



**FALL 2018**

Indian Education Advisory Council  
Government to Government Meeting  
Indian Education Summit

November 25 – 28, 2018

The meeting report addresses the discussion through Tribal Consultation and action items requested from Tribal Leadership related to educational priorities addressing strengthening efforts and improving educational needs for Native American students.

## Meeting Objectives and Update

- I. 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 to address the following:
  - i) **Tribal Consultation** - Receiving input on the education of American Indian students
  - ii) **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.
  - iii) **Technical Implementation 2020** – A capacity building of Tribal Consultation on educational support systems and collaboration with Tribal governments and Public Education Department.
- II. Participating Tribal Leaders, Public Education Department, Indian Education Advisory Council and Indian Education stakeholders were welcomed by Santa Ana Pueblo Education Department.
- III. Milton Bluehouse, Jr., facilitated the meeting with introductory remarks focusing on positive and productive outcomes, and informing all participants of the importance of 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.
- IV. Updates from Public Education Department included: School Year 2017-2018 student achievement, graduation rates, school grades, PED rule making, Tribal Consultation, Cultural Competency and NM Indigenous curriculum.
- V. Lt. Governor Raymond Concha, Jr. presented the Tribal Leaders educational priorities developed during the pre-consultation meeting and Spring 2018 Government to Government held in Mescalero, NM on behalf of the Tribes present at the meeting. The Tribal educational priorities are described in the report with status updates.
- VI. Indian Education Advisory Council presented (5) five formal recommendations to the Tribal leadership for support in presenting a formal recommendation as part of the Indian Education transition packet.
- VII. 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 presented formal tribal leadership recommendations to the New Mexico Public

Education Department. Two separate formal recommendations were presented as described in the report.

**VIII.** The following is the response to the 2018 Spring/Fall Government to Government formal recommendations presented by tribal leaders to the Public Education Department with status updates.

a) *Updated November 27, 2018 from May 1, 2018*

Action Items	Timeline	PED Status
1. Support the Indian Education Advisory Council (IEAC) tribal advisement.	<b>Transition</b>	<b><i>In Progress</i></b> - The IEAC will have an opportunity to present the finalized formal recommendation to the incoming administration in 2019.
2. Performance results in the NM PED Tribal Education Status Report are unsatisfactory. Develop plan and timeline to address performance results.	<b>Ongoing Transition</b>	<b><i>In Progress</i></b> - Opportunity for government to government transition smoothly – blue print for the next ten years using the state’s top-rated, federally approved ESSA plan. The state’s ESSA plan developed in the course of two years through consultation efforts with communities; incorporated continuity with goals and objectives to address the implementation building capacity.
3. Meaningful and timely tribal consultation on various rule making initiatives and curriculum development. Tribal consultations with LEAs shall be formal.	<b>Ongoing</b>	<b><i>In progress</i></b> – PED Indian Education Division has developed a guide for Tribal Consultation. Ongoing communication and consultation will be provided by Public Education Department to the 22 Tribes/Pueblos. <b>Specifically on rulemaking, the PED commits to a 12-month process for engagement, as recommended by tribal governors.</b>
4. 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	<b>Ongoing</b>	<b><i>In Progress</i></b> – Public Education Department commits to a twelve-month for any newly initiated rulemaking; The PED’s Policy Bureau will provide ongoing technical assistance and training related to the

<p>understand New Mexico Public Education Department (NM PED) methodology for decision making relative to tribal input and feedback.</p>		<p>rule making methodology process for decision making relative to tribal input and feedback. <b>Specifically on rulemaking, the PED commits to a 12-month process for engagement, as recommended by tribal governors.</b></p>
<p>5. Invite and involve the NM Indian Affairs Department in NM PED tribal consultation and rulemaking meetings and processes.</p>	<p><b>Ongoing</b></p>	<p><i>In progress</i> - PED will support with advocacy and invitation from PED for NM Indian Affairs, and NM Legislators. Tri-Consultation Plans must include Tribes and School Districts. <b>Specifically on rulemaking, the PED commits to a 12-month process for engagement, as recommended by tribal governors.</b></p>
<p>6. Establish a workgroup to assist NM PED on Secretary Ruskowski proposal to delay rulemaking for one year to support tribal involvement and tribal consultation. The workgroup shall be composed of tribal leadership, tribal educational directors, the IEAC, and NM PED Assistant Secretary of Indian Education.</p>	<p><b>Ongoing Transition</b></p>	<p><i>In Progress</i> – PED’s Policy Bureau and IED will work on supporting notification and clarification to Tribal leaders with sufficient time for response. <b>Specifically, the PED commits to a 12-month process for engagement, on department rulemaking, as recommended by tribal governors.</b> The PED’s Policy Bureau will develop a plan from initiation to completion – incorporating the results for tribal consultation.</p>
<p>7. Pre-K and CYFD data similar to TESR</p>	<p><b>Annually or as requested</b></p>	<p><b>Complete</b> – Pre-K data is now included as part of the annual Tribal Education Status Report published by the Public Education Department. The TESR is available at:  <a href="https://webnew.ped.state.nm.us/wp-content/uploads/2018/11/IED-2017-2018-TESR-Final.pdf">https://webnew.ped.state.nm.us/wp-content/uploads/2018/11/IED-2017-2018-TESR-Final.pdf</a></p>

