

**The National Advisory Council on Indian Education**  
**ANNUAL REPORT 2007-2008**

**I. Legislative Authority and Functions**

The National Advisory Council on Indian Education is authorized by section 7141 of the Elementary and Secondary Education Act of 1965 (ESEA), 20 U.S.C. 7471; and governed by the provisions of the Federal Advisory Committee Act (FACA), 5 U.S.C. App. II.

The Council, whose fifteen members are appointed by the President and serve as Special Government Employees (SGEs), was established with the following purpose and functions: To advise the Secretary of Education (Secretary) concerning the funding and administration (including the development of regulations and administrative policies and practices) of any program, including any program established under Title VII, part A of the ESEA, with respect to which the Secretary has jurisdiction and that includes Indian children or adults as participants or that may benefit Indian children or adults;

To make recommendations to the Secretary for filling the position of Director of the Office of Indian Education (Director) whenever a vacancy occurs; and

In accordance with Executive Order 13336 (EO) on American Indian and Alaska Native Education, Section 2(b), the Interagency Working Group may consult with the members of the Council for the purpose of obtaining information and advice concerning American Indian and Alaska Native Education.

The Secretary of Education swore in thirteen of the present Council members on April 30, 2004 (one member has since resigned due to an employment conflict). The Office of Indian Education (OIE) has been working with the White House Office of Presidential Personnel, to fill vacancies. The Assistant Secretary for Elementary and Secondary Education swore in two new members on May 22, 2006. 2

**II. Activities and Accomplishments**

The Council conducted three meetings during the 2007-2008 year: a closed teleconference meeting on Thursday, November 15, 2007, from 1:00-3:00 p.m. Eastern Standard Time (EST); an open meeting on February 7, 2008, in Washington, DC; and an open teleconference meeting on May 28, 2008, from 1:00-3:00 p.m. EST.

The Council established quorum (eight members) at each of the above meetings. An OIE contractor, Kauffman & Associates, compiled a summary of the minutes which are available via the OIE web page at [www.ed.gov](http://www.ed.gov).

Indian education programs, legislative information directly related to Council function and activities, and the appointment of the Director have been the primary foci of the meetings. Information relating to accountability and funding, and programmatic efforts and how they fit into the No Child Left Behind (NCLB) legislation with focus on American Indian and Alaska Native students were presented and discussed.

**III. Priorities and Recommendations**

As a result of discussions and information presented to the Council during the 2007-2008 reporting year (July 1, 2007-June 30, 2008), the Council has established the following priorities and recommendations:

### **1. Centralization of Indian-related programs administered by the Department of Education within the Office of Indian Education.**

**Rationale:** The mission of the Office of Indian Education is to support the efforts of local educational agencies, Indian tribes and organizations, postsecondary institutions, and other entities to meet the unique educational and culturally related academic needs of American Indians and Alaska Natives so that these students can achieve to the same challenging state standards as all students.

The No Child Left Behind legislation amends the Indian education programs as Title VII, Part A of the Elementary and Secondary Education Act. This landmark in education reform embodies four key principles: stronger accountability for results; greater flexibility in the use of federal funds; more choices for parents of children from disadvantaged backgrounds; and an emphasis on research-based instruction that works.

Programs that target AI/AN students are scattered throughout Department of Education programs. NACIE recommends that all Indian programs not currently administered through OIE be re-directed to OIE. The OIE is aware of tribal management, culturally related academic needs of American Indian and Alaska Natives (AI/AN) and so would be better able to manage and assure that the grants benefit AI/AN students.

Currently, all Indian education questions are forwarded to the Office of Indian Education. Sometimes the questions are in reference to programs that are not within, or administered by OIE. Furthermore, there is frequent overlap and similar issues between OIE programming and the Bureau of Indian Education (BIE) programming.

**Recommendation:** To improve communication and consistency, provide greater access to programs, and to foster partnerships and collaboration, NACIE recommends the Department of Education centralize all Indian-related programs administered by the Department within the Office of Indian Education.

