

Government to Government

Meeting Report

“Empowering Tribal Consultation for Indian Education”

Indian Education Advisory Council Meeting

Government to Government Meeting

Indian Education Summit

Mescalero, New Mexico

April 29th – May 2nd, 2018



Executive Summary

In accordance with the New Mexico Indian Education Act, the New Mexico Public Education Department (PED) Secretary of Education and Assistant Secretary of Indian Education convened a semi-annual government to government meeting with New Mexico tribal leadership and Tribal education directors for the express purpose of receiving input on the education of Native American students. To further strengthen efforts toward improving education for Native American students, the Indian Education Division invited Tribal leaders, Tribal education directors and staff, school district leaders and school district staff, educators, parents and community members to participate in a two-day government to government Tribal consultation meeting.

The first-half day of the Tribal consultation meeting was specifically designated as a “pre-consultation” day for Tribal leaders to discuss educational priorities and identify challenges of providing quality educational opportunities and learning environments for Native American students. It was also a time for Tribal leaders to brainstorm solutions that will lead to increase educational outcomes for Native American students and their tribal communities.

The second full day of the government to government Tribal consultation meeting was designated for Tribal leaders to provide the Secretary of Education and Assistant Secretary of Indian Education the identified educational priorities and challenges for providing quality educational opportunities and learning environments for Native American students; this was the working product that was created during Tribal leadership’s pre-consultation meeting.

The third half-day of the government to government meeting was designated to receive formal recommendations by Tribal leaders on improving educational opportunities for Native American Students and to strengthen the government to government process. The formal recommendations also identified areas of State and Tribal collaboration and mutually identified action items. As designed, this was the culminated work product of the State and Tribal consultation meeting.

The key themes and recommendations from Tribal leaders are captured and compiled within this report.

Based on the formal tribal consultation and discussions, the PED Indian Education Division will develop a three year plan that addresses and incorporates many of the recommended priority areas captured within and aligning with PED’s strategic plan. The next steps of our collaborative effort will be to establish actionable goals, a work plan, and key performance indicators to measure the effectiveness and success of each identified initiative.

Background

New Mexico's Indian Education Act was passed and signed into law in 2003 amended 2007 to implement the following purposes: **(22-23A-2. Purpose of act.)**

- a. Ensure equitable and culturally relevant learning environments, educational opportunities and culturally relevant instructional materials for American Indian students enrolled in public schools.
- b. Ensure maintenance of native languages.
- c. Provide for the study, development and implementation of educational systems that positively affect the educational success of American Indian students.
- d. Ensure that the department of education partners with tribes to increase tribal involvement and control over schools and the education of students located in tribal communities.
- e. Encourage cooperation among the educational leadership of Arizona, Utah, New Mexico and the Navajo Nation to address the unique issues of educating students in Navajo communities that arise due to the location of the Navajo Nation in those states.
- f. Provide the means for a formal government-to-government relationship between the state and New Mexico tribes and the development of relationships with the education division of the Bureau of Indian Affairs and other entities that serve American Indian students.
- g. Provide the means for a relationship between the state and urban American Indian community members to participate in initiatives and educational decisions related to American Indian students residing in urban areas.
- h. Ensure that parents; tribal departments of education; community-based organizations; the department of education; universities; and tribal, state and local policymakers work together to find ways to improve educational opportunities for American Indian students.
- i. Ensure that tribes are notified of all curricula development for their approval and support.
- j. Encourage an agreement regarding the alignment of the Bureau of Indian Affairs and state assessment programs so that comparable information is provided to parents and tribes.
- k. Encourage and foster parental involvement in the education of Indian students.

22-23A-5. Indian education division; created; assistant secretary; duties.

- d. The secretary and assistant secretary shall convene semiannual government-to-government meetings for the express purpose of receiving input on education of tribal students.

22-23A-6. Advisory council.

- d. On a semiannual basis, representatives from all New Mexico tribes, members of the commission, the office of the governor, the Indian affairs department, the legislature, the secretary, the assistant secretary and the Indian education advisory council shall meet to assist in evaluating, consolidating and coordinating all activities relating to the education of tribal students.

IED Mission

To increase American Indian student **academic** and **cultural** achievement through culturally-relevant pedagogy, native language, and collaborative partnerships.

IED Vision

All American Indian students will become proficient in **academic**, **cultural**, and **leadership** standards to become productive and contributing members of their Pueblo, Tribe, Nation and State.

