. For in Nunapitchuk, as in 120 other native villages throughout the state, children who wanted schooling above the elementary level had no choice but to enter a boarding program, sometimes hundreds of miles away, to live in a dormitory or in the home of a stranger for nine months each year. Indeed, Nunapitchuk was lucky to have a ninth-grade program. In all but a handful of the villages, schooling stopped after the eighth grade.

In 1975, Anna joined as a plaintiff in a lawsuit which now officially bears her name, though many in Alaska will remember this well-known suit as the Molly Hootch case, for the Eskimo girl whose name headed the original list of plaintiffs suing the state in 1972 for failing to provide village high schools. In 1976, the case of *Tobeluk v. Lind* was settled by entry of a detailed consent decree providing for the establishment of a high school program in every one of the 126 villages covered by the litigation, unless people in the village decided against a local program.

That very fall Anna and 25 classmates in grades 10 through 12 enrolled in Nunapitchuk High School, one of 42 village high schools newly opened in conformity with the consent decree. Classes were held in a drafty, one-room clinic building so cold that the students wore parkas in class through much of that first winter. Use of such a clearly inadequate facility was a sign of the village's impatience to have a local high school: the village could have opted to wait until new classrooms were constructed. In this, Nunapitchuk was typical. Almost every village with an unused building larger than a broom closet pushed ahead with a high school program.

In 1979, Anna graduated from her village high school. By then, the number of new high school programs under the consent decree had climbed to 66. As of the 1982-83 school year, 101 native villages covered by the lawsuit had new or expanded school programs.

As mandated by the consent decree, a massive wave of rural school construction to house the new high school programs is now nearing completion. As of January 1, 1984, 84 of the 92 *Tobeluk* high schools had been finished, the most expensive being a $4.2-million facility for approximately 20 high school students on the remote island of Little Diomede.

In all, the state has spent $132.5 million on construction required under the *Tobeluk* consent decree with an additional $3.8 million yet to come, making this the largest settlement in the history of American education litigation.

Anna s lawsuit has revolutionized the delivery of secondary education in rural Alaska. No longer does the entire village turn out each fall on the gravel airstrip to see off teenagers bound for boarding school for the next nine months. That scene has yielded to a more joyous celebration each spring, graduation ceremonies in the village's high school gym. Villages which a decade ago were almost devoid of teenagers throughout the school year now have their high school youngsters living at home. Dropout rates are down and graduation rates up. A native village without a high school has become, virtually overnight, a rarity (see *Alaska Education Directory, 1983).*

To even a casual observer, the establishment of a new high school appears to affect markedly the fabric of village life. The high school gym usually dominates the village skyline as the only two-story building in most of the smaller communities. In a typical classroom, a youngster sits attentively at a personal computer while, in the next room, a white-haired woman wearing an Eskimo *kuspuk* leads a class in skin-sewing. (The woman is an instructional aide, one of several new jobs created by the high school in a village where year-round jobs can be counted on one's fingers). After school, the gym resounds to the dribbling of basketballs six or seven days a week, on a schedule that sees use by almost the entire village.

The educational, economic, and cultural consequences of the massive shift to village high schools have scarcely been chronicled, let alone studied in depth. The magnitude of some changes may obscure others that are more subtle but may in the long run prove to be more profound.

## THE BOARDING PROGRAMS

Before the turn of the century, a segregated school system began to emerge in Alaska. At first, there were no laws requiring that natives and whites attend separate schools, but in towns with some of the larger white populations — such as Juneau and Sitka — segregated schools sprang up. With an increasing white population caused by the gold rush of the late 1890s, white settlers pressed for a formal system of separate schools. By 1903, nine incorporated town schools for white children had been established. As of 1917-18, there were 15 such schools, six of which graduated between one and 13 students each from secondary school *(Education in the Territories, 1919).*

Through a combination of laws and informal practice, segregated schools even within small communities became the norm. By 1929-30, segregated schools existed in at least 19 communities — white schools and native schools in the same tiny villages. In most of the communities, the native school stopped at the eighth grade while the white school went through grade 12.

The dual school system which thus emerged set the pattern for the boarding programs which were challenged later in the Molly Hootch case. While territorial officials undertook to provide local secondary schools for whites, the federal government had a policy of sending native children away to boarding school. The federal policy was to acculturate Alaska natives by sending the most intellectually advanced youths to boarding school for a vocational education, and then returning them to their villages. Most were sent to Indian schools in the lower 48 (Ray, 1958).

