South Dakota ESSA Tribal Consultation Introductory Meeting

Wednesday, November 30, 2016
12:00 - 5:00 pm CT
Library Commons, MacKay Building
Pierre, South Dakota
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.

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/oese/oie/consultplcy.pdf](https://www2.ed.gov/about/offices/list/oese/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.

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

Arizona
http://www.azftf.gov/TribalConsultation/Pages/default.aspx

Minnesota

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

Washington
Theory of Action: Getting from current to desired state

Current State

Recommendations (strategies, actions, etc.)

Desired State (vision for what is ideal)