



**BUILDING
RELATIONSHIPS
WITH TRIBES:**

A Native Process for ESSA Consultation

NEEA

MISSION STATEMENT

**The National Indian
Education Association
advances comprehensive,
culture-based educational
opportunities for American
Indians, Alaska Natives,
and Native Hawaiians.**

OVERVIEW

The passage of the Every Student Succeeds Act (ESSA) provides unique opportunities for states, districts, and tribes to work together to strengthen education for Native students throughout the country. The National Indian Education Association (NIEA), a powerful national educational organization, presents a clear path and framework for consultancy between tribes and school districts as well as state educational departments as mandated by law. To initiate the critical work together, NIEA is poised to support state and local agencies as they navigate the long and sometimes tragic relationship between this country and Native communities to increase opportunities for successful consultation and engagement with them.

Developed in partnership with tribes, tribal education advocates, and membership of the NIEA, this resource is meant to provide states and districts the high level strategies necessary to build trusting, reciprocal, and long-lasting relationships with the Native communities in their respective regions. Sections include:

1. Who is NIEA?
2. An Introduction to the History of Native Education
3. Evolving from Engagement to Consultation
4. NIEA's Process for Consultation

“Our hope and dream is to teach our children about our history, culture and language, and to instill in them the word called hope. If they have that in their heart they’re going to survive any kind of impact no matter what it is...These kids become so proud of the language they want to come to school to participate in that way.”

– Ivan M. Ivan, Tribal Chief, Akiak Regional Community (2011)



WHO IS NIEA?

NIEA is the nation's most inclusive advocacy organization that advances comprehensive culture-based educational opportunities for American Indians, Alaska Natives, and Native Hawaiians. Formed by Native educators in 1969 to encourage a national discourse on education, NIEA adheres to the organization's founding principles: to convene educators to explore ways to improve schools and the educational systems serving Native children; to promote the maintenance and continued development of language and cultural programs; and to develop and implement strategies for influencing local, state, and federal policy and decision makers.

Over the last decade, NIEA has convened and facilitated conversations between Native communities and educational systems (P-20) to improve the education of Native students. These key discussions have led to critical changes in educational policy that have improved the schools and school systems serving Native students, their families, and the wider community. In addition, NIEA has been and continues to be a facilitator of educational transformation, whether it be in working with Jemez Pueblo in New Mexico, Seminole Nation in Florida, Anchorage School District in Alaska, or Hawai'i's Department of Education.

HISTORY OF NATIVE EDUCATION IN THE U.S.: OUR STORY

“Telling our story is a way to ‘remember to remember’ who we are and to honor the special life we have been given.”

– Gregory A. Cajete¹

NIEA aims to support states and districts by first deepening their understanding of Native history, culture, and our sense of being as related to education. We acknowledge that for meaningful consultation to take place, states and districts can improve opportunities for successful consultation provided that they understand how Natives view education—both traditional and Western forms.

Native Identity as Circles of Involvement: The Significance of a School Community

A common definition for a school community is *various individuals with similar interests in the welfare and academic achievement of a school and its members*. In many instances this phrase embraces a school's stakeholders--its administrators, teachers, staff members, students, the students' parents and family, and their wider community. Many Native communities utilize the diverse perspectives, experiences, and expertise of its members to educate its children. The insight that an elder provides to a Native student is just as important as the instructions a child receives from his or her formal school teacher. For many Native groups, education promotes “the continual enchantment of human relationships to each other and the natural world....education is for life, community, and ensoulment.”² Such a circular way of teaching and learning is often difficult to understand if one comes from a more linear, sequential way of education.

Low Native Graduation Rates


The most recent data highlights the increasing graduation rate of U.S. high school students with an all-time high of 83 percent. Unfortunately, Native students' graduation rate remains below the national average at 72 percent.

