



Restoring the Trust in Native Education

NIEA Primer for Tribal Leaders and Educators Regarding Tribal Leader Education Roundtables

January 20, 2012: Rapid City, SD - Best Western Ramkota

January 23, 2012: Norman, OK - Embassy Suites

January 25, 2012: Albuquerque, NM - Sheraton Uptown

February 16, 2012: Seattle, WA – TBD

Background.

The National Indian Education Association (NIEA) is the oldest and largest national organization representing the education concerns of over 3,000 American Indian, Alaska Native and Native Hawaiian educators, tribal leaders, school administrators, teachers, parents, and student members. Founded in 1969, the NIEA works to support traditional Native cultures and values and to provide American Indians and Alaskan Natives with a national voice in their efforts to improve access to educational opportunities whether in BIE schools, public schools, private schools, on and off reservation schools and urban schools.

On December 2, 2011, President Obama signed Executive Order 13592 establishing the White House Initiative on American Indian and Alaska Native Education (Initiative). To see the Executive Order, please go to: <http://www.gpo.gov/fdsys/pkg/FR-2011-12-08/pdf/2011-31624.pdf>.

The Executive Order requires that the Executive Director of the Initiative work with the Bureau of Indian Education Director and develop, by early April, a Memorandum of Understanding (MOU) between the Department of Interior and the Department of Education regarding using the expertise, resources, and facilities of both to advance the Initiative. The Tribal Leader Education Roundtables have been organized as part of the Initiative's strategic effort to engage tribal and community leaders, Indian education stakeholders, and the public on the development of the MOU and Tribal Leaders' Education Task Force.

Participants should register at: <http://triballeader-roundtables.indianeducation.org/>. There is no cost to register and attend these roundtables.

Moving Forward from Past Consultations. In 2010 and 2011, the Department of Education held 11 consultations around the country. From those consultations, the Department of Education received a thorough overview of the many challenges facing Native education and Native students. The report on the 2010 consultations can be found at <http://www2.ed.gov/about/inits/ed/indianed/consultations-report.pdf>.

The upcoming consultations are an attempt to move beyond the past consultations, which identified the issues, to focus on implementing the President’s Executive Order. Based on discussions in Washington, NIEA understands that the following issues may be particularly relevant to these roundtables:

- **Federal Officials will be interested in Indian country suggestions for improvements that could be implemented immediately for BIE schools.** Since FY 2012 funding is already set, the Administration will be looking for responses that focus on changes that do not require additional funds (although it never hurts to remind Federal officials that adequate funding remains critically important for BIE schools). NIEA recommends proposing bold ideas that are within the current authority of the BIE and the Administration to implement. Helpful comments should focus on how programs can be improved in a way that directly addresses academic achievement. Some ideas that have been suggested include that the BIE establish Saturday Schools or Summer Schools to provide expanded learning opportunities within the BIE System.
- **Federal Officials have asked if the BIE should be transferred from the Department of the Interior to the Department of Education.** NIEA has serious concerns about this proposal. This change would have a significant initial administrative cost and require substantial legislation. It is not clear how this change would actually result in better student outcomes. Also, since there are members of Congress who are seeking to downsize the Department of Education, it is troubling to imagine what might happen to the BIE if it were transferred to that department. If a transfer took place, what would happen to Indian preference in hiring, etc.? Under all scenarios, BIE funding must be equitable, resources sufficient, the trust responsibility maintained, clear lines of authority in place, all pursuant to a transition plan developed after extensive consultation with Indian country.



