

# South Dakota ESSA Tribal Consultation Introductory Meeting

Wednesday, November 30, 2016

12:00 - 5:00 pm CT

Library Commons, MacKay Building

Pierre, South Dakota



NorthCentral  
Comprehensive Center

Nebraska • North Dakota • South Dakota • Wyoming

# Introductions



# Objectives

- ▶ Provide recommendations regarding meaningful tribal consultation for both South Dakota Department of Education and local education agencies (LEAs)
- ▶ Provide recommendations for the South Dakota ESSA plan

# Group Norms

- Keep students in the forefront of all discussions & decisions
- Listen for understanding & respect others' ideas
- Be fully present
- Assume good intentions

# The Every Student Succeeds Act (ESSA)

# Highlights of the New ESSA Law

- Decreases the role of the federal government in K-12 education
- States have more authority to make decisions, select standards and assessments, and determine means of accountability
- States are expected to set high standards and create a rigorous accountability system
- States are responsible for enforcing many requirements
- Increases state and local flexibility in the use of federal funds
- Provides limitations on authority of U.S. Department of Education (USDE) secretary

# ESSA and Indian Education

- ▶ Provides Bureau of Indian Education (BIE) with greater autonomy and flexibility, and qualifies BIE to apply for discretionary funding
- ▶ Permanently authorizes State Tribal Education Partnerships (STEP) grants
  - ▶ STEP grants provide funding for tribal education agencies to collaborate with state education agencies
- ▶ Formalizes support for Native language immersion programs
  - ▶ New grant programs under National Activities can be used for Native language programs
  - ▶ New immersion language study authorizes grant to study best practices of native immersion schools
- ▶ Other changes
  - ▶ Impact Aid
  - ▶ Alaskan Native
  - ▶ Native Hawaiian

# Cooperative Agreements (specific to Title VI)

- ▶ Tribes are authorized to enter into cooperative agreements with state and LEAs that operate on tribal lands
- ▶ Emphasizes the participation of Native American students' tribes and parents in the development of the programs to be implemented through Title VI grant funding
- ▶ TEAs are authorized to plan, conduct, consolidate, and administer programs, services, functions, and activities



# Consultation with Tribes

- ▶ States must engage in meaningful consultation with tribes or tribal organizations in the development of state plans required under ESSA
- ▶ LEAs must engage in meaningful consultation with tribes prior to submission of a required plan or application for a covered program
  - ▶ LEAs that have 50% or more of its student enrollment made up of AI/AN students
    - ▶ Include students who self-identify as AI/AN AND those who identify as AI/AN with one or more races, regardless of Hispanic ethnicity
  - ▶ OR LEAs that have received a Title VI grant of \$40,000 or more

[http://www2.ed.gov/policy/elsec/leg/essa/faq/essafaqtribalc  
onsultation.pdf](http://www2.ed.gov/policy/elsec/leg/essa/faq/essafaqtribalc<br/>onsultation.pdf)

# Best Practices of Consultation

- ▶ US ED Guidance

- ▶ Recommendation to use US ED definition as a place to start

<https://www2.ed.gov/about/offices/list/ose/oie/consultplcy.pdf>

- ▶ NIEA

- ▶ Emphasis on the difference between engagement and consultation
- ▶ Final draft of guidelines expected December, 2016

- ▶ Cross-collaborative of Indian Education Directors and Comprehensive Centers

- ▶ Building tribal capacity
- ▶ Building LEA capacity
- ▶ Building SEA capacity

- ▶ Opportunity for states and tribes to collaborate on a definition and policy that addresses their specific needs

- ▶ Recommendation to use other states' policies as reference

# Consultation vs. Engagement

- ▶ **Engagement** is meaningful when it is inclusive of a wide range of stakeholders who represent demographic, geographic, language, cultural, and political diversity.
- ▶ **Engagement** is meaningful when it is early, ongoing, open, and responsive to and respectful of the viewpoints of all participants.
- ▶ Meaningful **engagement** is seen and understood as a process that requires continuous input and discussion.
- ▶ Meaningful **engagement** highlights the transparency of the process, including a commitment to measurable outcomes as a foundational framework.

National Indian Education Association (2016). *Tribal State Consultation Guide*.

# Consultation vs. Engagement

- ▶ **Consultation** exists on a different level than stakeholder, parent, and family engagement. Government-to-government relationship.
- ▶ **Consultation** is meaningful when it occurs prior to development of a program, initiative, or policy to ensure that tribal views are integrated.
- ▶ Tribal **consultation** is most effective when it is seen and understood as a process that requires continuous input and discussion.
- ▶ True **consultation** is based on open communication and coordination that actively seeks and considers the views of all participants, and then seeks agreement on how to proceed.

(2011) US ED's "Consultation and Coordination with American Indian and Alaska Native Tribal Governments"

# Resources from other states

New Mexico

[http://www.iad.state.nm.us/statetribal\\_policies.html](http://www.iad.state.nm.us/statetribal_policies.html)

Arizona

<http://www.azftf.gov/TribalConsultation/Pages/default.aspx>

Minnesota

<https://mn.gov/mdhr/news-community/government-relations/tribal-consultation/>

Oregon

[https://www.cms.gov/Outreach-and-Education/American-Indian-Alaska-Native/AIAN/State-Consultation-Additional-Resources/CMS-Task-E-Report\\_OR.pdf](https://www.cms.gov/Outreach-and-Education/American-Indian-Alaska-Native/AIAN/State-Consultation-Additional-Resources/CMS-Task-E-Report_OR.pdf)

<http://www.ode.state.or.us/search/results/?id=112>

Washington

<http://www.goia.wa.gov/Government-to-Government/Data/SectionII.htm>

# Theory of Action: Getting from current to desired state

