



**NATIONAL INDIAN EDUCATION**  
Advancing Excellence for All Native Students

July 8, 2016

Ramin Taheri  
U.S. Department of Education  
400 Maryland Ave. SW  
Washington, DC 20202

***Re: Secretary's Proposed Supplemental Priority for Discretionary Grant Programs***

Dear Mr. Taheri,

**Introduction**

Thank you for the opportunity to provide feedback on the Department of Education's (ED) Proposed Supplemental Priority for Discretionary Grant Programs. The National Indian Education Association (NIEA) works to achieve educational equity and excellence, as well as ensure that all Native students are provided a high-quality academic and cultural education. NIEA looks to ED as an extension of the government to help fulfill its federal trust responsibility to tribes. This includes ensuring that Native students are provided an equal opportunity to be academically successful.

**Opportunity to Improve Student Outcomes**

We appreciate ED and Secretary King's efforts to address educational disparities in high-poverty schools by diversifying the socioeconomic status of schools and districts. Since the publication of the Coleman Report in 1966, it has been widely known that children living in concentrated poverty experience barriers to learning that contribute to poor outcomes for students and families. More recent research has shown that socioeconomically diverse schools and communities are associated with improved academic outcomes than compared to schools that are less socioeconomically diverse. This is especially true for large urban districts that have this kind of diversity between communities that are close in proximity. Based on this research and our experience, NIEA acknowledges the importance of socioeconomic diversity for low-income students attending public schools.

**Unintentional Impact on Rural Schools**

NIEA is sympathetic to ED's proposal and believes that urban districts may be able to benefit from such a regulation. However, NIEA respectfully requests that ED be mindful of the implications that this proposed regulation will have on Native students attending rural school districts. American Indians and Alaska Natives have the highest rate of poverty of any racial group in the country. Nationally, the percentage of children under age 18 in American Indian and Alaska Native families living in poverty increased from 33% in 2009 to 35% in 2014. This

National Indian Education Association  
1514 P Street, Suite B Washington, DC 20005  
Ph. (202) 544-7290 Fax (202) 544-7293  
Email: [NIEA@niea.org](mailto:NIEA@niea.org)  
[NIEA.org](http://NIEA.org)

directly affects Native students in their educational settings. While Native students experience high levels of poverty as well, we do not believe that the Secretary's proposal for discretionary grant programs is the solution. Based on the geography of Indian Country and Alaska Native villages, Native students attending public schools would in most cases be too far in distance from a significant amount of wealthy students of any race to benefit from integration.

Overall, rural school districts do not have the same opportunity to integrate its students based on socioeconomic status as urban districts. NIEA is concerned with the unintentional consequences this proposed regulation will have on our students. Over 90% of American Indian and Alaska Native students attend public schools—as opposed to Bureau of Indian Education schools or private schools. Many of the public schools that Native students attend are located in rural districts on tribal lands, where factors such as geographic isolation and lack of socioeconomic diversity raise difficulties for being considered under this proposed regulation. For instance, an American Indian student attending a school within the Oglala Lakota School District (previously known as the Shannon County School District) located on the Pine Ridge Indian Reservation in South Dakota, would have to travel at least 50 miles one way to attend a school with greater socioeconomic diversity. A district such as Oglala Lakota has over 95% Native students attending its schools. The closest schools with greater racial and socioeconomic diversity are one of two Bennett County schools located on the border town of Martin, South Dakota.

There are several other factors in addition to logistics regarding transportation to consider when encouraging districts to apply for discretionary funding that would relocate Native students. Transportation to and from the reservation, the coverage of meals, and additional systems of support are all costs that need to be considered in order to lay a foundation for successful socioeconomic integration. Lastly, many districts on tribal lands incorporate culture-based learning, which is particularly critical to help Native students succeed in light of the history of removing Native students from their communities. This is especially true for public schools on tribal lands that have tribal representatives on school boards compared to public schools on non-tribal lands, which do not have tribal people on school boards. Relocating Native students from their tribal communities to attend schools that do not teach in a manner that is specific to Native culture, will negatively affect the most vulnerable students in the United States. The same argument is true for school-district integration based on the demographic factors mentioned above for rural schools that Native students attend in Indian Country and Alaska Native villages.

Incorporating the proposed priority language could exacerbate the challenges that American Indian and Alaska Native students in rural districts face. Potential problems for Native students include transportation, basic resources, and the legality of land ownership within Indian Country (which all collectively make socioeconomic integration more difficult). For example, many Native communities in Alaska, do not allow non-Natives to own property. This makes integration based on race and income level nearly impossible due to the location of these remote communities and the costs associated with designing and implementing a public transportation plan for students. We certainly could envision ways to ensure this unintended consequence does not occur. For example, ensuring that preference based on race is included whenever this socioeconomic priority is included might be one way to protect Native students.

NIEA urges ED to not unintentionally punish Native students due to the rural school environments and communities they are a part of, which may prevent them from benefitting from ED's proposed regulation. NIEA welcomes an opportunity to collaborate with ED on determining how districts that do not apply for this grant funding are not affected negatively.

### **Recommendations**

NIEA has two major recommendations for ED regarding the Secretary's proposal for discretionary grant programs:

#### ***Priority Preference for Socioeconomic Status and Native Students***

If ED decides to move forward with a priority preference, NIEA requests that ED make an accommodation for Native students due to the federal trust responsibility that the United States has with tribal nations. If NIEA had to choose between the three levels of priority proposed by ED, the invitational priority is our preference. We caution ED that by making these regulations competitive, some of the most vulnerable school districts in the United States will suffer.

#### ***Highlight Tribal Governments***

NIEA continues to highlight the need for ongoing and meaningful tribal consultation as it relates to educational funding and programming, and specifically suggests that tribal governments be named in these regulations. The proposed regulations state that in order to implement a project that seeks to increase socioeconomic diversity in educational settings, there has to be coordination with relevant government entities. As sovereign nations, tribal governments are entities that need to be a part of this coordination and collaboration. As such, NIEA recommends to add language that specifically states tribal governments as relevant government entities in the proposed regulations under the *Proposed Priority- Increasing Socioeconomic Diversity in Schools* section. In doing so, ED will build from its [Consultation and Coordination with American Indian and Alaska Native Tribal Governments](#) policy.

### **Conclusion**

NIEA thanks the Department for the opportunity to comment and appreciates the effort to address income directly. However, we believe it is important that ED protects Native students in rural school districts who may not have the resources and socioeconomic diversity needed to apply for discretionary grant programs under this proposed regulation.

Through these possible recommendations or others, NIEA looks forward to working alongside ED to drive federal resources to those students most in need—including and especially Native students. If you have any questions, please contact Ahniwake Rose, NIEA Executive Director, at [arose@niea.org](mailto:arose@niea.org).

Sincerely,



Patricia L. Whitefoot  
President