<p>8. 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.</p>	<p><b>Ongoing</b> <b>Launch training in Spring 2019 as training has received input and feedback from Tribal Consultation</b></p>	<p><b><i>In Progress</i></b> –The School Budget &amp; Financial Analysis Bureau in collaboration with Indian Education Division has developed training and technical assistance related to understanding of Impact Aid funds including the State Equalization Guarantee. Work with School Board Association to provide training on allocation of funding – share tribal educational priorities and data for better alignment.</p> <ul style="list-style-type: none"> <li>i. Will Collaborate and partner with the School Board association.</li> <li>ii. Will Collaborate and partner with the Superintendents.</li> <li>iii. Cultural Competency Training will be offered to School board association and upon request from school boards. (All PED Bureaus will be included in the process and discussions.)</li> </ul>
<p>9. Administrative and fiscal support for teachers who will be implementing newly developed rules. Example: Literacy and Alternative Demonstrations of Competency.</p>	<p><b>Ongoing</b></p>	<p>See Secretary Ruszkowski’s FY20 Budget Request to the Legislature, which proposes increasing funding by \$425 million, with the possibility of up to \$1 Billion over the next three fiscal year.</p>
<p>10. Multi-year funding grants and agreements instead of single year or annual funding grants/agreements; in alignment with other state agency practices related to multi-year funding grants and agreements.</p>	<p><b>Transition</b></p>	<p>Tribal leaders will advocate with their Legislators for a two-year funding cycle, as opposed to year-over-year, as suggested by Secretary Ruszkowski when reviewing best practices from other states that have this two-year stability cycle. Tribal leaders will advocate for this concept beginning immediately.</p>

<p>11. State – Tribal consultation to be held on appropriated date that supports tribal leadership and educational staff participation. Example: May 1<sup>st</sup> and the Pueblo of San Felipe’s Feast Day and the NM PED’s government-to-government meeting and Indian educational summit.</p>	<p><b>Transition</b></p>	<p><i><b>In progress</b></i> - Plan in advance dates of the semi-annual government to government meetings.</p>
<p>12. Continuity of state Indian education initiatives, rulemaking tribal consultation, and various projects during changes in leadership.</p>	<p><b>Transition</b></p>	<p><i><b>In Progress</b></i> – PED Indian Education will continue to support the Indian Education Act and duties outlined supporting the Native American student academic and cultural success, including advocating for 12-month rulemaking process. <b>Specifically, the PED commits to a 12-month process for engagement, as recommended by tribal governors.</b></p>
<p>13. Develop and implement alternative assessment for teacher certification for tribal teachers.</p>	<p><b>Ongoing Transition</b></p>	<p><i><b>In Progress</b></i> – PED Indian Education Division has collaborated with the pertinent bureaus to plan, develop and implement a structure to support the 520 Native American Language and Culture certification, which will require Tribal consultation from the 22 Tribes/Pueblos.</p>
<p>14. New Mexico State governor to attend state – tribal government-to-government consultation meetings.</p>	<p><b>Semi-annual communication</b></p>	<p><i><b>In Progress</b></i> – As per the Indian Education Act, IED will continue to issue formal invitation to the Office of Governor, NM Legislators, and NM Indian Affairs to attend the semi-annual government to government meetings.</p>
<p>15. 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.</p>	<p><b>Ongoing Transition</b></p>	<p><i><b>In Progress</b></i> – The spring 2018 PARCC results showed Native American children who are enrolled in districts and charter schools within Public Education Department authority have outpaced all others in terms of reading growth, advancing 8.2</p>