Alaska natives fared noticeably poorly in the early boarding programs. In the 1920s, the federal government decided, instead, to initiate vocational boarding schools within Alaska, and three were established (Ray). These continued to provide the basic mechanism for the high school education of rural natives in the next 20 years until the schools began to slip into disrepair. In 1947, a single consolidated boarding school was established by the Bureau of Indian Affairs at the former naval air station in Sitka, and Mt. Edgecumbe has remained a fixture in the boarding program ever since. Although located in the Southeast Panhandle, hundreds of miles from most of the state's Eskimo and Indian villages, Mt. Edgecumbe was from 1947 to 1965 the only tax-supported high school available to native children from small villages (Kleinfeld & Bloom, 1973) By contrast, white students were generally provided local secondary schools. As of 1958-59, there were 34 public secondary schools in the state. Only six of these were located in communities with a school population at least 50% native (Ray.)

In the 1960s, as more native children sought to go to high school, enrollment at Mt. Edgecumbe soared; and, the federal government — ignoring a lesson it had learned barely a generation earlier — sent hundreds of native children out of Alaska to boarding schools in Chemawa, Oregon, and in Chilocco, Oklahoma. By 1968, 1,000

native children were attending these two BIA high schools (Sullivan & Rose, 1970). The wholesale exportation of native children for a high school education proved no less disastrous in the 60s than in the 20s, and the State of Alaska embarked on a new policy. The state's new policy direction, adopted in 1966, involved two programs. One was the Boarding Home Program under which the state compensated private families, on a monthly basis, for providing food and housing for one or more village children who moved in for nine months to attend high school. Boarding home programs were set up in Anchorage, Bethel, Fairbanks, Juneau, Kodiak, and a number of other communities across the state. Originally conceived as an emergency measure, the Boarding Home Program ballooned and became a permanent fixture. By 1976, when the *Tobeluk* case sounded its death knell, the state had 32 communities with boarding homes, accommodating 851 students *(Agreement of Settlement, 1976).*

The second new program initiated in 1966 was the establishment of regional schools. As the state embarked on the process of setting up its first two regional high schools, it commissioned a study by a team of consultants from the Training Corporation of America (TCA), of Falls Church, Virginia, to recommend further locations and develop an overall plan. TCA recommended establishing six boarding schools with dormitory complexes, each enrolling 650 or more students (State of Alaska Regional, 1967). This recommendation was based, in part, on TCA's conclusions that "the ideal high school must have at least 500 students" and "should reflect an urban technological society" (State of Alaska Regional, p. 1-2). But perhaps even more significant, the TCA recommendation was based on an explicit goal of destroying the villages. TCA concluded that "movement to the larger centers of population is one essential ingredient in the adjustment and acculturization of the Alaskan native" (State of Alaska Regional, p. IV-10). A regional high school, said TCA, would "act as a magnet to which natives are drawn," helping to put an end to "dispersed and isolated communities which do not offer opportunities for other than subsistence economy and a limited education" (p. IV-11, 12). "Residence in urban areas," TCA noted approvingly, "appears to accelerate the breakdown of old village patterns, patterns which may retard the development of rural folk into a disciplined and reliable workforce" (p. IV-9, 10).

The state opened the Beltz boarding school on the outskirts of Nome in 1966, followed the next year by a second regional high school in Kodiak. Planning began on an eight-million dollar high school/dormitory campus in Bethel, with a new regional school program there eventually opening in 1972. But long before the completion of the Bethel school, the state abandoned any thought of proceeding with the remaining three complexes recommended by TCA. The regional schools were failing badly.

In one two-year period, 65% of the village students who had entered the Bethel regional school as freshmen had dropped out or transferred to another program. In a single year, 42% of the students enrolled in the Bethel dormitory dropped out. Each of the dormitory programs had a high incidence of drinking, vandalism, violence, and suicide attempts. The Alaska State Commission for Human Rights was called in to investigate the Nome dormitory program after a 1972 weekend of drinking and violence. The commission found alcohol abuse and resulting violence in the dormitory reaching epidemic proportions, with state troopers called in at least once each Friday and Saturday (Woodrow & Ratcliffe, 1973). During a period of less than a month, the school nurse administered Thorazine injections to calm 16 students who had been violent, presumably while drinking.

A University of Alaska study (Kleinfeld & Bloom, 1973) of the boarding programs criticized as an "absurdity" Alaska's program under which "Native children are taken from small villages and placed in regional towns, which usually have much higher rates of social problems than the surrounding villages" (Kleinfeld & Bloom, p. 12). The Kleinfeld and Bloom study, utilizing very modest criteria of success, concluded that in 1971-72 the Bethel High School program failed 96% of its entering class of village freshmen, Nome-Beltz 67%.

