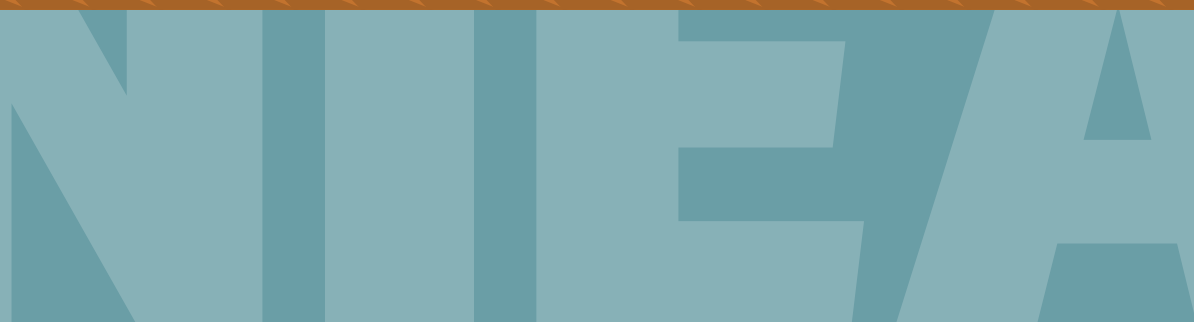




# **BUILDING RELATIONSHIPS WITH TRIBES:**

**A Native Process for Local Consultation Under ESSA**





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.

Several specific elements of sustaining progress 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. As with a District, 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 District and the community do together to improve the education Native students receive. Third, participation from the broader Native community is essential. Native educators and school 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.

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





*“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.”*

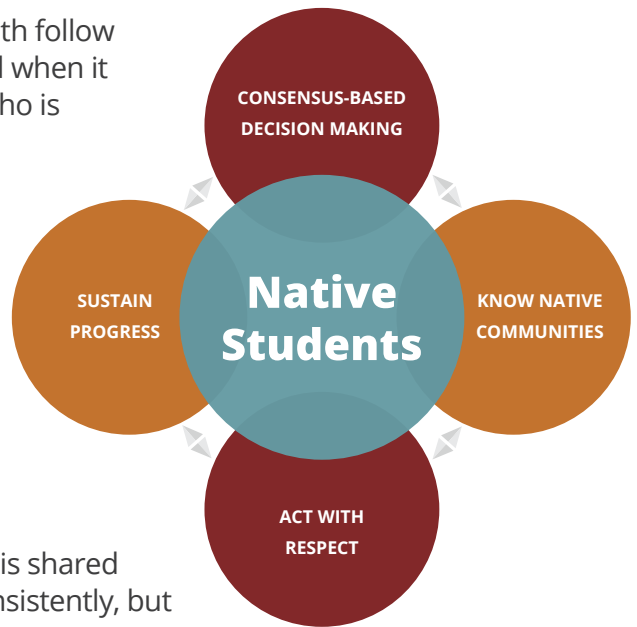
*~ Norma General, Elder of the Wolf Clan, Cayuga Nation*

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.

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.





## ESSA Section 8538

### Important information to know about local consultation under ESSA.

- Local consultation requirements didn't exist under NCLB.
- Consultation must be "timely and meaningful."
- Consultation must "meaningfully and substantively contribute to the district's plan."

### What are the requirements of school districts under ESSA?

- School districts are required to consult with Indian tribes or tribal organizations before submitting a plan for a program covered by ESSA.
- Districts that receive more than \$40,000 for Title VI or have over 50 percent American Indian enrollment must hold tribal consultation.

## THE NEED FOR LOCAL CONSULTATION

The research in favor of local engagement is clear: parent, family, and community involvement in education correlates with higher academic performance and school improvement. Researchers cite parent, family and community involvement as key to addressing the school dropout crisis and note that strong school-family-community partnerships foster higher educational aspirations and more motivated students.<sup>12</sup> The evidence holds true for students at both the elementary and secondary level, regardless of the parent's education, family income, or background—and shows parent involvement affects minority students' academic achievement across all races.<sup>3</sup>

### Fundamental Change is Necessary

Without genuine community input and support, Native students struggle to see how education is relevant to their lives. The impacts of failing to

truly consult Native communities at the local level can be seen in Native graduation rates which remain below the national average at 72%, while the overall U.S. high school graduation rate has reached an all-time high of 83%. Improving Native graduation rates must be a priority; engaging tribal leaders and Native communities is the only way to create the change we need.