		<p>percentage points since 2015. In addition, math growth nearly doubled from 2017 to 2018, advancing from 2.2 percentage points to 4.1.</p> <p>The state’s student assessments can continue to be of the highest-quality, maintain year-over-year comparability, and become more specific to New Mexico’s students’ experiences. Tribal leaders will continue to advocate for and work with the PED on assessments.</p>
16. Access to Native American student dropout rates/data from 2010 to 2017.	<b>Annually or as requested</b>	<b>In Progress</b> – On an annual basis, the IED reports the student dropout rates on the previous school year as reported by districts into the Students Teacher Accountability Reporting System. The Tribal Education Status Report included. The IED will work closely with the PED Accountability Bureau to ensure accuracy of reporting.
17. NM PED to share tribal educational priority list with state legislative committees on education and the Interim Indian Affairs Committee.	<b>Transition</b>	This document will be shared with LFC, LESC, and the Interim Indian Affairs Committee.
18. NM PED and IEAC to share tribal educational priorities and recommendations with Lujan-Grisham transition team on education. Tribal leaders will also provide tribal education priorities and recommendations to the incoming Lujan-Grisham Administration.	<b>Transition</b>	This document will be shared with the Transition Team and copy will be provided to the new Secretary of Education.
19. Fill three (3) vacant positions on the Indian Education Advisory Council within FY18 Fourth Quarter.	<b>Ongoing/Completed two of three</b>	<b>Completed</b> – One nomination for Jonathan Hale made by the Navajo Nation and appointment by the Secretary of Education effective on 10/15/18. Awaiting one additional

		nomination from the Navajo Nation to fill vacant position. See #20 for details on vacant IEAC position.
20. Nominate tribal representative to At-Large representative for Head Start.	<b>Completed</b>	<b>Completed</b> – One nomination for Marsha Lena made by Early Childhood/Headstart and appointment by the Secretary effective on 07/21/18.
21. Continue 3 <sup>rd</sup> party facilitation of state and tribal government-to-government meetings and Indian education summits.	<b>Ongoing Transition</b>	<b>In Progress</b> – PED has agreed to continue to support the request of third-party facilitation for the government to government meetings.
22. 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.	<b>Ongoing</b>	<b>In Progress</b> - The IED in conjunction with the Policy Bureau will develop a plan from initiation to completion – incorporating the results for tribal consultation.
23. Agenda for state and tribal government-to-government meetings be tribally driven. Example: development of tribal education priority list.	<b>Transition</b>	The PED’s IED will continue to collaborate and work with tribes to ensure agendas for government-to-government meetings are tribally-driven. The educational priorities will be shared with the Transition Team.
24. Support Yazzie vs. New Mexico court decision and funding for educational infrastructure, to include but not limited do: a. Needs assessment and technical assistance b. Educational buildings c. Libraries d. Broadband Internet e. Teacher housing	<b>Ongoing - Transition</b>	At this time, the ruling in the matter has not been finalized and therefore still pending. Once a final ruling has been issued, the State of New Mexico (the Legislature and the Executive) will determine next steps and determine how best address the issues contained in the ruling.  See Secretary Ruszkowski’s FY20 Budget Request to the Legislature, which proposes increasing funding by \$425 million, with the possibility of up to \$1 Billion over the next three fiscal year.
25. Formal NM PED response (in writing) to the tribal educational	<b>Completed</b>	<b>Completed</b> – A meeting report, ongoing Tribal Consultation, Fall 2018

<p>priorities list developed on April 29<sup>th</sup> and shared with NM PED Secretary Christopher Ruskowski on April 30<sup>th</sup>, 2018.</p>		<p>Government to Government meeting and this response packet addresses the ongoing status update to the tribal educational priorities list developed at the Spring 2018 Government to Government meeting in Mescalero, NM.</p>
<p>26. Formal NM PED response (in writing) to the Formal Tribal Leadership Recommendations list of May 1<sup>st</sup>, 2018.</p>	<p><b>Completed</b></p>	<p><b>Completed</b> – A meeting report, ongoing Tribal Consultation, Fall 2018 Government to Government meeting and this response packet addresses the ongoing status update to the tribal educational priorities list developed at the Spring 2018 Government to Government meeting in Mescalero, NM.</p>

**IX. Conclusion:**

The 2018 fall government to government meeting was designed to identify and address the 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 Interim Assistant Secretary of Indian Education informed the discussion related to the identified priorities and to learn more about the unique opportunities and challenges for improving education for Native American students.

Both the Secretary and the PED team offered to create the continuity and stability that tribes are seeking, with increased funding and outcomes for Native American students.

As a whole, the government to government meetings provided a renewed baseline for a successful transition which will support 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.

**X. Appendix:**

**Meeting Program**

**Tribal Leadership Meeting Participants**

**Formal Tribal Recommendations**