Nor did the boarding home program fare significantly better. In my travels to villages in the years preceding the settlement of the *Tobeluk* case, I was bombarded with stories by children who had dropped out of the boarding home programs; boarding home "parents" who drank too much and abused the students; others who treated students as servants, insisting that students eat by themselves. While other students reported favorable experiences, the horror stories were numerous. And boarding home parents had complaints, too, with teenagers who got into trouble once they arrived in town. In some communities, it became almost impossible to find not merely suitable boarding homes but any at all.

The Kleinfeld and Bloom study arrived at similar conclusions. For most village students who boarded with families in Anchorage, the study found that, except for a handful of talented students, the program was a failure. Dropout rates were high; by the end of their second year, 65% of the students had left the program. Moreover, the hoped-for benefits of sending village children to large urban schools with a vast array of courses simply did not materialize for most. Entering high school with a fifth-grade reading level, they were placed in basic courses, including programs for slow learners. Except for a few students, those who tried more specialized courses earned on average a grade of "D." Kleinfeld and Bloom's conclusion: "Secondary school policy [for village students] in Alaska has been based largely on mere availability of physical plants, irrelevant research, and political and economic interests" (p. 105). The recommendation was to close down the boarding programs and establish high schools in each village.

By 1970, the state was beginning to embark on the construction of a handful of high schools in some of the larger villages, but yet another concept was enjoying a vogue among planners in Anchorage and Juneau, that of "area" schools. These were to be schools for upwards of 100 secondary students, located in larger villages, and serving several surrounding villages. Students would have to be boarded either in cottage dormitories or with families. Kleinfeld & Bloom's study warned that area schools were likely to present the same problems as had been seen in other boarding programs. But as late as 1975, state officials revealed in depositions I took as part of the Molly Hootch case that they were working on attendance zones for a statewide network of area schools. The state was clearly headed for yet another disastrous episode in the already sorry history of rural secondary education.

## MOLLY HOOTCH GOES TO COURT

In 1971, the Alaska Legal Services Corporation, funded as part of the nation's program to provide legal aid to the poor in non-criminal matters, had one lawyer assigned to represent low-income clients in western Alaska villages. The lawyer, Christopher Cooke, was asked by parents in the village of Kivalina for help in getting a local high school. Located north of the Arctic Circle, Kivalina is an Eskimo village whose subsistence traditions have remained substantially unchanged for generations. On behalf of village parents, Cooke filed suit against the State Board of Education and a new state agency then charged with providing education in rural Alaska, the Alaska State-Operated School System, popularly called SOS *(Sage v. State Board,* 1971). The state quickly settled the suit, promising to add Kivalina to its short list of villages to receive high schools and eventually building a school in the community.

Kivalina's victory set off shock waves in other villages. Native parents elsewhere asked Cooke to work the same miracle in their communities. In August 1972, Cooke filed suit in Superior Court in Anchorage on behalf of native children and their parents in three villages in the Bethel area of Southwest Alaska *(Hootch v. Alaska State-Operated School System*, 1972). The first name on the list of 27 plaintiffs was 16-year-old Molly Hootch, from the Yukon River village of Emmonak.

Cooke filed the suit as a class action on behalf of all similarly situated native children in villages without high schools. This time the state was not so eager to settle. Indeed, attorneys for the state bitterly resisted court approval of the case as a class action, arguing that the court must "protect the interests of the State and of persons in the alleged class who do not share Molly Hootch's personal priorities regarding the directions of rural secondary education" *(Memorandum of Points . . . in Support*, 1973, p. 11). The state contended that it was both financially incapable of providing village high schools and that it had a "compelling reason" for not doing so — namely, that village high schools were "ill-conceived," "marginal," and would have "potential adverse educational effects" *(Memorandum of Points . . . in Opposition*, 1973, p. 20).

The lawsuit was based, in essence, on two legal theories. The first was that the state, by failing to provide local high schools in all rural villages, was violating the education clause of Alaska's constitution which requires that the state establish and maintain a system of public schools open to all children. The plaintiffs argued that, in light of the high dropout rates and severe dislocation that afflicted children in the boarding programs, a system of education that demanded that village children leave their homes for nine months each year was not truly "open" to them.

