

The National Advisory Council on Indian Education

ANNUAL REPORT TO CONGRESS

2014-2015

The National Advisory Council on Indian Education (NACIE or Council) advises the Secretary of Education concerning the administration and funding of any program with respect to which the Secretary has jurisdiction and includes Indian children or adults as participants or any program that may benefit Indian children or adults.

In 2014-2015 NACIE had one meeting in Washington, D.C. (June 1-2, 2015). In addition, NACIE held one Listening Session in Anchorage, Alaska on October 16 & 17, 2014. As a result of discussions and information presented to NACIE during the 2014-2015 reporting year (July 1, 2014 to June 30, 2015) NACIE submits this report with recommendations and rationale to Congress. The recommendations herein are based on NACIE's foundation that, if implemented, they will help to achieve culturally responsive student success and meet the provisions of the Elementary and Secondary Education Act of 1965 (ESEA) and related legislation and policies.

These recommendations are congruent with and in many cases identical to the recommendations NACIE made in its Report to Congress last year (2013-2014) and the year before (2012-2013). To date, Congress has made no response to these Reports or to the Report filed for 2011-2012. Likewise, many of our recommendations this year replicate those made to the Secretary of Education in a letter dated April 9, 2013. As of the date of this Report, NACIE has received no response to that letter.

The Council affirms that the federal trust responsibility to Native Americans makes it essential that the Department of Education (ED) increase the visibility of Native children in the public education schools on or near our Indian reservations, urban, and rural schools. More than half of Native children attend K-12 schools in our nation's large urban centers and it is important to recognize the unique needs of the diverse communities where our students attend public education. As in previous years, NACIE members are unanimous in our agreement that the first priority for the federal government should be to raise the profile of American Indian/Alaska Natives through Indian education in every way possible.

## A. Tribal Sovereignty and Self-Determination

### 1. Assistant Secretary Position

NACIE recommends Congress support and designate funds for the position of Assistant Secretary of Indian Education in the Department of Education. THIS IS A THIRD REQUEST.

*Rationale:* An Assistant Secretary of Indian Education would provide critical leadership for cross federal agency collaboration at a higher level than the Office of Indian Education director, working, for example, with Department of the Interior officials to address the comprehensive educational needs in Indian Country. The Assistant Secretary would take a leadership role in ensuring that the interagency collaboration envisioned in the Initiative actually comes to pass and yields concrete results. In the short term, a K-12 policy advisor for Indian education within the Department could help fill this need. This recommendation has been supported in tribal leader consultations across the country and by Native educational organizations.

### 2. NACIE White House Initiative

NACIE recommends that Congress allocate additional funds to the Department of Education to support NACIE in performing its expanded obligations under EO 13592. THIS IS A SECOND REQUEST.

*Rationale:* Executive Order 13592 (EO) launched the White House Initiative on American Indian and Alaska Native Education. The EO designates NACIE as the Initiative's advisory committee and specifies particular roles for it to perform. These roles will require expenditures by the Department of Education. Yet the Department and NACIE have not received additional funds in NACIE's budget to cover these expenses. This Recommendation asks Congress to provide a modest increase in NACIE's operating budget for FY15 and after (amount to be determined) in order to allow NACIE to fulfill its EO responsibilities.

### 3. Distinct Funding – Title VII and Johnson O'Malley

NACIE recommends that Congress maintain their support in the reauthorization of the Title VII and JOM programs, and encourage the Department of Education and the Bureau of Indian Education to maintain the separate identities of both programs. THIS IS A THIRD REQUEST.

*Rationale:* It has shown that Title VII and the JOM programs have different attributes. Both benefit the Native students but with diverse functionality. The Title VII programs empower school districts to effectively serve student academic need to meet state and national standards. The JOM programs empower parents to take an active part in developing and carrying out programs to assure attendance, counseling, tutoring, community involvement and cultural enrichment.

