



**A NATIVE PROCESS FOR
EVALUATION OF STATE AND
LOCAL PLANS FOR NATIVE
EDUCATION UNDER ESSA**

NEEA



MISSION STATEMENT

**The National Indian
Education Association
advances comprehensive,
culture-based educational
opportunities for American
Indians, Alaska Natives,
and Native Hawaiians.**



WHO IS NIEA?

NIEA is the nation's most inclusive advocacy organization that advances comprehensive culture-based educational opportunities for American Indians, Alaska Natives, and Native Hawaiians. Formed by Native educators in 1969 to encourage a national discourse on education, NIEA adheres to the organization's founding principles: to convene educators to explore ways to improve schools and the educational systems serving Native children; to promote the maintenance and continued development of language and cultural programs; and to develop and implement strategies for influencing local, state, and federal policy and decision makers.

CONSULTATION: NIEA'S PROCESS

NIEA supports states and districts by first deepening their understanding of Native history, culture, and our sense of being as related to education. We believe that for meaningful consultation to take place, states and districts must understand how Native communities and students view education—both traditional Native education and Western education.

There is no one-size-fits all approach to stakeholder engagement. It must be tailored to the status, capacity, and needs of each community. In Indian Country, this process must be taken one step further – from engagement to consultation—to meet the trust agreement with tribal nations and comply with the requirements of ESSA. In Native Hawaiian communities, consultation and trusting working partnerships provide a platform for continuous improvement and increasing educational opportunities for Native students.

What is Tribal Consultation?

Throughout the history of the U.S., Native ancestral lands were ceded to the federal government under signed treaties or by forcible removal. Since that time, Congress has enacted several laws to protect our lands, culture, natural resources, and hunting, gathering, and fishing rights to support the general well-being of Native people. The federal trust responsibility, upheld by the Supreme Court, places the responsibility for meaningful consultation squarely on federal agencies.

To create and sustain meaningful consultation, NIEA puts forward a process that enables both Native communities and educational agencies and systems to advance the well-being of Native students.



“The Indian way of behaving is: you watch and you observe before you act...and so once you know what is expected of you, then you act, but you never want to show off because it’s not good taste to pound your own drum .”

~ L.M Cleary & T.D. Peacock

ESSENTIAL ELEMENTS OF CONSULTATION

Consensus-Based Decision Making

Consensus strives for the full empowerment of the Native community involved by offering the opportunity for all concerns to be shared, stories to be told, time to be invested, and trust to be built.

Act with Respect

Beyond acknowledgement of community issues, school district representatives must sustain relationships with stakeholders that are based on mutual learning, understanding, and desire to identify solutions that benefit both Native communities and state/local agencies. Moreover, acting in a spirit of respect ensures voices are heard, assumptions and misgivings are relinquished, and a more inclusive decision making approach is applied over a long period of time. Respect offers a vehicle to overcome the longstanding mistrust and wariness between stakeholders.

Know Native Communities

As school districts start planning for consultation, it is critical to learn the history of tribal relations within the state and the community. This goes beyond the basics of identifying stake-holders and key issues, but to a deeper understanding of the school community, the Natives in the state, their story, and the history they have with the state and the education system. In these communities it is critical that a culture broker – someone within the Native community who has knowledge of the issues and trusting relationships within the community—be utilized to enhance general understanding of the history, practices, values, language, as well as critical issues that impact the education of students.

Sustain Progress

School districts who start with a genuine commitment to consensus-based decision making, rooted in respect and knowledge of Native communities, have a real opportunity to change Native education, in partnership with tribes and Native communities. In our experience, perhaps the most important step in local consultation is sustaining the progress gained through an initial meeting. Follow up on the initial local consultations can make the critical difference between a box-checking exercise and the consensus-based decision making that is the goal of local consultation.

Perhaps the most important means for sustaining progress is to create a short, monitoring and evaluation plan that reflects the needs of both the Native community and state and local education systems. This need not be lengthy, but it is critical to set up a system for ongoing input and to see if the plan created by the initial local consultation is working.