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- **Other Approaches for the BIE.** Some policymakers have questioned the BIE’s status within Interior. Should the BIE be elevated, or should it be established as a separate entity? Should the BIE be deemed its own state education agency; or should the BIE expand its contracting/compacting authority with tribal governments to manage schools on their reservations. NIEA supports the elevation of the BIE within Interior, to give it more independence and greater control over its own budget. NIEA has the same questions about establishing BIE as a separate entity as it does about transferring it to the Department of Education (basically, why would this make a difference in student outcomes?). NIEA is examining the issue of BIE being designated a state education agency. This would allow the BIE to access additional grants, but many details about how this would actually work have not been developed.
- **Federal officials are seeking specific ideas for how the Federal government could improve Native student outcomes in public schools on reservations, and schools off-reservations, including urban schools.** NIEA supports equitable services and resources to all Native students, in all types of school systems. The Federal government needs to examine whether Native students are receiving their fair share of resources in any school system in which they are enrolled. The Federal government should review how Federal dollars are used, with the goal of greater accountability for Title I, II, III, VII and other funding streams. For example, NIEA believes that Title VII funds are being misused by some schools to accomplish their Title I mandates, the effect of which violates the spirit and letter of title VII and deprives Native students of the special Title VII programs created by the Congress to address their unique needs as Native students. The Federal government needs to work to establish a culture of expectations across the Nation that there will be equitable funding for Native students, with a goal of equitable levels of achievement and high school completion rates. Accountability and reporting is vital to evaluating student outcomes and tribes are presently unable to access their tribal student’s information due to the Administration’s overly restrictive interpretation of the Federal Educational Rights and Privacy Act (FERPA). The Administration can immediately remedy this situation by changing their interpretation of FERPA to provide data collection and sharing with Tribes, an improvement which is of no financial cost.
- **Development of the MOU called for in the Executive Order.** NIEA recommends that the MOU be as specific as possible, focusing on actions that can be taken, and resources that can be accessed immediately, so that change will be visible on the ground for Native students this year. The MOU should set forth clear milestones for what is achievable this year, and in each of the coming years, so its success can be evaluated going forward.



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- **Proposed Changes to the National Advisory Council on Indian Education (NACIE).** NIEA supports ensuring that NACIE has a membership that is knowledgeable on Native education issues. NIEA believes NACIE has a responsibility to represent all Native students, recognizes that NACIE’s membership should itself be drawn from the full spectrum of Native education leaders, and supports continuation of the present statutory requirements for membership on the NACIE board.

The NIEA has broader policy messages that should be reiterated to policy makers:

- **Reinforce the Message Voiced in the Executive Order that All Native Children Matter:** NIEA believes that all Native children matter and that all Federal agencies have a responsibility to do all they can to address their needs.

“Federal agencies must help improve educational opportunities provided to **all** AI/AN students, including students attending public schools in cities and in rural areas, students attending schools operated and funded by the Department of the Interior’s Bureau of Indian Education (BIE), and students attending postsecondary institutions including Tribal Colleges and Universities (TCUs). “

- **Strengthen Tribal Control of Education:** As a practical matter, Native control will yield better results, both in terms of cultural vitality and in terms of student success. When the Federal government, starting in 1975, adopted a policy of encouraging Tribal self-determination in certain matters, in those areas Tribes achieved dramatic improvements over Federal administration. The exact same result is expected from encouraging Tribal control of education. For this reason, NIEA has supported funding for the establishment of Tribal Education Departments and has urged Congress to mandate more collaboration and sharing of data from the States and local education agencies.
- **Invest in Cultural and Language Revitalization:** Native students who have a strong foundation in their language and culture perform better academically. NIEA supports culturally based education and Native language instruction, including language immersion programs. This investment should also include the reauthorization of the *Esther Martinez Native American Languages Preservation Act*, which expires in FY 2012, but which is playing an important role in Native language revitalization. This act should be fully funded, with an expansion of its immersion school efforts.

- **Focus on the Development and Retention of Native Teachers, Administrators and Education Leaders:** A strong corps of Native education professionals is an essential element in improving Native education. A Native student who has a Native teacher not only receives instruction in the subject matter, but also has someone who serves as a powerful role model for what that student can achieve. Studies have shown that having such a role model can be the single most important factor in a student's motivation and success. NIEA supports more resources for professional development, grow-your-own initiatives, salary increases and other long-term employment incentives for Native education professionals.
- **Invest in Programs Which Close the Achievement Gap, Increase the High School Completion Rate, and Increase the College and Career Readiness of American Indian and Alaska Native Students (AI/AN).** Addressing the drop-out rate and achievement gap of AI/AN students is key to assuring AI/AN students are college and career ready and will require changes to all sectors of the education pipeline from early education through elementary, middle, high school and beyond. Improving the collection and reporting of relevant educational data and the ability of education advocates to access it is essential so that we can make better policy decisions to improve Native education outcomes. The adoption by the Administration of a less restrictive interpretation of FERPA to enable tribal access to their tribal student's data is a no cost alternative that could be immediately be given effect. Investing in early education, developing and retaining Native teachers and administrators, and making education more relevant to students and families by increasing the availability of Native language and culture in the classroom are some proven strategies which should be implemented.
- **Increase and Improve Training and Technical Assistance to Indian Schools and Communities:** This would ensure that grant funds are more equitably distributed to AI/AN schools. It would help build the capacity of teachers and administrators and parents working in those schools. This would support improving the quality of programs and maintain the integrity of the purposes of the funding streams. And ensure that assistance is given in a more timely manner.