We regard it as highly problematic that the BIA or the DOE would want to combine the two federal funding sources of Title VII and JOM. This is because the two federal programs have two different eligibility requirements. JOM students must belong to or be eligible for enrollment in a federally recognized tribe. Title VII identifies students both federally and state recognized with no need to be actually enrolled in a tribe. This issue has been brought up in the past by the BIA. However, evidence clearly shows support in Congress to maintain the programs' separate identities, and both the National Johnson-O'Malley Association and the National Indian Education Association support this outcome. If this issue is brought up by the BIA as a funding cut solution, tribes must be afforded the opportunity to submit their concerns at consultations and to have their suggestions or directives acted upon.

The 2012 JOM student count was completed upon request from Congress but has fallen short of obtaining an accurate count. The most recent student count, has verified that the JOM student count has increased with more tribal programs being added to the program that in recent years have been frozen. With that increase in the student count Congress must acknowledge the need for increased funding. According to findings by the Senate Committee on Indian Affairs in 2012, there are 690,000 Indian students in the age group eligible to receive JOM assistance, 93 percent of whom attend public schools. With the 2012 student count it is apparent there is an even larger number of students with unmet needs. Congress must be accurately informed so funding is appropriated at amounts that adequately address the needs of Native students.

NACIE also requests that the United States Congress mandate directing the BIA/BIE to submit, as part of the President's annual budget submission, a report on JOM program results, accomplishments, and achievements to ensure Congress is annually informed of positive impacts and outstanding achievements of the supplemental education programs provided by JOM funds. This will guarantee that sufficient steps are taken to ensure the full participation of all eligible Indian students and the public schools they attend.

#### 4. Uniqueness of Title VII, not Supplant

NACIE recommends that Title I language emphasize the importance of coordination with Title VII Indian Education program to ensure that Title VII funds not be used to supplant Title I funds and services for high poverty Native students. NACIE also

recommends that technical assistance be provided to state educational and LEA leaders to clarify the difference between Title I and Title VII funds and the appropriate uses for each. Further, Title VII should be amended to underscore the importance of parent committees in determining the use of Title VII funds. THIS IS A THIRD REQUEST.

*Rationale:* The Department of Education does not have the capacity to monitor all grant programs and so some school districts are currently out of compliance with appropriate use of Title I and Title VII funds. NACIE's goal in this recommendation is to ensure that Title VII funds go specifically toward the Indian students and tribal communities for whom they are intended and that services target the unique, culturally related academic needs of AI/AN students. Consistent with the principles of Indian self-determination in education, the involvement of Native parents in Title VII is intended to empower them, yet their involvement has been marginalized in some districts. Further, Indian preference must be fulfilled in hiring to the fullest extent possible in order to represent the AI/AN communities and students that the programs are intended to serve.

#### 5. Impact Aid - Title VIII

NACIE recommends that Congress adopt the following proposals that pertain to Title VIII, Impact Aid. THIS IS A SECOND REQUEST

##### 5 (a) Amend Regulations 34 CFR Part 222 Subpart G 222.90-.122 - Indian Policies and Procedures (IPP) Process to Ensure Greater Authority and Control Over the Education of ALL American Indian Children

*Rationale:* Although Impact Aid is not Indian Education funding, with 85% of all American Indian children attending public school districts across the country, Tribal leaders have stressed the need to have greater authority and control over how Impact Aid funds are used when educating those American Indian children attending Public schools across the country that receive Impact Aid funds.

The current Indian Policies and Procedure process should be amended to be more accountable to greater review and approval from Tribal Education Department's and tribal leaders. Currently the US Department of Education is conducting consultations for tribal input for changes to the Indian Policies and Procedures process found in Subpart G of Part 222 (CFR 222.90-.122).