### **2. National Activities and Research and Dissemination of Indian Education Results**

**Rationale:** AI/AN students are included in the process of data collection in education studies conducted by the National Center for Education Statistics, specifically through the National Indian Education Studies. However, this data does not necessarily reflect AI/AN data in subgroup reports.

**Recommendation:** In addition to the separate reports on AI/AN students, NACIE recommends the Department of Education publications should report data on AI/AN in the same way data is reported on other subgroup populations.

The National Indian Education Study is a welcome and necessary addition to the Department of Education research activities. However, longitudinal studies are not currently available. It would be helpful to collect and analyze data over time for the purpose of examining trends and program impact.

**Recommendation:** NACIE recommends the Department of Education add a longitudinal study using NIES data for the purpose of examining trends and program impact

**Rationale:** AI/AN students should be graduating from high school at a rate equal to or greater than other populations. Some states are reporting graduating less than 25% of the Native population (cite source). Compounding this issue is the fact that there is no consistency between how states report this data.

**Recommendation:** NACIE recommends the Department of Education strengthen its efforts to standardize how states report this data.

**Rationale:** As a result of Executive Order 13175 (November 20, 2000) all Federal Agencies, including the U.S. Department of Education, were required to develop a tribal consultation plan. These plans were mandated for the purpose of obtaining and disseminating information and seeking advice concerning American Indian and Alaska Native education. The consultation process was established as a process that would lead to information exchange, respectful dialogue, mutual understanding, and informed decision making. The U.S. Department of Education approved its consultation plan in December 2001. However, NACIE feels that the plan has not been adequately implemented as mandated by Executive Order 13175 and Executive Order 13336.

**Recommendation:** NACIE recommends the Department of Education establish a regular consultation schedule that enables DOE to consult with Indian tribes prior to taking any actions that may significantly or uniquely affect them and fosters improved communication with tribal governments to respond effectively to tribal education concerns.

### **3. Higher Education**

**Rationale:** The NACIE Higher Education subcommittee consisted of Council members who work directly with Tribal Colleges and Universities (TCUs). The following recommendations are representative of their research and discussions on TCU initiatives with regard to AI/AN students.

**Recommendation:** NACIE recommends that the Department of Education support the following changes that are included in the Higher Education Act (HEA) reauthorization bills as passed by the House and Senate:

1. Adjustment of the institutional operations funding authority in order to increase the per Indian student funding level to “\$8,000 adjusted annually for inflation.”
2. Adoption of a new Title V to the Tribally Controlled College or University Assistance Act, reauthorized in conjunction with HEA, in order to authorize institutional operations funding for the two Tribally Controlled Postsecondary Career and Technical Institutions, namely: Navajo Technical College and United Tribes Technical College

**Recommendation:** NACIE recommends that the Department of Education support establishing forward funding for Titles I and II (and Title V if enacted) of the Tribally Controlled College or University Assistance Act.

**Recommendation:** NACIE recommends that the Department of Education continue to support formula funding for the TCUs Title III-A Developing Institutions grants, and support the continuation of the 1-year competitive construction grants program, as included in the HEA as passed by the House and Senate.

**Recommendation:** NACIE recommends that the Department of Education support the creation of new sections under Title III-A for TCUs targeting universal areas of need, including:

1. Student Support Services programs;
2. Offices of Sponsored Programs;
3. Native Language and Culture Revitalization; and
4. Science, Technology, Engineering, and Math Programs.

**Rationale:** Public Law 109-54, Sec. 110, (b) states “For fiscal year 2007 and each succeeding fiscal year, the Bureau of Indian Affairs shall use the postsecondary funding formula adopted by the Office of Indian Education Programs based on the needs of the Southwest Indian Polytechnic Institute and Haskell Indian Nations University to justify the amounts submitted as part of the budget request of the Department of the Interior.” An historical comparison of Interior funding requests indicates this formula is not being used to calculate funding for these two institutions.

