April 1, 2017

Hanna Skandera
Secretary of Education
NM Public Education Department
300 Don Gasper Avenue
Santa Fe, NM 87501

Re: New Mexico State Education Agency (SEA) Consolidated State Plan

Dear Superintendent Skandera,

Thank you for the opportunity to provide feedback on New Mexico Public Education Department’s (PED) State Education Agency (SEA) 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 Mexico is among our top tier states that we are working in. We look forward to continuing our work with PED as we work in partnership with the 22 tribes and pueblos in the state.

NIEA Supports the Native Nations in New Mexico
First and foremost, NIEA recommends that PED continue to work in close partnership with tribes, pueblos, and the National Indian Education Association 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 PED remember that Native students are best represented by tribal leaders, Native parents and educators, and tribal organizations.

NIEA Looks forward to working with PED to Effectively Implement ESSA
NIEA views PED as a critical partner in ensuring that Native students are provided an equal opportunity to be successful. NIEA recognizes New Mexico’s “Route 66” plan, which establishes a target of 66 percent of working-age New Mexicans to have earned a college degree or post-secondary credential by the year 2030. We applaud Governor Martinez and New Mexico’s higher education and k-12 education communities for setting this goal. The goal is consistent with The Every Student Succeeds Act’s framework, which allows stakeholders to raise expectations for all of our students, including those who have dual citizenship within their tribes or pueblos.
As the country transitions to the new law, state are taking on more responsibility for educating Native students in exchange for greater transparency regarding how policy decisions are made. This exchange—and the unique and continuing federal trust obligation—makes PED’s role more essential than ever before. And, for Native students, no area of support is more important than how New Mexico consults with tribal nations within the state.

**NIEA’s Top Priority: Timely and Meaningful Consultation**

The most critical part of the New Mexico State Plan is the adequate implementation of PED’s State-Tribal Collaboration Act (STCA) Collaboration and Communication Policy, which was ratified in July 2016. NIEA supports language on Page 40 of the current draft under the “Tribal Consultation: Government to Government section” that calls for PED to seek input on the education of tribal students in the form of Government to Government meetings held several times each year. The coordination of the Indian Education Act and PED’s State-Tribal Collaboration Act Collaboration and Communication Policy is critical.

We also applaud your work outlined on page 40, that you engage with tribes and describe that engagement. As a reminder, the core components of meaningful consultation are the elements of meetings with New Mexico tribes that we see as critical are: (1) occurs at earliest possible stage, (2) continuous process, (3) open communication & coordination, (4) process equally important as results, (5) minimum guidelines, expectations, & outcomes necessary.

We also have a few suggestions on consultation. First, we recommend specifically listing tribes in the list at the beginning of the consultation section of the draft. Consultation with tribal leaders should both be specifically addressed and considered as part of the regular process of consultation that New Mexico goes through in adopting the state plan or revising it.

Second, consistent with the plan to this point, NIEA wishes to highlight the following areas of the New Mexico Plan which require ongoing meaningful consultation with tribal governments:

- School accountability and report cards
- Student assessment and coursework requirements
- Identification and support for English language learners (ELLs)
- Support for low performing schools
- Support and evaluation of teachers and school leaders

Each of the above areas would require tribal input if revisions were made. We will look forward to working with you, the tribes, and Native advocates to make sure true dialogue occurs both in creation of this first plan and in revisions in the future. Significant, sustained family, and community engagement in implementation of ESSA is what’s necessary. We hope you will meet that level of engagement and work regularly and meaningfully with tribal leaders, Native advocates, and NIEA.

**Local Consultation**

NIEA advocated strongly throughout the consideration of ESSA that the law should include a requirement that local educational agencies (LEAs) consult with tribal representatives on decisions that impact Native students. Section 8538, “Consultation with Indian Tribes and Tribal
Organizations,” is the result of that advocacy and congressional recognition of the importance of consultation with tribal leaders and tribal organizations. The language in Section 8538 applies to an LEA’s “submission of a required plan or application for a covered program under this Act.”

NIEA acknowledges PED’s commitment to meaningfully consult with tribes and pueblos throughout the state of New Mexico. Just in the past year, PED’s collaborative activities to engage tribal communities include the following:

- A convening of the 22 NM tribes and pueblos, school districts, tribal education departments, educators, parents, and students at the 2015–2016 semi-annual Government-to-Government Summit
- A convening of K–12, higher education, and national/state/community non-profit organizations in an effort to form collaborative partnerships with tribes and pueblos to improve educational opportunities for American Indian students
- Meeting regularly with tribal and pueblo leadership throughout the year

NIEA encourages this level of leadership to leadership meetings to continue.

**Instruction in Native Languages**
The most common language other than English among the state’s English Learner population is the Navajo Language, Dine. The draft’s comments on pages 47 and 48 need to be strengthened significantly to reflect this reality. NIEA is doing part: engaging in consultation with the Navajo Nation and working together to support Navajo controlled schools where language is a key component. We recommend significantly strengthening this section to reflect Native language instruction as an important instructional practice that has been shown to be effective.

**State Support and Improvement for Low-Performing Schools**
NIEA appreciates PED’s recommendations for Technical Assistance Regarding Evidence-Based Interventions on page 78, which as drafted includes: leadership, differentiated support and Accountability, Talent Management, and Instructional Infrastructure. In addition to this list, NIEA recommends that PED add culturally based teacher training for teachers in high Native student population schools to the non-exhaustive list. This recommendation comes from the knowledge and experience that effective instruction must be relevant to students and Native history, language, and culture help Native students succeed.

**More Rigorous Interventions**
NIEA supports New Mexico taking advantage of the new law to further define and explain what is intended for persistently failing schools. Of the four options outlined on page 83, NIEA would like to offer a recommendation for the second option which states that after three years of not meeting one of the exit opportunities, local educational agencies (LEAs) can close and reopen under a charter school operator. This operator is required to have been selected through a rigorous state or local authorizer review process. NIEA recommends that PED add specific language that allows schools to be reopened under tribal leadership. Specifically, we suggest adding that “if a failing school is on tribal land, it should be turned over to the tribe under the tribal council’s authority.”
**Educator Preparation Program Strategies**

NIEA applauds the efforts New Mexico is taking to increase teacher salaries and suggest an additional step to improve Native student outcomes. Training in Native culture should be added to the draft on page 88-89. Research and experience support cultural training as a step that can improve instruction and student engagement. We suggest adding this as a strategy to reach Native students across the state.

**The New ESSA State Plan Template**

As you know, Secretary DeVos released a new State Plan Template a couple of weeks ago. The State Plan Template includes a new application for states to use in developing their accountability plans. NIEA has one concern regarding this new template that we wish to mention: the lack of language around specific consultation and engagement efforts with stakeholders. Despite what we see as an oversight in the template, we wish to remind you that the law itself requires timely and meaningful consultation. We wish to complement you on your efforts in this area and ask that you continue to engage with tribal leaders and Native education advocates, consistent with Section 1111 (a) of ESSA and the new law as a whole.

**Conclusion**

Through the recommendations listed here and the implementation of the transition to ESSA, NIEA looks forward to continuing to work alongside tribes, tribal organizations, PED, and Native education advocates in New Mexico. The guidance provided from tribal communities is invaluable and will best support Native students in New Mexico. 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