##### 5 (b) Continue to Exclude Title VIII Impact Aid from any future Sequesters

*Rationale:* Indian lands public schools are heavily reliant on federal Impact Aid to replace nontaxable federal lands and have severely been hurt from sequestration. When more than 85% of American Indian children attend public school districts across the country, it is inevitable that including Title VIII - Impact Aid in sequestration

has directly negatively deteriorated progress made toward school reform under the Elementary and Secondary Education Act. By including Impact Aid as a discretionary fund in Sequestration school districts educating American Indian and Alaska Native students were severely hurt and will take years to recover. Impact Aid payments were greatly reduced resulting in huge staff layoffs and program cutbacks within Indian lands public schools and communities where already many of the unemployment rates are higher than 50% and academic performance scores are lower than any other ethnicity. School consolidations and school closures have further resulted in having to now bus Indian children to and from schools many times on unpaved, dirt roads for more than an hour-long ride each way. Moreover staff and teacher layoffs have resulted in larger class sizes and overcrowding which altogether only added to the prevailing challenges of Indian country and society as a whole.

#### 5 (c) Forward fund the Title VIII Impact Aid Program

*Rationale:* There is nothing in the Impact Aid law that prohibits Impact Aid from being forward funded. Rather, the House and Senate Appropriation Committees simply do not elect to forward fund the program. If the program was forward funded Indian lands school districts would be much better equipped to budget Impact Aid. Currently Indian Lands school districts have no idea what to budget for Impact Aid as they prepare for each school year, especially with the sequester in place. Forward funding would provide funding stability for Indian lands school districts as they would know in July what their payments would be for the upcoming school year. Additionally, the Impact Aid program is the only non-competitive education program that is not forward funded in ED.

#### 5 (d) Repeal Section 8009 (Equalization)

*Rationale:* Currently three states are equalized under the provisions of Section 8009: Alaska, Kansas, and New Mexico. Under the present law, American Indian/Alaska Native students are negatively impacted by the application of the equalization provisions as documented in the 2009 National Indian Education Study (NIES). Section 8009 does not take into account the inability of public school districts enrolling children residing on trust/treaty or lands claimed under the Alaska Native Claims Settlement Act to generate local revenue due to the lack of taxable land nor does it recognize the high per pupil cost associated with districts in rural setting that serve American Indian and Alaska Native students. For New Mexico which serves a large number of American Indian students, there foundation aid formula is less than the national average which further complicates school district funding at a time when school districts are implementing academic reforms thus adds to the already huge inequities in Indian education school systems striving for reform. Children enrolled in the districts off reservation schools will remain open. If New Mexico was not equalized, Impact Aid funding would be going directly to those children that generate Impact Aid dollars instead of the state as they credit Impact Aid dollars against what

a school district would otherwise receive from the state funding formula. The Impact Aid formula is designed to allow states with federally connected students such as those on Indian lands, to equalize up due to the federal impactation. Rather, New Mexico treats all students in the state equally no matter where they reside and attend school, which presents a great inequity for New Mexico's Indian lands children.

5 (e) Address Title VIII- 8007 Construction and Renovation of Facilities

*Rationale:* Indian lands children deserve nothing less than non-impacted students yet the impacted school districts have very limited or no avenues to pursue construction funding due to the federal presence. The federal government must address Title VIII, 8007 needs and find solutions for adequate funding to begin to address the backlog of need.

5 (f) Amend the Section 8002 (Federal Property) provision as provided for in both the House and Senate authorizing committee reported bills

*Rationale:* The change will improve payment efficiency for all federally connected school districts. The change will remove the subjectivity from the current formula making the program more efficient improving the payment timeline for all districts.

5 (g) Conduct a study on the effect of Impact Aid on both rural and urban schools

*Rationale:* The findings will help determine policy changes in the Impact Aid Program if needed

6. Definition of American Indians/Alaska Native

NACIE recommends that Congress collaborate with the Department of Education and Office of Management and Budget (OMB) to revise the definition of "American Indian or Alaska Native" (AI/AN) at all levels to remove the indigenous inhabitants of South America and Central America from this category, and further, that the Department and OMB engage in consultation with American Indians and Alaska Natives concerning the appropriate scope of this critical definition. THIS IS A THIRD REQUEST.

*Rationale:* In 1997, race and ethnicity categories were created by OMB, without tribal consultation, that are used to describe groups to which individuals belong or with which they identify. The designations are used to categorize U.S. citizens, resident aliens, and other non-citizens to determine eligibility for various federal programs and other federal purposes. Thus it is crucial to NACIE that the definition of one such category, "American Indian or Alaska Native" {"AI/AN",) be neither under- nor over-inclusive.

