Re: NIEA Comments on Proposed Changes to the Indian Education Professional Development Grants Program

Dear Angela Hernandez-Marshall:

On behalf of the National Indian Education Association, I write to submit our comments regarding the proposed changes to the Indian Education Professional Development Grants Program. NIEA is the only national organization advocating to improve educational opportunity for American Indians, Alaska Natives, and Native Hawaiians. Our mission centers on ensuring that Native students have access to a high-quality academic and cultural education, a goal that is only possible if the Department of Education (Department) fulfills its responsibilities to Native students.

Native educators are essential to providing equity in education for Native students through high-quality, culturally responsive instruction. Our educators have the power to create positive and inclusive learning environments for Native students to be inspired, engaged, and thrive. Nowhere is this more evident than in studies that show that Native students are more likely to succeed when they have access to teachers that look like them and have similar cultural backgrounds.

Indian Education Professional Development Grants support key pathways to train and provide professional development to Native educators. Strong, culturally responsive teacher preparation and professional development programs funded under this grant are key to promoting student success.

Clarify the Definition of “High Proportion”
NIEA appreciates the Department’s efforts to respect tribal consultation by retaining flexibility in the regulatory language regarding the statutory term “high proportion of Indian students”. Native students attend diverse schools across the nation, and the term “high proportion” can differ widely between our schools located on tribal lands versus urban schools that serve a high Native student population in comparison to the schools in the state or region. The Department’s recognition of this fact, as noted in the proposed regulations, is crucial to developing effective policy.
However, NIEA remains concerned that the newly proposed language remains ambiguous and fails to clarify how the Department will interpret “high proportion” in moving forward. Programs and students funded through these grants must have access to clear guidelines to ensure that they are fulfilling the regulatory requirements for service payback. NIEA urges the Department to clarify a general non-binding threshold for “high proportion”, which may allow for flexibility if the LEA is able to demonstrate that they serve a high Native student population in the district or school in which the teacher will serve. When this program was first established, general guidance for grantees indicated that the Department's informal threshold was five percent of Native students in the LEA or school in which the educator worked. In October 2019, the NIEA membership passed a resolution urging the Department to continue with previous practice and utilize this threshold for general guidance moving forward. Please find a copy of that resolution enclosed below.

Tribal Consultation and Culturally-Responsive Educator Preparation
Teachers in Native schools and communities must have access to appropriate training to ensure that they are prepared to fulfill the unique culture-based academic needs of Native students. All programs that receive funding through the Indian Education Professional Development Grants Program must be equipped to provide culturally-relevant tools and resources for Native teachers that they are preparing to teach Native students. One of the best ways to accomplish this goal is through tribal consultation.

Tribes know best the unique cultural and academic needs of their students. In order for grantees to effectively equip educators with the tools necessary to support Native students in the classroom, tribes must have an opportunity actively engage the approval process for the Indian Education Professional Development Grants Program. Each grantee should be required to submit a letter of support from tribes located in the region to ensure that such consultation has occurred. NIEA urges the Department to align geographic requirements for consultation with those mandated under statute for local educational agencies that receive Title VI Indian Education Formula Grants.

Conclusion
Thank you for considering these comments for the record. As the Department moves to finalize regulations, NIEA looks forward to working with you to ensure equity in education for the only students that the federal government has a direct responsibility to educate – Native students. If you have any questions or would like to discuss the proposed regulations further, please contact Adrianne Elliott, NIEA Senior Legislative Associate, at aelliott@niea.org.

Sincerely,

Marita Hinds
President, NIEA
TITLE: Expanding Service Payback Opportunities for the Indian Education Professional Development Grants Program

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 Native 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 Native people; and

WHEREAS, through its unique relationship with Native nations and tribes, the federal government has established programs and resources 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, well-trained Native educators are critical to student achievement and success in Native communities; and

WHEREAS, Indian Education Professional Development Grants (Professional Development Grants) provide critical funding to institutions that train and provide professional development for Native educators, administrators, and school personnel in local educational agencies that serve a high proportion of Native students; and

WHEREAS, Professional Development Grants promote student success by funding education pathways for Native educators who integrate Native culture, history, and ways of knowing into P-12 education; and

WHEREAS, Native educators that attend programs funded by Professional Development Grants are required to teach in a “local educational agency that serves a high proportion of Indian students” under Section 6122(h)(1)(A)(ii) of the Every Student Succeeds Act; and

WHEREAS, federal statute and regulation fail to define a “high proportion of Indian students”; and

WHEREAS, the Department of Education has proposed, through tribal consultation, to define a local educational agency with a “high proportion of Indian students” as one with at least 50 percent Native student population; and
WHEREAS, tribal leaders expressed concerns that defining a “high proportion” as 50 percent or more Native students is an unreasonable expectation, which severely limits the options of Native teachers and precludes many Native students from accessing Native teachers through the Professional Development Grants Program; and

WHEREAS, in many communities, Native students attend school in districts where they represent a high proportion of the student population in comparison to neighboring school districts, but fall well below the proposed 50 percent definition; and

WHEREAS, American Indian and Alaska Native students represent approximately 1 percent of the national student population; and

WHEREAS, many more Native students attend schools where they represent a high proportion of the student population, but would not meet eligibility requirements for the overall local educational agency; and

WHEREAS, there is a need to increase the total number of Native teachers and administrators everywhere in all types of schools, even those without Native students, and

WHEREAS, during the 2016-2017 school year, the National Center for Education Statistics reported that only 20 percent of American Indian and Alaska Native students attended local educational agencies where Native students represented at least 50 percent of the student population, and 35 percent of American Indian and Alaska Native students attended local educational agencies where Native students represented at least 25 percent of the student population.

THEREFORE BE IT RESOLVED, that the National Indian Education Association urges the Department of Education to define “high proportion of Indian students” as 5 percent or higher in regulations under the Every Student Succeeds Act; and

BE IT FURTHER RESOLVED, that NIEA urges Congress to provide clarity and align the definition of a “high proportion of Indian students” with the definition of an eligible local educational agency under Title VI Indian Education Formula Grant Programs in a reauthorization of the Elementary and Secondary Education Act; and

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 12, 2019 at which a quorum of the membership was present.

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Robin Butterfield

Robin Butterfield
President