

THE NATIVE AMERICAN RIGHTS FUND

INDIAN EDUCATION LEGAL SUPPORT PROJECT

"Tribalizing Indian Education"

**Draft Materials for
Tribal Governance in Education**



October, 1994

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Prepared by

Melody McCoy
Staff Attorney & Project Director
NATIVE AMERICAN RIGHTS FUND
1506 Broadway
Boulder, Colorado 80302
(303) 447-8760
FAX 443-7776

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INTRODUCTION

These draft materials for tribal governance in education are intended to be used as general guidelines for developing infrastructures and capabilities of tribes who wish to control and take responsibility for the formal education of tribal members. The content of the materials is based on needs identified by, expressed to, and refined by the Native American Rights Fund during its Indian Education Legal Support Project to date. For further information and reference about the rights and roles of tribal governments in education, please see the first set of materials under this project dated October, 1993. Neither set of materials is intended to be legal advice for any particular tribe. Tribes should consult their legal counsel for specific advice about the existence and scope of their sovereign authority in education.

The Native American Rights Fund's Indian Education Legal Support Project, "*Tribalizing Indian Education*," is supported by a grant from the Carnegie Corporation of New York. The Carnegie Corporation, however, does not take responsibility for any statements or views expressed herein.

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EXECUTIVE SUMMARY

The Native American Rights Fund

The Native American Rights Fund (NARF) is the national legal defense fund for American Indian tribes and Alaska Natives. Founded in 1970, NARF concentrates on bringing cases and reforming laws that are of major importance to a great many Native people. NARF consistently has been at the forefront of issues and developments in Indian law in areas such as Indian treaty rights to land and water, Native religious freedom rights, and the rights of tribes as sovereign governments including tribal rights in education.

The NARF Indian Education Legal Support Project - Tribalizing Indian Education

NARF historically has represented Indian clients on a variety of education issues. Most recently, NARF has represented the Rosebud Sioux Tribe of South Dakota in establishing a precedent-setting tribal education code and implementing that code through a tribal education department. As a result of its success with the Rosebud Sioux Tribe, NARF has started a new project that is funded by the Carnegie Corporation of New York. The project will advance Native American rights in education by emphasizing the legal rights of tribes to control the formal education of tribal members in all types of schools -- federal, state, and tribal.

NARF will seek to "tribalize" formal education through developing tribal education laws and reforming state and national Indian education legislation. Tribal education laws are essential to effective tribal control of education, yet few tribes have such laws. Tribal laws are essential to defining each tribe's education rights and goals. Tribal laws are essential to delineating the forum and process for establishing tribal and non-tribal government-to-government relationships and working agreements on common education issues and goals.

The Need is Evident but Affirmative Steps Must Be Taken

Indian tribes are sovereign governments just as their state and federal counterparts. Many federal reports and some federal and state laws have focused on Indian education problems. Some reports and laws have pointed out the need to increase the role of tribal governments to address the problems. But instead of requiring active tribal government involvement, most federal and state education programs and processes circumvent tribal governments and maintain non-Indian federal and state government control over the intent, goals, approaches, funding, staffing, and curriculum for Indian education. And there are no effective programs to establish tribal education codes or operate tribal education departments.

The three sovereign governments in this country have a major stake in Indian education. Common sense dictates that tribal governments have the most at stake because it is their children, their most precious resource, and their future for perpetuating the tribe. Some progress has been made because of Indian education programs, Indian parent committees, Indian school boards, and tribally-controlled colleges. Some progress has been made through a measured amount of tribal control and input under laws that include the Indian Education Act of 1988, the Indian Self-Determination and Education Assistance Act of 1975, the Elementary and Secondary Act of 1965, and the Impact Aid Laws of 1950.

Conclusion

More direct tribal control is needed, and more direct control is the next logical step for many tribes. Federal reports and recommendations call for partnerships between tribes and state schools, tribal approval of state education plans, and tribal education codes, plans, and standards. Tribal control of education is a fact of life in a small number of tribes and more tribal communities want to assume this control. But tribes have been denied this opportunity and responsibility and have been "out of the loop" for decision-making and accountability. For Indian education to succeed, federal and state governments must allow tribes the opportunity to regain control and make decisions, be accountable, and help shape their children's future and their own future as tribes. NARF intends to ensure that tribes gain the legal control over education that they deserve as sovereign governments and that they must have for Indian education success.

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GOALS OF THE PROJECT - TRIBALIZING
INDIAN EDUCATION

1. To promote sovereign tribal rights and responsibilities in education, including the government-to-government interactions of tribal governments with the state and federal governments;
2. To increase the number of tribal governments that assess their education situation, develop education goals, and exercise sovereign rights through developing and implementing tribal education laws, tribal education standards, and tribal education plans;
3. To increase the number of tribal governments that take more education responsibility, control, and accountability;
4. To assist the federal and state governments in increasing their government-to-government education work with tribal governments and in monitoring that increase within their federal and state agencies and federal and state funded education programs; and,
5. To assist tribes in reforming federal and state Indian education laws and policies and in passing new laws and adopting new policies which enable tribal decision-making, direct funding, block grant funding, set-asides, and other improvements in Indian education.