However, the categories do not denote scientific definitions of anthropological origins, and the category AI/AN was developed and promulgated without meaningful federal consultation with Native individuals or groups. As a result, the category of AI/AN is broader than the concept that has informed the countless agreements, treaties, statutes, etc. that for literally hundreds of years have constituted the legal relationship between American Indian and Alaska Native peoples and the U.S. government, a relationship that the Trust Doctrine attempts to nurture and protect. Specifically, the current definition has arbitrarily and capriciously includes the original peoples of South America and Central America. These groups do not have treaties, agreements, statutes or other historical legal relationships with the U.S. Government, and their well-being is not contemplated under the Trust Doctrine.

A look at the categories is instructive. First, individuals are asked to identify as:

- Hispanic or Latino or
- Not Hispanic or Latino

Second, individuals are asked to indicate one or more races that apply among the following

- American Indian or Alaska Native (a person having origins in any of the original peoples of North *and South America [including Central America]* who maintains cultural identification through tribal affiliations or community attachment) (emphasis added).
- Asian
- Black or African American
- Native Hawaiian or Other Pacific Islander
- White

Because the OMB did not engage in meaningful consultation with American Indians or Alaska Natives in formulating its over-inclusive category of AI/AN, the category AI/AN should immediately be revised to delete inclusion of persons of South or Central American origins, and the Department and the OMB should move quickly to consult with representative American Indian/Alaska Native communities and individuals to assure that the category AI/AN is neither over- nor under-inclusive. NACIE asks that Congress cooperate with these government entities in their important work of revision. There is a critical need for accurate counts of Native students, not only because it dramatically impacts the funding of program allocations, but is needed to collect reliable data on program effectiveness, challenges, and successes.

## 7. Native Language vs. World Language

NACIE recommends that Congress look for ways to include cultural relevancy in the implementation of the Common Core State Standards and Assessments. Native languages should be classified under World Language instead of foreign language and be allowed to satisfy non-English language proficiency requirements. Further, NACIE recommends that when the Department establishes assessment supports to states and schools; such as, the Enhanced Assessment Grants, that officials intentionally focus funds and supports for Native schools and communities focusing on the revitalization of Native languages, especially when used as the medium for instruction. An excellent model to consider is the adopted Alaska State Culturally Responsive Curriculum and Standards as efficient models. THIS IS A SECOND REQUEST.

*Rationale:* Common Core State Standards and assessments that take account of cultural relevancy would be strong tools for indigenous teachers' professional development and student achievement performance outcomes.

## 8. Tribal Consultation

NACIE recommends that Congress ensure the Department of Education's responsibility to see that the President's "Memorandum to the Heads of the Executive Departments and Agencies," dated November 5, 2009, on Tribal Consultation, be adhered to within ED and the Office of Management and Budget in matters that pertain to the development of performance measures, policies and standards. Further, consistent with Executive Order 13175 of November 6, 2000, coordination and consultation with American Indian/Alaskan Natives is warranted especially for these policies and standards that have tribal implications. THIS IS A SECOND REQUEST.

*Rationale:* NACIE is encouraged by the Tribal Leader Consultation Sessions held in 2012 and 2013 pursuant to Executive Order 13592. At the same time, the Government Performance Results Act (GPRA) measures enacted between OMB and the Department must fulfill the Tribal Consultation Policy in the ESEA provisions, particularly Title VII, Indian Education and Discretionary Indian Education Programs. Congress should monitor standard compliance with this obligation.

### B. Lifelong and Comprehensive Education

#### 1. Promising Practices

NACIE recommends that Congress direct the Office of Indian Education to require all grantees under OIE discretionary and formula grant programs to disseminate broadly information on promising practices that could be replicated elsewhere in Indian Country. THIS IS A SECOND REQUEST.

