



Indian Education in Arizona, Nevada, and Utah

**A Review of State and National Law,
Board Rules, and Policy Decisions**

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BACKGROUND

The West Comprehensive Center (WCC) is working with the Arizona Department of Education (ADE), the Nevada Department of Education (NDE), and the Utah State Office of Education (USOE) to assist districts and schools that are implementing activities to improve outcomes for Indian students.¹ As a first step, WCC staff reviewed state and national law, board rules, and policy decisions related to Indian education in Arizona, Nevada, and Utah. National and state-based resources were consulted to inform this effort. WCC also identified prominent organizations that are concerned with improving Indian education in each of the states. In addition, interviews were conducted with state education agency lead staff in the area of Indian education. This report represents a summary of what has been learned from these sources. A brief overview of federal laws and pertinent research is provided as background, followed by highlights from state-level reviews and interviews. The appendix contains detailed summaries of state laws, board rules, and other policy decisions that informed this effort, as well as a list of national resources.

NATIONAL CONTEXT

Historical Overview

According to the Native American Rights Fund, the history of federal law in regard to Indian education can be described in terms of three distinct time periods (McCoy, 2000):

- From the **1800s through the 1920s**, federal laws and policies seized control of Indian education, stripping tribes of their authority over education and transferring primary control to the federal government. Beginning as early as 1794, treaties typically stated that the federal government would provide education services to tribes as part of the payment for land ceded by tribes. Treaty provisions on education were largely addressed by the establishment of hundreds of federal boarding and day schools located on and off reservations. The federal government often contracted with Christian denominations to operate the schools.
- From the **1920s until the 1970s**, federal laws and policies transferred control of Indian education from the federal government to the states and their public schools. Many of the changes were prompted by wide distribution of the 1928 Meriam Report, commissioned by the Institute for Government Research. The report harshly criticized many aspects of federal Indian policy, especially the physically and emotionally abusive conditions found at the off-reservation boarding schools. In exchange for educating Indians, states insisted on federal funding, and two types were developed: The Johnson-

¹ With some exceptions related to specific citations, the terms Indian, Native American, American Indian/Alaska Native (AI/AN), and Native Hawaiian are used throughout the text of this report to refer generally to indigenous people of the United States.

O'Malley (JOM) Act of 1934 authorized the Secretary of the Interior to contract with states for education of Indian students, and the Impact Aid Law of 1950 authorized federal payments to public schools serving children residing on Indian trust lands exempt from state property taxation. Both funding streams have been periodically updated and reauthorized by Congress and are still used to support Indian education.

- **Since the 1970s**, federal laws and policies have given back to tribes some control for Indian education that was lost through previous laws and policies. Initial change was largely prompted by the 1969 U.S. Senate report *Indian Education: A National Tragedy—A National Challenge*,² which emphasized the high illiteracy and dropout rates of Indian students and the failure of public schools to recognize American Indian/Alaska Native (AI/AN) students' needs and cultures.

Key federal legislation, policies, and initiatives instituted from the 1970s through the present include the following:

- The Indian Education Act (IEA) of 1972 established the Office of Indian Education and the National Advisory Council on Indian Education. It was the only comprehensive federal legislation to address AI/AN education from preschool to graduate-level education. The IEA also authorized a supplemental education formula grant program and several discretionary grant competitions for Indian children and adults. Schools were typically obligated to include some input by parents into the grant programs. In 1974, the IEA was amended to add a teacher training program and a graduate school fellowship program.³
- In 1975, Congress passed the Indian Self-Determination and Education Assistance Act, which authorized the Secretary of the Interior; the Secretary of Health, Education, and Welfare; and several other government agencies to enter into contracts with and make grants to federally recognized Indian tribes to directly administer services and programs formerly operated by the federal government, including certain Indian education programs and Indian schools. The tribes were given some authority to decide how to administer the funds. The Act reversed a 30-year effort by the federal government to sever treaty relationships with and obligations to Indian tribes.⁴
- The Native American Languages Acts of 1990 and 1992 were policy and program laws designed to facilitate the preservation of indigenous languages.⁵
- In October of 1991, the Indian Nations at Risk Task Force under the auspices of the U.S. Department of Education issued a set of 10 National Education Goals for American Indians and Alaska Natives.⁶ The goals were created to guide the improvement of all federal, tribal, private, and public schools serving AI/AN populations.

² <http://eric.ed.gov/?id=ED034625>

³ <http://www2.ed.gov/about/offices/list/oese/oie/history.html>

⁴ <http://www.bia.gov/cs/groups/mywcsp/documents/collection/jdc017334.pdf>

⁵ <http://www2.nau.edu/jar/SIL/NALAct.pdf>

⁶ <http://www2.ed.gov/rschstat/research/pubs/oieresearch/research/natatrisk/report.pdf>

- President Clinton issued Executive Order 13096 on August 6, 1998, to improve the educational achievement and academic progress of AI/AN students. Federal agencies were asked to develop a long-term, comprehensive federal Indian educational policy to address the fragmentation of government services available to these students. In addition, the Department of Education and the Department of the Interior were required to identify a number of Bureau of Indian Affairs schools and public schools to serve as models for schools with AI/AN students.⁷
- In 2001, Congress passed the No Child Left Behind (NCLB) Act, which is the most recent reauthorization of the Elementary and Secondary Education Act (ESEA) of 1965 and contains most of the federal K–12 Indian education programs. NCLB retained and strengthened most of these programs.⁸
- Executive Order 13336, issued on April 30, 2004, by President George W. Bush, established the Interagency Working Group on AI/AN Education to conduct a multiyear study of Indian education with the purposes of improving students’ abilities to meet NCLB standards and enhancing the research capabilities of tribal-level educational institutions.⁹
- In 2006, Congress bolstered the Native American Languages Act of 1992 with the Esther Martinez Native American Languages Preservation Act, which provided three-year grants for several types of Native American language immersion programs.¹⁰
- On December 2, 2011, President Barack Obama signed Executive Order 13592, which established the White House Initiative on American Indian and Alaska Native Education under the U.S. Department of Education. One of the initiative’s objectives is to increase the number and percentage of AI/AN children who enter kindergarten ready for success through improved access to high-quality early learning programs and services, including Native language immersion programs. Another focus is on maintaining, preserving, and restoring Native languages and cultural traditions. The Order is also intended to strengthen the relationship between the U.S. Department of Education and the Bureau of Indian Education at the Department of the Interior. Increasing college access, reducing AI/AN student dropout rates, and providing support for sharing data and conducting research are also prominent features of the Order.¹¹
- The most recent White House Tribal Nations Conference, which included discussions on education with AI/AN leaders, was held in November of 2013. The Administration proposed changes to enhance the role of tribes in the education of their youth and to

⁷ <http://www.gpo.gov/fdsys/pkg/FR-1998-08-11/pdf/98-21643.pdf>

⁸ <http://www2.ed.gov/policy/elsec/leg/esea02/index.html>

⁹ <http://www.gpo.gov/fdsys/pkg/FR-2004-05-05/pdf/04-10377.pdf>

¹⁰ <https://www.govtrack.us/congress/bills/109/hr4766>

¹¹ <http://www.ed.gov/edblogs/whiaiane/executive-order-13592-improving-american-indian-and-alaska-native-educational-opportunities-and-strengthening-tribal-colleges-and-universities/executive-order-13592/>

provide greater flexibility in the use of federal funds to meet the unique needs of their youth.¹²

Summary of Research

Several prominent national studies have explored past and current issues impacting the academic achievement of AI/AN students, as well as promising practices for increasing achievement and engagement. A few of these studies and their key findings are described below.

One of the first comprehensive studies to describe effective interventions for AI/AN and Native Hawaiian students was issued by Northwest Regional Education Laboratory (Demmert & Towner, 2003). This report identified six critical elements associated with academic achievement:

- Recognition and practice of Native languages;
- Pedagogy that emphasizes the traditional cultural characteristics of each community and adult–child interactions as the starting place for education;
- Pedagogy that embraces teaching strategies congruent with the traditional culture while simultaneously incorporating contemporary ways to know and learn, including multiple opportunities to observe, practice, and demonstrate skills;
- Curriculum based on traditional culture that recognizes the importance of Native spirituality while placing the education of young children in a contemporary context, as exemplified by the use and understanding of visual arts, legends, oral histories, and fundamental beliefs of the community;
- Strong and consistent participation by parents, elders, and other community resources in the education of students and the planning and operation of school activities; and
- Knowledge and use of the social and political mores of the community.

Researcher David Beaulieu (2006) considered the attributes of effective culturally based education programs for AI/AN students and urged schools not only to develop cultural and linguistic programming but also to incorporate AI/AN community values for the continued socialization and education of children into adulthood. Beaulieu identified five different types of culturally based education programs and charted the presence of culturally based programs according to the density of the AI/AN population at the school site. Beaulieu’s article concluded with a set of recommendations for integrating academic content within the social, linguistic, and cultural heritage of the tribal society and community.

Castagno and Brayboy (2008) reviewed the literature on culturally responsive schooling (CRS) for AI/AN youth and focused on ways to provide more equitable and culturally responsive education within the current context of standards and accountability. They found that although

¹²http://www.whitehouse.gov/sites/default/files/docs/2013_white_house_tribal_nations_conference_progress_report.pdf

proponents of CRS have advocated for it for more than 40 years, most schools and classrooms do not meet the cultural needs of AI/AN students because of the implementation of inappropriate, ineffectual, or superficial strategies. The authors discussed the components of effective CRS and summarized research evidence showing that the inclusion of Native language and culture programs and student identification with those programs are associated with improved academic performance, decreased dropout rates, improved school attendance, and improved behavior.

McCarty (2011) examined a number of research studies and identified promising practices that enhanced the range of linguistic, cultural, cognitive, and affective strengths possessed by Native American students. The promising practices identified by the researcher included developing learners' self-efficacy, critical thinking, reading skills, and orientation toward being ethical social agents. The collective body of research strongly suggested that promising practices support the professionalism of teachers, cultivate the intellectual resources present in local communities, and promote Native self-determination. Some of the key findings were that effective programs offered unique and varied opportunities to involve parents and elders in children's learning and were characterized by substantial investments in teachers' professional development and in community intellectual resources that supported teacher preparation and curriculum development.

Current Responsibilities

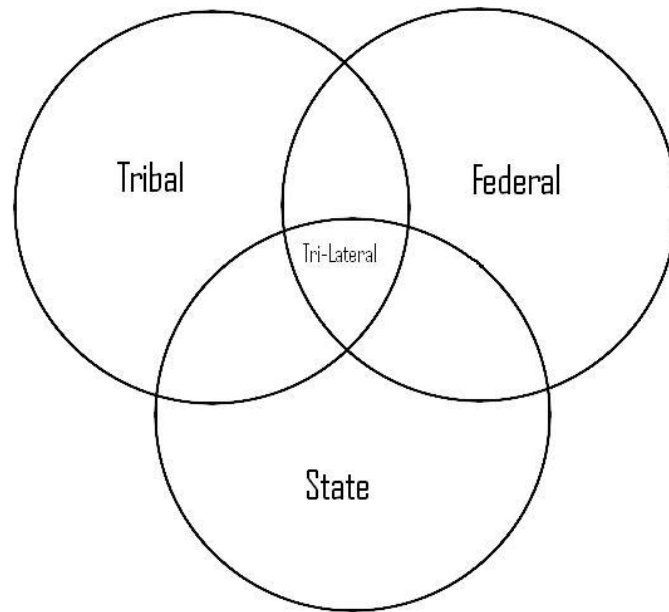
Responsibilities for AI/AN education are complex, due in part to shifts in historical federal policies, discussed above, which have resulted in responsibilities being distributed among multiple authorities—the federal government, the states, and the tribes, as well as the various departments, agencies, and districts of each of these governments. As Reinhardt (2012) illustrates, each of these authorities has unique and shared responsibilities. There are even some responsibilities that are shared by all three, called tri-lateral responsibilities. In a landmark court case involving the Navajo Tribe, the state of Utah, and the local school district in which the federal government intervened on behalf of the tribe (*Meyers et al. v. Board of Education, 1995*),¹³ the federal district court concluded that:

all of the entities involved in this case—the District, the State, the United States, and the Navajo Nation—each has a duty to educate the children of Navajo Mountain. The duty of one does not relieve any other of its own obligation.

This report focuses primarily on state responsibilities and covers some of the state overlap with the other two authorities (see exhibit 1 for one possible representation of these overlapping responsibilities). The details of this complex relationship are provided in Reinhardt and Maday (2005).

¹³ The *Meyers* case, which concluded with a court-approved consent decree in 1997, is summarized at the conclusion of the appendix to this report.

EXHIBIT 1. OVERLAPPING RESPONSIBILITIES FOR EDUCATION OF AMERICAN INDIAN STUDENTS



Source: Reinhardt (2012).

Funding

Funding of education for AI/AN students is as complex as the legal and administrative responsibilities. Public school districts and charter schools receive state funds, and they may receive local tax revenues as well. Tribal entities today also provide significant financial support to education. For example, Tribal–State Gaming Compacts in Arizona have significant implications for resources available to the state, including for education.

Federal Impact Aid goes to the general operating funds of school districts that serve children residing on Indian lands to offset lost property tax revenues. Additional general financial resources are available to schools under specific federal programs, such as Title I for remedial activities, Title II for professional development, and Title III activities overseen by the Office of English Language Acquisition.

The two main sources of federal funding specifically for supplemental education programs for eligible AI/AN students are the JOM and IEA (NCLB Title VII) formula grant programs. School districts can apply to the Department of the Interior Bureau of Indian Education for JOM funds, and to the Department of Education Office of Indian Education for IEA formula grants.

Approved JOM program activities include tutoring, academic support, and cultural activities. A local parent Indian Education Committee may be required to assist school boards with JOM funds. Nationwide, total JOM funding is over \$21 million annually, of which about 10 percent

goes directly to states or school districts. Tribes are also eligible to receive JOM funds directly.¹⁴ The average size of an annual JOM award is about \$70,000.¹⁵ In 2013, 28 programs in Arizona were supported with JOM funds.¹⁶

IEA formula grants are for school readiness and enrichment programs that include Native language and culture. School districts must have approval of their IEA formula grant application from an elected Indian parent committee, and state education agencies may comment on the applications. The national level of funding for IEA formula grants is over \$100 million annually.¹⁷ According to the director of the Office of Indian Education, Joyce Silverthorne, currently there are approximately 1,300 IEA formula grantees serving about 480,000 students across the nation. According to the most recent figures for IEA formula grant program funding in the three states in the WCC region, Arizona grantees serve the largest number of students in the region (see exhibit 2).