In January 1974, the Alaska Superior Court ruled that local high schools were not required under this state constitutional provision *(Order Granting,* 1974) and, in May 1975, the Alaska Supreme Court affirmed this holding in a 4-1 decision *(Hootch,* 1975). The first claim was dead. But the state's highest court remanded the case for trial on the second claim put forward by the plaintiffs. This second claim was that the state's failure to provide local high schools in native villages constituted a pattern and practice of racial discrimination against natives in violation of the United States Constitution, federal non-discrimination laws, and the Alaska Constitution.

Attorneys for the plaintiffs, anticipating the likelihood of a remand, had already begun the laborious task of assembling evidence on the discrimination claim. While the decision on the first claim was still pending in the State Supreme Court, I was taking sworn testimony from state officials and sifting through thousands of pages of state and federal documents. And, most importantly, I was travelling to the villages to meet with parents and children to talk about their experiences with the boarding programs.

State and territorial records from years earlier to the present suggested a simple pattern. In predominantly white communities and in native communities with more than a handful of white inhabitants, if white parents wanted their children to stay home for high school, a local program was provided. In native communities, the idea of a local high school was rarely a matter open to consideration by officials. Even the tiniest white communities, with one or two or five children of high school age, had historically been provided local high school programs. Dozens of larger native communities had not. In all, over 95% of the children coming from villages without high schools were natives; fewer than 5% were whites.

At every turn, evidence mounted of discriminatory policies and actions. State officials declared a willingness to build high schools in villages which formally requested one, but then identified as someone with responsibility for accumulating such requests a man who took me aside during a deposition and confided his view of village decision making, "When you visit an Eskimo village, you talk for awhile, and no one from the village says anything. Then someone grunts, and that's the decision." Moreover, SOS officials were hard pressed to explain why they rushed to provide a local high school in a small white community, which already had daily access by bus to a biracial city school but where white parents complained that they did not want their children attending school with natives, while requests for local high schools in larger, more remote native communities went unheeded.

In August 1975, as the plaintiffs' lawyers began to step up trial preparations, Alaska Attorney General Avrum Gross advised Governor Jay Hammond to consider an expanded program of rural high school construction — the purpose, to help defend the *Hootch* case. Gross wrote that a $20-million bond issue might help "counterbalance what a court may view as past transgressions by the State in rural education" and facilitate a settlement of *Hootch* "and thereby avoid a long and costly trial of this matter." *(Memorandum to Gov.,* 1975, p. 3). Shortly thereafter, lawyers for the state asked the plaintiffs' attorneys to suspend trial preparations and talk about a. settlement. We agreed. There followed a year of intensive settlement negotiations.

The year of negotiations that went into arriving at a settlement of the Molly Hootch case offers a convoluted history of legal and political maneuvering, beyond the scope of this article. Even an abbreviated chronology, however, suggests the roller-coaster nature of these negotiations:

*August 1975:* defendants propose to spend $20 million for high schools in selected villages and to provide daily transportation to and from regional schools for certain other villages; plaintiffs submit counterproposal calling for high school construction in all villages wanting one, judicial enforcement of settlement, $50 million initial investment plus such additional funds as necessary, minimum construction and program standards; defendants agree in principle.

*October 1975:* plaintiffs draft and submit detailed plan for settlement, including provisions for funding high school construction, village power to decide whether local high school is built, village voice in curricular matters, and procedures for enforcing state compliance.

*December 1975:* parties reach tentative agreement on draft consent decree.

*January 1976:* agreement shattered when governor, to obvious dismay of his lawyers, presents legislature with first-round bond proposal for half the amount called for in tentative agreement.

*May 1976:* with discussions continuing, defendants, as evidence of good faith, promulgate new regulations on local high schools that had been proposed by the plaintiffs as part of settlement.

*June 1976:* parties reach new agreement on consent decree.

*July 1976:* attorney general and an assistant fly to Cambridge to propose brand new agreement, calling for suit to be dismissed and providing no mechanism for judicial enforcement; plaintiffs reject new proposal out-of-hand; discussions resume on consent decree.

*September 1976:* parties formally submit to the court the proposed consent decree.