NOTES

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INDIAN EDUCATION LEGAL SUPPORT PROJECT**

**Draft Materials for
Tribal Governance in Education**

**DRAFT TRIBAL ORDINANCE
ESTABLISHING A TRIBAL EDUCATION COMMITTEE**

WHEREAS: the _____ Tribe is a federally recognized Indian tribe with its own form of self-government; and,

WHEREAS: the _____ is the recognized governing body of the _____ Tribe, with the authority and responsibility to exercise the powers and privileges of self-government pursuant to the Tribal Constitution and other tribal law; and,

WHEREAS: the _____ Tribe is interested in education, has inherent authority over education, and sees formal education as a means to preserve, protect, strengthen, and perpetuate the Tribe; and,

WHEREAS: the _____ Tribe is interested in education, has inherent authority over education, and sees formal education as a means to prepare tribal members for life on and off the Reservation; and,

WHEREAS: the _____ Tribe finds that current achievement levels, graduation rates, attendance rates, and drop out rates for tribal students indicate severe educational problems and thereby threaten their future and the future of the Tribe; and,

WHEREAS: there is no existing comprehensive process for coordinating the resources on the Reservation to monitor and improve formal education systems; and,

WHEREAS: the purpose of this Ordinance is to establish a Tribal Education Committee that will work with all aspects of education to ensure that it is effective, appropriate, and relevant to preparing students for their future, and to assist the Tribe in exercising self-determination and self-government consistent with its heritage; now,

THEREFORE BE IT RESOLVED, that the _____ Tribe hereby establishes a Tribal Education Committee that will assist the Tribal Government in exercising its sovereign rights and responsibility to provide for education that protects tribal members and perpetuates the Tribe.

DRAFT DESCRIPTION AND DUTIES OF A TRIBAL EDUCATION COMMITTEE

The following are some of the duties that might be assigned to a Tribal Education Committee (TEC). All of the listed duties are meant to be suggestive. Tribal officials are encouraged to consider, select, and adopt those that would be appropriate for your Tribe.

The TEC may have _____ members with at least one member being a member of the Tribal Council. The TEC may meet monthly. The TEC may report to and advise the Council through oral or written reports to the Council at least once each _____ months. The Council may give the TEC its initial mission and direction in its chartering ordinance or resolution. That initial mission may focus on the education problems and reasons for tribal governmental action that are described in the ordinance or resolution.

The TEC may be subordinate to the Council. Some tribes might put only Council members or a majority of Council members on the TEC. Other tribes might put only one or two Council members on the TEC. The underlying purpose is to make the TEC a support group for the Council for the special and important issue of education, and to give the TEC a definite link to the Council so that it can operate with an expectation of Council action or support for the TEC's recommendations.

TEC members should have an interest in education and a willingness to serve on the TEC. The TEC may have members who are educators, parents, or school board members. TEC members may have a link to schools or education programs through volunteer or paid work, service on a board or committee, or other related linkage. TEC members may use their interest and expertise to work on tribal education problems while their TEC experience might also help train interested individuals about the Tribe's legislative and administrative governance.

The Council member that serves on the TEC should be a person with an interest in education and a person who has had some experience as a Council member. The Council member serves as a link to and a sounding board for the Council on education issues and matters. But this individual should not try to make or be put in a position of making commitments on behalf of the Council, since such commitments likely require valid action by the Council itself.

The TEC may be advisory to the Council. The TEC may gather and analyze information on education issues, identify overall and specific education problems, consider alternative actions, and recommend options to the Council. The Council may give the TEC full authority to examine education issues, gather facts, develop and plan options, and make recommendations. The Council has the responsibility to decide what action will be taken and to take that action.

The TEC may have monitoring, inquiry, data gathering, analysis, advisory, and recommending functions. The TEC may monitor student performance in the schools, students' preparation for life after participating in school, and schools' willingness to respond to tribally identified education needs. The TEC may recommend education goals and policies to the Council. The TEC may recommend how to coordinate and focus resources on reservation education. The TEC may serve as a liaison with schools for the Council and for parents. The TEC may communicate with tribal and non-tribal entities both on and off the reservation.

The TEC might tackle major issues like recommending tribal education laws and a tribal department of education, or planning and recommending reform and improvement of school systems serving the reservation. The TEC might set and address broad goals such as education standards, developing and devoting tribal resources for education, or integrating the Tribe's unique history, traditions, and values into the formal education processes of all education providers. Or the TEC might deal with specific education areas like making curriculum more relevant to tribal students, training tribal members to be teachers, or reaching working agreements or compacts with non-tribal governments on common education matters such as Impact Aid or Title V funding.

The TEC might begin its data gathering and analysis with information from existing education programs such as Johnson-O'Malley, Title V, and Chapter One. Or the TEC might decide to examine reservation education overall and begin with a reservation-wide needs assessment study. The key is to establish a TEC, define its mission, give it the necessary authority and backing of the Council to carry out its mission, put interested and dedicated people on it, and get it underway.

