June 16th, 2017

MaryEllen Elia
Commissioner
New York State Education Department
89 Washington Avenue
Albany, NY 12234

Re: New York State Education Department Consolidated State Plan

Dear Commissioner Elia,

Thank you for the opportunity to provide feedback on the New York New York State Education Department (NYSED) Consolidated State Plan under the Every Student Succeeds Act (ESSA). The National Indian Education Association (NIEA) works to ensure that all Native students receive a high-quality academic and cultural education. As NIEA expands to support states with high Native student populations, New York is among our priority states that we are working in. We look forward to continuing our work with NYSED as we work in partnership with the 8 federally recognized tribes and their respective tribal organizations throughout the state.

NIEA Supports the Native Nations in New York
First and foremost, NIEA recommends that NYSED work in close partnership with tribes, tribal organizations, and NIEA to understand tribal priorities as they relate to ESSA implementation. By law, part of that coordination must include tribal consultation at the state and district levels. In practice, ESSA provides an opportunity for stakeholders to collaborate and to better serve Native students. We ask that NYSED remember that Native students are best represented by tribal leaders, Native parents and educators, and tribal organizations, including the Native American Indian Education Association of New York.

NIEA’s Top Priority: Timely and Meaningful Consultation
NIEA strongly believes that Native students benefit from culturally relevant solutions, which is why NIEA’s first recommendation is to include a specific section on consultation in the body of the plan that addresses tribes and tribal organizations in the implementation of ESSA. NIEA wishes to highlight the following areas of the New York ESSA Plan which require meaningful consultation with tribal governments:

- High School Graduation Rates
- Resource Equity
- Challenging Academic Standards and Academic Assessments
- Accountability, Support and Improvement
• Supporting Educator Equity
• Supporting All Students

When considering the above areas of New York’s ESSA plan, we look forward to working with you, the tribes and Native advocates to make sure true dialogue occurs in the above areas. NIEA also wishes to remind you of our definition of meaningful consultation which: (1) occurs at earliest possible stage, (2) is a continuous process, (3) includes open communication & coordination, (4) works off the understanding that the process is equally important as results, (5) outlines minimum guidelines, expectations, & outcomes necessary. Moreover, we encourage NYSED to be mindful of the location it hosts public forums, meetings, and convenings to ensure that tribal leadership is able to participate. Meetings that are not accessible to tribal leadership and Native education advocates are not as useful as those located within reach. As you finalize the plan, we respectfully recommend that you include the above elements in the process and in your final written document. We will be happy to work with you throughout and hope you will continue to engage with tribal leaders, Native advocates, and NIEA.

Assessment and Instruction in Native Languages
NIEA appreciates NYSED’s effort to provide yearly student academic assessments in languages other than English. NY’s current ESSA Plan outlines NYSED’s status of seeking funding from the New York State legislature to expand the translation of yearly math and science assessments into the following eight languages: Chinese, (Traditional), Chinese (Simplified), Haitian-Creole, Korean, Russian, Spanish, Arabic, and Bengal. NIEA recommends that NYSED expand this list of languages to include Native languages spoken by tribes throughout the state of New York.

The immersion school, Akwesasne Freedom School located in Rooseveltown, NY is a great example of how language and culture coupled with quality academic assessments can holistically support Native students to be college, career, and community ready. NIEA encourages NYSED to help elevate the success of providing assessments in Native languages to tribal students.

School Improvement through Culturally Relevant Approaches
NIEA recommends that NYSED ensure that community engagement is utilized as a key strategy to support schools that fail to exit comprehensive support and intervention status (beginning on page 53). NIEA would like to emphasize that we believe NYSED should work to ensure that struggling schools seek parent, family, and tribal input to ensure that culturally responsive modifications and adjustments are provided. This recommendation comes from the knowledge that Native parents and community members know their students’ culture best and, as a result, often know what interventions will work best for Native students.

NIEA also recommends that NYSED add clarifying language to identify and address resource inequity to support school improvement in each LEA serving a significant number or percentage of schools identified for comprehensive and targeted support and improvement (on page 75). We suggest that NYSED add more specific language to assess resource allocation to include a healthy school climate, access to specialized instructional support personnel (including guidance counselors and social workers), and access to high-quality preschool programs and full-day, five-day-a-week kindergarten. It may also be instructive for schools to show that they provide access to core academic subject courses that are prerequisites for a regular high school diploma.
Culturally Appropriate Professional Development
NIEA appreciates NYSED’s commitment to support effective instruction starting on page 107. In particular, we recommend to expand language on the fourth component titled, Improving Skills of Educators (which begins on page 118). As the leading Native education organization that seeks to ensure that all Native students receive a high-quality academic and cultural education, we understand the importance of providing culturally appropriate professional development opportunities. It is critical that educators have the culturally relevant resources they need to be effective teachers to all students. As such, NIEA recommends NYSED add language throughout Part D, Title II: Part A: Supportive Effective Instruction to include that the services and opportunities provided to teachers are culturally grounded to best meet the needs of their students.

Conclusion
Through the recommendations listed here and the implementation of the transition to ESSA, NIEA looks forward to continuing to work alongside tribes and Native education advocates. The guidance provided from tribal communities is invaluable and will best support Native students in New York. We look forward to continuing that with you and your team. If you have any questions, please contact Ahniwake Rose, NIEA Executive Director, at arose@niea.org.

Sincerely,

Yatibaey Evans
President