Profile of Indian Education in New Mexico

- 23 Districts and 5 Charter Schools Identified as Native-Serving Institutions
- ~36,000 American Indian students in public schools
- ~6,000 American Indian students in 28 BIE-operated and Tribally-controlled schools
- ~3% of state-wide district staff identified as American Indian
- Average 26% proficiency in reading and average 11% proficiency in math (2016-17)
- 63% 4-year graduation rate (2015)
- 7 of the 8 languages of NM Tribes and Pueblos are taught in school-based language programs
- ~8,000 students participating in Native language programs
- ~8,500 students participating in Bilingual Multicultural Education Programs

Meeting Objectives

- **Tribal Consultation** - Receiving input on the education of American Indian students
- **Work plan** – To have a clear overview of the framework to further strengthen activities toward improving education for Native American students and planning for 2018-2020.
- **Technical Implementation 2020** – A capacity building of Tribal Consultation on educational support systems and collaboration with Tribal governments and Public Education Department.

Main Discussions

Welcome and introductory remarks

Participating Tribal Leaders, Public Education Department, Indian Education Advisory Council and Indian Education stakeholders were welcomed by Vice-President Gabe Aguilar from the Mescalero Apache Tribe.

Milton Bluehouse, Jr., facilitated the meeting with introductory remarks focusing on positive and productive outcomes, and informing all participants of the importance of supporting the Tribal consultation process with dialogue from Tribal Leaders and New Mexico Public

Education Department including the Indian Education Advisory Council. The participants received an overview of the pre-consultation discussion with Tribal Leaders.

Governor Fredrick Vigil, Pueblo of Tesuque presented the initial opening remarks on the importance of Native American education. Governor Vigil also presented the Tribal educational priorities developed during pre-consultation on behalf of the Tribes present at the meeting. The Tribal educational priorities are described within the report. Important priorities that were stressed were effective communication and collaboration, overall transparency, and open and meaningful dialogue for future planning and implementation with New Mexico PED. On behalf of participating Tribal leadership, Governor Vigil concluded that to achieve the goal of strong Tribal educational support and the input there is the need for continued involvement, commitment to tasks for improving Native American student education, and responsible time frames from all partners.

The following is a summary of the discussion captured at the Government to Government meeting:

Tribal Educational Priorities with brief description of discussion provided by Tribal Leaders.

Government to Government Meeting "Empowering Tribal Consultation for Indian Education" Monday April 30, 2018
Mescalero, NM

1. Tribal Consultation:
 - a) State leadership in attendance at government to government meetings, mutual respect for the consultation process, and scheduling meetings with the tribal cultural calendar in mind.
 - i. Tribal leaders referred to the rulemaking process and methodology of how the rulemaking impacts all students; what does the transition plan with assumed roles and responsibility look like?
 - ii. Questions were raised by tribal leaders regarding land grants and seeking the role and understanding of PED.
 - iii. PED needs to address the cultural competencies of being mindful of the tribal traditional calendars when scheduling meetings with tribal entities.
 - b) Enhanced communication and follow up. Example: Tribal Consultation Survey.
 - i. Tribal leaders discussed the need for improved communication with collaboration and budget implications especially for Impact Aid

- ii. Has PED identified an ESSA plan of action with training and guidance for tribal consultation?
 - iii. Is there a plan of action with working with the different school systems such as Bureau of Indian Education supporting the transition of students from public schools to BIE schools with the funding formulas?
 - c) Rulemaking for Early Literacy & Family Engagement.
 - i. Allow the tribes to consider a formal method of clarity to understand the education retention affecting Native students the best meets the needs of cultural and traditional implications of decision making.
 - d) During leadership change ensures continuity of projects and commitments.
 - i. Will PED consider a transition plan that includes public schools for data sharing agreements?
 - ii. What happens after Tribal Consultation? Will PED respond to the requests or will there be a white paper issued to improve and implement the proactive working relationships.
 - iii. Ensure that public schools and schools are following the Indian Education Act.
 - e) Tribal leadership coordination with Indian Education Advisory Council.
 - i. Tribal Leaders requested to have all the identified parties within the IEA to be present at the Government to Government meetings as the Indian Education Act requires – “ on a semiannual basis, representatives from all New Mexico tribes, members of the commission, the office of the governor, the Indian Affairs department, the legislature, the secretary, the assistant secretary and the Indian education advisory council shall meet to assist in evaluating, consolidating, and coordinating all activities relating to the education of tribal students.”
- 2. School Safety and Mental/Behavioral Health:
 - a) School safety plan development and review, sharing plan among community and parents.
 - i. Are there any best practices and/or MOAs that showcase who is responsible for cost sharing or resource sharing for schools that are on tribal lands.
 - ii. Training on Safety and wellness should be convened annually with tribes and resources
 - b) Law enforcement and emergency responder coordination.
 - i. Is there a formal protocol or process available? Are there any best practices that tribes or districts can follow?
 - c) Counselor and behavioral/mental health coordination.