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**Draft Materials for
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**DRAFT TRIBAL ORDINANCE
ESTABLISHING A TRIBAL EDUCATION DEPARTMENT**

WHEREAS: the _____ Tribe is a federally recognized Indian tribe with its own form of self-government; and,

WHEREAS: the _____ is the recognized governing body of the _____ Tribe, with the authority and responsibility to exercise its powers and privileges of self-government pursuant to the Tribal Constitution and other tribal law; and,

WHEREAS: the _____ Tribe is interested in education, has inherent authority over education, and sees formal education as a means to preserve, protect, strengthen, and perpetuate the Tribe; and,

WHEREAS: the _____ Tribe is interested in education, has inherent authority over education, and sees formal education as a means to prepare tribal members for life on and off the Reservation; and,

WHEREAS: the _____ Tribe finds that current achievement levels, graduation rates, attendance rates, and drop out rates for tribal students indicate severe educational problems and thereby threaten their future and the future of the Tribe; and,

WHEREAS: there is no existing comprehensive process for coordinating the resources on the Reservation to monitor and improve formal education systems; and,

WHEREAS: the purpose of this Ordinance is to establish a Tribal Education Department that will implement the Tribal Council's directions and provide the Council with recommendations on all aspects of education to ensure that it is effective, appropriate, and relevant to preparing students for their future, and to assist the Tribe in exercising self-determination and self-government consistent with its heritage; now,

THEREFORE BE IT RESOLVED, that the _____ Tribe hereby establishes a Tribal Education Department that will serve as the Tribal Government's administrative office through which it will exercise its sovereign rights and responsibility to provide for education that protects tribal members and perpetuates the Tribe.

DRAFT DESCRIPTION AND DUTIES OF A TRIBAL EDUCATION DEPARTMENT

The following are some of the duties that might be assigned to a Tribal Education Department (TED). All of the listed duties are meant to be suggestive. Tribal officials are encouraged to consider, select, and adopt those that would be appropriate for your Tribe.

The Tribal Council may give the TED its initial mission and direction in its chartering ordinance or resolution. The initial mission may focus on the specific education issues, problems, or goals that are described in the ordinance or resolution. The TED may be a function or service of the overall operations of the Tribe. The TED may focus on many of the same education issues, problems, and goals as a Tribal Education Committee (TEC). But where a TEC may analyze and recommend to the Council, typically a TED may implement the Council's directives.

A TED might simply run the Tribe's Johnson O'Malley or higher education scholarship program. The TED might run the Tribe's education programs and prepare education testimony for the Council. Or the TED might manage a major departmental budget made up of federal and tribal revenue, prepare the Tribe's education position on federal legislation, monitor student achievement in the schools, assist schools to rewrite curriculum, and develop inter-governmental agreements to increase student academic performance or to realize other tribal education goals and implement tribal education policies.

The TED may focus on education by identifying and bringing education problems to the Council and by coordinating tribal attention and resources on addressing those problems. The TED staff may work to carry out the Council's direction in the Tribe's own schools and education programs and/or in non-tribal schools and education programs that serve tribal members.

Some tribes might put the TED under an overall tribal administrator or manager. Other tribes might have the TED report directly to the Council or to the Council through a TEC. The underlying point is that the TED may be responsible for implementing the Council's direction in education and carrying out tribal education policy. If the Council sets direction and policy, the TED will carry them out.

The TED may have a varying number of staff members depending on the Tribe's needs and resources. Depending on those needs and resources, the TED might work on a full-time or part-time basis. As part of the tribal administration, the TED may report to and advise the Council or TEC through regular oral or written education reports and through meetings with the Council or TEC which are focused on education and held at least once each _____ months.

The TED should be staffed by people who have both interest and some expertise in tribal education. The TED staff may work on tribal education programs from the inside when dealing with the Johnson O'Malley program, Title V program, Adult Vocational Training, scholarships, and other direct education functions. They may work on tribal education from the outside when dealing with state public schools, non-tribal education programs, private schools, and education agencies of the federal, state, and county governments. They should have good writing and speaking abilities, and an ability and willingness to learn new issues and to establish and keep good records. Many tribes might try to hire staff who already have some link to schools or education programs through children in school, volunteer or paid work in a school or education program, service on an education board or committee, or other related linkage.

Most tribes might hire a Tribal Education Director who has a strong interest, strong expertise, and strong experience in education. The Director might need the ability to bring issues and recommendations to the Council and to serve as a sounding board for how tribal members, educators, tribal schools, tribal education programs, and non-tribal schools and education programs might react to various directives that the Council may consider. In some tribes, the Director might be the only staff member for all tribal education programs such as Johnson O'Malley and scholarships. In some tribes, the Director might administer the tribe's education programs and might also take other education issues to and new directions from the Council. In some tribes, the Director might coordinate all aspects of tribal education while managing no programs directly and might concentrate on implementing Council education directives and the tribe's education code.

