



NATIONAL CONGRESS OF AMERICAN INDIANS

NATIONAL INDIAN EDUCATION ASSOCIATION

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## National Tribal Priorities for Indian Education

*Let's put our minds together and see what we can build for our children.*

*– Sitting Bull, Chief, Lakota Nation*

**Children are our future.** This simple statement is the central premise for the recommendations that we offer to the reauthorization of the Elementary and Secondary Education Act (ESEA). The health, well-being and success of Native children are central to tribal sovereignty. Tribal communities, supported by strong tribal governments, are responsible for raising, teaching and caring for children, and Native children in turn form the backbone of future tribal success.

Indian nations have the largest stake in improving the education of their citizens. We must prepare them for active and equal participation in the global market. We must prepare them to be citizens in the 21<sup>st</sup> century. We must prepare them to be positive, involved members of our communities. And, most importantly, we must prepare them to be the future leaders of our governments. There is no more vital resource to the continued existence and integrity of Indian tribes than their children.

Education policies over the last few decades have supported tribes exercising sovereignty over education programs serving American Indian and Alaska Native children. These policies include tribal administration over Indian education programs, Indian school boards, and tribal contract and grant schools.<sup>i</sup> While these reforms have been fruitful, improvements in Indian education remain dwarfed and the discrepancy between Indian and non-Indian student achievement is growing.

In comparison to their peers, American Indian and Alaska Native children continue to fall behind in the educational and learning achievements of their peers. The 2007 National Indian Education Study<sup>ii</sup> indicated that in reading and math, American Indian and Alaska Native students scored significantly lower than their peers in both fourth and eighth grades. In fact, Native students were the only students to show no significant progress in either subject since 2005. Our students also face some of the highest high school dropout rates in the country.<sup>iii</sup> These discouraging trends need to be reversed.

We must be clear: specifically addressing the needs of American Indians and Alaska Natives within the reauthorization of the ESEA is not akin to providing requirements for reducing education disparities or considering the needs of ethnically diverse populations. While we may fall into those target populations as well, the significant difference is that providing education to American Indians and Alaska Natives is a federal obligation because of the unique legal status of Indian people. When

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Indian tribes ceded certain lands – lands which now constitute the United States – agreements were made between tribes and the United States government that established a "trust" responsibility for the safety and well-being of Indian peoples in perpetuity. In addition, a number of treaties<sup>iv</sup> specifically outlined the provision of education, nutrition, and health care. Therefore, the federal trust responsibility for American Indian and Alaska Native education must be recognized in all education policies.

At the same time, as United States citizens, American Indians and Alaska Natives should have opportunities equal to those of other citizens to participate in the benefits of all programs and services offered within the reauthorization. To that end, we offer the following recommendations.

### STRENGTHEN TRIBAL CONTROL OF EDUCATION

*The Congress hereby recognizes the obligation of the United States to respond to the strong expression of the Indian people for self-determination by assuring maximum Indian participation in the direction of educational as well as other Federal services to Indian communities so as to render such services more responsive to the needs and desires of those communities.*

*- Indian Self-Determination and Education Assistance Act (1975)*

Tribal governments are well-positioned to address the educational needs of their students. Unfortunately, tribes face many challenges in providing the best educational opportunities for their children. Tribes must be equipped with resources to improve their tribal education agencies and the education of their students.

- *Authorize Tribal Education Agencies to perform State Education Agency functions.* Tribes are overwhelmingly supportive of local control over education. For Indian Country, this means fully recognizing the status of tribal education agencies (TEAs) as formal components of tribal governments and affording them the same status as State Education Agencies. This would, for example, enable TEAs to develop a tribal wide plan for the distribution of their Title I funds.
- *Require States to enter into collaborative agreements with tribes.* In order for tribes and their TEAs to build capacity and better serve their citizens, States must recognize tribal authority over the education of their students. Upon request, States should negotiate with tribal governments to transfer education programs, funding, services, and administrative responsibilities to the tribes. The Department of Education (DoEd) would both facilitate and foster the cooperation of the State and the tribes in these agreements through financial penalties of Title 1 funding. For example, TEAs should be empowered to implement their own school improvement plan via the accreditation process.
- *Improve data collection and sharing of data with tribes.* Data for Indian students is often incomplete. There are a number of reasons for this – including our incredible diversity which necessitates oversampling to achieve generalizability, our remote locations, and language barriers. An investment in the development of a data collection system will ensure that the programs and services being provided to Indian students are effective and successful. Additional data

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collection concerns might also focus on the migratory nature of our students, students with disabilities, and assist with the need for proper enrollment and placement of Indian students.