EXHIBIT 2. IEA FORMULA GRANT PROGRAM FUNDING FOR WCC STATES: 2013/14

State	Allocation	Grantees	Students
AZ	\$10,506,516	115	57,154
NV	731,006	11	3,969
UT	1,356,033	20	7,377
WCC Region	\$12,593,555	146	68,500

Source: Information distributed at the 2013 annual meeting of the National Indian Education Association, Rapid City, SD.

Some details are available about other possible funding sources that are typically used to provide resources to AI/AN and Native Hawaiian students. Exhibit 3 displays a partial listing from a recent survey of potential federal funding opportunities from the Department of Education.

¹⁴ <http://www.bia.gov/cs/groups/public/documents/text/idc-018580.pdf>

¹⁵ <https://www.cfda.gov/index?s=program&mode=form&tab=step1&id=ac707cf589029a80e05e509d9ba4a50c>

¹⁶ <https://www.azed.gov/indian-education/files/2013/07/johnson-omalley.ppt>

¹⁷ <https://www.cfda.gov/index?s=program&mode=form&tab=step1&id=27bbbb2fd9ca5dae586d2d2bee20c4ec>

EXHIBIT 3. SAMPLE FEDERAL FUNDING SOURCES FOR AI/AN AND NATIVE HAWAIIAN STUDENTS

Catalogue of Federal Domestic Assistance	Title	Estimated Average Size of Award	Estimated Number of Awards
84.299A	Indian Education Demonstration Grants for Indian Children		
84.299B	Indian Education Professional Development Grants		
84.356A	Alaska Native Education Program	\$500,000	22
84.362A	Education for Native Hawaiians	\$425,000	22
84.031N&W	Alaska Native-Serving and Native Hawaiian-Serving Institutions Programs	\$624,922	3
84.850	National Activities Authority for research, evaluation and data collection on Indian education program effectiveness		

Sources: <http://www2.ed.gov/fund/grant/find/edlite-forecast.html#chart4>; <http://www.ed.gov>; Federal Register July 3, 2014

STATE POLICY HIGHLIGHTS

Arizona Policy Highlights

- Arizona has a number of state laws pertaining to Indian education concerning: cooperative agreements with tribes; curriculum and programs; staffing and personnel; education-related offices, committees, and councils; and finance and funding.
- Schools are required to teach students about the history of Native Americans in Arizona (Ariz. Rev. Stat. §15-710).
- Teachers may receive an elementary foreign language endorsement or a bilingual endorsement that includes Native languages, with proficiency being verified by an official designated by the appropriate tribe (Ariz. Admin. Code §R7-2-615). In August 2012, the Arizona Department of Education (ADE) and Native American tribes jointly developed the *Native American Language Certification Policy* (Ariz. Admin. Code §R7-2-614J) that allows teachers to be certified to teach their Native languages in the state’s public school classrooms.
- There is an Indian education exemption from Ariz. Rev. Stat. §15-112, which prohibits courses or classes that: promote the overthrow of the United States government, promote resentment toward a race or class of people, are designed primarily for pupils of a particular ethnic group, or advocate ethnic solidarity instead of the treatment of pupils as individuals. According to the statute, this section does not restrict or prohibit “courses or classes for Native American pupils that are required to comply with federal law.”
- In November 2000, Arizona voters passed the initiative measure Proposition 203 to repeal the Bilingual Programs and English as a Second Language law and replace it with the English Language Education for Children in Public Schools law, which stipulates that all children in Arizona public schools shall be taught English as rapidly and effectively as possible “by being taught in English and . . . placed in English classrooms” (Ariz. Rev. Stat. §15-752). In 2001, Arizona Attorney General Janet Napolitano issued an opinion stating that Proposition 203 generally does not apply to Native American languages and that “state public schools may offer students classes in Native American languages and culture, whether or not such children are already proficient in English” (Conclusion, para. 1). There have been opposing viewpoints on this opinion.
- The ADE has an Office of Indian Education authorized by Ariz. Rev. Stat. §15-244. Additionally, there is a state Commission on Indian Affairs (Ariz. Rev. Stat. §41-541) and a Governor’s Executive Order (2006-14) that requires each executive branch agency to consult and cooperate with Arizona tribes. Other organizations and entities include the Arizona Indian Education Association, Arizona State University Center for Indian Education, and the Inter-Tribal Council of Arizona.
- Arizona’s approved ESEA Flexibility Request (June 13, 2012) contains specific provisions regarding implementation of college- and career-ready standards in English language

arts and mathematics in all schools by 2013/14. Departments such as the Arizona Office of Indian Education have been working to provide differentiated professional development and technical assistance to local education agencies that serve large populations of Native American students. The ADE's College- and Career-Ready Standards leadership team meets quarterly with Arizona tribal education leaders regarding the goal of significantly improving student achievement for all Native American students.

Nevada Policy Highlights

- Nevada requires the superintendent of public instruction to work with tribes to establish programs and curricula for American Indians (Nev. Rev. Stat. § 389.150). In October 2012, pursuant to this law, the Nevada State Board of Education adopted the *History and Contemporary Lifestyles of the Northern Paiute, Southern Paiute, Washoe and Western Shoshone Curriculum Guide: A Resource for Teachers*.
- Nevada also has several state laws regarding curricula and programs for Great Basin Native American languages. Great Basin Native American languages may be offered as an elective course of study (**Nev. Admin. Code § 389.516 and § 389.6549**). **Teachers may receive an endorsement to teach a course in a Great Basin Native American language (Nev. Admin. Code § 391.233).**
- In March 2009, the Nevada State Board of Education adopted the *Nevada American Indian and Alaska Native Strategic Plan*, prepared by the Nevada Indian Commission's Indian Education Advisory Committee and approved by the Commission. The plan includes 12 goals to ensure that no AI/AN child is left behind regarding the benefits of education afforded to all other students in the state.
- In addition to the Nevada Department of Education (NDE) and the Nevada Indian Commission, other organizations working on behalf of Native American students in Nevada include the Inter-Tribal Council of Nevada and Nevada Urban Indians, Inc.

Utah Policy Highlights

- A preliminary survey of Utah state laws pertaining to Indian education revealed two items: One concerned the creation of the Utah Division of Indian Affairs (Utah Code Ann. § 9-9-102), and the other defined resident student status for American Indian students in Utah for the state system of higher education (Utah Code Ann. § 53B-8-102).
- A data-sharing memorandum of understanding (MOU) between USOE and the Diné Department of Education of the Navajo Nation was signed on April 12, 2013. The MOU provides the Navajo Nation access to assessment data of Navajo students in Utah.
- The Utah State Board of Education has a liaison to the Utah Division of Indian Affairs.
- Utah has an annual Governor's Native American Summit. The 8th annual summit was held July 30–31, 2014.

Arizona State Profile

The dropout rate for Native American students in Arizona averaged 8.5 percent from 2006–2008, decreased by about 2 percent in 2009, and increased by about 1 percent in 2011 (see exhibit 4). The percentage of Grade 3 Native American students who were at or above proficient in reading fluctuated by 2 to 3 percentage points each year, beginning with 53 percent in 2006/07 and ending with 57 percent in 2010/11. In Grade 8, reading proficiency fluctuated between 41 and 54 percent over time with 49 percent proficient or above in 2010/11, down 5 percentage points from the previous year. The percentage of students proficient or above in mathematics for both Grade 3 and Grade 8 decreased about 10 percentage points over the five-year period. The Native American student enrollment in Arizona decreased substantially from the 2009/10 school year to the 2010/11 school year, while the number of Hispanic students increased during that same period (see exhibit 5).

EXHIBIT 4. ARIZONA LONGITUDINAL DEMOGRAPHIC DATA FOR NATIVE AMERICAN STUDENTS

Category	2006/07	2007/08	2008/09	2009/10	2010/11
Enrollment	59,895	59,139	59,366	58,777	55,312
Dropout Rate	8.9	8.2	6.7	6.8	7.2
% Graduated in 4 Yrs.	--	55.0	59.8	62.9	60.0
Average Daily Attendance					
Grades 1–8	--	92.29	96.99	94.41	--
% Proficient Reading Grade 3	53	51	54	55	57
% Proficient Math Grade 3	55	53	55	43	45
% Proficient Reading Grade 8	41	48	50	54	49
% Proficient Math Grade 8	41	42	42	34	30

Sources: National Center for Education Statistics Elementary/Secondary Information System (<http://nces.ed.gov/ccd/elsi>), Arizona Office of Indian Education (<http://www.azed.gov/research-evaluation/dropout-rate-study-report> and <http://www.azed.gov/research-evaluation/graduation-rates>), and the ADE State Report Card

EXHIBIT 5. ARIZONA STUDENT ENROLLMENT BY RACE/ETHNICITY

School Year	Native				
	American	Asian	Black	Hispanic	White
2006/07	59,895	28,277	57,438	438,259	484,380
2007/08	59,139	30,518	60,565	452,874	484,351
2008/09	59,366	32,543	63,060	450,284	482,564
2009/10	58,777	33,531	64,371	446,146	475,006
2010/11	55,312	30,080	59,549	452,283	459,348

Source: National Center for Education Statistics Elementary/Secondary Information System (<http://nces.ed.gov/ccd/elsi>)

Interview Highlights

An interview was conducted with an ADE staff member in the late summer of 2013. Following are highlights from the interview.

State Department of Education Initiatives

- Arizona has a very comprehensive and fully integrated approach to Indian education that has been in place for some time.
 - The Arizona Office of Indian Education is constituted by state statute so will endure long-term.
 - The Arizona Office of Indian Education runs a JOM program and works with Title I and Title XIII (Impact Aid) programs.
 - The ADE has many partnerships at high levels that support Indian education in the state. The Arizona State Board of Education has twice adopted a policy that encourages every local education agency to incorporate Native American content into their educational programs.
 - Arizona has a Native language certification policy in place. As of summer 2013, 30 teachers from three tribes had become certified. The ADE wants to work more closely with tribes and districts on professional development for these teachers. It is hoped that 7 to 10 more tribes will participate in the next two years.
 - The largest focus right now is on implementation of the College- and Career-Ready State Standards. Support for working with Tribal Education Departments on the implementation of these standards was an integral part of Arizona's ESEA Flexibility Request.

Status of Indian Education in the State

- Arizona has a diverse Indian education community. Five hundred of the state's public schools (one-fourth of the total number of public schools in the state) are on or near Indian reservations. Arizona has 22 tribes, the largest Indian reservation in the country, and the largest number of schools in the country operated or funded by the Bureau of Indian Education.
- Arizona is a local control state, so there are many initiatives taking place at the tribal/local level. There is a strong network of support, and tribal members serve on the Arizona State Board of Education and the Arizona Board of Regents. There are many partnerships across the state. The ADE interviewee stated that the future of Indian education is looking brighter thanks to these partnerships.
- In Arizona, there is an Instructional Improvement Fund authorized by state statute using tribal gaming revenues. Funds go to districts to help pay for teachers, dropout prevention programs, and programs to develop basic reading skills for students by the end of grade 3.
- The Superintendent of Public Instruction is an ex officio member of the Arizona Commission on Indian Affairs, established by state law, which oversees all of the state

departments that work with the Native American community, including the ADE. The Commission works very closely with the governor's office and state legislature.

Needs

- Research is critical as the ADE moves into implementation of the College- and Career-Ready Standards. The Move on When Reading law requires that any student who fails the reading assessment must repeat grade 3 until the student passes the assessment.¹⁸ Although the law applies to all students, it will have particularly large implications for the Native American community. The ADE would like to know more about how its Native American students are doing before the assessment.
- The Arizona Office of Indian Education is trying to expand partnerships with researchers so that they can provide meaningful research to Indian education communities. The office has started an American Indian Research Council to review state data and research more regularly and determine how that information can be shared with the communities.
- The Arizona Office of Indian Education would like to have a regional center to better serve the needs of Native American students. Five regional centers were established as part of the state's Race to the Top grant, but their organization was based more on geography than on need. A regional center for Native American students could provide more specific training on the College- and Career-Ready Standards and how to have high standards within a Native American context.
- The Arizona Office of Indian Education is also interested in having a WestEd *R&D Alert* newsletter focused specifically on the needs of Native American students.
- The Indian education community is calling for more specific training for administrators and school board leaders—there is a substantial opportunity here for greater flexibility with funding, more local control, and greater opportunity to integrate Native content into the overall educational program. The ADE is working with area universities to help fill this gap. It is important that these programs are successful.

Pending or Proposed Legislation

- There is no pending or proposed legislation that impacts only Native American children.
- The ADE was concerned about the effect of sequestration at the federal level on Title XIII Impact Aid funds since local education agencies rely heavily on these funds.

¹⁸ <http://www.azed.gov/mowr>

Nevada State Profile

The dropout rates for Native American students in Nevada increased from the 2006/07 school year to the 2009/10 school year, but then decreased by the 2010/11 school year (see exhibit 6). The graduation rate increased about 5 percentage points over a four-year period, while the attendance rate stayed at about 93 percent. Both reading and math proficiency for grade 3 students increased over five years, despite a drop in 2010/11. Reading proficiency for grade 8 students increased between the 2007/08 and the 2009/10 school years, but returned to approximately the 2007/08 level by the 2011/12 school year. From the 2009/10 to the 2010/11 school year, the enrollment counts from all ethnicities listed decreased, except for the Hispanic student enrollment, which increased (see exhibit 7).