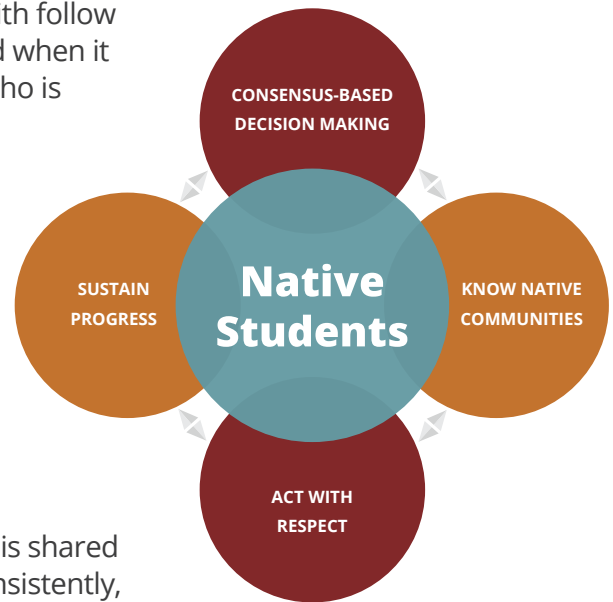
“True consensus is built through talking, listening, and considering different ideas until a new understanding takes place, and the decision makers come to ‘one mind’ about what to do.”

~ Norma General, Elder of the Wolf Clan, Cayuga Nation

The above essential elements are a step toward moving beyond the systems of education that the United States has used over the past two centuries, which have not respected Native ways of knowing and led to historical trauma, distrust, and tension. In many communities, such tension continues. Following the above elements of local consultation presents an opportunity to turn the page.

COMPLETING THE CIRCLE

- The act of consultation should be a cyclical with ongoing inclusion of community perspectives.
- Be timely and clear with follow up, including how and when it will occur as well as who is responsible.
- Share relevant data, information, and feedback with tribal representatives, including how information will be used in any reports, policies or strategies.
- Ensure that feedback is shared and used not only consistently, but also constructively.
- Understand intentional silence during the days following the meeting or consultation is seen as proper protocol; using this time to figure out thoughts and focus on a response.



CONTINUING THE CIRCLE: STEPS TO TAKE TO EVALUATE PROGRESS

As states submit their initial state plans under the Every Student Succeeds Act in May and September of 2017, the 2017-2018 school year will set the stage for the next decade and whether tribal leaders, Native communities, Native parents, and, ultimately, Native students will receive the educational services necessary to succeed. The new law envisions tribal involvement at the state and local level, providing increased state and local flexibility in exchange for great involvement in the decisions regarding how best to educate Native students.

Legal Requirements for Consultation for Significant Changes or Title VI Applications

To take advantage of the opportunity that ESSA presents, tribal leaders and Native advocates should know, first and foremost, that the law requires tribal consultation for renewed state and local plans where “significant changes” are made at the state level or if a school district submits an application for Title VI funding or otherwise submits a renewed plan for the education of Native students.¹ These requirements at the state and local level do not apply in every case, but, particularly at the local level, the requirements are strong enough that tribal leaders, Native education advocates, and Native communities can rightfully request that school districts go through consultation with tribes in the area each year. To see if the law requires consultation in your particular case, NIEA is happy to speak with state, district, and tribal leaders upon request.

Overview of Effective Evaluation Methods

Several broad concepts to evaluate progress on the ESSA consultation requirements from year-to-year are worth identifying. First, it is critical to follow up to learn the true educational concerns of the Native community that a district is consulting with. These concerns may come out after an initial consultation, so the District should seek to follow up to gain the full picture of what concerns a tribe the most. Second, developing a long range vision of Native success is critical. What will the state, district, and community do together to improve the education Native students receive. Third, participation from the broader Native community is essential. Native educators and school

¹ See Section 1111 (a) (6) and Section 8538 (a) of the Every Student Succeeds Act. The text of Section 8538 reads: “affected local educational agency shall consult with appropriate officials from Indian tribes or tribal organizations approved by the tribes located in the area served by the local educational agency prior to the affected local educational agency’s submission of a required plan or application for a covered program under this Act or for a program under title VI of this Act.”




administrators alone, without tribal council, student, and family input is unlikely to lead to the change we need. Setting up a new, broader method for collective decision-making and evaluation is more likely to be effective.