- *Authorize tribal technical assistance centers.* Funding is needed to develop tribal assistance centers to foster local, tribal control over our educational system. Centers will provide support to tribes and TEAs in the development of best practices, student assessment, data collection, professional development, and the promotion of language and cultural curricula. Preference for funding and support should be given to tribal colleges and universities and the Native Hawaiian colleges.
- *Cultivate parental, family, and tribal community involvement.* Resources should be specifically designated to tribal communities to support parent and family involvement in schools, including evening activities, funding for transportation, and support groups for parents of children with disabilities.
- *Restore Director of Indian Education to Deputy Assistant Secretary for Indian Education.* The current position for the Director is underutilized and functions almost exclusively as a grant manager. This position and office must be elevated so that there is authority to engage in all titles of the ESEA that impact Indian student education. The Deputy Assistant Secretary should also be authorized to facilitate interagency collaboration and to implement the role of the TEAs in various titles.

### INVEST IN CULTURAL AND LANGUAGE REVITALIZATION

*It is the purpose of this order to assist American Indian and Alaska Native students in meeting the challenging student academic standards of the No Child Left Behind Act of 2001 (Public Law 107-110) in a manner that is consistent with tribal traditions, languages, and cultures.*

*– Executive Order No. 13336*

The survival of Native language and culture is critical to the success of our communities and ways of life. Existing Native language programs and schools have demonstrated that our students are more engaged and successful when offered the opportunity to study their traditional ways. To that end, tribes believe that the ESEA reauthorization should support an investment in Native cultural and language revitalization.

- *Use of Culturally-Based Education as a promising practice in public schools.* By definition, Culturally-Based Education (CBE) is a teaching model that encourages quality instructional practices rooted in cultural and linguistically relevant context. For Native communities, this includes teaching our Native language, but it also means incorporating traditional cultural characteristics and teaching strategies that are harmonious with Native cultural and contemporary ways of knowing. Part of this study includes Indigenous Science, well recognized by the National Science Foundation as a culturally relevant way of classifying scientific knowledge. We recognize, however, that there is little quantitative data to point to, so tribes are calling for CBE to be identified as a promising practice in Indian education and for programs to be funded longitudinally so we can effectively build an evidence base that conclusively distinguishes what works for which populations and under what circumstances.

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- *Tribal authority and funding to conduct cultural training for teachers and administrators in public schools with high Native student population.* It is critical that learning occurs in an environment that fosters an awareness and knowledge of the students' home culture. Tribes are the best resource to provide the training necessary to protect and promote this learning atmosphere for their students.
- *Authorize a new formula grant program for immersion schools and culturally based charter schools, including early childhood centers.* It is largely recognized that the best way to learn a language is to fully immerse oneself.<sup>v</sup> While we have limited statistical data showing that Native language instruction directly improves academic success, there is a large body of qualitative data that shows correlation of Native language instruction to factors that do improve academic success. Therefore it is critically important to have sustainable funding for research that will demonstrate this statistical correlation.
- *Tribal authority to certify Native language teachers.* Tribes and TEAs should have the authority to credential and certify instructors of their Native languages as highly qualified.
- *Provide support for limited Native language proficient students.* Students in Native language schools, who have limited proficiency in the language of instruction, should receive support similar to current provisions provided under the Limited English Proficient accommodations.

### FOCUS ON NATIVE TEACHERS, ADMINISTRATORS, AND LEADERS

*I don't think anybody anywhere can talk about the future of their people without talking about education.  
Whoever controls the education of our children controls our future.  
– Wilma Mankiller, former Principle Chief, Cherokee Nation*

There is no greater influence on student learning than the quality of the teacher. Indian schools are significantly disadvantaged in their effort to recruit skilled Native teachers. Uncompetitive salaries, remote locations, and lack of housing are but some of the challenges our tribal governments are facing. Tribal leaders are calling for an increased focus on recruiting and retaining Native educators, as well as providing professional development and support for teachers in schools with significant Native populations.