*Rationale:* This recommendation stems from the principle of tribal self-determination and American Indian/Alaska Native (AI/AN) preferences embraced in the Indian Self Determination and Education Act. NACIE wishes to commend Congress for taking actions consistent with this Recommendation that have resulted in progress on disseminating promising practices. Still, much work remains to be done in this area. While communities currently receive grants and develop successful and innovative programs, there is still insufficient information sharing or data collection about what works well in those programs. Information on the successful practices of beacon programs should be more widely distributed so other programs can learn from them.

## 2. Early Childhood Education

NACIE recommends that Congress support lifelong learning for American Indian/Alaskan Natives from early childhood through adulthood. Congress should support the Administration's promising Preschool for All initiative that affirms the quality of child care, empowering parents, raising the bar for early learning, and reforming and expanding Head Start and Early Head Start (HS/EHS). Congress should support language programs directed specifically to American Indians/Alaskan Natives, especially programs aimed to educate children and families in Native language revitalization. THIS IS A SECOND REQUEST.

*Rationale:* To build community support of our children and families, culturally responsive policies and practices must build on educational pedagogy and curriculum that incorporate our Native children's rich heritage, language, culture, and Native ways of knowing. The success of Native children is vital to our sustainability and nation building within Native communities and society; therefore, we must work to ensure equitable access to early childhood education. Integral to this effort is school readiness.

School Readiness- We affirm "school readiness" is not merely determining that a child is ready to succeed in school. It also means that schools and communities are ready to support that success by working collaboratively with families, teachers and tribal communities to create a sustainable, culturally responsive educational environment to support transition into Kindergarten and beyond.

Early childhood education must support the holistic needs of children, including their social health and educational needs. This includes but is not limited to: prenatal health, childcare, Head Start, migrant education, public and private preschool, faith-based and home and center-based daycare programs, special education, teen parenting, parent education, homeless children care and foster care. According to the National Association for the Education of Young, early childhood education includes children ages birth to 8 years.

### 3. New Initiatives, Comprehensive Plans

NACIE recommends that Congress grant edibility to American Indians/Alaskan Natives, consortia of tribes, and Bureau of Indian Education to apply and compete with state or districts for funds available for the improvement of outcomes for Native students. Further, states and districts must demonstrate meaningful consultation with their federally or state-recognized tribes and this consultation must be incorporated into their consolidated ESEA plans. THIS IS THE SECOND REQUEST

*Rationale:* In some states and districts, addressing the needs of Indian-land schools or schools with high concentrations of AI/AN students comes as an afterthought. Meaningful consultation should be built into the process and made evident from the beginning. This is a clear implication of the United States' centuries-old obligation to our country's indigenous peoples and their tribal communities, as set forth in the Trust Doctrine and its many legal foundations.

### 4. Technical Assistance

NACIE recommends that Congress support the Department of Education in its efforts to improve technical assistance by including stronger language to current Title programs during any reauthorization, to emphasize the accountability of the federal government to AI/AN schools, students, and communities, for all programs, including but not limited to bilingual education, safe and drug free schools and other related educational programs. By placing a high priority on improving technical assistance to Indian Country, the Department of Education will better assist tribal and state education departments, tribally controlled community colleges, state offices of Indian education, and educational labs and centers, in the delivery of a higher quality of services. Further, it is recommended that these services be delivered by qualified Native educators where at all possible to help build capacity in Indian communities consistent with the policy of Indian self-determination. THIS IS A THIRD REQUEST.

*Rationale:* The federal trust responsibility for assisting tribes in the expenditure of federal program funds has been significantly underperformed for decades, especially for Indians in rural areas. Improved technical assistance is necessary to support tribes' efforts and Native parents to build effective programs and strong infrastructures and to improve Native student achievement; to support tribal sovereignty and Indian self-determination as enunciated in the Technical Assistance Centers Act and ESEA; to improve instructional options, teacher quality, and academic rigor; and to fully implement the presidential order on tribal consultation. Adding accountability language and requirements to general educational programs (*i.e.*, not just Title VII) builds accountability into the educational infrastructure as a whole and ensures that all involved are aware of the importance of Indian education and its needs, not just AI/AN communities and AI/AN education policy and advocacy organizations. There should be stronger tribal hiring in all areas of technical assistance delivery. This includes

hiring for Discretionary grants administration, Comprehensive Centers, Equity Assistance Centers, Special Education Technical Assistance Centers, etc. Such preferences are consistent with the Indian hiring preferences of the Department, as well as those of tribes. If qualified AI/AN people cannot be found after a diligent hiring search, the programs should be continued nonetheless using non-Native workers.

