



NATIONAL INDIAN EDUCATION ASSOCIATION

Allison Holte
U.S. Department of Education
400 Maryland Avenue SW, Room 5W106
Washington, DC 20202-5970

Re: Secretary's Proposed Priorities for the Expanding Opportunity Through Quality Charter Schools Program

On behalf of the National Indian Education Association (NIEA), I respectfully submit the following written comments in response to the Secretary of Education's proposed priorities for the Grants to Charter Management Organizations for the Replication and Expansion of High-Quality Charter Schools (CMO grants) under the Expanding Opportunity Through Quality Charter Schools Program (CSP).

NIEA is the nation's most inclusive organization advocating for improved educational opportunities 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) upholds the federal trust responsibility to tribes.

EDUCATION SOVEREIGNTY AND TRIBAL CHOICE

For tribes across the country, tribal choice is consistent with tribal sovereignty. Tribes know best the unique academic and cultural needs of Native students. Through culture-based programs that integrate Native languages, histories, and traditions into the classroom, tribes are innovating to create schools where Native students thrive. Tribes must have the opportunity to exercise education sovereignty by running and operating schools and education systems that serve the unique needs of Native students. The Secretary's priorities for grants, funding, and resources throughout the Department, including the proposed priorities for the CMO grants, must promote education sovereignty and expand tribal choice.

RECOMMENDATIONS

Though NIEA appreciates the priority provided for charter schools that serve Native students, we have several concerns regarding provisions that impact Native children, youth, and communities. NIEA submits the following recommendations to the Department in response to the Secretary's proposed priorities, requirements, definitions, and selection criteria for CMO grants authorized under the CSP program.

- **Strengthen Documentation Demonstrating Tribal Support and Consultation**
As currently proposed, a general letter of support from a tribe or Indian organization is insufficient to suggest official approval of a charter school. In addition, such

documentation fails to demonstrate ongoing and meaningful consultation and engagement between a charter school and tribe.

A resolution or official document authorized by the governing body of a tribe or tribal organization is the appropriate documentation to require of applicants under Proposed Priority 7. In order to establish ongoing and meaningful engagement between officials at the charter school and tribal leaders, such documentation must be approved by the tribe annually as part of the grant reporting process. Annual authorization is consistent with provisions that establish consultation with tribes and tribal organizations under Section 8538 of the Every Student Succeeds Act (ESSA). Only a resolution, sanction, or other official document issued by the tribe or tribal organization should be used as an indicator of official tribal support for the charter school.

- **Utilize Definitions in the Every Student Succeeds Act**

As proposed, key definitions for Proposed Priority 7 are inconsistent with the most recent reauthorization ESSA. This legislation provides a foundation for education across the country, including language and definitions to be used for schools that serve Native students. Two of the definitions included within the Proposed Priority 7 are inconsistent with ESSA and will cause confusion upon implementation. In particular, NIEA has concerns regarding the definition of “Indian organization” and “high proportion” as it relates to Native students in Proposed Priority 7.

Throughout ESSA, legislators utilize the term “tribal organization,” as defined under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b). The term “Indian organization” was utilized under No Child Left Behind (P.L. 107-110) and has since been replaced with “tribal organization” in nearly all sections of the reauthorized language. NIEA recommends that the Department update this definition and language to remain consistent with current authorized legislation.

In addition, the current proposed definitions state that “the Secretary considers ‘high proportion’ to include a majority of students who are Indians.” Such language is inconsistent with Title VI of ESSA, which provides funding for schools whose student populations are at least 25 percent American Indian or Alaska Native. Many Native students attend schools that are not a majority Native students, but which are located on or near tribal lands and which have a high proportion of Native students. Such schools, tribes, and communities must not be excluded from participation in grants for innovative, culturally-relevant schools. NIEA recommends that the Department align the definition of “high proportion” to the percent required of schools in Section 6112 of ESSA.

- **Align Minimum Native Representation on the Governing Board of an Eligible Charter School to the Native Student Population**

Though the current priorities include language that require a “substantial percentage” of Native individuals on the governing board of an eligible charter school, the term “substantial percentage” remains undefined. This presents confusion and ambiguity regarding the school eligibility. NIEA recommends that the Department align the minimum requirements for Native representation on the governing board of an eligible

charter school to the percent of students who are American Indian or Alaska Native. Under this system, Native individuals must represent at least 25 percent of a charter school governing board operating under Proposed Priority 7.

- **Increase Accountability for Online and For-Profit CMOs in Tribal Communities**
Research shows that student performance and progress decline when students enroll in online schools, which are often linked to for-profit charter management organizations (CMOs). In some states with high Native student populations, online and for-profit charter schools have drawn further scrutiny for not adequately preparing students for college and standardized tests. In many cases, CMOs that operate these schools receive federal funding to provide a high-quality education for students, but receive little oversight and accountability regarding the effectiveness of education services. This is not acceptable.

CMOs that receive funding to serve Native students under Proposed Priority 7 must demonstrate a record of success in tribal communities and be held accountable for ongoing excellence.

CONCLUSION

Innovative schools and education programs have the potential to ensure that Native students thrive. Tribes and tribal organizations must have access to the tools and resources to expand high-quality, culturally relevant charter schools and programs in Native communities. 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.

Thank you for considering these comments for the record. If you have any questions, please contact Ahniwake Rose, NIEA Executive Director, at arose@niea.org.

Sincerely,



Dr. Jolene Bowman, President