EXHIBIT 6. NEVADA LONGITUDINAL DEMOGRAPHIC DATA FOR NATIVE AMERICAN STUDENTS

Category	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12
Enrollment	6,783	6,645	6,588	6,391	5,705	--
Dropout Rate	4.2	4.6	5.5	6.1	4.4	4.4
Graduation Rate	59.2	59.9	58.0	64.6	64.1	--
Average Daily Attendance	92.9	93.2	93.5	93.4	93.8	93.6
% Proficient Reading Grade 3		49.4	54.7	55.9	43.0	61.2
% Proficient Math Grade 3		50.3	51.6	58.4	55.4	72.4
% Proficient Reading Grade 8		50.6	60.0	60.6	32.3	49.2
% Proficient Math Grade 8		45.4	51.1	48.0	47.2	62.0

Sources: National Center for Education Statistics Elementary/Secondary Information System (<http://nces.ed.gov/ccd/elsi>), Nevada State Office of Indian Education (<http://www.nevadareportcard.com/di/main/students>), and <http://www.nevadareportcard.com/di/main/assessment>)

EXHIBIT 7. NEVADA STUDENT ENROLLMENT BY RACE/ETHNICITY

School Year	Native				
	American	Asian	Black	Hispanic	White
2006/07	6,783	32,153	46,780	149,848	188,109
2007/08	6,645	33,902	47,369	156,342	185,104
2008/09	6,588	34,961	48,689	159,837	183,296
2009/10	6,391	35,365	48,752	160,962	177,477
2010/11	5,705	26,682	43,225	169,236	169,220

Source: National Center for Education Statistics Elementary/Secondary Information System (<http://nces.ed.gov/ccd/elsi>)

Interview Highlights

An interview was conducted with an NDE staff member in the late summer of 2013. Following are highlights from the interview.

State Department of Education Initiatives:

- Conducts numerous events during the year.
 - For the last six years, the NDE has sponsored an AI/AN Education Summit every spring in accordance with the Nevada Statutes and Administrative Code. The event provides national and state perspectives on Indian education and insight on how students are being affected by NCLB. Participants include district and school administrators, teachers, tribal education departments, and tribal leaders. In the last four to five years, organizers have added a track for early childhood education. There is also a focus on college and career readiness.
 - In October of 2012, the NDE provided a lesson planning retreat focused on the approved *History and Contemporary Lifestyles of the Northern Paiute, Southern Paiute, Washoe and Western Shoshone Curriculum Guide*. The retreat brought together teachers to help design lessons based upon the curriculum guide. NDE personnel hope to develop more lessons over the next five years, including lessons on language.
 - In fall of 2014, the NDE Education Program Professionals for Indian Education will provide a higher education workshop. It will be the second annual workshop of this kind in collaboration with the University of Nevada, Reno.
 - The NDE provides professional development to accompany the state-developed Indian education curricula. Funding limits the amount of professional development and other work, but state personnel are working to make the training more systematic throughout the year. Sometimes tribes assist in recruiting people for participation in professional development activities. The Indian Education Task Force, a group of representatives from the school districts in Nevada that helps spread awareness of the Indian tribes in Nevada, disseminates information from the trainings.
 - In 2014, the NDE hosted the first Language and History Symposium to highlight the Great Basin Native American Languages initiative. The NDE partnered with the Moapa Band of Paiute Tribe, the University of Nevada at Las Vegas, and the Clark County School District to host the language symposium. The first tribal language highlighted at the symposium was the Southern Paiute language. The symposium is scheduled to take place annually in the winter.
- NCLB Title VII IEA formula grant funding goes directly to several districts, tribes, and Bureau of Indian Education schools in the state. The NDE collaborates particularly with the Washoe County School District, which has a large IEA formula grant. In addition, the Nevada State Office of Indian Education offers technical assistance at the annual AI/AN Education Summit by providing presentations to all those who receive IEA funds.

- JOM funds also go directly to districts, tribes, and Bureau of Indian Education schools in the state.
- The NDE worked with the Nevada Indian Commission on its strategic plan.

Status of Indian Education in the State

- NDE staff interviewed believe that Indian education has gotten stronger due to some collaborative efforts within the agency over the past seven years; but there is more work to be done. They are looking at Indian education from a national perspective and attempting to bring more relevant resources into the state. The Nevada State Office of Indian Education does not receive any federal grants, so having enough funding has been a challenge. State Indian education personnel have made presentations about Indian education in several different school districts and have developed collaborative relationships with tribes and the schools themselves.
- The future of specific supplemental Indian education programs in schools will be defined by IEA and JOM funding at the federal level. Districts rely on these funds.
- One tribe received Title VII IEA formula grant funds directly, and this tribe is working together with several districts on a Native language program for their schools.
- Douglas County and Washoe County School Districts both have exemplary collaborative efforts with tribes in the state. The NDE developed MOUs between the districts and tribes resulting in the inclusion of tribal employees as school liaisons. The liaisons have access to student records and are treated like other counselors. Liaisons are also working to implement Native language programs in the schools, as well as to help students examine college and career options. Because of these efforts, retention and graduation rates have increased.
- Under the Nevada Indian Commission, the Tribal Early Childhood Advisory Committee (TECAC) addresses issues of how students are being prepared by Head Start for kindergarten and by early elementary school for the upper grades. Staff members believe that work with the Head Start and public school staff has been productive.
- In the last two to three years, the state has provided tribal Head Start with information on the TECAC strategic goals. Additional presentations on TECAC goals have been provided at the Intertribal Council of Nevada Convention and also at the annual AI/AN Education Summit.

Needs

- There is a need for programs to focus on both Native American dropout prevention and college and career readiness.
- NDE staff need funding for travel. Currently, state personnel cannot travel to provide technical assistance and can only deliver services through events. This negatively impacts remote Native American populations.
- Native American curriculum guides need to be reviewed for quality, and teachers need opportunities for professional development to effectively use the guides. Most teachers are not Native American, so state personnel need to educate teachers about Native

American history, sovereignty, and contemporary lifestyles. There is also a need to fashion MOUs and build understanding with the many Native American tribes, bands, and communities in the state.

- The NDE needs to develop a more systematic approach to Native American events and identify intended outcomes. For example, for the language symposium, state staff should identify event goals, who will be involved, and why this symposium is important.
- Teacher retention and recruitment are statewide issues that affect Native American students.
- University boards do not have Native Americans serving on them.

Pending or Proposed Legislation/State Activity

- Although there is uncertainty about how efforts will be handled by the Nevada Indian Commission, the state is trying to mandate curriculum guides that are aligned with the Common Core State Standards. There is a need for more knowledgeable preservice teachers who know about the 4 tribes, 27 bands, and reservations in the state.
- NDE staff members are involved in revitalizing the Native American curriculum, programs, and languages. They have developed a curriculum guide in response to the Nevada Revised Statute (NRS) 389.150, Programs and Curricula for American Indians. The purpose of the guide is to provide teachers with historic and contemporary background knowledge about American Indians, specifically those tribes in Nevada. NDE staff continue to consider this statute to ensure that needed elements are included in education efforts. NDE Indian education staff members are collaborating with NDE social studies personnel to create lesson plans aligned with the Common Core State Standards, as well as to consider what other states are doing relative to the Common Core.
- Complete and accurate identification of Native American students has been a challenge for districts applying to receive Title VII IEA formula grants in Nevada. The state can help districts ensure that they get all the information needed to fill out the appropriate forms for the grants.

Utah State Profile

The attendance rate for Native American students in Utah both in grades 3–8 and grades 10–12 has fluctuated slightly over a five-year period, with attendance rates between 92 and 95 percent (see exhibit 8). Dropout rates increased slightly from the 2006/07 school year, but by the fourth year had decreased below the 2006/07 dropout rate. Graduation rates increased in 2008/09, and then dropped in 2009/10. The percentage of students in grades 10–12 who are proficient in mathematics rose about 8–9 percentage points from 2006 to 2011. In grades 3–8, the percentage of students proficient in language arts increased by about 2 percentage points from 2006 to 2011, while the percentage proficient in math decreased by about 7 percent. School enrollment saw both increases and decreases from year to year across the five-year period for Native American students. A decrease in enrollment occurred from 2009/10 to 2010/11 for Native American, Asian, and Black students, while the Hispanic and White student enrollments increased (see exhibit 9).

EXHIBIT 8. UTAH LONGITUDINAL DEMOGRAPHIC DATA FOR NATIVE AMERICAN STUDENTS

Category	2006/07	2007/08	2008/09	2009/10	2010/11
Enrollment	7,946	9,047	7,755	8,180	7,816
Dropout Rate (Grades 9–12)	6.0	7.5	7.4	5.7	--
Freshman Graduation Rate	58.2	57.6	62.9	57.4	--
Attendance Rate (Grades 3–8)	94	94	94	93	93
Attendance Rate (Grades 10–12)	95	93	94	93	92
% Proficient Language Arts (Grades 3–8)	58	55	59	59	60
% Proficient Math (Grades 3–8)	55	45	45	52	48
% Proficient Language Arts (Grades 10–12)	62	64	70	64	71
% Proficient Math (Grades 10–12)	32	26	28	25	40

Sources: National Center for Education Statistics Elementary/Secondary Information System (<http://nces.ed.gov/ccd/elsi>), and the USOE State Report Card

EXHIBIT 9. UTAH STUDENT ENROLLMENT BY RACE/ETHNICITY

School Year	Native				
	American	Asian	Black	Hispanic	White
2006/07	7,946	16,214	7,106	68,992	423,128
2007/08	9,047	18,809	8,798	84,579	452,282
2008/09	7,755	18,265	8,056	80,801	441,938
2009/10	8,180	19,562	8,563	83,028	448,903
2010/11	7,816	10,726	8,468	88,285	456,510

Source: National Center for Education Statistics Elementary/Secondary Information System (<http://nces.ed.gov/ccd/elsi>)

Interview Highlights

An interview was conducted with a USOE staff member in the late summer of 2013. Following are highlights from the interview.

USOE Initiatives under NCLB Title VII

- Every month USOE staff conduct a meeting with representatives from the 19 Title VII IEA formula grant sites in Utah. Each meeting has two components:
 1. Updates from USOE staff and Title VII coordinators on matters that affect Native American children in Utah. Title VII programs within the state range from very active to “just getting by” due to funding or work overload issues.
 2. Professional development provided by USOE staff. Sessions address needs or concerns voiced by the Title VII coordinators. The information is intended to be used by the Title VII coordinators during site visits or in the classroom. Professional development always begins with strategies to improve reading in grades K–6 or K–8, and often includes updates in conjunction with world language, history, math and science, and social studies departments. College and university financial aid and admissions representatives are also invited to make presentations to the Title VII staff.
- USOE staff work beside tribal leaders during quarterly meetings that rotate between reservations.
 1. They present USOE updates on educational issues or initiatives that impact Native American communities or reservation schools within the state.
 2. They provide professional development on topics such as bullying, reading programs, dropout rates, graduation rates, and demographics. Tribal leaders are invited to respond to strategies being used to address issues.
- USOE staff give presentations to counselors, teachers, and administrators on Native American culture and language sensitivity. Some information from social studies has been integrated into the presentations.
- USOE staff are involved with the Governor’s Native American Summit and the Division of Indian Affairs.
- USOE staff collaborate with representatives from Title I and Title III as well as Title VII to ensure ongoing communication between the programs.
- USOE staff have an MOU with the Navajo Nation on the Native language and culture endorsement.
- Educators in Utah have created lesson plans and some additional curriculum support for Indian education, but USOE staff have found that since the curriculum is not mandated, some schools implement it while others do not. When implemented, it is part of the history/social studies curriculum. Some school personnel request resources and services related to the curriculum.

Status of Indian Education in Utah

- While staff would rate the quality of USOE Indian Education work as a 6 on a 10-point scale, they view Indian education as an ongoing challenge for a number of reasons. They believe more consistent efforts are needed on behalf of UT's native students.
- There are Native American liaisons to the Governor's office. Eleven individuals serve on the Native American Legislation Liaison Committee.
- Support for Title VII is inconsistent in the state. For example, one large urban school district with a large population of Native American students employs one half-time person to oversee Title VII; in another district with half that number of Native American students, the Title VII person is full-time. USOE staff members believe a full-time person is needed in each district to see student success rates increase.

Needs

- Utah needs support with issues of graduation and dropout rates. The USOE wants to provide assistance to teachers and districts in identifying the educational issues for Native American students and then discuss strategies and solutions for increasing graduation rates and decreasing dropout rates.
- Utah needs support for teachers on Native language and culture.
 - Teachers currently do not need any certification to teach Native language and culture—they only need a bachelor's degree.
 - Staff believe that Native speakers are well versed in language and culture and are good teachers.
 - They also believe that the state should revisit existing MOUs and define how to best serve students.
 - Navajo speakers are endorsed by the Navajo Tribe, which has a very rigorous certification process, including a test that covers oral, reading, and writing skills.
 - One site in the state has an agreement that as long as there is a certified teacher in the room, an uncertified Native language and culture teacher can instruct students.
- Statewide dropout rates have continued to decrease since 2009 for Native Americans.¹⁹ Certain schools do a good job in addressing retention issues by keeping students on track for graduation, but some schools are not addressing the issue adequately, especially for Native American students. Those schools view minority students as having the same issues, whether they are Native American, Hispanic, or Black. Most sites are aware of the Title VII programs and what is offered.
 - The Nebo School District once had a 37 percent graduation rate for Native American students. The district hired a Title VII coordinator and wrote a grant. The coordinator is involved with the community and has instituted a parent involvement program. The coordinator also began talking with administrators, the superintendent, and the school board about the issue of the low Native American graduation rate. The

¹⁹ <http://www.schools.utah.gov/data/Educational-Data/Graduation-Dropout-Rates/6-Graduation-Report-2013.aspx>

district now has the support of all key stakeholders, and the graduation rate for Native American students has increased substantially to 88 percent. Other school districts do not have this kind of support.

- Native American students in Utah often must take long bus rides to get to and from school. Staff believe that providing laptop computers for students who are on these buses would be helpful and could support positive educational outcomes.

Pending Legislation

- No pending legislation was found, but the Utah AI/AN Education Advisory Committee and the USOE would like to see the creation of an Indian Education Act for Utah. They perceive that passage of such legislation would greatly help to improve outcomes for Native American students.
- This type of legislation would support the sovereignty of tribes by developing and funding programs that incorporate tribal language, culture, and history.

Tribes

- The Navajo Tribe has an active collaboration with the USOE, which includes a data sharing agreement.
- USOE staff encouraged district administrators and the curriculum specialist to develop a K–6 Goshute language unit. Members of the tribe created resources for teaching the language, and there are endorsed Native language teachers who receive supervision. Now in its fourth year, the program is helping students to learn Native language and culture. One teacher integrated Native language and culture into math, science, and social studies, and students wrote a book about the process.
- On the Ute reservation, Native language and culture are being integrated into the school. The San Juan School District is collecting data on implementing Native language and culture instruction and the impact of such instruction on dropout rates.