Practical Steps for Review of State and Local Plans for States, Tribal Leaders, Districts and Native Communities

In addition to the legal requirements that tribes and Native communities should be aware of, there are several specific steps NIEA recommends for ongoing review and meaningful consultation on ESSA Plans over the years to come:

- 1. Provide/Request a written copy of the final state ESSA plan.** The final plan may be available on the state website, which certainly can work well for some tribal leaders and Native communities, but the simple act of requesting or sending a paper copy will take some of the uncertainty out of the review of ESSA state plans and provide significant benefits for tribal leaders.
- 2. Provide/Request a written copy of the final school district plan required under the local consultation provision in ESSA (Section 8538).** Local plans will likely be much shorter and more informal, but the benefits of a paper copy of the plan are similar to those for state plans: both tribal leaders and district officials should be thinking about the same plan for improving Native education.

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3. **Set a specific date for discussion of Native education in the Department of Education, at the School Board, and at the Tribal Council during the Fall of each school year.** Having a plan without meaningful review will not lead to the changes state leaders, district officials, and Native communities need. NIEA recommends setting a specific date for review of the plans in each of the three forums. For tribal leaders, such a review will make sure education is focused on at the Tribal Council level.
 4. **Develop an email list of those interested in Native education.** In addition to the critical in-person meeting in the Fall, email communications provide another critical way in which state and district officials and tribal leaders and Native advocates can communicate. Without communication, the partnership that ESSA envisions and the opportunity that the law provides will not be realized.
 5. **Set a specific date for consultation on the ESSA state plan and the District plan in the Spring (between January and May) of each school year.** In addition to the review that occurs in the Fall, NIEA recommends as best practice a set date for the various parties (the state and the tribe or the district and the tribe) to come together to determine whether any major changes have occurred or are needed.
 6. **Deliver personal written invitations at least 30 days before the Spring meeting from senior leaders at the state and district levels to tribal council members.** Sending letters in advance and making sure that respect for the sovereignty tribes are due as equal partners with federal and state governments is critical for successful implementation of ESSA plans. Tribal leaders, like all elected officials, have busy schedules and need both time to plan and certainty that the meetings they attend will be with senior officials, consistent with their positions.
 7. **Invite all Title VI Parent Committee Members to the separate Spring meeting to review the school district's plan required by ESSA under Section 8538.** ESSA requires tribal consultation at the school district level. As a best practice, NIEA recommends that Districts make use of the existing relationships they have to hold a meeting with both tribal leaders and the Native community members it already works with under Title VI. Doing so will bring all Native stakeholders together and ensure meaningful consultation occurs.

8. **Take minutes of the Spring meeting and provide them as follow up within 2 weeks of the meeting.** The simple act of taking minutes and following up via email with each of the participants in the meeting will help all of those who participated hold each other accountable for the ideas shared at the meeting.

Practical Steps to Ensure Ongoing Accountability and Oversight of ESSA Plans

1. **Identify a specific staff member at the state and district levels who will be responsible for tribal consultation.** While several staff can certainly be involved at both the state and district levels, it is important that one point of contact is identified for both clarity with state and district officials and so that tribal leaders know who to contact. The person should be senior enough that they will be in place from year to year, and responsive so that they can be back in touch with tribal leaders or Native advocates quickly.
2. **Identify improvements in graduation rates and cultural and/or language education as metrics the state, districts, tribal leaders and Native advocates can use to measure progress on a yearly basis.** Graduating from high school is an outcome that state and district leaders, tribal council members, and Native communities can all agree on. While there may be good reasons to measure other aspects of Native education, graduation rates are an appropriate measure. At the elementary and middle school levels, measuring chronic absenteeism, and working together to address factors that may lead to such absenteeism may also be a metric that is worth measuring.
3. **Provide a final report annually at the district level before school lets out for the summer on Native education at the local level and how tribal input has been incorporated into state and local plans.** Perhaps the most important step in ongoing relationship building is a short accounting of how tribal leaders and Native communities are incorporated on an ongoing basis into the plans that districts make each year to implement ESSA's requirement that consultation occur upon an application for Title VI funding.



CONCLUSION

Meaningfully engage with tribal leaders and Native students as true partners before, during, and after decision-making regarding ESSA and accountability systems. Tribal leaders and Native students must be considered on an ongoing and regular basis before decisions are made with respect to accountability systems at the state level and programs at the local level. The above steps are several indicators of the regular work at relationship states, districts, and Native advocates can do together. Anything less than a new partnership will not reach the vision and promise of ESSA and the commitment tribal, state and district leaders have to the success of the more than 600,000 Native students who are depending on adults to do right by them.

For more information and
resources or to download
this publication electronically,
visit NIEA’s website for

*“A Native Process for Evaluation
of State and Local Plans for
Native Education Under ESSA”*

www.NIEA.org



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