Western Education and Native Learning Practices: Living in Two Worlds

Although countless research studies indicate that a student's connection to community and its cultural, familial, and linguistic strengths significantly increases his/her social and emotional well-being as well as academic achievement, Native students are often told to leave their socio-emotional strengths at the school door in order to become someone different. The current U.S. education system dismisses Native student's knowledge, cultural beliefs and traditional practices, spirituality, connection to the environment, and language as non-academic and worse, detrimental. Long term effects of these federal policies have created conditions where Native students are confronted with reconciling their identities to adapt and adjust to western thoughts and philosophies. Often called the *Asterisk Nation* due to the size of the population being unmeasurable,³ Native students find themselves isolated, disconnected, and anomalous. Jeb Beaulieu, an American Indian student attending public school in the Midwest, describes his struggle to navigate between the western and tribal world as the following:

*“The Indian way of behaving is: you watch and you observe before you act...and so once you know what is expected of you, then you act, but you never want to show off because it’s not good taste to pound your own drum ”*⁴





Native students, their families, and communities, have been and continue to be forced to adapt to Western, formalized education processes, in turn creating historic trauma, distrust, and tension.

Although previous interactions targeted assimilation of Natives and reduction of Native autonomy, passage of new education laws have increased tribal control over education and resources. Moving into this new era, tribal governments still face daunting socio-economic challenges like poverty and abuse while strengthening education for their children.

Educating the Native student requires the acknowledgment and application of emotional, intellectual, physical, familial, mental, environment, spiritual, and relational connections instead of simply increasing academic performance. The “right education” is culturally defined. In Native communities, beyond preparing students for college and career, education also becomes a catalyst for fully harmonizing the individual with his or her culture.⁵ This process is inherently holistic and the community engages in the development of the whole Native person.⁶ The purpose and interconnectivity of Native education is summarized by indigenous scholar and educator Gregory Cajete:

“The wholeness of a community depends on the wholeness of its members....So success in properly educating each community member is about survival and the continuity of the culture.”⁷

For education stakeholders including state and district school systems, it is critical to facilitate Native ways of teaching and learning by creating spaces and systems that elevate Native educational practices and processes. It is more important than ever for allies to come together to lay the groundwork for meaningful and effective education, which has the potential not only to transform the current Native education landscape, but also to transform modern American education.⁸

CONSULTATION: NIEA'S PROCESS

There is no one-size-fits all approach to stakeholder engagement. It must be tailored to the status, capacity, and needs of each community. In Indian Country, this process must be taken one step further –from engagement to consultation—to meet the trust agreement with tribal nations and comply with the requirements of ESSA. In Native Hawaiian communities, consultation and trusting working partnerships provide a platform for continuous improvement and increasing educational opportunities for its Native students.

What is Tribal Consultation?

Throughout the history of the U.S., Native ancestral lands were ceded to the federal government under signed treaties or by forcible removal. Since that time, Congress has enacted several laws to protect our lands, culture, natural resources, and hunting, gathering, and fishing rights to support the general well-being of Native people. The federal trust responsibility, upheld by the Supreme Court, places the responsibility for meaningful consultation squarely on federal agencies.

Although states may not possess similar legal obligation at this time, they carry the authority to administer and fund programs that are responsive to local needs. With the passage of ESSA and its federal resources, the new landscape provides state and tribal governments a prime opportunity to build a solid foundation for successful state tribal relations that best support Native students.

To create and sustain meaningful consultation, NIEA puts forward a process that enables both Native communities and educational agencies and systems to advance the well-being of Native students.

Sections of ESSA Which Address Consultation

ESSA Section 111(a)

Important Information to Know About ESSA

- ESSA Consultation requirements didn't exist under NCLB.
- Section 111(a) requires that "representatives of Indian tribes in the state" be included in the formation of state plans.
- Under ESSA, states must engage in "timely and meaningful" stakeholder consultation.

What is required by states under ESSA?

- Public notice of Initial State Plan.
- 30 day period for comments.
- Specific assurances for high school students and English Language.
- Requirement of engagement when significant amendments are made to the State Plan.

ESSA Section 8538

What are the requirements of school districts?

