



NATIONAL INDIAN EDUCATION ASSOCIATION
Advancing Excellence for All Native Students

January 11, 2018

Director of the Information Collection Clearance Division
U.S. Department of Education
400 Maryland Avenue SW., LBJ Room 216-42
Washington, D.C. 20202-4537

Re: Comment Request: Study Title VI Indian Education LEA Grants Program

To Whom It Concern/Ms. Yan:

Introduction

Thank you for the opportunity to provide comments on the updated background information, draft survey, interview protocol, and justification for input on the Study of the Elementary and Secondary Education Act (ESEA) Title VI Indian Education Local Educational Agency (LEA) Grants Program. The National Indian Education Association (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.

NIEA's Comments on the Evaluation Proposed in August of 2017 and this Study

In our previous comments on the Title VI Study/Evaluation submitted on August 14, 2017, we identified a number of concerns related to the history of Native education legislation and the cultural purpose of the Indian Education formula grant program. While we want to acknowledge that several of our recommendations were addressed, we continue to have concerns about this study. As such, we are resubmitting our previous comments again as Appendix A.

By providing recommendations and comments below, NIEA is not providing our support. Rather, we remain concerned on not only the overall intention and rationale for the study, but the ongoing rollout and implementation. We also want to reiterate our request that both grantees and NIEA be kept fully up to date on a regular basis regarding the study as it moves forward. We are particularly concerned that both NIEA and tribes in addition to grantees should be sent a copy of the survey. Taking this simple step would respect tribal sovereignty and help the study to be more fully understood.

Inadequate Funding for the Trust Responsibility and Continuing Concerns

The Department and the federal government have a federal trust responsibility for the education of Native students. Established through treaties, federal law, and U.S. Supreme Court decisions, the federal government's trust responsibility to tribes includes the obligation to provide parity in access and equal resources to all American Indian and Alaska Native students, regardless of where they attend school. The \$262 per student that was appropriated for Fiscal Year 2016 falls

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far short of that responsibility. Studying a program that is so inadequately funded is not remotely as necessary as increasing funding to adequately meet the Federal trust responsibility. Further, NIEA would like to specifically state that this study should not and must not result in a cut to funding for Title VI. We request that a specific statement or acknowledgement of that be placed in the study to make clear the intention not to cut funding for the program, but instead to strengthen it.

NIEA's Continuing, Specific Concerns with Respect to the Survey

In addition to our previously submitted recommendations, we have three specific concerns regarding this latest draft of the survey: (1) continuing focus on assessment, (2) framing questions in a way that links Title I and Title VI, and (3) the survey does not include language that would protect grantees from revealing culturally sensitive information or questions that may not be culturally sensitive

Summative assessments are still included as a metric that might be relied upon when the primary purpose of the program is cultural education. In Appendix C, the set of questions under “V Measuring Progress Toward Title VI Project Objectives” continues to include state and local standardized assessments. Test scores are not an appropriate measure of Title VI funding, as we articulated in our earlier comments from August, this metric is neither reliable nor appropriate data for an evaluation or study of Title VI.

NIEA also remains concerned that the study is framed in such a way that Title VI can be viewed as a supplement of Title I. Specifically, in Appendix C, the questions in “IV Coordinating Title VI Services with Other Programs and Services” begin with Title I. Many grantees, over our long history, have shared with NIEA that the Indian Education Formula grants often get used in non-targeted ways, deluding the federal government’s already inadequate commitment to Native students. The questions in Section IV, and to some extent Section III, are concerning in that they could be seen as implying that Indian Education Formula grants could be duplicative of other ESSA Titles.

NIEA recommends that roman numeral IV be revised to reflect that the focus of Title VI is Native students. A simple question regarding non-Native focused Title programs could be used instead to ask: “Do you collaborate with other programs?” Listing each of the other programs, as is currently the case implies that coordination inconsistent with the purpose of Title VI should be done, when focusing on Native students through Title VI should be the focus of the program.

Finally, with respect to each of the survey sections, NIEA recommends clarifying that cultural concerns from the grantees can and should be raised, so as neither to reveal culturally sensitive information nor to place grantees in difficult situations in seeking to answer the questions while being true to their Native culture.