To take the Council's direction and play an effective advisory role to the Council, the TED should have, at minimum, monitoring, inquiry, data gathering, analysis, advisory, and recommending functions. The TED might gather, prepare, and analyze information on tribal education issues, identify overall and specific education problems, and develop and recommend alternative actions and options to the Council. The Council might give the TED full authority to look into educational issues, gather facts, develop and plan options, and to recommend. The Council has the responsibility to decide what action will be taken. But the Council might give the TED full authority and support as the TED implements the Council's directives and/or the tribe's education code. If so, the TED should keep the Council informed of its actions and of any problems that it anticipates will result.

The Council might give the TED major issues on which to work such as recommending a tribal education code or plan, or planning and recommending reform and improvement for every reservation school. The Council might direct the TED to focus on specific educational issues or areas such as truancy, curriculum relevancy, and training tribal members to be teachers. Or the Council might direct the TED to focus on designing and reaching agreements with non-tribal governments on Impact Aid or Title V funding issues or other common education matters.

The TED might begin its data gathering, inquiry, and analysis with existing educational programs such as Johnson O'Malley, Title V, and Chapter One education programs. The TED might decide to look at reservation education overall and begin with a reservation-wide education needs assessment study. Or the TED might be directed to establish and implement a tribal education tracking system for tribal students and then to use that system to advocate and assist students and their families.

The TED may recommend to the Council how to coordinate and focus resources on reservation education. The TED should then implement actions and enforce policies that the Council authorizes. The TED may have to communicate directly with tribal and non-tribal education and governmental entities as well as report findings and recommendations to the Council. The TED may ultimately recommend education goals and policies to the Council and the TED should describe the work that must be completed to realize the goals and implement and enforce the policies. For example, the TED may recommend how the tribe can integrate its unique history, traditions, and values into the formal education processes of all education providers to tribal members. And the TED should inform the Council of the work and resources that will be needed to implement these changes. Or if the TED recommends draft working agreements with non-tribal governments on common education issues and goals, it should inform the Council about what resources will be needed to implement the agreements.

The TED may serve as a liaison among the Council, schools, and parents. The TED may work with the schools and parents to analyze reports that monitor student performance in the schools. The TED may work with schools, parents, students, colleges, and employers to monitor tribal students' preparation for life after participating in school. The TED may work with the schools, parents, and community members to monitor the schools' willingness to respond to tribally identified education needs.

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**DRAFT JOB DESCRIPTION
FOR A TRIBAL EDUCATION DIRECTOR**

The Tribal Education Director likely is the key tribal employee for education. The Director's job may be to run the Tribe's contract education programs such as Johnson O'Malley or higher education and Adult Vocational scholarships. Or the Director may be given full power and authority to administer and enforce all aspects of comprehensive tribal education policies and laws.

The following tasks are some of the duties that might be assigned to a Tribal Education Director. No Director likely would have all the duties. Tribal officials are encouraged to consider, select, and adopt those that would be appropriate for your Tribe.

1. Administer (or coordinate the administration of) the Tribe's Johnson O'Malley, Title V, Adult Education, and scholarship programs.
2. Directly assist and advocate for tribal students of all ages and their families as they interact with schools and other education programs and entities.
3. Prepare reports and issue papers that present education problems and progress descriptions for the Tribal Council. Meet regularly with the Council, discuss the reports and issues, answer questions, make recommendations, and describe the work needed to implement Council directives.
4. Organize and conduct meetings on tribal education issues, prepare meeting reports, complete follow up actions, and present findings and results to the Council.
5. Establish and maintain a tribal student file and records system that will include or be expanded into an automated student tracking system.
6. Identify key state and federal education issues that affect tribal students, draft testimony or position statements for the Tribe on such issues, and submit and/or present the testimony or position statements at public hearings or forums on education as directed by the Council.
7. Develop an Education Network that will assist the Tribe to identify and review education problems and issues and to develop options and plans for addressing the problems and issues.

8. Gather, compile, and analyze data from schools and other education programs and entities for preparing an Annual Tribal Education Report.
9. Write an Annual Tribal Education Report and present it to the Council. Include major sections that present education data as well as analysis and recommendation sections. Develop and implement a system to update the Report each year.
10. Use data from schools and education programs and entities and the Annual Tribal Education Report to present to the Council as documentation of education problems and issues.
11. Work with the Council and the Tribal Education Committee as the governing and oversight bodies for the Tribe's education programs and the Tribal Education Department.
12. Work with tribal and non-tribal schools and education programs and the governing bodies for these schools and programs, such as state public school boards, in an advocacy role for tribal parents and students, in a liaison role for the Tribe, in an assistance role in training teachers or improving curriculum, and in a monitoring and enforcement role for the Council.
13. Establish and maintain accurate and complete files and records with education information from schools and education programs, from the Council, and from the work of the Tribal Education Department.
14. Communicate the Tribe's education goals to school boards, the governing bodies of other education programs and entities, educators, and other governmental agencies.
15. Coordinate the services and activities of all tribal programs on tribal education problems and issues.
16. Develop tribal curricula, tribal education standards, and/or tribal teacher training course work.
17. Evaluate school and education program compliance with the Tribal Education Code through assessments of curricula, education standards, policies, and teacher certification requirements.
18. Review and evaluate school and education program budget estimates and program plans (*e.g.*, for Impact Aid funding), develop tribal testimony or position statements related to these budgets and plans for review by the Council, and present or submit the testimony or statements after Council approval.
19. Prepare and present the Tribal Education Department and/or tribal education budgets to the Council, manage and monitor spending in relation to the budgets, and work with tribal administration on any needed revisions.

