



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

February 20, 2018

Mr. Michael Chamberlain  
U.S. Department of Education  
Office of Rural and Community Engagement  
400 Maryland Avenue, SW  
Washington, DC 20202

***Re: Section 5005 Report on Rural Education***

Dear Mr. Chamberlain:

On behalf of the National Indian Education Association (“NIEA”) and the National Congress of American Indians (“NCAI”) respectfully submit the following comments in response to the Department of Education’s request for input regarding the actions described in the Preliminary Report on Rural Education (“Preliminary Report”) required by Section 5005 of the Every Student Succeeds Act (ESSA).

NIEA represents Native students, educators, families, communities, and tribes. Our mission is to ensure that all Native students receive a high-quality academic and cultural education. As part of that mission, NIEA’s work has centered on improving Native students’ educational experience, a goal that is only possible if the federal government upholds its trust responsibility to tribes.

**The Federal Trust Relationship**

Established through treaties, federal law, and U.S. Supreme Court decisions, the federal trust relationship includes a fiduciary obligation to provide parity in access and equal resources to all American Indian and Alaska Native students, regardless of where they attend school. Under the federal government’s trust corpus in the field of Indian education, it is important to state that the obligation is a shared trust between the U.S. government and tribal governments. It is through the Federal Trust relationship, that NIEA considers the Preliminary Report and is concerned by the Department’s omissions.

**Rural Education Must Include Native Education**

The Preliminary Report does not show that the Department of Education (the “Department”) has solicited and incorporated input from tribes, Native communities, Native educators, or Native students. The initial section on the Department’s efforts: “The Department’s Efforts to Solicit and Incorporate Input from and Address the Unique Needs of Rural LEA’s” on Pages 7 through 12 of the Report reveals that the Department’s analysis has been focused on Rural LEA’s and not *both* rural Local Education Agencies (“LEA’s”) *and rural schools* as is required by Section 5005 of the ESSA. Rural schools and students should and must be considered, which necessarily

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means Native students as is made apparent in the National Center for Education Statistics data from 2011 to 2014, which includes Native students. This oversight in the Preliminary Report leads to three significant issues.

1. **Engage in Tribal Consultation:** The Preliminary Report fails to consider input from tribes, omitting consideration of critical stakeholders in analysis of rural education. Under the Department’s own policies articulated in the document titled, “Advancing Tribal Consultation Policy on Indian Education” this Report on Rural Education is a new initiative that has a significant impact on Native education, so the Department should have offered tribal consultation in the form of public forums to enable interested tribes to be meaningfully involved in this report.
2. **Work with Native Serving Organizations** The Preliminary Report fails to include Native serving organizations such as NIEA and the National Congress of American Indians in consideration of the steps necessary to better serve rural schools and students identified on pages 7 and 12. This is an oversight that is troubling, since exclusion of Native students at the beginning of research and analysis has led to a lack of meaningful consideration of Native students in the final recommendations in many cases. NIEA recommends that the Department engage with NIEA over the coming weeks and months as a means to try to address this oversight.
3. **Include Native Experts in Research and Analysis:** The research and work at the Regional Educational Laboratories (the “REL’s”) described in the Preliminary Report does not include a focus on Native education. NIEA strongly recommends that Native experts be included in the research the Department conducts, the funding for work focused directly on Native education at REL’s, and that Native educational experts be included in the Technical Working Group described on page 11 of the Preliminary Report. Simply stated, without meaningful Native input in research, a study of rural education is not close to as credible as if Native educational leaders are included.

### **Recommended Next Steps**

Each of the above three issues should be considered as the Department finalizes the report required by Section 5005 of ESSA. Tribal consultation could and should be held over the coming months in states that are significant recipients of Impact Aid and where large numbers of Native students live in rural areas, adding to the events identified on pages 18 to 20 of the Preliminary Report.

Similarly, both NIEA and the National Congress of American Indians will be holding events over the coming months where the Department could come to conduct listening sessions. NIEA would welcome the opportunity to work with the Department to find an appropriate setting to obtain our input. Such a setting would have to move beyond webinars and remote engagement and would need to more specifically focused on Native students than the expanded listening sessions described on page 15 of the Preliminary Report.

Finally, a priority could be placed on Native researchers and analysis of Native education in the Department’s processes. The Community of Practice that is discussed in the Preliminary Report

on page 12 would be much stronger if Native educators and researchers with cultural knowledge and experience were added.

**Conclusion**

With these concerns and through these recommendations on the Department’s decisions with respect to input on the Preliminary Report, NIEA looks forward to working with the Office of Rural and Community Engagement and the Department as a whole to develop a final report that serves the only students that the federal government has a direct responsibility to educate – Native students. If you have any questions, please contact Ahniwake Rose, NIEA Executive Director, at [arose@niea.org](mailto:arose@niea.org).

Sincerely,



Ahniwake Rose  
Executive Director, NIEA



Jacqueline Pata  
Executive Director, NCAI



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Congress of  
American  
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