## 5. Native Expert Reviewers

*NACIE recommended in the 2013-2014 annual report that Congress support the Department in making extraordinary efforts to include Native expert reviewers for special initiatives, competitive grants, requests for waivers and similar undertakings where the well-being of Native peoples is concerned.*

It has been reported the both STEP and NYCP have been able to draw on Native expertise that have most beneficial. This has shown that having Native expertise makes a powerful and knowledgeable impact of programs that affect our Native students. We encourage Congress to continue to support programs to include Native expert reviewers. THIS IS A SECOND REQUEST.

*Rationale:* Native expert reviewers bring a unique and invaluable perspective to the evaluation of discretionary projects that will have an impact on indigenous peoples. Engaging the services of Native expert reviewers increases the likelihood that Native history and culture will be understood and respected in the decision-making process.

## 6. Consolidated State Plans

NACIE recommends that Congress amend federal laws to require that when state plans are submitted to the federal government, reviewers must closely examine a plan's service to parents and their indigenous communities, and further, that states that serve Native students must have Native reviewers. Legislation reauthorizing the ESEA should include stronger language that clarifies the support states can provide in serving Native students. THIS IS A THIRD REQUEST.

*Rationale:* Congress recognizes the sovereignty of tribal governments and their jurisdiction over lands and people within reservation boundaries except as limited by federal law. While various protections for Indian students and Native sovereignty exist at the federal level, those protections are not always translated into state and district education plans, and state plans are not currently evaluated for their compliance with federal law and executive orders. The goal of this recommendation is to respect tribal sovereignty and to ensure that states are accountable to Native populations as required under federal law.

## 7. Interagency Collaboration

NACIE recommends that Congress support the Department, the Department of Justice and related agencies when conducting Indian Country Listening Sessions to address

school discipline disparities, special education disparities, civil rights violations and the school-to-prison pipeline that disproportionately affects and devastates AI/AN families. THIS IS A SECOND REQUEST.

*Rationale:* The disproportionate dropout and incarceration rates of AI/AN students, discipline disparities, and substance abuse issues adversely affect Indian Country and warrant steps to end the school-to-prison pipeline. NACIE acknowledges and supports the President's 2014 My Brother's Keeper initiative, which aims to increase opportunities for boys and young men of color, who too often fall into this pipeline. This recommendation would advance the purpose of similar Presidential initiatives, as well as the Tribal Law and Order Act and the Substance Abuse and Mental Health Services Administration.

NACIE recommends that a study be funded and conducted to compare the formula grant federal programs within USDOE to determine the equity of funds provided in addressing the unique needs of Indian Country and our Native students' culturally responsive success in public education.

*Rationale:* The per pupil amounts in states and districts for such programs as Title I, Title III, and Title VII vary dramatically, but in general Title VII funds are considerably less than the other two federally funded programs. The historical underfunding of Title VII has hindered the quantity and quality of culturally responsive services that can be provided Native students and has limited the achievement gains that can be realized.

### C. Nation Building and Sustainability

#### 1. Native Languages

NACIE recommends that Congress enact legislation to expand funding for indigenous language acquisition and proficiency by adult tribal members and continue to support language acquisition and proficiency by children through culturally responsive programs including, but not limited to, immersion schools, as well as support legislation that addresses itself to promoting the vitality of Native culture and the health of Native people, as advocated by the United Nations Indigenous Human Rights Law, especially regarding the children and the elderly. Funding should be obtained from the current Title III, not from Title VII. THIS IS A SECOND REQUEST.

