



# NATIONAL INDIAN EDUCATION ASSOCIATION

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## NIEA Resolution 2017 E- #1

**TITLE: SUPPORT FOR FULL TRANSPARENCY AND TRIBAL CONSULTATION IN THE DEVELOPMENT AND ADMINISTRATION OF THE DEPARTMENT OF EDUCATION'S EVALUATION STUDY OF TITLE VI IN THE EVERY STUDENT SUCCEEDS ACT**

**WHEREAS**, the National Indian Education Association (NIEA) was established in 1970 for the purpose of advocating, planning, and promoting the unique and special educational needs of American Indians, Alaska Natives, and Native Hawaiians; and

**WHEREAS**, NIEA as the largest national Indian organization of American Indian, Alaska Native, and Native Hawaiian educators, administrators, parents, and students in the United States, provides a forum to discuss and act upon issues affecting the education of Indian and Native people; and

**WHEREAS**, through its unique relationship with Indian nations and tribes, the federal government has a fiduciary responsibility to meet the educational needs of American Indians, Alaska Natives, and Native Hawaiians, residing on and off their reserved or non-reserved homelands; and

**WHEREAS**, the Federal Government has a long history with Native students which began as forced assimilation and has slowly evolved toward greater recognition of Native language and culture, codified in the Every Student Succeeds Act (ESSA) under Title VI: "Indian, Native Hawaiian, and Alaska Native Education"; and

**WHEREAS**, ESSA funds formula grants to Local Education Agencies (LEA) in Title VI, Part A of the law, which NIEA believes should be part of meeting the federal government's ongoing trust responsibility to Indian children for a culture-based education; and

**WHEREAS**, the three main purposes of Indian Education Formula Grants are outlined in Section 6102 of ESSA are:

1. Meet the unique educational and culturally related academic needs of Indian students, so that Indian students can meet the challenging state academic standards; and
2. Ensure that Indian students gain knowledge and understanding of Native communities, languages, tribal histories, traditions, and cultures; and
3. Provide for the professional development needs of the educational staff and others who serve Indian students so that they can provide culturally appropriate and effective instruction and supports to Indian students; and

**WHEREAS**, these three purposes in Section 6102 require that Title VI funding is used for culture-based education as a supplement for Native students, and not as a form of additional Title I funding to which the purposes of Title VI funding for Native education do not apply; and

**WHEREAS**, the Department of Education published a plan to evaluate the Indian Education Formula Grant Program in Title VI on June 13, 2017 in the Federal Register and has been proceeding with steps to complete an evaluation of the program by the fall of 2018; and

**WHEREAS**, NIEA disagrees with the Department's decision not to include tribal Consultation in the decision to study the Indian Education Formula Grants program in ESSA and the overall initial involvement of Native evaluators;

**WHEREAS**, NIEA believes that culture-based evaluation methods and appropriate, community-based participatory models of evaluation should be seriously considered for this proposed study;

**WHEREAS**, NIEA is concerned that the Department's evaluation currently appears to rely on a narrow view of student achievement that depends heavily on non-Native theories of education that have not worked historically and are inconsistent with the cultural purpose of Title VI; and

**WHEREAS**, NIEA has two primary areas of concern regarding the Department's proposed study of Title VI:

1. The study as mentioned does not understand the policy and purposes of the statute, and
2. The study focuses too narrowly on the specific activities funded by grant funds as well as retaining the bias toward achievement related measures; and

**WHEREAS**, NIEA has outlined these two primary, initial views, as well as specific concerns with respect to the study, in greater detail in [comments](#) submitted to the Department on August 14, 2017; and

**WHEREAS**, NIEA also outlines three recommendations with respect to the study as it moves forward in its [August 14<sup>th</sup>, 2017 comments](#):

1. Ensure that the Technical Working Group (TWG) is majority Native people, and provided a copy of the draft report prior to the Department review for any purposes; and
2. Include Native evaluators and NIEA in review of the research design, protocol, and program to be implemented, as well as the study itself before a draft is reviewed, so that Native perspectives are fully incorporated before conclusions that could have the effect of undermining the program are reached; and
3. Review whether LEAs are fulfilling the requirement to properly acknowledge the authority of Indian Parent Advisory Committees (PACs); and

**WHEREAS**, NIEA is concerned, with respect to Title VI grantees, that early and adequate communication is critical to developing an effective study; and

**WHEREAS**, NIEA believes that a sample size that is statistically valid is essential; and

**WHEREAS**, based on the above, NIEA has significant concerns about this evaluation as begun in 2017 and must respond flexibly as an organization to how the study is structured.

**THEREFORE BE IT RESOLVED**, that NIEA shall advocate for full engagement and Consultation with tribes, Native education leaders, Title VI grantees, and NIEA in consideration of the Title VI evaluation; and

**THEREFORE BE IT RESOLVED**, that NIEA shall protect the purposes of Title VI set forth in Section 6112 of the Every Student Succeeds Act (ESSA), which states that Title VI's Indian Education Formula Grant shall address the

unique culturally related needs of Indian students as necessary to meet academic standards, Native languages and history, and the professional development necessary to ensure educators provide culturally appropriate instruction; and

**THEREFORE BE IT RESOLVED**, that if the Department fails (1) to ensure, that the Technical Working Group is provided a copy before the report is used for any purpose, (2) include Native evaluators and NIEA in the review of the study, or (3) review whether LEA's are fulfilling their responsibilities with respect to PAC's, then NIEA will amend its current position to raise these concerns and oppose the evaluation as necessary to protect Native students.

**BE IT FINALLY RESOLVED**, that this resolution shall be the policy of NIEA until it is withdrawn or modified by subsequent resolution.

#### CERTIFICATION

I do hereby certify that the following resolution was dully considered and passed by the National Indian Education Association on October 7, 2017 at which a quorum of the membership was present.

A handwritten signature in black ink, appearing to read 'Yatibaey Evans', is written over a horizontal line.

Yatibaey Evans  
President