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DRAFT PLAN FOR
A TRIBAL EDUCATION COMMITTEE

The following plan presents tasks that might be used to establish and operate a Tribal Education Committee (TEC). All of the listed tasks are meant to be suggestive for a TEC that, for example, is charged with overseeing the operations of tribal education programs, identifying tribal education goals and priorities, and presenting tribal education goals and priorities to non-tribal groups that provide education services to tribal students. This plan could also be changed and adapted for use in planning a Tribal Education Department that operates with a relatively small budget on the same type of tasks. Tribal officials are encouraged to consider, select, and adopt those tasks that would be appropriate for your Tribe.

1. Draft mission and plan for TEC. Gain Tribal Council approval. Gather names to present to Council for review and selection as initial TEC members. Meet with potential members to determine their interest and review the mission and plan of the TEC.
2. Review names with Council and select TEC members. Bring members to Council meeting to review TEC mission and authority, and to discuss TEC relationship with Council.
3. Develop monthly meeting schedule for TEC. Conduct first meetings. By end of third meeting, develop and agree on first year TEC plan and priorities that include regular reporting to the Council. Review year one TEC plan and priorities with Council.
4. Get and review copies of current plans, objectives, and budgets for tribal education programs. Meet with education program staff and agree on oversight procedures, proposal/report review procedures and time frames, and procedures for notifying the TEC of special problems or situations needing quick TEC attention.
5. Identify and contact key individuals who will supply education information, identify and review education issues, and will serve as a sounding board for TEC issues and ideas.
6. Conduct and compile tribal education needs assessment using education reports and data from schools and other education programs and entities, and surveys of parents, community members, Council members, and educators. Include hard data with student performance measures in the data gathering plans covering student grades, test scores,

attendance rates, matriculation and graduation rates, and activity participation rates.

- a. Develop needs assessment data gathering instruments.
 - b. Identify all schools and education programs and entities on/near the tribal community and key administrators and/or elected officials for each.
 - c. Identify all tribal education and non-education programs that may have data or that should be included in surveys.
 - d. Gather, compile, and analyze data.
 - e. Present findings to and review with the Council.
 - f. Have Council identify priority areas and problems.
 - g. Present findings and priorities back to school boards and governing bodies of other education programs and entities.
7. Review Council priorities with key contact individuals and community members and gain their views and insights. Draft tribal education goals based on the priorities, review draft goals with Council, and explain the impact of the goals on current tribal and non-tribal schools and education programs. Gain Council approval or revision and approval of the goals.
8. Develop materials to use in explaining tribal education goals and priorities to schools, education programs, and state and federal education agencies.
9. Meet with school boards, governing bodies of other education programs and entities, and state and federal education agencies.
- a. Explain and discuss tribal education priorities and goals.
 - b. Determine how these tribal education priorities and goals support or conflict with existing situations in schools and programs or their rules and policies.
 - c. Begin developing options for cooperative efforts between the tribe and non-tribal programs and agencies tied to increasing education achievement by and success of tribal students.
10. Keep the Council informed of tribal and non-tribal reaction to implementing the tribal education goals and to addressing the Council's education priorities. Identify and develop strategies for overcoming any obstacles.
11. Monitor tribal education problems and progress. Develop any needed revisions in program objectives and plans and implement the revisions at appropriate points (*e.g.*,

- immediately, through a prior approval process, in a new or continuation proposal, *etc.*). Assist programs to overcome any problems and to document all progress in student achievement.
12. Meet with non-education tribal programs such as law enforcement, tribal court, and social services. Discuss the need for assisting schools in addressing tribal education needs and problems. Develop strategies and plans for coordinating tribal resources on addressing the needs and problems (*e.g.*, truancy, child welfare, *etc.*).
 13. Identify and gather materials on tribal history, language, culture, and values. Meet with educators and school officials to review the materials and discuss the value of using them in schools and education programs. Jointly develop strategies and plans for integrating into formal education processes in classes and through teacher training.
 14. Meet with administrators from Head Start, Early Childhood, and K-12 programs to review exit or outcome expectations at each grade level. Match entry and exit from program to program and from grade to grade. Look at any grade levels where tribal student performance levels stay flat or drop and determine if there is any exit/entry mismatch in the knowledge and skill expectations. Develop plans for making curricula and method changes to address these problems.
 15. Review school district and education program plans and budgets. Monitor and review state and federal education legislation, policy, and program changes. Participate in planning sessions on these processes. Draft tribal education testimony and position statements, review with and gain Council approval, and present in hearings or as written submittals.
 16. Update tribal education needs assessment using education reports and data from schools and other education programs and entities, and surveys of parents, community members, Council members, and educators. Include updated student performance measures covering student grades, test scores, attendance rates, matriculation and graduation rates, and activity participation rates.
 - a. Update needs assessment data gathering instruments.
 - b. Gather, compile, and analyze data in comparison to year one.
 - c. Present findings to and review with the Council.
 - d. Have Council identify priority areas and problems.
 - e. Present findings and priorities back to school boards and governing bodies of other education programs and entities.
 17. Meet with the Council and review progress and problems. Plan the priorities for the next year based upon the review, the updated needs assessment data, and Council directives.