*Rationale:* *American Indian and Alaska Native* languages are not spoken anywhere else in the world, and if they are not enhanced they will disappear forever. In Native communities across the country, Native languages are in rapid decline. NACIE urges Congress to enact laws that provide financial support for providing our children with an education that honors their unique Native languages, histories, and cultures, while preparing them for a successful future from pre-birth to life-long learning. Successful language acquisition and proficiency by children depends on a community of proficient language speakers to take hold and flourish. Tribes should be encouraged

to develop and implement programs appropriate for adult members wishing to learn or deepen their knowledge of traditional languages. Learning is a holistic enterprise that intersects all aspects of children's lives. Therefore, we ask Congress to urge and support increased collaboration by all federal entities that have an impact on Native language revitalization, including but not limited to the Department of Education, BIE, Health and Human Services, Justice, and SAMHSA. In this way, children studying in tribal immersion schools or other educational environments will be able to enhance and reinforce their language-learning at home and in their communities. Congress should acknowledge and insist that Executive Orders such as EO 13592 and relevant federal legislative acts should preempt state laws that impinge upon or disable the educational programs of Native American students and their learning of Native languages and cultures (example: Arizona's English Only Law).

Further, Congress should see that the appropriate federal entities strenuously enforce federal laws and regulations aimed at protecting indigenous peoples' cultures and languages, such as the Native American Language Act. This includes requiring the Department of Education as a condition of funding to perform rigorous reviews of all SEA and LEA plans for this purpose.

## 2. Native Teachers/Languages

NACIE recommends that Congress clarify that any requirement in the reauthorization of ESEA stipulate that teachers of Native languages in schools be certified by their respective tribes and that this unique expertise be valued as "highly qualified" THIS IS A THIRD REQUEST

*Rationale:* Native language speakers who are teaching Native languages in public schools should be exempt from any requirement in the reauthorization of ESEA which would be detrimental to Native language instructors. They should be valued for the unique expertise that they bring. Asking an elder to go back to school through a teacher certification program is unrealistic and unlikely to happen. These "highly qualified" experts in Native languages can only be certified for their specific language expertise through their respective tribes.

## 3. Funding for Tribal Colleges

NACIE recommends that Congress enhance current levels of funding for Tribal Colleges and Universities (TCUs) and increase funding to TCUs where increasing student enrollment and other needs of the institutions are demonstrated. Congress should support the higher education of AI/AN students attending institutions that are not TCUs, by reinstating the federal fellowship program for qualified Native Americans

and maintain current levels of financial support for Native American Serving, Non-tribal Institutions and non-Native Institutions where significant numbers of AI/AN students attend.

In addition, Congress should gather data in collaboration with community colleges and other entities that serve high numbers of AI/AN students to assess their total cost of attendance, including debt burden on graduation, job or graduate school placement rate, and other indicia of their mission effectiveness.

#### 4. Technology

NACIE recommendations for Technology Support include that the Department's School Support and Technology Programs and Technical Assistance Programs identify how current technical assistance is being targeted specifically to serve AI/AN students.

*Rationale:* While a good portion of schools in the United States may be connected to technology, too many of the schools and communities for Native children are not connected, due in part to the remote areas in which they reside. As a result they are not receiving adequate instruction or skills in the use of technology. Many staff remain untrained in the latest programming and software in a rapidly changing arena. Native community centers need to be equipped for students to do homework when their homes cannot afford equipment. There are basic needs for access to updated equipment, training or professional development in its use, and strategies for engaging Native parents and communities.

Once NACIE is informed of what steps are being taken to address the needs of AI/AN students in existing technical assistance programs, it can make suitable recommendations for how to focus technical assistance more strategically, especially in addressing the unique needs of rural Indian reservations and remote Alaska Native villages.

#### 5. NCES Staff Sampling

NACIE recommends that Congress support the Department in strongly encouraging the OIE to maintain the overall size and scope of the 2009 NIES and strongly encourage the National Center for Education Statistics (NCES) to include BIE schools and staff within all future iterations of the national Schools and Staffing Survey, to continue oversampling public schools in which American Indian and Alaska Native students constitute high percentages of student enrollment, and to analyze the data and publish the results. THIS IS A THIRD REQUEST.