- i. Addressing the lack of counselors; teachers are tasked with counseling services indirectly; bullying training is needed
- 3. Language:
 - a) Classification of Native language teachers and salary scales.
 - i. How are Native language and culture teacher paid and at what scale within public schools? There are mixed interpretations of salary scales identified for NALC teachers and placement of teachers.
 - ii. Will PED provide guidance through bilingual programs supporting language class to offer more than 45 minute classes? NALC teachers are being used for various aspects of the school system rather than teaching the language class.
 - iii. Retention of teachers are needed within public schools, how is PED addressing the issue of teacher shortage?
 - b) Identifying and highlighting Native language programs for other schools and tribes to learn from and develop for their own schools and communities.
 - i. Allow tribes to provide more input into the Bilingual Biliteracy Seal and provide schools with more funding to support the criteria of the seal and process.
 - ii. Provide guidance and information on the distribution of bilingual funds as they reach the school district.
 - iii. Are there any best practices in partnership with tribes for Native Language and culture teachers?
- 4. Culturally Responsive Learning:
 - a) Development and implementation of culturally responsive training for twenty-three (23) school districts serving tribal communities and with large tribal student populations.
 - i. Has PED considered a process or training for CRLI?
 - ii. PARCC assessments need for CRLI for American Indian students. There are way too many test items that are bias.
- 5. Budget and Finances:
 - a) Transparency in education budgets and finances. Example: Impact Aid.
 - b) Training for school boards regarding the responsible and ethical use of educational funds.
 - i. Training on Impact Aid; understanding the un-categorical funding. Provide guidance on legislative changes and implications.
 - ii. Legislative changes should include the gaming compacts with the state to provide an allocation of funds from the gaming revenues to address the funding for American Indian students and CRLI curriculum.

6. College and Career Readiness:
 - a) Support college and career readiness.
 - i. Need data sharing agreements or partnerships with local colleges.
7. PED Strategic Plan:
 - a) Understanding the strategic plan and the methodology for tribal input into the plan.
 - i. Tribal Leaders requested Pre-K and Higher Education Data to be included into the Tribal Education Status Report.
 - ii. What is the process to include Bureau of Indian Education Data to conduct a comparable analysis?

Additional discussion items, identified on the questions submitted by Tribal Leaders to PED:

- Update and discussion on Yazzie vs. New Mexico.
- Request for pre-K data similar to other state data.

Public Education Department Responses

PED through the Indian Education Division will provide the following supports and reports to the NM Tribes, Pueblos, and Nations:

- a. Education will support with advocacy and invitation from PED for attendance from NM Governor, NM Indian Affairs, and NM Legislators.
 - i. Tri-Consultation Plans for 3yrs must include Tribes and School Districts.
- b. Plan in advance dates of the semi-annual government to government meetings.
- c. IED will continue with surveys addressed to Tribal Leadership and Tribal Education Departments for the purposes of expressing educational needs and opportunities directly related to American Indian Students. PED bureaus will be provided information to support or share information for resources, etc.
- d. Policy Bureau and IED will work on supporting notification and clarification to Tribal leaders with sufficient time for response. Currently, PED has offered tribal entities an understanding of PED rule making consultation supported by the Indian Education Division.
- e. PED will prepare a cross-walk with IEA to be included in the transition plan and strategic plan to be shared with tribes.
- f. IED has solicited with stakeholders to nominate the vacant positions of head start and the two (2) Navajo Nation positions.
- g. CSHWB (School Health and Wellness Bureau will work collaboratively with Indian Education Division to develop a guidance or informational book on School Safety and the requirements of reporting in the Tribal Education Status Report.

- i. Internal cross collaboration
 - ii. CCRB partnership; MOAs with Tribal Colleges and local colleges to support enhanced student learning with AP, Dual Credit, and College Board.
- h. IED will develop guidance or technical assistance manual supporting 520 Native Language and Culture programs both in School- and community-based.
 - i. Support required by licensure and language and culture bureau.
- i. IED and School Budget to provide training. (Impact Aid/SEG).
 - i. Work with School Board Association to provide training on allocation of funding – share tribal educational priorities and data for better alignment.
 - ii. Collaborate and partner with School Board association.
 - iii. Cultural Competency Training will be offered to School board association and upon request from school boards.
- j. IED - Develop partnerships with CYFD, to provide data in statewide TESR.
- k. IED will share out the Tribal Education Status Report in the fall of 2018.
- l. Since 2015, 11,000 more students are doing math on grade level and 13,000 more students are reading on grade-level since 2015 – with Native American students improving their reading results more than any other group of students by 8.2 percentage points. New Mexico is experiencing record high school graduation rates, and has doubled the amount of students taking and passing Advanced Placement exams – all while consistently raising college and career-ready expectations for our students to ensure they are more competitive in the global economy.