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DRAFT PLAN FOR ESTABLISHING AND OPERATING
A MAJOR TRIBAL EDUCATION DEPARTMENT

The following plan presents tasks that might be used to establish and operate a major Tribal Education Department (TED). All of the listed tasks are meant to be suggestive for a TED that, for example, is charged with developing and implementing a comprehensive Tribal Education Code. The plan includes additional objectives to establish a Tribal Education Network, increase hiring of Indian educators, improve school curricula, develop and distribute an Annual Tribal Education Report, and establish tribal coursework that is approved for teacher recertification. This plan is based on actual tasks that were projected, scheduled, and completed by a successful TED. Tribal officials are encouraged to consider, select, and adopt those tasks that would be appropriate for your Tribe.

YEAR ONE

1. Draft work operations plan and plan/budget for funding for TED. Gain approval of Tribal Council. Hire and orient Tribal Education Director and Secretary/Assistant.
2. Establish Tribal Education Network for use in gathering education information, identifying and reviewing education issues, and monitoring education problems and progress.
3. Conduct and compile tribal education needs assessment using education reports and data from schools and other education programs and entities, and surveys of parents, community members, Tribal Council members, and educators. Include hard data with student performance measures in the data gathering plans covering student grades, test scores, attendance rates, matriculation and graduation rates, and activity participation rates.
 - a. Develop needs assessment data gathering instruments.
 - b. Identify all schools and education programs or entities on/near the tribal community and key administrators and/or elected officials for each.
 - c. Identify all tribal education and non-education programs that may have data or that should be included in surveys.
 - d. Gather, compile, and analyze data.
 - e. Present findings to and review with the Council.

- f. Have Council identify priority areas and problems.
 - g. Present findings and priorities back to school boards and governing bodies of other education programs and entities.
4. Get and review copies of education codes from other tribes.
 5. Develop materials to use in explaining key points that could be put into a Tribal Education Code tailored to problems and issues identified in the tribal education needs assessment.
 6. Draft a Tribal Education Code and review with the Council and/or Tribal Education Committee (TEC).
 7. Develop materials to use in explaining key points of draft education code and TED (*e.g.*, charts, one-page handouts).
 8. Develop format for Annual Tribal Education Report, review with Network, and set up TED recordkeeping and reporting system.
 9. Gather data for Annual Report and conduct Network meetings for input and consensus on draft Code.
 10. Meet regularly with TEC to review progress and problems in preparing Annual Report and gaining input and consensus on draft Code.
 11. Compile data for Annual Report and compile input for revising the draft Code.
 12. Begin meetings with school boards to gain support and a cooperative agreement for implementing the Code.
 13. Prepare the first Annual Report and review the revised draft Code.

YEAR TWO

14. Update education needs assessment using year one process. Compile needs data and compare to goals in draft Code. Prepare one page fact sheet to use in public hearings on the draft Code and other presentations or testimony about the role of the TED and tribal education goals.
15. Review the draft Code with the TEC and/or Council, make revisions, and develop the public hearing schedule.
16. Hold public hearings on the draft Code chaired by the TEC or the Council and gather input for revising the Code.

17. Work with tribal attorneys to revise the Code, prepare a legislative report of the TEC on the Code, and determine strategy for apprising the state and federal governments of the Code and any issues that affect them.
18. Complete final TEC and Council review of revised draft Code and gain Council's formal approval/enactment of Code.
19. Meet with TEC and Council regarding implementation of the approved/enacted Code; gain directives and priorities from TEC about the phase-in for implementing the Code and about the Code areas that should be addressed first.
20. Continue the Network meetings for consensus and support and initiate parent training; continue meetings with school boards to implement the Code.
21. Begin initial Code implementation through:
 - a. education data gathering with the schools and other education programs and entities;
 - b. coordinating tribal services for schools and other education programs and entities;
 - c. increased Indian hiring; and,
 - d. review of existing school curricula and standards.
22. Document TED implementation activities and results.
23. Report progress to TEC and Council on implementing the Code and preparing the second Annual Report.
24. Assist schools and other education programs and entities through liaison and coordination with tribal agencies; complete data gathering and curricula review.
25. Compile and analyze education data for second year Annual Report, analyze implementation documentation for Report and for review of Code, and analyze TED documentation for planning future operations, staffing, and budgets.
26. Prepare the second year Annual Report and present to TEC and Council; gain direction regarding Report and Code implementation; gain directives and priorities about continuing the Code implementation phase in and about the next Code areas that should be prioritized.