**Recommendation:** NACIE recommends the Secretary of Education enter into a discussion with the Secretary of the Interior on the consistency and appropriateness of the current funding formulas used for Tribal Colleges and Universities.

#### **4. Collaboration and Partnerships**

**Rationale:** Leaders in Indian education have repeatedly underscored the value and importance of collaboration and partnerships between Indian education organizations (schools, state education departments, tribal colleges, local education agencies, Office of Indian Education, Bureau of Indian Education, Tribal Education Departments, etc.).

**Recommendation:** NACIE recommends the Department of Education continue to support these collaborations such as the National Conference on Indian Education and further support these collaborations through efforts to lower the cost of attendance for participants.

**Rationale:** OIE and BIE provide essential programming for Indian education. Often programming overlaps. It is important for OIE and BIE to have a strong working relationship to provide the best programming for education for Indian people while maximizing funding.

**Recommendation:** NACIE recommends that efforts are made to strengthen the relationship between OIE and BIE. The two departments should meet and consult to improve the working relationship.

**Recommendation:** NACIE recommends the Department of Education establish comprehensive centers to provide technical support and services to districts and local education agencies with Title VII programs.

#### **5. Reauthorization of the No Child Left Behind Legislation**

**Rationale:** NACIE has reviewed documentation provided from sources including but not limited to: the Department of Education’s Blueprint for strengthening the No Child Left Behind Act; the National Indian Education Association’s proposed amendments to the Elementary and Secondary Education Act; the National Education Association’s top legislative priorities for ESEA; Letter to NACIE from Tribal Education Departments National Assembly dated April 12, 2007. Based on these documents, input from Indian educators, and NACIE discussions, the following recommendations have been developed.

**Recommendation:** NACIE recommends that the Secretary seek legislative authority to allow monies from one fiscal year to be carried over for up to 12-months for Title VII – Indian Education.

**Recommendation:** NACIE recommends that local, tribal, state, and federal entities continue to collaborate and communicate on issues directly related to the education of AI/AN children as stated in the Executive Order 13336 to discuss the work plan outlined in the Conference Report from the April 6-7, 2005 National Indian Education conference and to improve joint educational programming.

#### **6. NACIE's Roles and Responsibilities**

A primary purpose and function of NACIE is “to advise the Secretary of Education concerning the funding and administration (including the development of regulations and administrative policies and practices) of any program, including any program established under Title VII, Part A of the ESEA, with respect to which the Secretary has jurisdiction and that includes Indian children or adults as participants or that may benefit Indian children or adults.”

**Recommendation:** To fulfill this purpose and function NACIE recommends the Department of Education expand the role of NACIE to include ex officio membership and participation on federal committees (National Center for Educational Statistics, etc.) and organizations (Tribal Education Departments for National Assembly, National Indian Education Association, etc.).

**Recommendation:** NACIE recommends OIE further develop the [www.indianeducation.org](http://www.indianeducation.org) website to include NACIE member information (biographies, photographs), the NACIE charter, future NACIE meetings, NACIE meeting minutes, and an option for unofficial public comment. NACIE respectfully requests a response to these recommendations from the Secretary and Congress by October 31, 2008.

**Disclaimer:** The Council is a Federal Advisory Committee created by Congress. The Council provides advice to the Secretary of the U.S. Department of Education concerning the funding and administration of any program, including any program established under Title VII, Part A of the Elementary and Secondary Education Act of 1965, with respect to which the Secretary has jurisdiction and that includes American Indian and Alaska Native (AI/AN) children or adults as participants or that may benefit AI/AN children or adults. The Council also submits an annual report to Congress not later than June 30 on its activities and may include any recommendations that the Council considers appropriate for the improvement of Federal education programs that AI/AN children or adults. The findings and recommendations of the Council do not represent the views of the U.S. Department of Education.

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