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APPENDIX

Preliminary Arizona State Scan: Native American Issues

State Law (K–12 Education)

COOPERATIVE AGREEMENTS WITH TRIBES

LEGAL CITATION

Arizona Revised Statutes, Title 15–Education, 3-3 (Powers and Duties of School District Governing Boards), Ariz. Rev. Stat. §15-342 (2011).

<http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/ars/15/00342.htm&Title=15&DocType=ARS>

SUMMARY

Ariz. Rev. Stat. §15-342. Discretionary powers

A school district governing board may:

7. Sell or lease to the state, a county, a city, or a tribal government agency, any school property required for a public purpose, provided the sale or lease of the property will not affect the normal operation of a school within the school district.

CURRICULA AND PROGRAMS

LEGAL CITATION

Arizona Revised Statutes, Title 15–Education, 3-3 (Powers and Duties of School District Governing Boards), Ariz. Rev. Stat. §15-341 (2011).

<http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/ars/15/00341.htm&Title=15&DocType=ARS>

SUMMARY

Ariz. Rev. Stat. §15-341. General powers and duties; immunity; delegation

A. The governing board shall:

34. Incorporate instruction on Native American history into appropriate existing curricula.

LEGAL CITATION

Arizona Revised Statutes, Title 15–Education, 7-1 (Curriculum), Ariz. Rev. Stat. §15-710 (2011).

<http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/ars/15/00710.htm&Title=15&DocType=ARS>

SUMMARY

Ariz. Rev. Stat. §15-710. Instruction in state and federal constitutions, American institutions and history of Arizona

All schools shall give instruction in the essentials, sources and history of the Constitutions of the United States and Arizona and instruction in American institutions and ideals and in the history of Arizona, including the history of Native Americans in Arizona. The instruction shall be given in accordance with

the state course of study for at least one year of the common school grades and high school grades respectively.

LEGAL CITATION

Arizona Revised Statutes, Title 15-Education, 15-1 (General Provisions), Ariz. Rev. Stat. §15-112 (2011)

<http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/ars/15/00112.htm&Title=15&DocType=ARS>

SUMMARY

Ariz. Rev. Stat. §15-112. Prohibited courses and classes; enforcement

In Spring 2010, the Arizona legislature passed Ariz. Rev. Stat. §15-112 which stipulates that a school district or charter school shall not include in its program of instruction any courses or classes that promote the overthrow of the United States government, promote resentment toward a race or class of people, are designed primarily for pupils of a particular ethnic group, and/or advocate ethnic solidarity instead of the treatment of pupils as individuals (subsection A). However, according to the statute (subsection E), this section “shall not be construed to restrict or prohibit:

- A. Courses or classes for Native American pupils that are required to comply with federal law.
- B. The grouping of pupils according to academic performance, including capability in the English language, which may result in a disparate impact by ethnicity.
- C. Courses or classes that include the history of any ethnic group and that are open to all students, unless the course or class violates subsection A.
- D. Courses or classes that include the discussion of controversial aspects of history.”

Subsection F notes that “nothing in this section shall be construed to restrict or prohibit the instruction of the Holocaust, any other instance of genocide, or the historical oppression of a particular group of people based on ethnicity, race, or class.”

See also: <http://indiancountrytodaymedianetwork.com/article/despite-arizonas-ethnic-studies-ban-students-can-still-enroll-in-native-programs-113759>

LEGAL CITATION

English For Children: Proposition 203 (November 2000)

An Initiative Measure:

Title 15, Chapter 7, Article 3.1, Arizona Revised Statutes, is repealed. Sec. 3.

Title 15, Chapter 7, Arizona Revised Statutes, is amended by adding a new article 3.1, English language education for children in public schools

<http://www.azsos.gov/election/2000/info/PubPamphlet/english/prop203.htm>

SUMMARY

In November 2000, Arizona voters passed an initiative measure, Proposition 203. Proposition 203 repealed the Bilingual Programs and English as a Second Language law, and replaced it with the English Language Education for Children in Public Schools Law, which resolved that all children in Arizona public schools shall be taught English as rapidly and effectively as possible “by being taught in English and . . . placed in English classrooms.” (A.R.S. §15-752 (2011)

<http://www.azleg.state.az.us/ArizonaRevisedStatutes.asp?Title=15> (See Article 3.1: English Language Education for Children in Public Schools.)

In 2001, at the request of State Senator Jackson, Arizona Attorney General Janet Napolitano considered Proposition 203 and issued an opinion summarized here as follows:

Proposition 203 generally does not apply to Native American languages, and State public schools may offer students classes in Native American languages and culture, whether or not such children are already proficient in English.

[Ariz. Op. Atty. Gen. No. 101-0026 (2011) as cited in McCoy (2005), p. 26.] Also see http://wc.arizona.edu/papers/94/101/01_91_m.html

This opinion appeared to support the Navajo and other indigenous peoples of Arizona who developed numerous language revitalization programs in schools on and off the reservations, sanctioned and supported by the federal Native American Languages Act (NALA) of 1990 (Mahoney, Thompson, & MacSwan, 2004). However, there have been others who have argued that only schools run by the federal Bureau of Indian Affairs (BIA) are exempt from Proposition 203 and that “if a public school has a large Native American student population, it must still adhere to the provisions set forth in Proposition 203 regardless of whether or not that school is on a reservation” (Mahoney et al., 2004, p. 3.5).

STAFFING AND PERSONNEL

LEGAL CITATION

Arizona Administrative Code, Title 7, Education; Chapter 2, State Board of Education; Article 2, Certification (2012)

http://www.azsos.gov/public_services/Title_07/7-02.htm#Article_2

SUMMARY

Ariz. Admin. Code §R7-2-615. Endorsements

I. Elementary Foreign Language Endorsement — grades K through eight

1. The elementary foreign language endorsement is optional.
2. The requirements are:
 - a. An Arizona elementary, secondary or special education certificate.
 - b. Proficiency in speaking, reading, and writing a language other than English, verified by the appropriate language department of an accredited institution. American Indian language proficiency shall be verified by an official designated by the appropriate tribe.
 - c. Three semester hours of courses in the methods of teaching a foreign language at the elementary level.

J. (3., 4.b.v., and 4e.) Bilingual Endorsements - grades K through 12.

Under the Bilingual Endorsement, the holder is also authorized to teach English as a Second Language. Requirements for this authorization include three semester hours of linguistics to include psycholinguistics, sociolinguistics, first language acquisition, and second language acquisition for language minority students, or American Indian language linguistics. American Indian language proficiency shall be verified by an official designated by the appropriate tribe.

LEGAL CITATION

Arizona Administrative Code, Title 7, Education; Chapter 2, State Board of Education; Article 6, Certification (2012)

<http://www.azed.gov/educator-certification/2012/08/28/native-american-language-teacher-certification>

SUMMARY**Ariz. Admin. Code §R7-2-614. Other Teaching Certificates**

In August 2012, Arizona Superintendent of Public Instruction John Huppenthal announced that a new *Native American Language Certification Policy R7-2-614J*, developed jointly by the Arizona Department of Education and the Native American Tribes, was unanimously adopted by the State Board of Education. This policy enables Native Language speakers to be certified to teach their Native Languages in Arizona classrooms. Native language proficiency will be verified by tribal assessments.

EDUCATION-RELATED OFFICES, COMMITTEES, AND COUNCILS

LEGAL CITATION

Arizona Revised Statutes, Title 15—Education, 2-2 (Department of Education), Ariz. Rev. Stat. §15-244 (2011).

<http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/ars/15/00244.htm&Title=15&DocType=ARS>

SUMMARY

Ariz. Rev. Stat. §15-244. Office of Indian Education; definition

- A. The Office of Indian Education is established in the Department of Education. The superintendent of public instruction shall hire appropriate personnel for the office.
- B. The Office of Indian Education shall:
 1. In collaboration with Indian nations, provide technical assistance to schools and Indian nations to meet the educational needs of Native American pupils.
 2. Provide technical assistance to schools and Indian nations in the planning, development, implementation and evaluation of curricula that are culturally relevant and aligned to state standards.
 3. Provide technical assistance to schools and Indian nations to develop culturally appropriate curricula and instructional materials.
 4. Establish an Indian Education Council in the Department of Education that shall include at least parents who are not certificated teachers.
 5. Encourage and foster parental involvement in the education of Native American pupils.
- C. At least once each year, representatives from all Indian nations, members of the state board, the Governor's office, the Arizona Commission of Indian Affairs, the Intertribal Council of Arizona, the legislature, the Superintendent of Public Instruction and the Indian Education Advisory Council shall meet to assist in evaluating, consolidating and coordinating all activities relating to the education of Native American pupils.
- D. Based on data submitted pursuant to subsection E, the Office of Indian Education, in collaboration with entities that serve Native American pupils, shall submit an annual statewide Native American

education status report to all Indian nations in this state. The division shall provide a copy of this report to the secretary of state and the director of the Arizona state library, archives and public records.

- E. A school district with tribal lands located within its boundaries shall provide a district-wide Native American education status report to all Indian nations represented within the school district boundaries and to the Department of Education.
- F. The status reports prescribed in subsections D and E shall be written in a brief format and shall include the following information, through which public school performance is measured and reported to the Indian nations:
 - 1. Student achievement as measured by a statewide test approved by the state board, with results disaggregated by ethnicity.
 - 2. School safety.
 - 3. The dropout rate.
 - 4. Attendance.
 - 5. Parent and community involvement.
 - 6. Educational programs that target Native American pupils.
 - 7. Financial reports.
 - 8. The current status of federal Indian education policies and procedures.
 - 9. School district initiatives to decrease the number of student dropouts and increase attendance.
 - 10. Public school use of variable school calendars.
 - 11. School district consultations with parent advisory committees.
- G. The state board of education, in consultation with the Indian nations in this state, may adopt rules to implement this section.
- H. For the purposes of this section, "Indian nations" means an Indian nation, tribe or pueblo located in this state.

The most recent summary report from the Arizona Department of Education, Research and Evaluation Division is Native American Education 2013; both the 2012 and the 2013 report are available from <http://www.azed.gov/indian-education/>

LEGAL CITATION

Arizona Revised Statutes, Title 41—State Government, 3-4 (Indian Affairs Commission), Ariz. Rev. Stat. §41-541- §41-542 (2011).

<http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/ars/41/00541.htm&Title=41&DocType=ARS>

and

<http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/ars/41/00542.htm&Title=41&DocType=ARS>

SUMMARY

Ariz. Rev. Stat. §41-541. Commission on Indian affairs; members; terms; compensation; officers; meetings; duties

A. The Arizona Commission of Indian affairs consists of the Governor, the Superintendent of Public Instruction, the Director of the Department of Health Services, the Director of the Department of Transportation, the Attorney General, the Director of the Department of Economic Security, the Director of the Department of Gaming, the Director of the Office of Tourism and the Chief Executive Officer of

the Arizona Commerce Authority, or their representatives, who shall be ex officio members. The governor shall appoint eleven additional members, including four at large, one of whom must represent a nonprofit organization, and seven from among the Indian tribes. Each tribe or tribal council may submit names of members of its tribe to be considered for appointment.

Ariz. Rev. Stat. §41-542. Powers and duties; information; report; director; appointment; personnel; limitations; fees; directory

- A. The commission shall assist and support state and federal agencies in assisting Indians and tribal councils in this state to develop mutual goals, to design projects for achieving goals and to implement their plans. The commission shall also:
4. Work for greater understanding and improved relationships between Indians and non-Indians by creating an awareness of the legal, social and economic needs of Indians in this state.

More information on the work of the Arizona Commission of Indian Affairs may be found at <http://www.indianaffairs.state.az.us/>

Demographic reports for Arizona's tribes based on 2010 Census and 2010 American Community Survey estimates may be found at <http://azcia.gov/links.asp>

LEGAL CITATION

Arizona Governor's Executive Order 2006-14, Consultation and Cooperation with Arizona Tribes

SUMMARY

On September 14th, 2006, Arizona Governor's [Executive Order 2006-14](#) *Consultation and Cooperation with Arizona Tribes* was established. The Executive Order required each Executive Branch agency to:

1. Develop and implement a tribal consultation policy to guide their work and interaction with federally recognized Tribes in Arizona;
2. Designate a principal point of contact for tribal issues; and
3. Review their tribal consultation policies each year and submit an electronic report to the Governor and the legislature, to describe all action undertaken as a result of implementation of these policies. Electronic copies of these annual reports shall be provided to the Arizona Commission on Indian Affairs, which will make them available to Arizona's tribal leaders.

The Arizona School Facilities Board is charged with construction of new school facilities; administering the distribution of renewal monies; and inspecting school buildings to ensure compliance with the building adequacy standards prescribed in Ariz. Rev. Stat. §15-2011 for all K-12 public schools including those that are on Tribal land. More information on the School Facilities Board's Tribal Government Policy, including its Fiscal 2012 Annual Report on Tribal Consultation Policies, may be found at http://azcia.gov/agency_tribal_consultation_policies.asp

FINANCE AND FUNDING

LEGAL CITATION

Arizona Revised Statutes, Title 41–State Government, 2-1 (State Board of Education), Ariz. Rev. Stat. §15-205 (2011).

<http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/ars/15/00205.htm&Title=15&DocType=ARS>

SUMMARY

Ariz. Rev. Stat. §15-205. Education of Indians in state schools; contracts with department of interior
A. The state Board of Education may enter into contracts with the Department of the Interior for the welfare and education of Indians in schools of this state, in accordance with the act of Congress approved April 16, 1934, as amended by the act of June 4, 1936. The board shall administer the expenditure of federal funds provided under such contracts.

B. No contract as provided for in subsection A shall be binding on the school district affected until it is approved by the district governing board.

LEGAL CITATION

Arizona Revised Statutes, Title 41–State Government, 2-1 (State Board of Education), Ariz. Rev. Stat. §15-255 (2011).

<http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/ars/15/00255.htm&Title=15&DocType=ARS>

SUMMARY

Ariz. Rev. Stat. §15-255. Annual report; contents; definitions

This statute specifies that the Superintendent of Public Instruction shall make a report to the governor and the legislature on or before January 15 of each year that includes the amount of federal monies that was received during the previous year and that was specified for Indian education aid and emergency operational aid.

LEGAL CITATION

Arizona Revised Statutes, Title 41–State Government, 2-5 (Provisions for Insurance Coverage), Ariz. Rev. Stat. §15-385 (2011).