Formal Tribal feedback and recommendations

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 "Empowering Tribal Consultation for Indian Education"
 Tuesday May 1, 2018
 Mescalero, NM

In the spirit of positive and productive government-to-government consultation, the participating tribal leadership and representatives from New Mexico's Apache, Pueblo, and Navajo tribal governments present this list of formal tribal leadership recommendations to the New Mexico Public Education Department:

- iii. Meaningful and timely tribal consultation on various rule making initiatives and curriculum development.
- iv. Tribal access to educational data related to rulemaking processes to more fully understand rulemaking outcomes and tribal positions and input relative to the rulemaking initiative(s), and to understand New Mexico Public Education

Department (NM PED) methodology for decision making relative to tribal input and feedback.

- v. Requesting Pre-K and CYFD data similar to Tribal Education Status Report (TESR).
- vi. Tribal access to state funding information related to federal Impact Aid and school district distribution for more fully understand Impact Aid distribution throughout the state.
- vii. Administrative and fiscal support for teachers who will be implementing newly developed rules. Example: Literacy and Alternative Demonstrations of Competency.
- viii. State - Tribal consultation to be held on appropriate date that supports tribal leadership and educational staff participation. Example: May 1st and the Pueblo of San Felipe's Feast Day and the NM PED's government-to-government meeting and Indian educational summit.
- ix. Continuity of state Indian education initiatives, rule making tribal consultation, and various projects during changes in leadership.
- x. Develop and implement alternative assessment for teacher certification for tribal teachers.
- xi. New Mexico State governor to attend state-tribal Government-to-Government consultation meetings.
- xii. Tribal consultation on PARCC to address tribal concerns related to appropriateness of the test within tribal education, and understanding impacts on Native American student dropout rates.
- xiii. Access to Native American student dropout rates/data from 2010 to 2017.
- xiv. NM PED to share tribal educational priority list with state legislative committees on education and the Interim Indian Affairs Committee.
- xv. Fill three (3) vacant positions on the Indian Education Advisory Council within FY18 Fourth Quarter.
- xvi. Support letter for Mr. Darrick Franklin, Education Program Manager, Navajo Nation Office of Dine Accountability & Compliance, for appointment to the vacant Navajo Nation IEAC member position.
- xvii. Nominate tribal representative to At-Large representative for Head Start.
- xviii. Continue 3rd party facilitation of state and tribal Government-to-Government meetings and Indian education summits.
- xix. Government-to-Government meeting recorder and note taker to preserve comments, obligations, and action items.
- xx. Tribal consultation and side-by-side review, analysis, and compliance of NM PED rule making and NM PED State-Tribal Collaboration Act Collaboration and Communication Policy.

- xxi. Agenda for state and tribal government-to-government meetings be tribally driven. Example: development of tribal education priority list.
- xxii. Invite and involve the NM Indian Affairs Department in NM PED tribal consultation and rule making meetings and processes.
- xxiii. Formal NM PED response (in writing) to the tribal educational priorities list developed on April 29th and shared with NM PED Secretary Christopher Ruskowski on April 30th, 2018.
- xxiv. Formal NM PED response (in writing) to the Formal Tribal Leadership regarding the recommendations list of May 1st, 2018.

Conclusion

The government to government Tribal consultation meeting was designed to identify Tribal educational priorities and to also better understand the challenges for which to build stronger and more meaningful State and Tribal relationships. The Tribal leadership's pre-consultation meeting helped the New Mexico PED and tribal leaders to identify Tribal education priorities. The Tribal consultation meeting provided an opportunity for all participating tribal leaders and the Secretary of Education and Assistant Secretary of Indian Education to discuss the identified priorities and to learn more about the unique opportunities and challenges for improving education for Native American students.

Tribal Leaders called for sustainability, continuity, and stability of leadership. PED leadership offered to provide and support sustainability, continuity, and stability of leadership. Both the Secretary and the PED team offered to create the continuity and stability that tribes are seeking for – with increased funding and outcomes for Native American students.

As a whole, the government to government Tribal consultation meetings provided a renewed baseline for which to build stronger and more positive and productive government to government relationships. The New Mexico PED looks forward to constructive and creative solutions based working relationships with New Mexico's Indian Pueblos, Tribes, and Nations.

Appendix:

Meeting Program

Meeting Participants

Tribal Leadership Educational Priorities

Formal Tribal Recommendations