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NIEA RESOLUTION 07-01

TITLE: IN SUPPORT OF AMENDING FERPA TO INCLUDE TREATING TRIBAL EDUCATION OFFICIALS AS EQUALS WITH FEDERAL, STATE, AND LOCAL EDUCATION OFFICIALS IN TERMS OF ACCESS TO PUBLIC SCHOOL STUDENT RECORDS

WHEREAS, The National Indian Education Association (NIEA) was established in 1969 for the purpose of advocating, planning, and promoting the unique and special educational needs of American Indians, Alaska Natives, and Native Hawaiians; and

WHEREAS, NIEA as the largest national Indian organization of American Indian, Alaska Native, and Native Hawaiian educators, administrators, parents, and students in the United States, provides a forum to discuss and act upon issues affecting the education of Indian and Native people; and

WHEREAS, through its unique relationship with Indian nations and tribes, the federal government has established programs and resources to meet the educational needs of American Indians, Alaska Natives, and Native Hawaiians, residing on and off their reserved or non-reserved homelands; and

WHEREAS, the Family Educational Rights and Privacy Act (FERPA) of 1974, Title V, Sec. 513 of Public Law No. 93-380, currently codified at 20 U.S.C. Sec. 1232g, generally allows federal, state, and local education officials access to student and other records kept by state public schools without the advance consent of parents or students, but FERPA does not expressly mention tribal education officials; and

WHEREAS, Ninety percent (90%) of tribal elementary and secondary students attend state public schools, and tribal education officials need basic access to their records for the same reasons that federal, state, and local education officials have basic access to such records – to monitor, assess, and improve the progress of students and the schools and programs that serve the students; and

WHEREAS, Equalizing tribal education officials with federal, state, and local education officials for purposes of FERPA can most easily and efficiently be accomplished by amending FERPA to mention tribal education officials as among the education officials that can access student and other records kept by state public schools without the advance consent of parents or students;

NOW THEREFORE BE IT RESOLVED THAT THE NATIONAL INDIAN EDUCATION ASSOCIATION hereby supports amending FERPA to include tribal education officials as among the education officials that can access student and other records kept by state public schools without the advance consent of parents or students.