<http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/ars/15/00385.htm&Title=15&DocType=ARS>

SUMMARY

Ariz. Rev. Stat. §15-385. Premiums of a bond or insurance for accommodation schools or federally owned buildings on Indian reservation

Bonds or insurance necessary for the protection of buildings or equipment located on Indian reservations may be executed by the governing board of a school district. Premiums are charged against the funds of the school district.

LEGAL CITATION

Arizona Revised Statutes, Title 15—Education, 9-1 (General Provisions for School District Budgets), Ariz. Rev. Stat. §15-903 (2011).

<http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/ars/15/00903.htm&Title=15&DocType=ARS>

SUMMARY

Ariz. Rev. Stat. §15-903. Budget format, prohibited expenditures

F. The special projects section shall include budgeted expenditures for state special projects, including special adult projects, career education, deficiencies correction fund projects, building renewal fund projects and new school facilities fund projects, such federal special projects as ESEA Title programs, vocational education and Title IV (sic) Indian education, and other special projects.

LEGAL CITATION

Arizona Revised Statutes, Title 15—Education, 9-1 (General Provisions for School District Budgets), Ariz. Rev. Stat. §15-905 (2011).

<http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/ars/15/00905.htm&Title=15&DocType=ARS>

SUMMARY

Ariz. Rev. Stat. §15-905. School district budgets; notice; adoption; aggregate budget limit; summary; adjustments; impact aid fund; definition

K. The governing board may include Title VIII of the *Elementary and Secondary Education Act of 1965* assistance allocated for children with disabilities, children with specific learning disabilities, children residing on Indian lands and children residing within the boundaries of an accommodation school that is located on a military reservation and that is classified as a heavily impacted local educational agency pursuant to 20 United States Code section 7703 which is in addition to basic assistance when determining the general budget limit as prescribed in section 15-947, subsection C.

LEGAL CITATION

Arizona Revised Statutes, Title 15—Education, 9-5 (State and Local Assistance to Schools Districts and Accommodation Schools), Ariz. Rev. Stat. §15-973 (2011).

<http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/ars/15/00973.htm&Title=15&DocType=ARS>

SUMMARY

Ariz. Rev. Stat. §15-973. Apportionment of funds; expenditure limitations

This statute provides details of when and how state monies may be apportioned by school districts including P.L. 81-874 (Impact Aid) monies for children residing on Indian lands.

LEGAL CITATIONS

Arizona Revised Statutes, Title 5—Amusements and Sports, 6-1 (General Provisions), Ariz. Rev. Stat. §5-601.02(H)(3)(a)(i) and §5-601.02(H)(3)(b)(i) (2011).

<http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/ars/5/00601-02.htm&Title=5&DocType=ARS>

Arizona Revised Statutes, Title 15—Education, 9-5 (State and Local Assistance to Schools Districts and Accommodation Schools), Ariz. Rev. Stat. §15-979 (2011).

<http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/ars/15/00979.htm&Title=15&DocType=ARS>

SUMMARY

Ariz. Rev. Stat. § 5-601.02. New standard form of tribal-state gaming compact; effects, & Ariz. Rev. Stat. § 15-979. Instructional improvement fund

Native American tribes in Arizona contribute to the state from gaming revenue pursuant to Ariz. Rev. Stat. §5-601.02(H)(3)(a)(i) and §5-601.02(H)(3)(b)(i), and the portion that is provided to education is known as the Instructional Improvement Fund. Pursuant to Ariz. Rev. Stat. §15-979, the Arizona Department of Education shall pay the monies in the Instructional Improvement Fund to school districts and charters, which may expend the funds as follows:

- Each school district and charter school may utilize up to fifty percent for teacher compensation increases and class size reduction.
- Monies that are not utilized as provided above shall be utilized for the following maintenance and operation purposes:
 - Dropout prevention programs
 - Instructional improvement programs, including programs to develop minimum reading skills for students by the end of third grade.

(Arizona Department of Education, 2012, p. 40)

LEGAL CITATION

Arizona Revised Statutes, Title 15—Education, 10-1 (Revolving Funds, School Plant, Insurance Proceeds, Unemployment Compensation, Civic Center School and Permanent Teacherage Funds), Ariz. Rev. Stat. §15-1106 (2011).

<http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/ars/15/01106.htm&Title=15&DocType=ARS>

SUMMARY

Ariz. Rev. Stat. §15-1106. Permanent teacherage fund; uses; definition

A. A school district governing board, or the superintendent or chief administrative officer with the approval of the governing board, may establish a permanent teacherage fund. Such fund shall be comprised of proceeds obtained from the lease of teacherages within the school district. Monies in such fund may be used for any of the following purposes:

3. Purchase of houses, including mobile or modular housing, to be used exclusively as teacherages for school districts located on Indian and federal lands.

C. For the purposes of this section, "teacherage" means any housing facilities for teachers and other school employees provided by a school district pursuant to section 15-342, paragraph 6.

Arizona State Board of Education/Vocational and Technical Education

Policy Statement: Indian Education

The Arizona State Board of Education recognizes and honors its commitment to the American Indian people residing in Arizona through the establishment of this Indian Education Policy. The purpose of this policy is to promote maximum Indian participation and to ensure collaboration in achieving quality education for American Indian people.

The Arizona State Board of Education recognizes that American Indians are unique in their languages, cultures, and histories, and that they have a unique relationship with the federal and state governments. The Arizona State Board of Education believes that the education of American Indian students can be facilitated through close coordination between schools and state, federal, and tribal government representatives.

The Arizona State Board of Education recognizes the value and importance of Arizona's American Indian languages, cultures, and histories. The Arizona State Board of Education believes both American Indian and non-Indian populations of the state must learn about and acknowledge each other. The Arizona State Board of Education strongly recommends that LEAs integrate Arizona American Indian languages, cultures, and histories into all areas of the curriculum to foster appreciation and understanding for all students.

The high expectations for student achievement embodied in the Arizona Academic Standards serves as the foundation for school curricula throughout the state. The Arizona State Board of Education recommends that all local districts and charter schools identify the cultural contributions of American Indian students and develop educational programs and practices in harmony with all parents, community members, and tribal governments that will ensure the success in school and later life for all students.

The Arizona State Board of Education urges the Superintendent of Public Instruction, the Boards of Trustees of State Community Colleges, and the Arizona Board of Regents to take leadership roles in meeting the preschool, elementary, secondary, vocational, and higher education needs of American Indian people.

Adopted August 25, 1985

Arizona State Board of
Education/Vocational and
Technical Education
Revised August 2002

Note: Board of Education policies codified under Arizona Administrative Code are listed in the State Law section of this document under *Staffing and Personnel*.

Policy Decisions

Arizona Department of Education, Guidance to Determine How and When to Use Federal Funds for the Implementation of Arizona’s Common Core Standards (May 2013). Available from

<http://www.azed.gov/grants-management/files/2013/04/adeaccs.pdf>

This document provides guidance for determining how and when to use federal funds to implement Arizona’s Common Core Standards (ACCS) in consideration of supplement, not supplant criteria; identifies allowable activities that are supplemental, as well as potential non-allowable activities; and provides guidance for “overcoming the presumption of supplanting.” There is a section on potential allowable uses of federal Indian Education Johnson-O’Malley (JOM) Program funds. Use of these limited grant funds is applicable only to those LEAs/schools that are awarded JOM Program funds, which provide supplementary financial assistance to meet the unique and specialized education needs of American Indian children. They are not to take the place of federal, state, or local funds. Funds must be used exclusively for the benefit of JOM students, as approved by the local JOM Indian Education Committee, as defined by Federal law 25 CFR 273, and must meet the unique needs of American Indian students. Arizona’s JOM Education Plan funds 28 programs across the state. The Arizona Department of Education contracts with the Bureau of Indian Affairs (BIA) to receive funds.

Potential allowable uses of funds for implementation of ACCS, if approved, include:

- Training school leadership in Native American content inclusion into Common Core instruction;
- Training teachers in Native American content inclusion for Common Core instruction;
- In-service training and team-based initiatives regarding meeting the unique educational needs of American Indian students with support of JOM staff;
- Bringing together Learning Communities and Communities of Practice with ongoing dialogue with the American Indian Community through events, cultural programming, and regular meetings;
- Utilizing Indian Education staff as resources for ongoing support and coaching;
- Supporting and recognizing student progress in meeting ACCS (through incentives and recognition programs pending budget approval);
- Acquiring and developing instructional materials and supplies for JOM eligible students;
- Funding multi-tiered instruction initiatives aligned to ACCS;
- Comprehensive assessment planning initiatives, including measuring progress in meeting the unique academic and cultural needs of JOM eligible students; and
- Increasing access to Technology Readiness initiatives and programs that meet the needs of JOM eligible students.

Other sources of federal funding may also come into play, but this section deals specifically with Johnson-O’Malley Program funds.

State of Arizona ESEA Flexibility Request (July 13, 2012)

<http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/az.html>

In June 2010, the Arizona State Board of Education adopted the Common Core State Standards in English Language Arts (ELA) and Mathematics. All schools will fully implement the standards beginning in 2013–2014. Experts from various ADE offices and departments, including the Office of Indian Education, developed an integrated system of support that includes professional development, ongoing technical assistance, guidance documents, and an array of instructional resources. The ADE is working closely with departments and projects that serve LEAs with high populations of Native American students.

In order to maintain open communications systems, gather specific input, and provide important information on a regular basis, members of ADE's College- and Career-Ready Standards leadership team are to meet quarterly with the Education Directors of Tribal Councils from across Arizona. Agendas will focus on discussions and critical action steps that will support the goal of significantly improving student achievement for all Native American students. Specifically, federal and state laws, State Board of Education policies, and ADE guidelines will be addressed to ensure an informed and collaborative alliance is generated. At the regional and county level, educational leadership will meet regularly with tribal education directors and district leadership to address local needs and action steps. A tiered system of support will be put into place that will include statewide collaborative teams, regional and/or county teams, and well-informed local leadership with members from LEAs, Tribal Education offices, County Education offices, and the Arizona Department of Education.

Native American Education–Related Organizations in Arizona

Arizona Indian Education Association

P.O. Box 13402

Phoenix, AZ 85002

Website: <http://aieacorp.org/>

The purpose of the AIEA is:

- To provide channels of communication among Indian education programs including prekindergarten through higher education.
- To ensure the delivery of effective education services by Indian education agencies through collaboration with other federal, state, and tribal programs.
- To serve as a network for information regarding, among other things, parent and youth conferences, curriculum and instructional activities, and new Indian education programs.
- To provide professional development activities and/or training.

The mission of the Arizona Indian Education Association is

- To develop educational strategies and activities consistent with Arizona’s academic standards and to provide research and resources to Arizona schools for their American Indian students to achieve academic excellence through culturally responsive education.

Arizona State University

School of Social Transformation

Center for Indian Education

West Hall, 205/PO Box 874902

Tel: 480-965-4096

Website: <http://center-for-indian-education.asu.edu/>

Contact:

Bryan Brayboy, Director, Center for Indian Education

Co-editor, Journal of American Indian Education

Borderlands Associate Professor of Indigenous Education and Justice, School of Social Transformation

Email: Bryan.Brayboy@asu.edu

Tel: 480-965-5327

The Center for Indian Education (CIE) aims to enhance excellence, access, and impact in American Indian/Indigenous education. Through teaching, research, and community partnerships, the CIE actively promotes and provides greater avenues of access in education for

American Indians/Alaska Natives and has developed specific programs that serve that purpose. The CIE sponsors programs and services that support increasing education levels among American Indian communities in Arizona. The Center has also facilitated the three major state universities' focus on assisting Arizona tribes to meet their human resource and other infrastructure needs as their local economies evolve. Disciplinary expertise among CIE faculty/administrators and staff spans the fields of education, anthropology, applied linguistics, policy studies, and political science.

Current projects in Arizona include:

- Gila River Early Educators Attaining Teaching Excellence (GRE2ATE) is a four-year project that began in 2012 to enroll 16 Native American participants in an ASU bachelor's degree program offered onsite within the Gila River Indian Community. Participants are already working with children in Head Start and Early Education classrooms in the community. The program focuses on early years' curriculum planning, child development, family involvement, transitioning children from Head Start and tribal preschools to K–3, and integrating culture and Native language into early childhood classrooms. The site-based cohort will graduate with a concentration in early childhood education, leading to the Arizona Early Childhood Teacher Certificate. The Center was awarded a \$1.2 million grant for this project by the U.S. Department of Education's Office of Indian Education. More information is available from <http://center-for-indian-education.asu.edu/node/105>
- The Arizona Four Corners Teacher Preparation Project, 2010–2014. Six students in the inaugural cohort of the project graduated in December 2012 with master's degrees in elementary and special education. All are members of the Navajo Nation, and are pursuing positions as teachers, advocates, and role models in school districts on the Navajo reservation or in Phoenix Valley schools with high Native populations. This is funded by a \$1.1 million grant from the U.S. Department of Education's Office of Indian Education. More information is available from <http://center-for-indian-education.asu.edu/four-corners> and <http://center-for-indian-education.asu.edu/node/13>

Inter Tribal Council of Arizona, Inc.

2214 N. Central Avenue

Phoenix, AZ 85004

Tel: 602-258-4288

Website: www.itcaonline.com

The Inter Tribal Council of Arizona, Inc., is a nonprofit 501(c)(3) corporation that administers over twenty federal, state, and private grants and contracts in a variety of areas including health, research, and environmental quality. ITCA staff provides technical assistance, disseminates information, and conducts trainings to assist Tribal governments in operating programs that comply with federal regulations and policies and protect the health and safety of Tribal members. ITCA employs approximately 70 staff to carry out the goals of these programs.

The membership of ITCA consists of twenty of the federally recognized Tribes in Arizona. ITCA coordinates meetings and conferences to facilitate participation of Tribal leaders and other Tribal staff in the formulation of public policy at all levels. A copy of the ICTA 2011 Annual Report may be found on the organization's website.

Phoenix Indian Center, Inc.