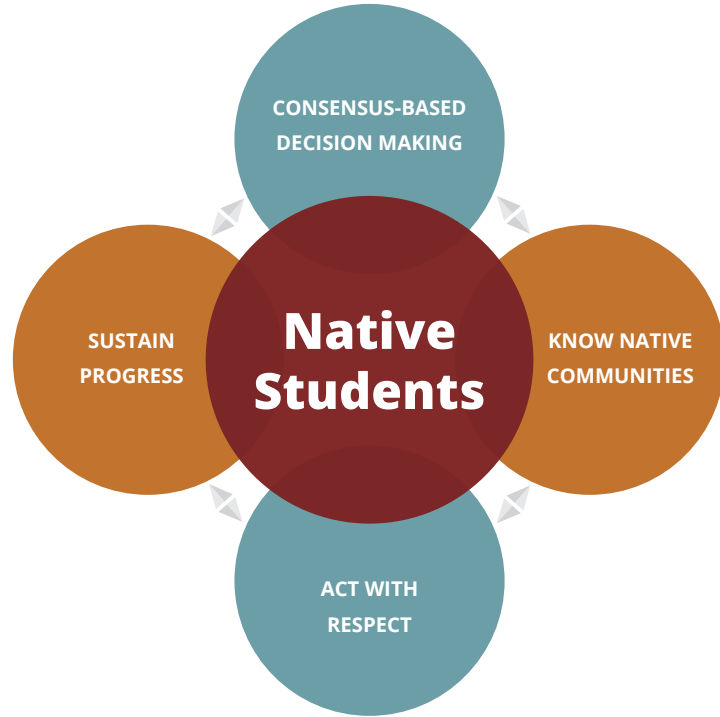
- School districts are required to consult with Indian tribes or tribal organizations before submitting a plan for a program covered by ESSA.
- Districts that receive more than \$40,000 for Title VI or have over 50 percent American Indian enrollment must hold tribal consultation.

NIEA'S CONSULTATION PROCESS: A STRATEGY FOR SUCCESS

While there are many evidence-based, innovative practices approved for stakeholder and community engagement, consulting with tribal nations and Native communities requires establishing key mechanisms and a committed approach that is unique and distinctive. The process provided below can be thought of as a guide; we are not here to displace or refute established processes. Instead, after nearly 50 years of supporting the existing 567 tribal nations, each with their own unique set of cultural practices, language, and history, we provide this process as a strategic way to meet the needs of each community.

At the heart of this process are relationships. NIEA believes that without it, school and state districts will continue to face questions and at times resistance from Native communities. Decision-making concerning how Native students should be taught and who should teach them starts with strong, healthy, trusting, and collaborative relationships.

Essential Elements of Consultation



Essential Element: Consensus-Based Decision Making

To create an environment where meaningful relationship exists and is sustained, stakeholders must agree to consensus-based decision making – where unanimous consent may not be reached, but where facilitators seek widespread participation, driven by a cooperative approach to community agreement. This approach and concept are much deeper than stakeholder engagement, which may end at the gathering input stage. Consensus strives for the full empowerment of the Native community involved by offering the opportunity for all concerns to be shared, stories to be told, time to be invested, and trust to be built.

Norma General, Elder of the Wolf Clan, Cayuga Nation describes Native perspective:

“True consensus is built through talking, listening, and considering different ideas until a new understanding takes place, and the decision makers come to ‘one mind’ about what to do.”⁹

Essential Element: Know Native Communities

As states and school districts start planning for consultation, it is critical to learn the history of tribal relations within the state and community. This goes beyond the basics of identifying stakeholders and key issues, but to a deeper understanding of the school community, the Natives in the state, their story, and the history they have with the state and the education system. In these communities it is critical that a culture broker – someone within the Native community who has knowledge of the issues and trusting relationships within the community—be utilized to enhance general understanding of the history, practices, values, language, as well as critical issues that impact the education of students.

In addition, assumptions, preconceived notions, and biases about Natives and especially their children must be relinquished to allow for meaningful relationship building. A strengths-based approach to understanding how to educate Native students will connect well with how Native communities look after the growth of their most cherished, precious gifts: their children. Acknowledging that problems exist, balanced with the positive strengths Native students already possess, will support trusting collaborations between all stakeholders.

Essential Element: Act with Respect

Beyond acknowledgement of community issues, state and school district representatives must sustain relationships with stakeholders that are based on mutual learning, understanding, and desire to identify solutions that benefit both Native communities and state/local agencies. For example, tribal leadership will initiate this partnership with tangible and intangible acts of giving. In exchange for their time, cultural gifts, and information provided, Native communities will expect in return a commitment of time, recognition, respect, understanding, and gift giving. Adhering to this exchange protocol, state and school district agencies acknowledge and respect the community's needs and ways of being. Moreover, acting in a spirit of respect encourages voices are heard, assumptions and misgivings are relinquished, and a more

inclusive decision making approach is applied over a long period of time. Respect offers a vehicle to overcome the longstanding mistrust and wariness between stakeholders.