Continuing Tribal Education Department Activities

1. Fill any TED staffing vacancies, as necessary, through regular tribal personnel procedures.

2. Continue education liaison work with state, federal, and tribal agencies, and other education groups.
3. Continue regular Code implementation through responding to requests and questions from community members, administrators, parents, teachers, the state, and the Council.
4. Continue regular Code implementation through needs assessments and Annual Report data gathering with the schools and other education programs and entities. Produce the Annual Report using the following steps - Data gathering, Compilation, Analysis, Findings/Recommendations, Draft, Review, Final, Printing, and Distribution.
5. Continue regular Code implementation through coordinating tribal services for schools and other education programs and entities.
6. Continue regular Code implementation through reviewing school/school district and education program budgets, policies, and plans.
7. Document regular Code implementation activities and results through Annual Report data gathering and publication, TED files and records, and the systems for student tracking and curriculum development.
8. Develop and present plan to assist schools in specialized teacher training. Gain Council and college letters supporting TED work on tribal courses and for teacher certification and recertification.
9. Continue developmental Code implementation through working with a college or university to include tribal courses in teacher certification and recertification and to develop recertification capabilities through the TED.
10. Continue developmental Code implementation by assisting schools and other education programs and entities to increase staff capabilities through in-service training on Code and on curricula development.
11. Continue developmental Code implementation through assisting with tribal curricula development and with reviewing and revising curricula of schools and education programs.
12. Continue developmental Code implementation by assisting schools and other education programs and entities to increase Indian hiring through TED letters to and contacts with specific college/university teacher training programs.
13. Assist schools and other education programs and entities through liaison and coordination with tribal programs and services.
14. Assist any reservation schools and education programs or entities that need help in data reporting or in responding to the Code.

15. Meet with the Network and local education groups to gain regular input and consensus on tribal education issues and on implementing the Code.
16. Meet regularly with the TEC or Council to review progress and problems in curricula development, teacher recertification, tribal education standards, and other aspects of implementing the Code.
17. Continue meetings and activities with school boards to maintain support and cooperative agreements on matters such as Impact Aid and ISEP testimony, educational alternatives, teacher recertification, tribal curricula, and other aspects of implementing the Code.
18. Increase meetings and activities with school boards and education programs to increase support and cooperative agreements on basic educational operations, special programs, teacher recertification, tribal curricula, and other aspects of implementing the Code.
19. Receive annual Council or TEC directives and priorities for the next year, prepare annual budget to operate TED with sufficient staffing and resources to implement any new priorities. Gain Council and/or TEC support.
20. Compile, prepare, and publish the Annual Report.
21. Present the Annual Report to the TEC and Council and highlight key areas for TEC/Council attention or concern including Code compliance.
22. Distribute the Annual Report through the Network and to outside entities.
23. Continue Network meetings for consensus and support and the meetings with school boards to implement the Code.
24. Continue Code implementation through:
 - a. education data gathering;
 - b. increased Indian hiring;
 - c. coordinating tribal and non-tribal services for education institutions; and,
 - d. curriculum and standards review/improvement recommendations.
25. Begin new Code implementation activities in areas identified by the TEC or Council (*e.g.*, federal funding for TEDs, substance abuse education, increasing parental involvement). Document all TED implementation activities and results.

NOTES

THE NATIVE AMERICAN RIGHTS FUND
INDIAN EDUCATION LEGAL SUPPORT PROJECT

Draft Materials for
Tribal Governance in Education

DRAFT EDUCATION WORKING AGREEMENT
BETWEEN A TRIBE AND A STATE PUBLIC SCHOOL DISTRICT

Inter-governmental agreements may be established to show the intent of a Tribe and a non-tribal government or governmental entity to work together to address common problems or concerns. Such agreements typically describe the intent and the process that will be used in addressing the problems or concerns.

The following draft agreement is offered as model or guide of an agreement between a tribe and a state public school district that addresses education problems and seeks to improve the academic performance of tribal students.

Readers will see that the draft agreement has four separate articles. Article II has two options, Option A and Option B. Article II suggests some actual activities that the two governments might agree to complete. Article II, Option A concentrates on identifying and addressing specific educational problems of tribal students. Article II, Option B concentrates on making school district changes that might bring the school district into compliance with a Tribal Education Code.

This draft agreement is meant to be suggestive. Tribal officials are encouraged to consider, select, and adopt those provisions or ideas that would be appropriate for your Tribe.

Inter-governmental Education Agreement

This Agreement is entered into by the _____ Tribe (hereinafter referred to as the "Tribe") and the NAME OF STATE PUBLIC SCHOOL DISTRICT (hereinafter referred to as the "District"). This Agreement states the intent of the Tribe and the District to work together to address education problems that are encountered by tribal students and to improve the academic performance of those students as they participate in the District's programs. The Tribe and the District agree that the terms of this Agreement shall be followed in light of their respective educational responsibilities and legal commitments to tribal students.

ARTICLE I

- A. The Tribe designates the NAME OF TRIBAL OFFICE to serve as the Tribe's main administrative office for this Agreement. The Tribal Council has given this office the authority to carry out the functions that are required of the Tribe under this Agreement.

- B. The District designates the NAME OF DISTRICT OFFICE to serve as the District's main administrative office for this Agreement. The NAME OF DISTRICT'S GOVERNMENT has given this office the authority to carry out the functions that are required of the District under this Agreement.