*October 1976:* court approves consent decree; the Molly Hootch case, now entitled *Tobeluk v. Lind,* is settled *(Agreement of Settlement*, 1976*).*

## THE SETTLEMENT

The settlement agreement itself consisted of two parts. The first was a Statement of Agreed Facts, upon which the plaintiffs insisted in order to lay a factual predicate for the remedial provisions and to end any possibility of future legal wrangles over the propriety of the consent decree. The factual statement contained a 10-page history of Alaska's segregated school system, connecting that history to the state's failure to provide high schools in native villages. And, one by one, the state conceded the emptiness of every rationale that had in the past been used to justify the lack of local schools in the villages. Although insisting that the author of the most harshly critical study of the boarding system not be acknowledged in the settlement document, the state acceded to the accuracy of most of the Kleinfeld & Bloom report conclusions, and many were quoted virtually verbatim in the statement of facts.

The second part of the settlement was the consent decree which set out what the state must do to end the non-provision of local high schools. The 24-page decree defined, for example, the villages that were covered, the scope of construction, how construction funding would be determined, a schedule for compliance, the contents of thrice-yearly progress reports to the court — even who within the Department of Education was responsible for ensuring compliance with the state's obligations.

The construction provisions of the decree have, of course, yielded the most obvious results of the lawsuit. Those provisions outlined the minimum size of facilities that must be provided in each village and were pegged to the projected high school enrollment in each community. For example, villages projecting fewer than l0 secondary students were entitled to 1100 square feet of classroom space. Larger school populations entitled a village to considerably more space, including progressively larger areas for a library/media center, science, business education, home science, industrial education, and indoor athletics. The state was obligated to provide construction costs to meet the minimum guidelines. Although initial estimates put those costs as low as $40 million, construction delays and inflation escalated the ultimate total to well over three times that figure.

While state media attention has tended to focus on the construction dollars, those expenditures are certainly a transitory consequence of the *Tobeluk* case. Two other features of the settlement, closely interrelated, may have more lasting effects on education and culture in rural Alaska.

The first of these features is the decision-making processes spelled out in the consent decree — in short, the political power that accrued to villages as a result of the settlement. That power may or may not prove to be short-lived. The second feature of the settlement flows from the overwhelming exercise of power by the villages in favor of local high schools: For the first time in the history of the state, a generation of village leaders is likely to emerge from among students who are today being educated through high school in traditional villages, not in boarding programs.

## THE DECREE AND VILLAGE POWER

A critical issue through much of the settlement negotiations was one of raw power: Who would have the ultimate say over whether a village got a high school?

Throughout the state's history, such decisions were made outside the village, with little heed to village wishes. State and federal officials relied more on their own judgments or on those of consultants than on the wishes of native parents. These judgments were reflected not only in the actual delivery of educational services but in the settlement offers the state made. Despite the hazards of air travel in the bush, the state suggested during negotiations that it would prefer to provide daily air taxi service for high school students living in Bethel-area villages so that the regional school could be kept open.

In the year prior to the start of negotiations and during the talks, I traveled to more than 40 villages, talking with parents about the lawsuit and the possibility of a local high school. In most of these villages, virtually the entire adult population of the village, and many out-of-school teenagers as well, spontaneously assembled at a public meeting to discuss their hopes, with practically everyone in the village taking a turn at speaking. In the majority of these villages, my initial visit marked the first time that anyone from outside the community had ever discussed with residents the possibility of a local high school.

As a lawyer representing people in the villages, I was guided in the negotiations by their expressed desires. Since in the end most of the plaintiffs' proposals were embodied in the consent decree, almost every nuance of the.-settlement, reflects objectives defined at meetings with village parents. For example, when the state proposed to keep building area schools, I went to affected villages in the Bethel area and asked people what they preferred — the answer, local schools in each village. When the state suggested daily transportation, I took the idea back to the villages involved where it was icily rejected.

What soon became painfully evident was that, while the state had any number of reasons for not wanting to build a school in any given village, residents of that village had their own emphatic reasons for wanting a school — and none for entrusting the decision to any outsider. Thus the only acceptable formula for a settlement as far as villages were concerned was one which left to each village the determination of whether or not to have a local high school. The state did not like the idea and it suggested alternatives. None was satisfactory to villagers. The state made a last stand in opposing village choice on the matter: leave the decision, suggested state negotiators, in the hands of 21 newly created regional school boards which were scheduled to assume control of rural education in mid-1976, replacing the Alaska State-Operated School System *(1975 Alaska Sess.).*

But villagers reacted with as much suspicion of the soon-to-come regional school boards — about whose creation by the legislature they had, as in so many other education matters, never been consulted — as they had of state decision making. Following one of the more heated *Tobeluk* negotiating sessions, the state finally acquiesced in villages having sole say-so on whether to have a local high school.