Essential Element: Sustain Progress

Through consensus-building decision making, stakeholders in the education of Native students can work collaboratively toward advancing mutual goals. Unlike in previous encounters, state and school districts who mindfully work together with Native communities over a period of time can improve results while decreasing tension. Sustained engagement through the following stages of this process will generate powerful results.

- ✓ Gain a clear picture of educational (and community) concerns. Collaboratively create roadmaps that are based on data and not forgone assumptions. Establishing a clear picture of the educational landscape becomes the basis for effective problem-solving.
- ✓ Develop a long-range collective vision of Native success. Even in urban centers, state education agencies should work with tribes to develop a long-term vision for the success of their Native students.
- ✓ Initiate utilizing collective-decision-making a plan for success. Not only include Native teachers and school administrators but students and families as well as the wider Native community.
- ✓ Include a monitoring and evaluation plan that reflects the needs of both the Native community and state and local educational systems.
- ✓ Work together to build sustainable systems. Rather than purchasing quick-fixes and silver bullets, work on building a sustainable educational system that utilizes Native knowledge, values, practices, and others to help students be grounded in their identity and able to thrive as adults in multiple arenas.



COMPLETING THE CIRCLE

The act of consultation is not linear or stagnate or a single-step process. Rather, it should be a cyclical with ongoing inclusion of community perspectives. Consistent, regular communication will cultivate the trust and respect that is critical in establishing lasting relationships. A culture-broker will assist in establishing these expectations from the beginning of the consultation process.

- ✓ Be timely and clear with follow up, including how and when it will occur as well as who is responsible.
- ✓ Share relevant data, information, and feedback with tribal representatives, including how information will be used in any reports, policies or strategies.
- ✓ Ensure that feedback is shared and used not only consistently, but also constructively.
- ✓ Understand intentional silence during the days following the meeting or consultation is seen as proper protocol; using this time to figure out thoughts and focus on a response.

CONCLUSION

For several generations, Native education stakeholders have urged policy makers to work collaboratively with them. The Every Student Succeeds Act allows educational stakeholders to enter into a new education era, one that requires timely and meaningful consultation. A key component in working with tribal representatives and supporting Native youth is building trust, which the National Indian Education Association will help facilitate. Through the inclusion of the above recommendations and strategies, states and districts will help ensure that ESSA implementation better addresses the needs of Native communities and Native students. Matters of culture, language, cognition, community, and socialization are central to Native learning. The coordination and collaboration between various stakeholders will allow Native students to have the best opportunity to develop their own identities, traditional knowledge, modern skills, and self-worth. These elements will undoubtedly lead to social and academic success.

Please remember: “Mitakuye Oyasin, we are all related,” as the Lakota say. This metaphor personifies the expression of what Native people perceive as community—integrative and inclusive.

For more information on the specific phases and the overall process, please contact Ahniwake Rose, Executive Director of NIEA. NIEA offers this uniquely developed facilitation process as a means of creating collective, powerful allies in the advancement of Native education.



ENDNOTES

- ¹ A. Cajete, Gregory. (2015). Indigenous Community: Rekindling the Teachings of the Seventh Fire (p.2).
- ² Ibid., p.5.
- ³ National Congress of American Indian, Policy Research Center: Data Quality <http://www.ncai.org/policy-research-center/initiatives/data-quality>
- ⁴ Cleary, L.M. & Peacock, T.D. (1998). *Collected Wisdom: American Indian Education* (p.34).
- ⁵ A. Cajete, Gregory. (2015). Indigenous Community: Rekindling the Teachings of the Seventh Fire (p.36).
- ⁶ Ibid., p.23.
- ⁷ Ibid., p.36.
- ⁸ Pewewardy, Cornel - Hammer, Patricia Cahape. (2003). Culturally Responsive Teaching for American Indian Students (p.3).
- ⁹ (2012). Chapter 4: The Iroquois Confederacy.

For more information and resources or to download this publication electronically, visit NIEA's website for

*“Building Relationships With Tribes:
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