4520 N. Central Avenue, Suite 250

Phoenix, Arizona 85012

Tel: 602-264-6768

Website: www.phxindcenter.org

The Phoenix Indian Center is the oldest and the first American Indian nonprofit organization in the Nation. It was formed in 1947 as an outgrowth of Native people moving to urban Phoenix not only to sell their crafts and goods but as a result of the Federal Government's Indian Relocation Act. The Federal Government's Indian Relocation Act (PL 959) created a mass migration of American Indians from rural, reservation settings to large-scale cities across the United States during the 1950s and 1960s. Several Indian Centers were formed in the major "relocation" cities across the country. These Centers were crucial in providing a place for American Indians to connect and socialize with other Indians and to receive various necessary services as they were removed to live city life. Phoenix was designated as one of the original "relocation cities." The Phoenix Indian Center has evolved over its years of existence, adding several employment, education, cultural enrichment, community engagement, and supportive services. Each year the Center reviews the needs for the ever-growing American Indian population in the Maricopa Valley and seeks funding to offer more services to address these needs.

Tucson Indian Center

97 East Congress, Suite 101

Tucson, Arizona 85701

Tel: 520-884-7131

Website: <http://www.ticenter.org/>

The mission of the Tucson Indian Center (TIC) is to lead, serve, empower, and advocate for the Tucson urban American Indian community and others by providing culturally appropriate wellness and social services. The Center has been in existence for 50 years and has a Native American Youth Coalition for youth ages 8–17 that meets once a month to share wellness ideas, learn leadership skills, and receive health education information. The TIC Native Pride Project is a youth program that uses evidence-based practices to prevent teen suicide. Using the Native American Youth Empowerment Project's curriculum, youth are encouraged to plan and participate in weekly workshops focused on: Identity, Empowerment, Health, Moods & Coping, Self-determination, Growth & Relationships, and Transformation. These themes are expressed through Native Arts, crafts, and cultural activities.

Preliminary Nevada State Scan: Native American Issues

State Law (K–12 Education)

CURRICULA AND PROGRAMS

LEGAL CITATION

Nevada Revised Statutes, Title 34, Education, Chapter 389, Examination, Courses, Standards and Graduation; Academic Subjects, Instruction and Courses of Study; Programs and curricula for American Indians, § 389.150 (2013)

<http://www.leg.state.nv.us/NRS/NRS-389.html>

SUMMARY

Nev. Rev. Stat. § 389.150. Programs and curricula for American Indians

The superintendent of public instruction, working with tribes, shall establish programs and curricula designed to meet the special educational needs of American Indians in this state; this is Nevada's primary American Indian Education Law.

LEGAL CITATION

Nev. Admin. Code § 389.516 Permissible elective courses of study (2014).

<http://www.leg.state.nv.us/nac/NAC-389.html#NAC389Sec516>

SUMMARY

A local school board may offer the following courses of study as elective courses in a public high school:

11. Great Basin Native American languages

LEGAL CITATION

Nev. Admin. Code § 389.6549 Great Basin Native American language (2014).

<http://www.leg.state.nv.us/nac/NAC-389.html#NAC389Sec6549>

A course of study in a Great Basin Native American language must include instruction designed to teach the pupil to do the following:

- After 1 year of instruction:
 - (a) Understand routine questions, statements, commands and conversation.
 - (b) Recognize the differences in intonation between questions, statements and commands.
 - (c) Produce words and phrases used frequently in daily life.
 - (d) Identify in oral speech highly contextualized cognates.
 - (e) Understand and compose simple oral material.
 - (f) Be familiar with the location and geography of the Native Americans whose language is being studied.
 - (g) Be familiar with how the Native Americans whose language is being studied are related to other Native Americans in the Great Basin region.
 - (h) Be familiar with important cultural features, prominent persons, current events and activities of the Native Americans whose language is being studied.

(i) Be familiar with some of the major contributions to the culture of this State and the United States made by the Native Americans whose language is being studied.

• After 2 years of instruction:

- (a) Understand simple conversation.
- (b) Understand the language of simple social conventions.
- (c) Distinguish the unique sounds of the language in familiar context.
- (d) Participate in familiar situations, including, without limitation, asking and answering questions, giving and following simple directions, engaging in conversation at a dinner table, and introducing oneself.
- (e) Understand a written passage sufficiently to use alternative language to communicate the content of the passage.
- (f) Retell familiar material.
- (g) Understand main ideas and facts from a simple oral text, including, without limitation, a story.
- (h) Follow oral directions.
- (i) Infer meaning from the context of the material studied and cognates.
- (j) Compose, with guidance from the instructor, short oral compositions, statements and dialogue.
- (k) Explore major aspects of the geography, daily life, celebrations, social customs, body language and proximity, perception of time and major historical events of the region where the language is spoken.
- (l) Continue to demonstrate an awareness of current events, communities and prominent persons of the region where the language is spoken.

(Added to NAC by Bd. of Education by R066-97, eff. 12-10-97)

<https://www.leg.state.nv.us/NAC/NAC-389.html>

STAFFING AND PERSONNEL

LEGAL CITATION

Nev. Admin. Code §391.233 Endorsement to teach Great Basin Native American language (2014).

<http://www.leg.state.nv.us/nac/NAC-391.html#NAC391Sec233>

SUMMARY

1. Except as otherwise provided in subsection 4, to receive an endorsement to teach a course in a Great Basin Native American language, a person must:

- (a) Have a high school diploma or its equivalent;
- (b) Have completed 6 semester hours of course work that included, without limitation:
 - (1) Professional education and teaching methodology; or
 - (2) The study of Native American languages; and
- (c) Be certified as a fluent speaker of the language that the person proposes to teach by:
 - (1) A council of a tribe of Native Americans who speak that language; or
 - (2) A qualified official of a university or college.

2. An endorsement issued pursuant to this section:

- (a) Is valid for 3 years.
- (b) Is renewable.
- (c) May be used only to teach the language set forth on the endorsement.

3. An applicant for an endorsement issued pursuant to this section:
- (a) Must submit with his or her application:
 - (1) The applicable documents and fees required for initial licensure pursuant to [NAC 391.045](#); and
 - (2) Written documentation verifying the applicant's certification as a fluent speaker of the language he or she proposes to teach.
 - (b) Is not subject to the provisions of [NAC 391.030](#) and [391.036](#).
<https://www.leg.state.nv.us/NAC/NAC-391.html>

State Board of Education Policies

Nevada American Indian and Alaska Native Education Strategic Plan

http://www.nic.nv.gov/Reports/Indian_Education_Strategic_Plan.pdf

Prepared by the Nevada Indian Commission Indian Education Advisory Committee. Approved by the Nevada Indian Commission on March 18, 2009. Adopted by the Nevada State Board of Education on March 20, 2009.

On June 20, 2002, the Nevada Indian Commission (NIC) authorized the formation of an advisory committee on Indian Education. The Indian Education Advisory Committee (IEAC) began meeting under the current administration in October 2005. Aware that American Indian/Alaska Native (AI/AN) students enrolled in Nevada's public school system have a high dropout rate, high absenteeism rate, and low achievement test scores and graduation rate, the IEAC brought this information to the attention of the State Board of Education at their December 3, 2005, meeting. Subsequently, the IEAC was officially appointed by the State Board of Education (SBOE) as the Task Force on Indian Education to accomplish a strategic plan for Indian Education in Nevada. The motion to create the Task Force was passed unanimously on January 21, 2006, by the State Board of Education.

The Nevada American Indian and Alaska Native Education Strategic Plan identified the following 12 goals to ensure no AI/AN child is left behind in the benefits of education afforded to all other students in the state:

1. Adopt policies that encourage strong partnerships with American Indian/Alaska Native parents, tribal and community leaders, and school districts; create opportunities for these stakeholders to provide school districts with their input regarding programs for all AI/AN students.
2. Promote and provide strategies for effective education to AI/AN students at all levels.
3. Develop educational programs to address the educational needs of all AI/AN students in the state of Nevada.
4. Consider the existing system of data collection used to obtain and disseminate uniform and comprehensive data on AI/AN students in public schools.
5. Provide professional development opportunities to all teachers, counselors, administrators, and other ancillary personnel in the public school system on culturally relevant teaching strategies and the unique needs of AI/AN students to improve outcomes for these students.
6. Encourage implementation of culturally specific, historically accurate, and developmentally appropriate AI/AN curriculum and instructional materials in every school district in Nevada to be infused throughout the curriculum.

7. Identify, develop, and implement non-biased and culturally appropriate assessment instruments to determine achievement levels for AI/AN students.
8. Support full participation of all AI/AN children in preschool Early Childhood Education Programs as a priority.
9. Build partnerships with AI/AN parents and implement programs that increase parental involvement.
10. Develop programs or implement research-based and/or effective strategies for reducing problem behavior among AI/AN youth.
11. Support the Nevada System of Higher Education (NSHE) policies and practices that ensure AI/AN students are provided equal access and opportunities for higher education in the state for the development of future AI/AN professionals and create programs that increase the number of AI/AN students and faculty in post-secondary institutions.
12. Support the Nevada System of Higher Education in addressing the need for additional cultural competency training for Nevada's licensed and pre-service teachers and increase the number of AI/AN teachers.

The strategic plan is to be reviewed periodically and a report on the progress of the plan is to be presented to the Nevada Indian Commission Executive Board, the Inter-Tribal Council of Nevada Executive Board, and the State Board of Education.

Native American Education–Related Organizations in Nevada

Inter-Tribal Council of Nevada (ITCN)

680 Greenbrae Drive, Suite 280

Sparks, Nevada 89431

Tel: 775-355-0600

Website: <http://www.itcn.org/>

The Inter-Tribal Council of Nevada, Inc. (ITCN) was incorporated as a nonprofit organization under Nevada State Law on February 23, 1966. ITCN is a Tribal organization serving the member reservations and colonies in Nevada. The Governing Body of ITCN consists of an Executive Board, composed of a Tribal Chairman from each of these Tribes. The main intent of ITCN is to serve as a large political body for the small Nevada Tribes. From that point in time, ITCN has played a major role in promoting health, educational, social, economic, and job opportunity programs. ITCN now manages Federal and State funded programs aimed at improving the well-being of community members throughout the State of Nevada.

Nevada Indian Commission (NIC)

5366 Snyder Avenue

Carson City, NV 89701

Tel: 775-687-8333

Website: <http://www.nic.nv.gov/>

The Nevada Indian Commission (NIC) is a State agency created by statute in 1965 to “study matters affecting the social and economic welfare and well-being of American Indians residing in Nevada, including, but not limited to, matters and problems relating to Indian affairs and to federal and state control, responsibility, policy and operations affecting such Indians.” The Indian Commission was originally established to be a mediator for tribal-state relations and the entity whereby tribal concerns and issues affecting Native American Indians could be directly addressed with the Governor.

Commission activities are aimed at developing and improving cooperation and communications between the Tribes, State, local governments, and related public agencies with the purpose of improving the education, employment, health, well-being, and socio-economic status of Nevada’s American Indian citizens and enhancing tribal sovereignty, economic opportunities, and community development.

The Commission effectively serves as a liaison between the State and the 19 federally recognized tribes comprised of 28 separate tribes, bands, and community councils. The Commission has assisted State agencies and Tribes on issues affecting Nevada’s American Indian constituency and serves as a forum in which Indian needs and issues are considered. The Commission is a conduit by which concerns involving Native American Indians or Tribal interests are channeled through the appropriate network and serves as the point of access for Tribes to find out about state government programs and policies.

The Commission, comprised of five (5) Commissioners appointed by the Governor, meets at least quarterly. Three Commissioners are Native American Indian and two Commissioners are from the general public. Staff for the Commission includes an Executive Director appointed by the Governor and a Management Assistant.

At a meeting held on June 20, 2001, the Commission authorized the formation of the Advisory Committee on Indian Education in Nevada (Committee). The purpose of the Committee is to advocate for American Indian children; act as an advisory body, general office, and strategist to the Nevada Indian Commission; serve as a link between the State Superintendent of Public Instruction, Office of Special Education, Elementary & Secondary Education, and School Improvement Programs and the appointed Consultant of School Improvement Programs, State Board of Education, Colleges and Universities, State Department of Education, Governor's Office, State Legislature, State Attorney General's Office, American Indian Tribes, and other advocates of Indian education.

The Committee is responsible for promoting quality education for Indian students in Nevada through accountability of basic instruction as well as Indian Set-Aside, JOM, impact aid, and other programs. The Committee may assist, as requested, in the planning, development, implementation, monitoring, and evaluation of appropriate curricula for Indian students.

The Committee disseminates information that reflects current legislation, theory, methodology, and practices in Indian education. The Committee also plans sessions with tribal entities, parents, and community members to discuss needs and develop and implement workshops or conferences for Indian education.

The Committee exists to:

- Promote the belief and practices that support no child shall be left behind.
- Promote equality to ensure all children including AI/AN children are considered in the delivery of education.
- Enhance the cultural awareness necessary to ensure AI/AN children are afforded learning opportunities conducive to their learning style and experiences.
- Lobby education policy makers for what is needed to improve AI/AN children's achievement.
- Encourage and support efforts to ensure all AI/AN children meet or exceed the State's achievement standards, and to provide American Indian perspective in creation and maintenance of the State's achievement standards.

http://www.nic.nv.gov/IndianEdBy-Laws_Amended_10-14-05.pdf

Nevada Urban Indians, Inc. (NUI)

1475 Terminal Way, Suite B

Reno, NV 89502

Tel: 775-788-7600

Marjorie Walker, Executive Director

Topah Spoonhunte, Education Advisor

E-mail: info@nevadaurbanindians.orgWebsite: <http://www.nevadaurbanindians.org/index.html>

232 E. Winnie Lane

Carson City, NV 89706

Tel: 775-883-4439

Nevada Urban Indians, Inc. (NUI) is a nonprofit, outreach and referral, community-based agency funded by private and public grants. The agency opened its doors providing services to the community in 1975, and has offices in Reno and Carson City. NUI's mission is to promote American Indian/Alaskan Natives' culture, health, and well-being. NUI's Education Program provides free services for American Indian/Alaska Native high school and middle school students. Some of the services offered include:

- Tutoring
- Washoe County School District (WCSD) Indian Education and Assistance
- Educational Advisement
- Personal and Social Growth
- Career Exploration
- Cultural Activities
- Parent Committees
- College Search
- Financial Aid (assist w/application)
- Pell Grants (assist w/application)

American Indian Research and Education Center at UNLV

4505 S. Maryland Parkway

P.O. Box 453064

Las Vegas, Nevada

89154-3964

Dr. Carolee Dodge-Francis, Director

DeeJay E. Chino, Program Coordinator

Website: <http://airec.unlv.edu/>

The American Indian Research and Education Center conducts community-based research in order to promote educational and research opportunities for American Indian students. Its mission is to enhance the ability of tribes, the University of Nevada, Las Vegas, and the general public to better understand and address issues affecting American Indian populations.