### ESSA is a Critical Turning Point

The Every Student Succeeds Act (ESSA) is a critical turning point: local consultation must be done at a new and higher level. The law requires local consultation, so the same box-checking that has been done in the past cannot be repeated. ESSA is a basic bargain that provides states and localities more flexibility in exchange for greater responsibility in improving outcomes for students who have traditionally not been served well. The shift in accountability systems from No Child Left Behind, which automatically placed schools into prescribed interventions, to ESSA, where schools are evaluated by states and school districts on additional measures of school quality, is a key part of that change. Along with this increased flexibility comes added responsibility. School districts must step up to this challenge and will need to engage with tribes to fulfill the overall purpose of ESSA for Native students.

## Tribal Consultation in Affected School Districts

### What is an “Affected” School District?

#### <50 Miles of Tribes

- School districts located within 50 miles of a tribe’s council chambers or reservation, have an obligation to reach out to the tribe to try to let them know of their right to engage in consultation with the school district in the following cases:
  - ✓ If the school district has an enrollment of American Indian or Alaska Native students not less than 50 percent of the total student enrollment; or
  - ✓ If the school district received \$40,000 or more in fiscal year 2017 under the Indian Education Formula Grants.

#### > 50 miles from Tribes

- School districts that are located more than 50 miles from the tribe’s council chambers or reservation and have more than 30 Native students\* should invite tribal leaders to consultation.

*\*The area served by school districts has been defined consistent with language in Section 6114 of ESSA. In addition, NIEA has identified 30 students as the appropriate minimum number above which tribes should be consulted because 30 reduces the burdensome rules for districts with small numbers of students while maintaining local consultation for districts with a large number of Native students.*



# NIEA'S PRACTICAL GUIDE TO LOCAL CONSULTATION

## Introductory Hearing

- The School District holds an initial set of hearings to invite tribes and Native community members to learn about local consultation under ESSA.
  - ✓ One hearing should be held during the day so that tribal leaders and District administrators have the opportunity to meet.
  - ✓ One hearing should be held during the evening so that Native families and community members can attend.
- Both initial hearings should be posted in accordance with open meetings requirements that apply to districts in your state.
- Districts should provide tribes with flyers about these meetings so that tribes can also provide Native families with notice.
- School Board Members should attend 1 of the 2 hearings.
- These hearings should only focus on ESSA Implementation. (The meetings could be held during the same time slot as Title VI Parent Advisory Committee (PAC) meetings, but local consultation under ESSA should be the only topic for discussion.)
- Districts should utilize the PAC as a resource to help spread the word about introductory hearings for ESSA.

## Tribal Council Meeting

- Districts should offer to go to tribal council meetings for each of the tribes where more than 30 Native students attend schools in the district.
- Tribal Council Meetings represent a time intensive, but critical step in forging consensus.

## Discussion Meeting

- Districts should convene meetings to discuss key issues that affect Native children in the school district.
- All the individuals who came to the Hearings and the Tribal Council Meetings should be invited.

### **Tips for Outreach to Tribes More than 50 Miles from the LEA**

- ✓ Send a letter and call the Tribal Council office for the tribe in question.
- ✓ Follow up to ensure that the school district has actually spoken to tribal officials.

## Implementation Meeting

- The School District should hold one meeting once a draft local plan has been disseminated to let tribal leaders and Native community members know how their feedback was incorporated into the final plan.
- For each year after the local plan is adopted, if the school district would like to make any significant changes, the school districts should hold a meeting to let participants know how feedback was incorporated.
- The initial review of the draft plan and implementation meetings in later years should be separate from the PAC meeting and should include the school board.



## CONCLUSION

For several generations, Native education stakeholders have urged policy makers to work collaboratively with them. The Every Student Succeeds Act allows educational stakeholders to enter into a new education era, one that requires timely and meaningful consultation.

*Please remember: “Mitakuye Oyasin, we are all related,” as the Lakota say. This metaphor personifies the expression of what Native people perceive as community—integrative and inclusive.*

NIEA offers this uniquely developed facilitation process as a means of creating collective, powerful allies in the advancement of Native education. For more information on the specific phases and the overall process, please contact Ahniwake Rose, Executive Director of NIEA.

## ENDNOTES

- <sup>1</sup> Belfield, C. R. and H.M. Levin, H.M. 2007. *The Price We Pay: Economic and Social Consequences of Inadequate Education*. Washington, DC: Brookings Institution Press.
- <sup>2</sup> Barton, Paul E. 2003. *Parsing the Achievement Gap: Baselines for Tracking Progress*. Princeton, NJ: Policy Information Report, Educational Testing Service.
- <sup>3</sup> Jeynes, W.H. 2003. A meta-analysis: The effects of parental involvement on minority children's academic achievement. *Education & Urban Society* 35(2): 202-218.

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

*“Building Relationships with Tribes:  
A Native Process for Local Consultation  
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