



Legislative Finance Committee
Public Education Subcommittee
Improving Indian Education Act Implementation and Outcomes
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September 21, 2021

The following research questions and excerpt are from my MBA Practicum at the University of New Mexico Anderson School of Business. Spring 2019. *Characterizing Elements for Successful Implementation of American Indian Education: Shared Governance in New Mexico Pueblo Communities*

How do education systems work in systems of shared governance? What culturally appropriate governance policy aligns the administration of education to provide excellent and relevant education to American Indian students in New Mexico?

Stage 2: High Impact Markers

Three primary written sources of information were utilized to identify and triangulate overarching themes Tribes found agreeable in regards to governance of educational programs. The first source of information originates from the federal government through *Summary Reports* of the US Department of Health and Human Services (HHS) Office Head Start Tribal Consultations, which take place annually across the country. The second source of information is delivered through the formal *Tribal Education Priorities* and *Tribal Education Recommendations* provided to the NM Public Education Department, by the Tribal Leaders of New Mexico at semi-annual Government-to-Government meetings. The third set of guiding

documents came from the Indian Education Advisory Council (IEAC) *2018-2019 Advisement Package*. The IEAC is established by the State of New Mexico’s Indian Education Act (2003) to “advise the Secretary of Education and Assistant Secretary of Indian Education or designee on implementation of provisions of the Indian Education Act” (NM IEA; IEAC Bylaws).

In addition to the tribal consultation documents and the IEAC recommendations, Tribal Governors provided their advice on overarching themes they had encountered not only in the field of education, but across the spectrum of government services. Governor Perry Martinez of San Ildefonso Pueblo provided the perspective of one of the smaller Pueblo nations, and thoughts on intertribal education with his extensive service as President of the Santa Fe Indian School Board of Trustees. Lt. Governor Raymond Concho Jr. of Acoma Pueblo provided the constant advocacy for meaningful tribal consultation at all levels, and Governor Phillip Perez expressed the needs and concerns of a tribe in the planning stages of early childhood education implementation. The key elements that were identified through qualitative coding of written documents and Tribal Leader conversations are listed below. Definitions from various resources were utilized to convey the perceived intent of the tribal consultation recommendations and request, as well as provide a guideline for the qualitative coding.

- Representation – “political representation is the activity of making citizens’ voices, opinions, and perspectives “present” in public policy making processes.” (Dovi, 2018)
- Communication (Tribal Consultation) - Consultation should be part of a mutual effort to cooperate and collaborate in good faith. Tribal consultation involves regular consultation, and case-by-case consultation as the need arises....

consultation consists of four phases: Identification, Notification, Tribal Input, and Follow-up. (US DOE)

- Local Control – “The concept of local control is grounded in a philosophy of government premised on the belief that the individuals and institutions closest to the students and most knowledgeable about a school—and most invested in the welfare and success of its educators, students, and communities—are best suited to making important decisions about its operation, leadership, staffing, academics, teaching, and improvement.” (edglossary.org)
- Accountability – “Political accountability refers to the responsibility or obligation of government officials to act in the best interests of society or face consequences. Public officials should be held responsible for their actions. Legal accountability concerns the mechanisms by which public officials can be held liable for actions that go against established rules and principles.” (<https://definitions.uslegal.com>)
- Multi-Year Funding Agreements (MYFA) – “Multi-year funding allows... funds for a multi-year award to be provided in increments or by allotment, usually on an annual basis.... encourages long-range program planning for the award and administration of financial assistance actions. One mechanism for facilitating this goal is funding through multi-year awards. This particularly pertains to awards that support research projects that may span several years. One of the purposes of multi-year awards is to reduce the administrative burden on both the applicant and the operating unit.” (Department of Commerce Office of Acquisition Management)

- Culturally Relevant Curriculum – “One of the most significant areas if we talk about relevance in education for Indian children is to have language, culture, and history a part of that curriculum, so that education isn’t something that is separated from your existence in a community.” (Regis Pecos)

A key item that was noted only once in the tribal consultation documents, but was a key topic of discussion with Tribal Leaders, was the impact of executive level support. Some individuals captured this by speaking of the strategic direction of the several Federal Government initiatives regarding tribal governments with the transition of the Obama Administration to the Trump Administration. Others observed the transition of State of New Mexico leadership and the anticipated outcomes of working with the incoming Lujan-Grisham Administration. Most articulated the need for local level executive support and communication, this included Tribal Leadership i.e., Governors and Tribal Councils, as well as local education leaders, superintendents, principals, and tribal education directors.

Executive Level Support

- Ensure Accountability to current Laws
 - State Tribal Collaboration Act
 - Indian Education Act
 - Hispanic Education Act
 - Bilingual Multicultural Education Act
- Amend Indian Education Act to identify which members of the legislature are to be present at Semi-Annual Government-to-Government meetings
 - Ex. Legislative Leadership, relevant committees
- Conduct Rulemaking for the STCA to outline the process of Tribal consultation across the State administration and allow for greater understanding of Tribal consultation across sectors and industries; increase visibility, understanding, and expectations.

Representation

- Comprehensive Plan – Tribal Remedy Framework
- Add Amendment to IEA recognize Early Childhood Education and Care Department, SB22, and Assistant Secretary for Native American Early Education & Care
 - Expand the Indian Education Advisory Council (IEAC) to provide additional Early Childhood specialists

Communication i.e., Tribal Consultation

- Use National Association of Education Progress (NAEP) instead of constantly changing state assessments that fluff up achievement language for politics
- Provide training for IEAC members on legislative process and deadlines

Local Control

- Utilize HB 84 guidance to allow Tribal Education Departments to access to existing funding; was first proposed by LFC in 2006
 - (Extended Learning Programs, K-5 plus, community schools act, etc.)

Accountability

- Allow for the State to disapprove budgets for districts that have not conducted required tribal consultations
 - SB250 (2019) provided an avenue for increased data access and standards but does not allow PED to hold districts accountable for non-compliance

Multi-year Funding Agreements

- Recurring Funds for Tribal Education Departments and Libraries (HB85)
- MYFA; PED has experimented with multi-year funding agreements with districts through the Indigenous Education Initiative, but has not allowed Tribes the same access

Culturally Relevant Curriculum

- Utilize HB87 guidance to establish Indigenous Regional Education Cooperatives to increase Tribal capacity and replicate Indian Education Office for NW corner of the state
- HB87 - Invest in pipelines for Native teachers, administrators, and educational leaders