Additional Resources

Nevada Department of Education Events:

The NDE provides statewide activities throughout the year:

- Spring: Annual American Indian/Alaska Native (AIAN) Education Summit--March 17–18, 2014
- Spring: *Pesa Namanedu Award* presented during the AIAN Education Summit
- Summer: Lesson Plan Writing Retreat
- Fall: Workshops—dates to be announced

The NDE hosted the 2nd Annual Curriculum Writing Retreat on June 19-21, 2013, at the University of Nevada, Reno's Knowledge Center. Educators were invited to attend and develop lesson plans and activities to complement the *History and Contemporary Lifestyles of the Northern Paiute, Southern Paiute, Washoe and Western Shoshone Curriculum Guide*. The guide is intended for use by educators throughout the state who teach about American Indian/Alaska Natives. The Curriculum Guide may be found on the NDE's website, along with approved lesson plans from last year at [http://www.doe.nv.gov/Indian Education Resources](http://www.doe.nv.gov/Indian_Education_Resources)

Milestones:

In October 2012, Nevada State Board of Education adopted the *History and Contemporary Lifestyles of the Northern Paiute, Southern Paiute, Washoe and Western Shoshone Curriculum Guide, a Resource for Teachers*. The groundwork for Nevada Revised Statute (NRS) 389.150, Programs and Curricula for American Indians, was begun with dedicated individuals who recognized the need to design programs and curricula to meet the unique educational needs of all students.

In June 2012, the first lesson plan writing retreat was provided. Educators participated in developing and creating lesson plans based on Common Core State Standards and Nevada State Standards. In partnership with the University of Nevada, Reno's (UNR) Center for Student Cultural Diversity, and the Nevada Indian Commission (NIC), the NDE holds an annual American Indian/Alaska Native (AI/AN) Education Summit in the spring. The Summit offers training to Nevada's educators, and provides information and resources on the tribes in Nevada.

In conjunction with the AI/AN Education Summit's Planning Committee, the NDE presents the *Pesa Namanedu Award* to honor American Indian educators in the state of Nevada who have made significant contributions toward Indian Education. *Pesa Namanedu Awardees* from 2010–2013 are as follows:

In 2013, two *Pesa Namanedu Awards* were presented:

The first was presented to individuals who contributed to the development and inclusion of the Northern Paiute language curriculum *Numu Yadooana*, in the Washoe County School District (WCSD). The WCSD was recognized, along with the WCSD Indian Education Program: Sheryl

Hicks, Rebecca Morrison, Anthony Abbie, Bernadette Sharpfish, and tribal elders: Ralph Burns, Reynelda James, Helena Melendez, Jeannette Allen, Lois Kane.

The second award was presented to Ms. Stacey Montooth. The Churchill County School District recognized her contributions in assisting to increase not only the attendance rate, but also the graduation and achievement rate of American Indians in her district. She was also instrumental in assisting the NDE to develop the newly adopted *History and Contemporary Lifestyles of the Northern Paiute, Southern Paiute, Washoe and Western Shoshone* Curriculum Guide. In addition, her school district recognized the work she does with the local tribal education department.

In 2012, the NDE recognized individuals who worked on the *Numa, Newe, Nuwuvi, and Wa She Shu* Inter-Tribal Council of Nevada books.

In 2011, the NDE recognized individuals who worked on the Great Basin Native American Language Endorsement Committee.

In 2010, the NDE recognized the teachers who wrote the Celebrating Nevada Indian Curriculum.

NEVADA INDIAN EDUCATION RESOURCES:

1. [Great Basin Native American Language Endorsement Qualifications](#)
2. [Great Basin Native American Language NAC 389 6549](#)
3. [History and Contemporary Lifestyles of the Tribes in Nevada Adopted 2012](#)

LESSON PLANS:

1. [Grade Levels K–2: Making Winnowing Tray](#)
2. [Grade Levels K–2: Pine Nut Song and Dance](#)
3. [Grade Level 5: Home to Medicine Mountain, Introducing Boarding Schools](#)
4. [Grade Levels 6–8: Lesson Plan Legal Terms](#)
5. [Grade Levels 7–12: Indian Boarding Schools](#)
6. [Where the Wood Meets the Metal](#)

http://www.doe.nv.gov/Indian_Education/

Celebrating Nevada Indians - Celebrating Nevada Indians Curriculum for the Classroom Teacher

The Curriculum was compiled and written to study Nevada Indians by Native American Teachers of Nevada Indian Descent.

- Leah Brady (Nevada State Education Association) – Western Shoshone
- Debra Dale – Northern Paiute and Shoshone
- Yvonne Dunn – Northern Paiute
- Maxine Emm – Northern Paiute
- Bernice Servilican – Laguna Pueblo and Washoe

This curriculum was developed for classroom teachers to use in their teaching about Nevada Indians. The curriculum can be used to support teacher knowledge about Nevada Indians. The text and activities will enhance the authenticity of teaching about Nevada Indians in the classroom.

Preliminary Utah State Scan: Native American Issues

State Law (K–12 Education)

EDUCATION-RELATED OFFICES, COMMITTEES, AND COUNCILS

LEGAL CITATION

Utah Title 9, Community and Culture Development: Chapter 9, Utah Division of Indian Affairs; Part 1, Division of Indian Affairs (2014).

<http://le.utah.gov/UtahCode/section.jsp?code=9-9>

SUMMARY

Utah Code Ann. § 9-9-102. Utah Division of Indian Affairs created, Supervision by Department.

1. There is created within the department a Utah Division of Indian Affairs.
2. The division shall be under the administration and general supervision of the department.

http://le.utah.gov/code/TITLE09/htm/09_09_010200.htm

§ 9-9-103. Purpose.

The division shall:

1. develop programs that will allow Indian citizens residing on or off reservations an opportunity to share in the progress of Utah;
2. promote an atmosphere in which Indian citizens are provided alternatives so that individual citizens may choose for themselves the kinds of lives they will live, both socially and economically;
3. promote programs to help the tribes and Indian communities find and implement solutions to their community problems; and
4. promote government-to-government relations between the state and tribal governments.

http://le.utah.gov/code/TITLE09/htm/09_09_010300.htm

SCHOLARSHIPS/GRANTS/TUITION AND RECRUITMENT PROGRAMS

LEGAL CITATION

Utah Title 53B, State System of Higher Education: Chapter 8, Tuition Waiver and Scholarships (2014).

http://le.utah.gov/code/TITLE53B/htm/53B08_010200.htm

SUMMARY

Utah Ann. Code § 53B-8-102. Definition of resident student.

10. Any American Indian who is enrolled on the tribal rolls of a tribe whose reservation or trust lands lie partly or wholly within Utah or whose border is at any point contiguous with the border of Utah, and any American Indian who is a member of a federally recognized or known Utah tribe and who has graduated from a high school in Utah, is entitled to resident student status.

State Board of Education Minutes

MINUTES - March 5, 2004

Minutes of the meeting of the State Board of Education held March 5, 2004, at the Utah State Office of Education, Salt Lake City, Utah.

Utah Native American Indian/Alaska Native Advisory Committee Task Force Staff Report

The Utah Native American Indian/Alaska Native State Plan Advisory Committee was formed in August 2002 by the USOE to study Indian Education issues, develop policy recommendations, create a strategic plan, and align with the USOE Consolidated Master Plan and No Child Left Behind. In January 2003, preliminary recommendations from the Utah Native American Indian/Alaska Native State Plan Advisory Committee were presented to the Board. Those recommendations have been refined and further developed by the USOE staff and were presented to the Committee. (For complete details of the report, see General Exhibit No. 9274.)

<http://www.schools.utah.gov/board/Minutes/2004/min04march.aspx>

Utah American Indian/Alaska Native Education Advisory Committee - Members

MINUTES - April 2, 2004

Minutes of the meeting of the State Board of Education held April 2, 2004, at the USOE, Salt Lake City, Utah.

American Indian Tribal Sovereignty

In April 2004, the Board heard a report on the American Indian Education Plan. Several action steps were approved by the Board at that time and four were sent back to committee for revision. One action step needing revision suggested training for the Board regarding tribal sovereignty. Tribal sovereignty is an issue cogent to revising the remaining action steps of the American Indian Plan. Superintendent Patti Harrington introduced Judge William A. Thorne, Jr., who sits on the Utah Court of Appeals. Judge Thorne presented training for the Board on tribal sovereignty. (For complete details of the materials presented see General Exhibit No. 9367.) Board Members questioned what they could do to help Indian children with their public education. Judge Thorne suggested that they get the people involved around the table and talk. He shared an example of Tribal Judges and State Judges in trying to deal with legal issues. He indicated that two states, Arizona and Washington, followed the model and were successful. He indicated that kids need to feel valued for where they come from. Judge Thorne further suggested that the Board include them in the process and then you will get the support.

Coalition of Minorities Advisory Committee - (CMAC) Quarterly Report

Charlene Lui, Chairman, and Dr. Nola Lodge of the Coalition of Minorities Advisory Committee presented their quarterly report. Included in the report were recommended changes in Utah's NCLB State Plan; that the state institute a state student identification number to better track individual students; and to change Native American designation to American Indian. (For complete details of the report, see General Exhibit No. 9297.)

<http://www.schools.utah.gov/board/Minutes/2004/min04april.aspx>

MINUTES - August 4, 2006

Minutes of the meeting of the State Board of Education held August 4, 2006, at the USOE, Salt Lake City, Utah.

Private School, Home School, Electronic High School (EHS), and Bureau of Indian Affairs (BIA) Student Participation in Public School Achievement Tests, R277-604.

Based on an increasing number of requests by private school and home school students to participate in public school achievement tests, R277-604, Private School, Home School, Electronic High School (EHS), and Bureau of Indian Affairs (BIA) Student Participation in Public School Achievement Tests, is developed to provide criteria and procedures for student participation. The rule ensures the integrity, security, and orderly and manageable administrative process necessary for student participation in U-PASS. (For complete details, see General Exhibit No. 9958.) The Committee amended the rule as follows: Under Definitions, D. "Public school achievement test, delete the words "include norm referenced", and add mean. Line 104, Home school student participation change (1) to read: Elementary-age home school students who desire to participate in U-PASS may do so only in the public school district in which the home school student's parent/legal guardian resides. Striking: Only if the student is enrolled in one or more Core program or course at the public school. Add (2) Secondary home school students who desire to participate in U-PASS may do so only in the public school district in which the home school student's parent/legal guardian resides only if the student is enrolled in one or more Core program(s) or course(s) at the resident public school. The Curriculum Committee approved R277-604, Private School, Home School, Electronic High School (EHS), and Bureau of Indian Affairs (BIA) Student Participation in Public School Achievement Tests, with amendments noted above on first reading and moved that the Board approve the rule on second reading. Motion carried unanimously.

<http://www.schools.utah.gov/board/Minutes/2006/min06aug.aspx>

MINUTES - June 7, 2007

Minutes of the meeting of the State Board of Education held June 7, 2007, at the Utah State Office of Education, Salt Lake City, Utah.

Master Plan for English Language Learners

A task force, facilitated by Superintendent Harrington, met to discuss strategies leading to an increase in academic language acquisition and academic achievement of English Language Learners in Utah. The task force recommended the development of an English Language Learner master plan. The Master Plan for English Language Learners was completed and reviewed by community organizations, statewide focus groups, Alternative Language Services Directors, Curriculum Directors, Special Education representatives, the Coalition for Minorities Advisory Committee (CMAC), and individuals with expertise in current English Language Learner research that may lead to English Language Learner language acquisition and achievement. (For complete details, see General Exhibit No. 10260.)

<http://www.schools.utah.gov/board/Minutes/2007/min07june.aspx>

MINUTES - January 10, 2013

Minutes of the meeting of the State Board of Education held January 10, 2013, at the USOE, Salt Lake City, Utah.

Data Sharing Agreement between the USOE and The Navajo Nation Leadership from the Diné Department of Education of the Navajo Nation

The Navajo Nation requested that the USOE enter into a memorandum of understanding (MOU) for the sharing of student assessment data of Navajo students attending Utah public schools. A USOE team drafted the proposed MOU. Current FERPA guidelines identify the education departments of Indian Tribes as entities that can receive student data in the role of a state education agency. The committee heard a presentation on the MOU from Navajo Nation representatives in December 2012. The committee approved the Data Sharing Agreement between the USOE and The Navajo Nation, and moved that the Board approve the MOU. According to a USOE news release from April 11, 2013, representatives from the USOE and the Utah Governor's Office met with representatives from the Navajo Nation on April 12, 2013, to sign the MOU providing the Navajo Nation access to assessment data of Navajo students in Utah.

<http://www.schools.utah.gov/board/Meetings/Minutes/2013/1-10-13.aspx>

<http://www.schools.utah.gov/main/INFORMATION/Online-Newsroom/Online-Newsroom-Archive.aspx>

Other Documents

Utah ESEA Flexibility Request – February 21, 2012

Utah LEA Indian Education Coordinators and Tribal Leaders

The USOE presented an overview of both the state accountability proposal and ESEA waiver application to the Utah LEA Indian Education Coordinators and Tribal Leaders at their January 2012 meeting.

Particular emphasis and discussion was directed to rigorous standards for all students; assessments and accountability that would allow schools to incorporate heritage language and culture; teacher and administrator evaluations; and the need for quality counseling and support for students. Feedback from the participants was received on the accountability system and ESEA waiver application.

<http://www2.ed.gov/policy/eseaflex/ut.pdf>

Utah Indian Curriculum Project

The Utah Indian Curriculum Project (UICP) offers teaching guides and lesson plans for teaching the history, culture, and current issues of Utah's American Indian tribes in fourth and seventh grade Utah history classes and high school social studies classes. The UICP was designed to pair with *We Shall Remain: A Native History of Utah*, a five-part documentary focusing on the Ute, Paiute, Northwestern Shoshone, Goshute, and Navajo people.