The state has never seen anything quite like it. With a show of hands at a public meeting, people in the village of Little Diomede, for example, could decide to have a village high school on that remote island rather than continue sending their sons and daughters to the coastal village of Shishmaref to board. And despite the almost incredible expenses of building anything on Diomede, which has neither an airstrip nor even a dock, the consent decree permits no one to second-guess Diomede's decision (Order Approving Amended, 1983).

No other village decision, commanding so much of the state's resources, has ever been so universal in rural Alaska or so absolute. And it has worked well. In village after village, community discussions have led to a local decision, almost invariably in favor of a new high school. Only 11 communities have exercised their option to retain the boarding system in lieu of a local school. The near universality of the villages' decisions caught some officials off guard. It was as if some officials simply could not hear what people had for years been saying.

This exercise of village power was only the beginning. Under the consent decree, villages also were guaranteed a right to participate — albeit, only in an advisory capacity — in program planning and evaluation for the first three years of a new school's operation. This entitlement was set out in regulatory provisions that were part of

the decree. They became known as the 05 regulations *(Alaska Adm. Code,* 1981). These provisions derived from a commonly expressed theme, in village discussions with me over the lawsuit, that if a high school were located in the village, people could have more of a voice in what their children were taught.

While parents expressed a desire to have some input into the school program, prior experience with SOS was not promising. Though SOS in 1974 was touting its efforts to recruit and train advisory school boards in the villages, parents were not vastly more hopeful that things would be better under the new regional school boards. In fact, several of those boards at the outset bitterly fought against the 05 regulations as an intrusion of their authority. All ignored the provisions for the first four years of the consent decree when the state, preoccupied with getting the construction underway, took almost no steps to enforce the regulation *(Response to Plaintiff* s, 1980). Finally, in 1981, with the plaintiffs threatening contempt proceedings, the state agreed to modify and enforce the 05 regulations, greatly. expanding the planning and evaluation requirements in the process. One district tried unsuccessfully to stop the regulations through legal action.

Today, much of the early resistance to a state-imposed role for villages in education decision making has virtually disappeared. Every school district subject to the 05 regulations now complies (the alternative, as one district found, was loss of state funding), and some local school officials publicly praise the requirements. Several districts utilize the village involvement process in all schools, including elementary schools where their use is not legally mandated. In some villages, it is possible to trace the effect of the 05 process. In Anna Tobeluk's home village of Nunapitchuk, for example, the locally elected village school committee listed several changes it wanted in the high school program, including making Yup'ik language a required course. The Lower Kuskokwim School District, one of the most enthusiastic supporters of the 05 process, made the changes the very next year.

In other districts, compliance with the process is far more cursory and grudging. Even so, villagers in some of these areas have expressed satisfaction with a process that allows them to get answers about what is happening in any and all aspects of the school program.

## THE FUTURE

The Molly Hootch case afforded villagers a rare experience with power in shaping the educational destiny of their children. But the lawsuit is coming to an end. On June 1, 1983, the court approved a streamline version of the consent decree, submitted by the parties, which marks the first step in winding down the case *(Order Approving,* 1983). All but a handful of villages now have their high schools, and in most, 1983-84 will be the last year during which the 05 regulations apply. After that, the level of village participation in planning and evaluating the school's program will be entirely up to each regional school board.

Will villages maintain, or even increase, the power they now exert in education decisions which affect them? Or will school districts afford them a lesser role? The outcome may vary from district to district, but experience over the last seven years suggests that in some areas villages will be reduced to having little more say in education matters than they did in the days of SOS. In some villages before the 05 regulations were beefed up, residents declared that this was already the case.

What difference would this make? It is hard to generalize; but, had the decision on where to build schools been left to the regional boards, it is absolutely certain that the result would have been more area and regional high schools rather than the local schools favored by villagers *(Deposition of Marshall,* 1980). The outcome of that decision rested entirely on who made it. The locus of decision making is almost certain to affect the outcome of a host of other education choices facing rural Alaskans: how much emphasis to give bilingual education, what factors to consider in hiring decisions, what career programs to offer. And this leads to the second major outcome of the settlement — the fact that many of Alaska's next generation of native leaders are now being educated in traditional villages through the 12th grade.

One of the hopes frequently expressed by parents in choosing to have local high schools was that their children would emerge from high schools learning and appreciating traditional skills and values, and that the children would know how to live in the village. If so, this generation of high schoolers will be markedly different from

many of their predecessors educated in more urban settings. But that hope has yet to be empirically tested. Much depends on what the new schools — and village adults — succeed in teaching.

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