- *Invest in “grow your own” Native teacher opportunities and pre-service programs.* Through scholarship programs, pay incentives, and utilization of existing programs at tribal colleges and universities (TCUs), a pipeline of skilled and qualified Indian educators could be created to fill the significant number of open positions. For example, the development of a collaboration model to credential classroom aids could be developed between schools and TCUs or four-year institutions through distance-learning.
- *Authorize a Native teacher preparation initiative.* Specifically designate funding towards the preparation, training, and ongoing professional training for teachers (including special education teachers) currently working or interested in working at tribal schools or schools with greater than 50% enrollment of Indian students.

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## PROMOTE INTERAGENCY COORDINATION

*Formal Indian education in America stretches all the way from reservation preschools to prestigious urban universities far away from Indian cultural centers. This educational journey spans two distinct value systems and worldviews. At their meeting is the opportunity for the two cultures to both teach and learn from one another.— Vine Deloria, Jr., Professor of Indian Law*

Indian education must be viewed as an integrated system, with our students moving in and out of public, tribally-run, and the Department of the Interior, Bureau of Indian Education (BIE) schools. As such, there must be a coordinated effort between the agencies that are responsible for providing Indian education.

- *Collaboration between the Department of the Interior and the Department of Education.* Increased collaboration should include training and technical assistance for BIE staff, use of alternative assessments for tribal schools, assistance in curriculum selection, and instructional practices.
- *Include express statutory language to make funding available for the BIE schools (either overarching the Act or within each ESEA program).* Without express statutory language, our BIE school system will be unable to participate or receive much-needed funding. The most recent example of this lies in the ineligibility of BIE for “Race to the Top” grants.
- *Increase on-the-ground resources and provisions from the BIE for the schools.* Schools in the BIE system struggle on a daily basis to provide a quality education to Indian students with insufficient funding to accomplish their mission. Specific direction should be given to the Secretary of the Interior to fund BIE schools on the amount of need, as regulated at 25 CFR Part 39, Subpart H.

## CONSULTATION

*Consultation with the tribes must be meaningful, in good faith, and entered into on a government-to-government basis. — Jefferson Keel, President, NCAI*

A unique government-to-government relationship exists between federally-recognized Indian tribes and the Federal Government. This relationship is grounded in numerous treaties, statutes, and executive orders as well as political, legal, moral, and ethical principles. This relationship is not based upon race, but rather is derived from the legal status of tribal governments. The Federal Government has enacted various regulations that establish and define a trust relationship with Indian tribes. An integral element of this government-to-government relationship is that consultation occurs with Indian tribes. President Obama recently re-affirmed this relationship with an Executive Memorandum, which requires each federal agency to develop a plan to implement consultation and coordination with Indian tribal governments as required by Executive Order 13175.

Often times consultation occurs on the back-end, when policy and legislative language has already been written. Tribes are only asked for input in the development of regulations and specific statutory language that the Administration or affected Department believes will directly impact them. Consultations should occur however from the beginning, during the drafting stages, when the

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visions for the new plan of action are being developed. To that end, the reauthorization of the ESEA must:

- *Include specific language requiring the Department of Education to consult with tribal governments.* Whenever the DoED consults with States or local education agencies, when it is appropriate, tribes should also be specifically included.
- *Establish a tribal advisory committee to advise the Secretary of the Interior on policy issues and budget development for the BIE school system.* There has never been a formal, established mechanism for tribally-operated schools to raise issues and provide substantive advice to the Secretary on an on-going basis – especially on development of the budget request for programs serving BIE schools. Since the schools in the BIE system are the sole responsibility of the Federal Government, the Secretary of the Interior should be consulting closely and regularly with representatives selected by the tribes and the tribal school boards who operate those schools to learn directly from them about their needs and hear ideas about how to fill those needs.

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<sup>i</sup> Native American Rights Fund (2005). *The Evolution of Tribal Sovereignty over Education in Federal Law since 1965*.

<sup>ii</sup> Freeman, C. and Fox, M. (2005). *Status and trends in the education of American Indians and Alaska Natives*. Washington, DC: National Center for Education Statistics, U.S. Department of Education (NCES 2005-108).

<sup>iii</sup> *Id.*

<sup>iv</sup> For example: 1858 Treaty entered into with the Yankton Sioux Tribe, 1868 Ft. Laramie Treaty entered into with the Sioux Nation, 1858 Treaty with the Ponca Nation.

<sup>v</sup> Lapkin and Swain (1984), Genesee (1983), Wesche (1986), Edwards (1981) in French Immersion Research Relevant to Decisions in Ontario (1987)