<http://www.utahindians.org/>

Native American Education–Related Organizations in Utah

Utah Division of Indian Affairs (UDIA)

300 S. Rio Grande Street

Salt Lake City, UT 84101

Shirlee Silversmith, Director

Tel: 801-245-7209

E-mail: ssilversmith@utah.gov

Web site: <http://heritage.utah.gov/utah-division-of-indian-affairs>

The Utah Division of Indian Affairs (UDIA) was created in 1953 when the Utah State Legislature passed the “Indian Affairs Act” creating the Commission on State Indian Affairs. The first director for the UDIA was hired in 1956. The UDIA is currently staffed by the Director, Research Analyst, and Secretary. The UDIA has mandated functions, powers, duties, rights, and responsibilities under Utah Code Annotated (UCA), Chapter 9: Parts 1, 2, & 3 of the “Indian Affairs Act.” There is a liaison from the USOE Board of Education to the UDIA (see <http://heritage.utah.gov/indian-affairs-test-menu/state-agency-liaisons>).

Responsibilities of the UDIA include the following:

- Serve as the Indian Affairs authority for the state of Utah under UCA Sec. 9-1-101.
- Serve as liaison and promote positive intergovernmental relations with and between Utah Indian Tribes, Office of the Governor, federal and state agencies, and local entities.
- Coordinate with the Governor’s office to address Indian Affairs’ issues and develop policies.
- Coordinate with the Native American Legislative Liaison Committee to develop Indian legislation and address Indian Affairs’ issues.
- Work closely with the Native American Remains Review Committee to determine disposition of human remains found on state or school trust lands.
- Monitor Utah and Federal Indian legislation that impacts Utah Indian Tribes and the state of Utah. Develop programs and services, provide alternatives, and implement solutions that will allow Indian citizens an opportunity to share in the progress of the state of Utah.

Additional Native American Education Policy and Law Resources

Bureau of Indian Education (BIE)

1849 C Street, NW
Mail Stop 3609 MIB
Washington, DC 20240
Tel: 202-208-6123
Website: <http://www.bie.edu/index.htm>

The Bureau of Indian Education (BIE) is one of the programs within the Bureau of Indian Affairs at the U.S. Department of the Interior. The BIE's mission is to provide quality education opportunities from early childhood through life in accordance with a tribe's needs for cultural and economic well-being, in keeping with the wide diversity of Indian tribes and Alaska Native villages as distinct cultural and governmental entities. Further, the BIE is to manifest consideration of the whole person by taking into account the spiritual, mental, physical, and cultural aspects of the individual within his or her family and tribal or village context. The BIE oversees a total of 183 elementary, secondary, residential, and peripheral dormitories across 23 states. One hundred twenty-six schools are tribally controlled under P.L. 93-638 Indian Self Determination Contracts or P.L. 100-297 Tribally Controlled Grant Schools Act. Fifty-seven schools are operated by the BIE itself. There are 35 tribally controlled colleges and universities. The BIE also oversees two federally operated post-secondary schools: Haskell Indian Nations University in Kansas and Southwestern Indian Polytechnic Institute in New Mexico. BIE schools and LEAs that receive funding under the *No Child Left Behind Act of 2001* are required to be in compliance with provisions of the Act and are monitored for compliance by the U.S. Department of Education. More information on BIE policies is available from <http://www.bie.edu/Resources/policyeval/index.htm>

National Congress of American Indians (NCAI)

Embassy of Tribal Nations
1516 P Street NW
Washington, DC 20005
Tel: 202-466-7767
Website: <http://www.ncai.org/>

Founded in 1944, the National Congress of American Indians (NCAI) is the oldest, largest, and most representative American Indian and Alaska Native organization serving the broad interests of tribal governments and communities. The organization's policy issues and initiatives are driven by the consensus of its diverse membership, which consists of American Indian and Alaska Native tribal governments, tribal citizens, individuals, and Native and non-Native organizations.

Among NCAI's eight Standing Committees is the Human Resources Committee, which has a Subcommittee on Education.

In 2003, NCAI leadership launched the Policy Research Center (PRC) to serve as a think tank focused on issues facing tribal communities. The mission of the PRC is to provide tribal leaders with the best available knowledge to make strategically proactive policy decisions in a framework of Native wisdom that positively impact the future of Native peoples. The Center's work is focused on shifting the discourse in Native policy from a problem-focused approach to proactive, future-thinking strategy development.

National Indian Education Association (NIEA)

110 Maryland Ave, NE, Suite 104

Washington, DC 20002

Tel: 202-544-7290

Website: <http://niea.org/About.aspx>

The National Indian Education Association (NIEA) advances comprehensive educational opportunities for American Indians, Alaska Natives, and Native Hawaiians throughout the United States. NIEA focuses on helping tribes and communities control and choose excellent education for Native students, promoting culturally based education that allows Native students to preserve languages and traditions of their tribes and nations, and expanding equal educational opportunity for every Native student regardless of where they live. With more than 90 percent of American Indian and Alaska Native students attending school and living outside of areas served by the U.S. Bureau of Indian Education (BIE), NIEA strives to make sure that all of our students in the United States are given the high-quality education they need to help themselves and their communities succeed.

NIEA encourages the use of research and evaluation approaches that respect Native cultures and values; permit the involvement of Native people in the development of research and evaluation design, implementation, and reporting; promote tribal self-determination and sovereignty; and build the capacity of tribes and Native communities to conduct their own research and evaluations. A selection of materials for both Native and non-Native researchers and evaluators conducting research or evaluations in Native communities is available from <http://niea.org/Research/Native-Research-0024&-Evaluation-Methods.aspx>

Policy resources from NIEA are available from <http://niea.org/Policy/Policy-Resources.aspx>

National Indian Law Library

1522 Broadway

Boulder, CO 80302

Tel: 303-447-8760

Website: <http://www.narf.org/nill/index.htm>

The National Indian Law Library (NILL) of the Native American Rights Fund (NARF) is a public law library devoted to federal Indian and tribal law. NILL serves the public by developing and making accessible a unique and valuable collection of Indian law resources and assisting people with their Indian law-related information needs.

From 1993 to 2005, NARF had an Indian Education Legal Support Project funded by the Carnegie Corporation and the Kellogg Foundation. Written materials for this project, the *Tribalizing Indian Education Series*, can be found at <http://www.narf.org/pubs/edu/index.htm>

Native American Rights Fund (NARF)

1506 Broadway
Boulder, CO 80302-6296
Tel: 303-447-8760
Website: <http://www.narf.org/>

Founded in 1970, the Native American Rights Fund (NARF) is the oldest and largest nonprofit law firm dedicated to asserting and defending the rights of Indian tribes, organizations, and individuals nationwide.

NARF's practice is concentrated in five key areas: the preservation of tribal existence; the protection of tribal natural resources; the promotion of Native American human rights; the accountability of governments to Native Americans; and the development of Indian law and educating the public about Indian rights, laws, and issues.

In 2005 NARF prepared a publication, *Major Elementary and Secondary Federal Education Programs Serving Tribal Students: What Are They and What Are the Roles of SEAs, LEAs, and Indian Tribes?* for the Council of Chief State School Officers. This publication can be found at http://narf.org/nill/resources/education/reports/seas_leas_tribes.pdf

Office of Indian Education (OIE)

U.S. Department of Education
400 Maryland Ave., SW
Washington, DC 20202
Joyce Silverthorne, Director
Tel: 202-401-0767
E-mail: indian.education@ed.gov
Website: <http://www2.ed.gov/about/offices/list/oese/oie/index.html>

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. Title VII of the *No Child Left Behind Act of 2001* addresses Indian, Native Hawaiian, and Alaska Native Education. More information on Title VII is available at <http://www2.ed.gov/policy/elsec/leg/esea02/pg98.html>

The **National Advisory Council on Indian Education (NACIE)** is authorized by section 7141 of the Elementary and Secondary Education Act of 1965 (ESEA), 20 U.S.C. 7871. The Council is governed by the provisions of the Federal Advisory Committee Act (FACA), 5 U.S.C. App. II, which sets forth requirements for the formation and use of advisory committees. The 15-

member Council advises 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; makes recommendations to the Secretary for filling the position of the Director of Indian Education whenever a vacancy occurs; and submits to the Congress, not later than June 30 of each year, a report on the activities of the Council, including any recommendations that the Council considers appropriate for the improvement of Federal education programs that include Indian children or adults as participants or that may benefit Indian children or adults, and recommendations concerning the funding of any such program. The Office of Indian Education within the Office of Elementary and Secondary Education (OESE) provides financial and administrative support for the performance of the Committee's functions. More information, including the Council's annual reports to Congress, is available at <http://www2.ed.gov/about/offices/list/oese/oie/nacie.html>

Tribal Education Departments National Assembly (TEDNA)

P.O. Box 18000

Boulder, CO 80308

Email: info@tedna.org

Website: <http://tedna.org>

The Tribal Education Departments National Assembly (TEDNA) is a nonprofit organization founded in 2003. TEDNA is a membership organization for the Education Departments of American Indian and Alaska Native Tribes. The founding of TEDNA has been supported by the Native American Rights Fund and the U.S. Department of Education's Office of Indian Education.

The mission of TEDNA is to:

- Assemble and represent collectively indigenous sovereign nations' departments of education;
- Respect and honor each nation's distinct spiritual, cultural, linguistic, and economic identities;
- Foster effective relationships with other governmental and educational agencies, organizations, and entities;
- Facilitate communications and cultivate consensus amongst members by, among other things, providing current, accurate, and pertinent information to members; and,
- Support and encourage each member nation's right to define and reach its own educational goals for its students, families, and communities wherever they may be located.

There are provisions in the *No Child Left Behind Act of 2001* (Title I, Title III, Title VII, and Title X) that expressly mention Tribal Education Departments or Tribal Education Codes. In 2006, TEDNA prepared *A Manual for Chief State School Officers and SEAs on American Indian and Alaska Native Tribal Sovereignty, Federal Education Programs for Tribal Students, and Tribal Education Departments*. This publication is available at http://www.narf.org/pubs/manual_state_school.pdf

A report from Mid-continent Research for Education and Learning (McREL), conducted under its 2006–2011 regional educational laboratory contract, profiled nine voluntary working partnerships between tribal education departments (TEDs), organizations that oversee American Indian education, and local education agencies (LEAs). The study, *Profiles of Partnerships between Tribal Education Departments and Local Education Agencies* (Beesley et al., 2012) provides individual profiles that describe how each partnership works, focusing primarily on collaborative activities, such as data sharing, intended to improve education outcomes for American Indian students. The report is available from http://www.ies.ed.gov/ncee/edlabs/regions/central/pdf/REL_2012137.pdf

White House Council on Native American Affairs

<http://www.whitehouse.gov/the-press-office/2013/06/26/executive-order-establishing-white-house-council-native-american-affairs>

<http://www.doi.gov/news/pressreleases/white-house-council-on-native-american-affairs-begins-implementing-presidents-national-policy-initiatives.cfm#>

On June 26, 2013, President Barack Obama signed an Executive Order establishing the White House Council on Native American Affairs. The order establishes a national policy to ensure that the Federal Government engages in a true and lasting government-to-government relationship with federally recognized tribes in a more coordinated and effective manner, including by better carrying out its trust responsibilities. The policy is established as a means of promoting and sustaining prosperous and resilient tribal communities. According to the Executive Order, greater engagement and meaningful consultation with tribes is of paramount importance in developing any policies affecting tribal nations. The policy includes expanding and improving lifelong educational opportunities for American Indians and Alaska Natives, while respecting demands for greater tribal control over tribal education, consistent with Executive Order 13592 of December 2, 2011 (Improving American Indian and Alaska Native Educational Opportunities and Strengthening Tribal Colleges and Universities).

The Secretary of the Interior serves as Chair of the Council which includes heads (or their designees) of more than 30 federal departments, agencies, and offices, including the Department of Education. The Council will coordinate, through the Director of the White House Office of Public Engagement and Intergovernmental Affairs, Federal engagement with tribal governments and Native American stakeholders regarding issues important to Native Americans. Stakeholders include tribal consortia; small businesses; education and training institutions, including tribal colleges and universities; health-care providers; trade associations; research and grant institutions; law enforcement; State and local governments; and community

and nonprofit organizations. The Council will meet three times a year--the inaugural meeting took place on July 29, 2013.

White House Initiative on American Indian and Alaska Native Education (WHIAIANE)

U.S. Department of Education
400 Maryland Ave., SW
Room 4W116
Washington, DC 20002
William Mendoza, Executive Director
Tel: 202-260-0513
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The White House Initiative on American Indian and Alaska Native Education leads the President's Executive Order 13592, Improving American Indian and Alaska Native Educational Opportunities and Strengthening Tribal Colleges and Universities, which was signed on December 2, 2011. The Initiative is located within the Department of Education and seeks to support activities that will strengthen the Nation by expanding education opportunities and improving education outcomes for all AI/AN students. It is committed to furthering tribal self-determination and ensuring that AI/AN students, at all levels of education, have an opportunity to learn their Native languages and histories and receive complete and competitive educations that will prepare them for college, careers, and productive and satisfying lives. The Initiative seeks to strengthen the relationship between the U.S. Department of Education, Office of Indian Education, and the U.S. Department of the Interior, Bureau of Indian Education, to draw upon each agency's expertise and resources to help improve AI/AN education. The Initiative also provides support to the National Advisory Council on Indian Education.

The Meyers Case

In 1993 the Navajo Nation, which has a community living in a remote part of its reservation located in Utah, brought to light the challenges facing the community with regard to public education. The action was not about the right to a free public education but about who has the obligation to provide it. The plaintiffs, representing the school-age children and their parents or guardians, brought the action against the Board of Education of the State of Utah's San Juan School District and its members to compel the District to provide secondary school facilities and services as well as improve the quality of elementary education at Navajo Mountain. *Meyers, Navajo Nation v. Board of Education of San Juan School District.*

The plaintiffs claimed the following: (1) by not providing educational services the defendants deliberately discriminated against them based on race; (2) this discrimination violated the equal protection guarantees of the Fifth and Fourteenth Amendments of the United States Constitution; and (3) the defendants violated federal laws governing the use and expenditure of federal funds, including Johnson-O'Malley funds. The plaintiffs filed a motion ordering the Board to submit a plan for providing a secondary education to each Native American of high-school age at Navajo Mountain comparable to that found in other schools in the District.

The federal district court answered the question in this case, *Who is obligated to provide quality education to the youth residing on an Indian reservation?* as follows: all entities, including the District, the State, the United States, and the Navajo Nation should collaborate to provide the best possible education to the youth.

In 1997 the court approved a consent decree developed and agreed to by the parties to this case. The decree outlined the details of collaboration for all parties involved in providing educational facilities and services to on-reservation Indians served by the District.



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