*Rationale:* The NCES should not downsize analysis and dissemination of data by the NIES. This would result in data being collected, but only being made available via electronic format. Given the lack of technology access and use in many parts of Indian

country, this will impact the overall accessibility and utility of these important data. This will also compromise the work of researchers who depend on these data to accurately portray the educational conditions and outcomes of AI/AN students.

The NCES should not eliminate BIE affiliated schools and staff from the Schools and Staffing Survey. The loss of these data would have significant, negative impacts on both practitioners and researchers as they work to understand and respond to the educational conditions and subsequent outcomes of students within these schools.

Native communities should have more frequent access to training in data collection and analysis, either by the NCES or another provider. The Department of Education should provide Indian preference in the selection process for data collectors and analysts, to build capacity in tribal communities, and as far as possible, a team approach to data handling should be utilized. Recommend provisions that support Indian country to build capacity in analyzing and utilizing data.

As to publicity of the data, NACIE advises that the results be published as an update to the 1995 report, "Characteristics of American Indian and Alaska Native Education: Results from the 1990-91 and 1993-94 Schools and Staffing Survey," coauthored by Pavel and Curtin.

Finally, failure to adequately include AI/AN students in the collection, analysis and dissemination of national level educational data represents a failure of the federal government to abide by its trust responsibility. Without data collection, analysis and reporting, it is impossible to know the extent to which AI/AN students are being appropriately educated, or effectively address persistent inequities, or recognize schools that are educating AI/AN students in academically and culturally appropriate ways.

#### 6. School Construction – BIE, ECE and K-12

NACIE recommends that Congress support the continued coordination of the Bureau of Indian Affairs Operations and Maintenance Program (O&M) and the Bureau of Indian Education (BIE) on school construction to increase alignment between the two departments and resolve the current school construction backlog. Collaboration between the Departments of Education and the Interior should be the norm. THIS IS A THIRD REQUEST.

*Rationale:* Currently, the BIE has the responsibility for ensuring that sufficient facilities exist for BIE students, but it has no budgetary control over school construction or facilities improvement. Though gains have been made, increased coordination with O&M would allow the BIE to have input in the decision making related to school construction budgets.

## 7. Study of Funding Disparities

NACIE recommends that a study be funded and conducted to compare the formula grant federal programs within USDOE to determine the equity of funds provided for Native students in public schools.

*Rationale:* The per pupil amounts in states and districts for such programs as Title I, Title III, and Title VII vary dramatically, but in general Title VII funds are considerably less than the other two federally funded programs. The underfunding of Title VII has limited the quality of services that can be provided Native students and has limited the academic gains that could be achieved.

### About NACIE

NACIE is a Federal Advisory Committee created by Congress. NACIE provides advice to the Secretary of Education concerning the funding and administration of any program, including any program established under Title VII, Part A of the Elementary and Secondary Education Act of 1965, with respect to which the Secretary has jurisdiction and that includes American Indian and Alaska Native (AI/AN) children or adults as participants or that may benefit AI/AN children or adults. NACIE also submits an annual report to Congress not later than June 30 on its activities and may include any recommendations that the Council considers appropriate for the improvement of federal education programs that serve AI/AN children or adults. The findings and recommendations of NACIE do not represent the views of the Department. NACIE is authorized by section 7141 of the ESEA, 20 U.S.C. 7471, and governed by the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. II. Pursuant to federal law, NACIE consists of 15 members, each of whom is a citizen of a federally recognized Indian tribe. NACIE members are appointed by the President and serve at his pleasure.

#### **Members of NACIE 2010-present:**

Theresa Arevgaq John  
Robin Butterfield  
Dr. Deborah Jackson-Dennison **(Chair)**  
Sam McCracken  
Wayne Newell  
Stacy Phelps  
S. Alan Ray  
Virginia Thomas  
Patricia Whitefoot

Note: At this time, NACIE has four remaining vacancies.