



# NATIONAL INDIAN EDUCATION ASSOCIATION

## Education Sovereignty

### WHOLE CHILD INITIATIVE & SOCIAL-EMOTIONAL LEARNING (SEL)

*The Every Student Succeeds Act (ESSA) includes several key provisions which aim to better support underserved children. However, as we look to Congress to reauthorize ESSA, it is imperative that an emphasis on healing centered education is incorporated in this important legislation. Following the coronavirus pandemic, students across the country face a new landscape of stressors that continue to have a substantial impact on youth's mental health. For Native communities, the pandemic exacerbated pre-existing issues in our most vulnerable youth, especially those in the child welfare system.*

#### Fostering the Whole Child Approach

The NIEA Whole Child Initiative seeks to reclaim the brilliance of our Native students through the power of Education Sovereignty. The goal of the Whole Child approach is to create a framework for ensuring community, family, and mental health are part of the academic wheel. This approach aims to close the gaps that fail to address the mental, spiritual, physical, and emotional needs of our Native students.

NIEA, with assistance from the Center for Educational Improvement, is exploring how *Compassionate School Practices*<sup>1</sup> can foster positive outcomes for Native students. The intent of the Compassionate School Practices model, developed by Yale University, is to address the trauma and needs of children in schools through four pathways: prevention, support, building resiliency, and developing protective factors. NIEA and CEI are committed to alleviating trauma, embracing greater equity, and creating healing school communities.

#### Native Students under the Indian Child Welfare Act

The Indian Child Welfare Act (ICWA) was enacted in 1978 to address the alarmingly high number of Indian children being removed from their homes by both public and private agencies.<sup>2</sup> Research found that American Indian and Alaska Native (AI/AN) children are overrepresented in state foster care at a 2.66 times greater than the general population and, although American Indian and Alaska Native children are just 1% of all children in the United States, they are four times likely to have children taken and placed in foster care than non-natives.<sup>3</sup> Before ICWA (1978), approximately 80% of Native families living on reservations lost at least one child to the foster care system, according to data compiled by the National Indian Child Welfare Association.

Congress' intent under ICWA was to "Protect the best interests of Indian children and to promote the stability and security of Indian tribes and families" (25 U.S.C. § 1902). ICWA sets federal requirements, which apply to state foster care, guardianship, termination of parental rights, and adoption proceedings involving an Indian child who is a member of, or eligible for membership in a federally recognized tribe. NIEA remains supportive of the strongest ICWA legislation possible, as Native students succeed the most when their communities are thriving. Keeping families and communities together is essential to the mental and cultural wellbeing of our Native children and youth.

<sup>1</sup> Mason, C., Asby, D., Wenzel, M., Volk, K. T., & Staeheli, M. (2021). *Compassionate school practices: Fostering children's mental health and well-being*. Corwin.

<sup>2</sup> "The Indian Child Welfare Act: A Family's Guide." Page 1. National Indian Child Welfare Association.

<sup>3</sup> "Disproportionality in Child Welfare Fact Sheet." Page 1. 2021.



## Native Youth in the Juvenile System

Native youth are among the most vulnerable populations in the United States that have unmet needs. Native youth face higher rates of mental and physical health issues, poverty, alcohol and substance abuse, suicide, and exposure to violence. In addition, Native children living on reservations are subject to a complex jurisdictional scheme that puts these children at an even greater disadvantage. Depending on where one commits an offense and the severity of the offense, Native youth may be subject to the laws of either state, federal, and/or tribal governments. Datasets of AI/AN juvenile justice statistics are complex due to the grey area between state, federal, and tribal civil and criminal jurisdictions. Advocates, researchers, and federal reports have made clear the need for Native communities and the support, treatment, and rehabilitation provided.

Juveniles make up only 1% of the federal criminal caseload; however, approximately half of the federal juvenile justice cases involve American Indian and Alaska Native youth.

## NIEA Recommendations

Congress has made strides in addressing our most vulnerable youth and the need for fostering compassionate school practices through programs and legislation. However, additional work is needed to ensure that the federal government upholds its trust responsibilities to Native nations and to ensure that the needs of our Native youth in the child welfare and juvenile system are addressed.

- **Culturally Relevant Social Emotional Learning**  
Programs that support Social and Emotional Learning (SEL), including Native languages and cultural programming have been effective strategies in closing the achievement gap for Native youth and have been seen as supportive in rehabilitation. SEL strategies have been proven effective in mitigating the effects of complex trauma and improving academic achievement. More resources must be given in remote areas, as well as - implementation at the school and community levels. This includes integrated support systems such as mental health services, school-based and community-based health resources.
- **Protecting and Strengthening ICWA**  
ICWA faces many challenges, including the recent Supreme Court Case *Brackeen v. Haaland*. Tribal Nations and Congress must work together to ensure that colleagues across the federal government are educated on the benefits of ICWA, its relationship to good child welfare practices, and opportunities to strengthen ICWA implementation and protect the law at federal, state, and local levels.
- **Inter-generational Trauma and Culturally Appropriate Services**  
The Truth and Healing Commission on Indian Boarding School Policy Act would establish a comprehensive examination of the Indian boarding school legacy and would ensure Native students, both past and present, have their stories heard and their traumas addressed. We urge Congress to pass this legislation and thoroughly own up to the negative effects of the boarding school era in Indian Country, including those effects that directly impact our students in the classroom today. This must also include culturally appropriate support services for students who attend both BIE-funded schools and public schools.

*For additional information, please contact Julia Wakeford, NIEA Policy Director, [jwakeford@niea.org](mailto:jwakeford@niea.org); Shanise Ka'aikala, NIEA Legislative Analyst, [skaaikala@niea.org](mailto:skaaikala@niea.org); and Stephanie Hawk, NIEA Tribal State Policy Associate, [shawk@niea.org](mailto:shawk@niea.org)*