Improvements in the Survey that Reflect NIEA's Previous Comments

The survey includes several sections that could be helpful in lifting up best practices. Specifically, roman numeral I which asks grantees to share how they identify and count eligible American Indian/Alaska Native students and roman numeral II's questions on planning Title VI funded services for American Indian/Alaska Native students. In addition, there are questions

about Parent Committees that may provide data for Native education advocates to use in seeking to get Title VI money focused on Native students and avoiding the practice of dilution of the funding. NIEA appreciates these questions as we recommended in our comments submitted in August. Both Grantees and NIEA have fought against improper use of Title VI funds for years. The questions about best practices on engaging with Parent Committees are, therefore, a welcome addition.

A Recommendation with Respect to the Wording of Survey Questions

NIEA has a specific advice to make the survey easier for grantees to understand. In roman numeral I of Attachment C, the third question could be rewritten from:

“For this school year, 2017-2018, to what extent does each of the following strategies challenge your project’s efforts to identify Title VI-eligible students?”

For readability and so that the question is easier to understand, we recommend instead:

“For this school year, 2017-2018, how challenging is each of the following strategies for you as your project seeks to identify Title VI eligible students?”

This recommendation is repeated at several other points in the survey. The questions in the survey that use the phrase “does x or y challenge...” should be changed to the above question format, which we think will be easier to understand.

The Interview Protocols: Ensure Respect for Native Culture

The interview protocols of coordinators, grantee staff, tribal leaders, parents/guardians, and Superintendent’s/Board Members are structured similarly. NIEA is concerned that each of them goes into so much detail that the different levels of participants may not be inclined to provide the data that researchers seek. As we mentioned in our August comments, it is critical that Native researchers be integrally involved in each of the interviews. Cultural differences could contribute to challenges in conducting effective interviews that genuinely reflect the Title VI grant program experiences. Our specific concern is that the introductory phrase will be read and cause grantees to be too uncomfortable to answer the questions honestly. If that occurs, the data that researchers collect might not reflect the realities of Title VI.

NIEA is further concerned that tribal leaders and parents, along with the other categories of stakeholders to be interviewed, must be respected throughout the process. Tribal leaders must be respected as representatives of sovereign leaders. Parents may have concerns about speaking with those from outside their communities. These are just two examples: we cannot stress enough how important cultural awareness and respect is to an effective set of interviews.

The number of interview sites on its own is not large enough to truly reflect the program from a statistical standpoint. As we understand it, the sites instead will be chosen to help provide a non-statistically based broad sense of program types. Since that is the case, establishing relationships before the efforts to probe for detail will be essential. NIEA is concerned that these provisions may set a tone that could make the interviews ineffective.

Grantees May Decide Not to be Interviewed or to Answer Survey Inappropriate Questions

The documents included in this notice mention that the grantees who participate in the interviews do not have to be recorded. NIEA strongly supports making sure it is clear that recording grantees is not required under the law. Some Native cultural practices do not allow for recording of sound or video. Respecting these cultural traditions should be stated explicitly.

Some grantees also may not want to participate in the survey out of concern, which we share, that the results of the survey may be used to undermine Title VI funding. While the language of Section 8306(a)(4) does require cooperation with such studies in general, NIEA has not seen evidence that this specific study is necessary. Further, we do not believe the authorizing legislation referred to on page three (3) of the Justification of this study is sufficiently specific to require this study. As such, NIEA does not believe grantees are specifically required to answer questions in this study that are inconsistent with the purpose of Title VI and believes that grantees should be able to refuse participation without prejudice.

NIEA's Recommendations with Respect to Next Steps

NIEA has three additional critical recommendations. First, tribal inclusion is necessary in ensuring that this evaluation is not only accepted by Native communities, but also to ensure that Native communities will benefit from it. The research team, including Native researchers, must engage with tribal leaders to make the interviews and the survey successful. Second, NIEA should see a copy of the draft report before it becomes final. A review is consistent with the cultural purpose of Title VI as a whole. Third, the Department should continue to include Native researchers in the overall study. Native voice and inclusion, in every step of the process from survey distribution and follow up, to interview teams, to review of the draft report is the best protection against the deficit mentality that we must avoid.

Conclusion

With these concerns and through these recommendations on the Department's proposed Title VI study, NIEA looks forward to working to improving Title VI and driving federal resources to 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.

Sincerely,



Jolene Bowman
President

CC: Tara Ramsey, Acting Director, Office of Indian Education
Lisa Ramirez, Acting Deputy Assistant Secretary for Elementary and Secondary Education