ARTICLE II - Option A

The Tribe and the District shall work together to address education problems and increase the academic achievement of tribal students. In accordance with this Agreement, the Tribe and the District will:

- A. use district records and data to identify and develop a written presentation of the current educational participation and performance rates of tribal students in the District's programs as compared to District averages. Such data and rates shall include but not be limited to tribal students'
1. attendance rates, drop-out rates, and transfer rates,
 2. matriculation rates per grade and graduation rates, per school,
 3. report card grade averages per grade, per school,
 4. standardized test score averages per grade, per school, and
 5. average rates for mastering curriculum objectives, learner competencies, or related achievements per grade, per school;
- B. review these data in a joint session with the Tribal Council and District governing body and document their views on problems and needs;
- C. review these data in a joint session with tribal parents and community members and District staff and document their views on problems and needs;
- D. jointly develop a written plan that addresses the identified education problems and needs of tribal students including a schedule for activities by the Tribe and District such as
1. tribal participation in cultural/history/language classes and coordination of tribal resources on major education problems such as poor attendance,
 2. District teacher training, policy revision, student/teacher ratio changes, and curriculum revision and development, and
 3. tribal development of a student tracking system with regular reporting of findings to the Tribal Council and the District;

- E. jointly present the written plan and gain revision or approval from the Tribal Council and the District governing body;
- F. implement the plan with the Tribe's and the District's respective programs;
- G. jointly develop an annual written report that describes the planned activities that were completed and that updates the tribal students' educational participation and performance rates as compared to District averages;
- H. jointly present the annual report to the Tribal Council, District governing body, tribal parents, and District staff; and,
- I. jointly meet and revise or endorse the plan for use in the next school year.

ARTICLE II - Option B

The Tribe and the District shall work together to review a Tribal Education Code and to design and then implement District changes in compliance with the Code. In accordance with this Agreement, the Tribe and the District will:

- A. jointly review the Tribe's Education Code section-by-section and identify changes that the District must make to be in compliance with the Code including changes in
 - 1. courses,
 - 2. policies,
 - 3. instructional methods,
 - 4. staff development methods, and
 - 5. curriculum;
- B. review these needed changes in a joint session with the Tribal Council and the District governing body and document their views on problems and priorities in making the changes;
- C. review these data in a joint session with tribal parents and community members and District staff and document their views on problems and priorities in making these changes;
- D. jointly develop a written plan that addresses the identified changes that are needed including a schedule for activities by the Tribe and District such as

1. tribal participation in assisting the District to design and make changes in cultural/history/language classes and a schedule for the District to complete the changes,
 2. tribal participation in assisting the District to rewrite policy and/or to discuss how the District might implement the policy changes (*e.g.*, how to recruit more Indian teachers) and a schedule for the District to complete the changes,
 3. tribal participation in assisting the District to plan and implement new instructional methods that better meet the needs of tribal students and a schedule for the District to complete the new methods with staff;
 4. tribal participation in assisting the District to plan, schedule, and implement new staff development training and activities that equip staff to better meet the needs of tribal students and to increase their academic achievement,
 5. tribal participation in assisting the District to plan and implement curriculum development and revision and a schedule for the District to complete the work,
 6. tribal assistance to help the District to deal with problems such as truancy where the District staff believe tribal action will help to lessen the problems,
 7. tribal review of District changes and written response to the District that includes suggestions for improvement if any improvements are needed;
- E. jointly present the written plan and gain revision or approval from the Tribal Council and the District governing body;
 - F. implement the plan with the Tribe's and the District's respective programs;
 - G. jointly develop an annual written report that describes the planned activities that were completed and present the annual report to the Tribal Council, the District governing body, tribal parents, and District staff; and,
 - H. jointly meet and revise or endorse the plan for use in the next school year.

ARTICLE III

- A. This Agreement is effective on the date on which it is signed by the Tribe and the District and shall remain in effect until it is terminated by either the Tribe or the District.

- B. If the Tribe decides to designate a different office to complete any of the activities that are planned, the Tribe will notify the District of its intent. The Tribe will not implement the change until it is discussed with the District if the District notifies the Tribe of concerns about the change.
- C. If the District decides to designate a different office to complete any of the activities that are planned, the District will notify the Tribe of its intent. The District will not implement the change until it is discussed with the Tribe if the Tribe notifies the District of concerns about the change.
- D. Either the Tribe or the District may terminate this Agreement by giving written notice to the other party. The notice shall include the effective date and reasons for termination.

ARTICLE IV

The Tribe certifies that the official who signs this Agreement on its behalf is authorized to sign this Agreement, is authorized to agree to the terms of this Agreement, and is authorized to bind the Tribe to the terms of this Agreement.

For the _____ Tribe.

Name _____ Title _____

Date _____

The District certifies that the official who signs this Agreement on its behalf is authorized to sign this Agreement, is authorized to agree to the terms of this Agreement, and is authorized to bind the District to the terms of this Agreement.

For the _____ District.

Name _____ Title _____

Date _____

