



February 2, 2015

The Honorable Lamar Alexander, Chairman  
 Committee on Health, Education, Labor and  
 Pensions  
 United States Senate  
 428 Senate Dirksen Office Building  
 Washington, DC 20510

The Honorable Patty Murray, Ranking Member  
 Committee on Health, Education, Labor and  
 Pensions  
 United States Senate  
 428 Senate Dirksen Office Building  
 Washington, DC 20510

*Re: Strengthen Tribal Self-Determination in the Elementary and Secondary Education Act*

Dear Chairman Alexander and Ranking Member Murray:

On behalf of the undersigned tribes and organizations, we respectfully request that you support the federal trust responsibility and the fair treatment of Native students within the Elementary and Secondary Education Act (ESEA) reauthorization. By including the draft language proposals prescribed in the enclosed documents, Congress will maintain critical principles of accountability, equity, and excellence, strengthen tribal sovereignty, and provide Native language immersion opportunities through tribal delivery of education resources.

During the State of the Union Address, the President rightfully celebrated the nation's all-time high graduation rates among high school students. Unfortunately, the graduation rates and academic successes are not

representative of many Native communities. No Child Left Behind (NCLB) – the current iteration of the ESEA – has done little to address the longstanding challenges affecting Native students. Over the past decade, Native students continue to trail their peers in reading and mathematics (grades four and eight).<sup>i</sup> Nationwide, our students face some of the lowest high school graduation rates with even fewer students graduating from college.<sup>ii</sup> Native education is in a state of emergency and tribes have long awaited the opportunity to partner with Congress to take bold action that will significantly improve the education systems serving Native communities.

While we applaud the Senate discussion draft for putting emphasis on reforming NCLB, we respectfully request that legislation ensure state and local educational agencies partner and consult with tribes as they increase their capacity to deliver education programs and close the achievement gaps facing Native students. We look forward to working with this Committee to incorporate language that provides tribes the ability to administer education resources by strengthening tribal sovereignty. As such, the federal government should work directly with tribes to develop their capacity to administer ESEA title programs to schools that are serving Native students and are located on tribal lands. Tribal leaders and their tribal education agencies understand their children best and can more efficiently and effectively address Native students' unique cultural and educational needs.

Similarly, we respectfully request that the Committee strengthens local and state administration of education services when working with tribes. This should be accomplished by ensuring federal accountability systems continue measuring and disaggregating Native student data. Annual, statewide assessments for all students (in grades 3-8 and at least once in high school) should also be maintained with states setting annual district and school targets for increasing grade-level achievement and high school graduation rates focused on closing achievement gaps for all students. These targets should likewise include accelerated progress for subgroups (each major racial and ethnic group, Native students, students with disabilities, English language learners, and students from low-income families) and rate schools and districts on how well they meet such targets. And, when student subgroups, such as Native students consistently miss performance targets, federal law should require schools and districts to intervene.

Over the last several decades, Congress has shown robust, bi-partisan support for Native education legislation. Some key examples include the Esther Martinez Native American Languages Act, the Native American Code Talker Recognition Act, the Indian Education Act, and the Tribally Controlled Schools Act. In response to a long history of devastating federal policy that stripped tribes of any control or ability to participate in the education of their children, these Acts of Congress celebrate the patriotic contributions of Native people. They also substantiate a policy of sovereignty and tribal self-determination in delivering cultural and linguistic education models and are precedence for similarly reforming the ESEA.

In this vein, we commend the U.S. Senate for moving forward the ESEA reauthorization. However, we ask that you honor our tribes, Native communities, and the rich history of Native education legislation by fairly providing equal educational opportunities to our students. It is critical that legislation not only protects the elements of NCLB aimed at closing the achievement gaps between all students, but also strengthens the historical precedence and intention of Native legislation by providing tribes the ability to directly deliver education services, such as language immersion programs, to schools on their land.

### **Tribal Self-Determination Proposal**

- Current federal law unfairly prohibits tribal participation in education by excluding tribes and their tribal education agencies from eligibility to receive funds and operate federal ESEA title programs.
- The attached language would authorize tribes to operate ESEA title programs in schools serving Native students that are located on Indian reservations.
- The project authorizes tribes to receive ESEA title funding—not other sources of state or local funding—for education purposes.
- No entities or states have opposed the project.

## Language Immersion Education Proposal

- The ESEA reauthorization should include language that strengthens tribal sovereignty by amending Title VII to create a program that supports Native language immersion schools and provides Native students fair and equal access to learning their cultures and languages.
- Including language would protect the cultural and linguistic heritage of Native students in education systems by providing full-day immersion learning that would strengthen their language and improve academic outcomes.

Once again, thank you for your efforts to bring Native children closer to the front of America's agenda as they are this country's most vulnerable population. We respectfully urge you to support the fair treatment of Native students and communities by upholding the federal government's trust responsibility and accountability measures. Through your assistance, we hope to strengthen the ESEA reauthorization by increasing the success of accountability measures, tribal self-determination in education, and the ability for tribes to directly deliver education programs, such as cultural and language immersion courses.

For more information or inquiries, please contact Clint J. Bowers, NIEA Policy Associate, at [cbowers@niea.org](mailto:cbowers@niea.org).

Sincerely,

Affiliated Tribes of Northwest Indians  
Alaska Federation of Natives  
American Indian Higher Education Consortium  
Cherokee Nation  
Great Lakes Inter-Tribal Council, Inc.  
Inter-Tribal Association of Arizona  
Inter-Tribal Council of California, Inc.  
Midwest Alliance of Sovereign Tribes  
National Congress of American Indians  
National Indian Child Welfare Association  
National Indian Education Association

National Indian Health Board  
Navajo Nation  
Santa Fe Indian School  
Sealaska Heritage Institute  
Self-Governance Communication &  
Education Tribes  
Tribal Education Departments National  
Assembly  
United National Indian Tribal Youth  
United South and Eastern Tribes, Inc.  
United Tribes of Michigan

Cc: The Honorable John Barrasso, Chairman, Senate Committee of Indian Affairs  
The Honorable Jon Tester, Vice-Chairman, Senate Committee of Indian Affairs  
The Honorable John Kline, Chairman, Committee on Education and the Workforce  
The Honorable Robert Scott, Ranking Member, Committee on Education and the Workforce  
The Honorable Tom Cole, Co-Chair, House of Representatives Native American Caucus  
The Honorable Betty McCollum, Co-Chair, House of Representatives Native American Caucus  
The Honorable Arne Duncan, Secretary, U.S. Department of Education  
Jodi Gillette, Senior Policy Advisor for Native American Affairs, The White House  
William Mendoza, Executive Director, White House Initiative on American Indian and Alaska Native Education

Enclosed: 2015 Senate ESEA Tribal Education Agency Proposal  
2015 Language Immersion Program Proposal  
2015 Shared Civil Rights Principles for the Reauthorization of the ESEA

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<sup>i</sup> U.S. Department of Education, Institute of Education Sciences, National Center for Education Statistics, National Assessment of Educational Progress (NAEP), 2005, 2007, and 2009 National Indian Education Studies.

<sup>ii</sup> US Census Bureau, American Community Survey 2005-2009 estimates.