

Every Student Succeeds Act Primer: American Indian, Alaska Native, and Native Hawaiian Students



June 2016

The Every Student Succeeds Act (ESSA) of 2015 includes several provisions that target the education needs of American Indian, Alaska Native, and Native Hawaiian students.

Bureau of Indian Education

ESSA authorizes the Bureau of Indian Education (BIE) to exercise greater autonomy over its schools. It authorizes the U.S. Secretary of Interior to determine the standards, assessments, and accountability system for BIE-funded schools, accounting for the unique circumstances and needs of students attending these schools.¹

If the tribe or school board operating a BIE-funded school determines that requirements established by the U.S. Secretary of Interior for standards, assessments, and the accountability system are inappropriate for students attending that school, the tribe or school board may waive part or all of those requirements. In order to waive some or all of the requirements, the tribe or school board must submit to the U.S. Secretary of Interior a proposal for alternative standards, assessments, and/or accountability system that accounts for the unique circumstances and needs of students attending the school.

Under ESSA, BIE now is eligible for discretionary federal funding previously available only to states. Grant programs now open to BIE schools include the following:

- Assistance for Arts Education
- Full-Service Community Schools
- Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk

State Tribal Education Partnership

ESSA authorizes states to collaborate with tribes to meet the education needs of Native students. Through the State Tribal Education Partnership (STEP) program, ESSA promotes tribal self-determination in the education of Native students by authorizing coordination and collaboration of tribal education agencies (TEAs) with state education agencies (SEAs) to meet the unique culturally-related academic needs of Indian students. ESSA also provides a one-time, one-year funding opportunity for tribes to plan and develop a TEA. TEAs must have a written agreement with the coordinating SEA and/or local education agency (LEA) within the territorial jurisdiction to apply for the STEP program.

Under ESSA, TEAs can administer all federal formula grant programs directly. Activities can include

- building the capacity of the TEA to administer and coordinate education programs;



- receiving training and support from the SEA and LEA in areas such as data collection and analysis, grants management and monitoring, and fiscal accountability; and
- training and supporting the SEA and LEA in areas related to tribal history, language, or culture.

Cooperative Agreements

Under Title VI of ESSA, LEAs must coordinate efforts with tribes to better support the education of Native students. The guidelines for these cooperative agreements include the following:

- LEAs may enter into cooperative agreements with an Indian tribe that represents at least 25 percent of the eligible Indian children served by the LEA.
- If an LEA is eligible to apply for a grant under Title VI but fails to establish a committee for such a grant, other eligible entities can apply for the same funding including an Indian tribe, Indian organization, Indian community-based organization,² or consortium of these entities. Each of these eligible entities must represent more than one-half of the eligible Indian children served by the respective LEA applying for the grant.

Consultation with Tribes

ESSA requires states to engage in meaningful consultation with tribes in the development of state plans for Title I grants submitted to the U.S. Secretary of Education in a timely manner. ESSA also requires LEAs³ to consult with appropriate officials from tribes or tribal organizations located in the area served by the LEA before submitting a required plan or application for a covered program under ESSA or an application for a program under Title VI. LEAs must provide to the SEA a written affirmation signed by the appropriate officials of the participating tribes or tribal organizations that the required consultation has occurred.

Alaska Native Education

The Alaska Native Education (ANE) program in ESSA increases the opportunities for leadership and participation by Alaska Natives in the planning and management of this federal grant program. Eligible entities must now have either direct experience working with Alaska Native students or work in partnership with or be sanctioned by an Alaska Native organization or tribe.

ESSA also identifies two mandatory activities for grant recipients:

1. Develop and implement plans, methods, strategies, and activities to improve the education outcomes of Alaska Natives.
2. Collect data to assist in the evaluation of the programs carried out under the grant.

ESSA expands the permissible activity opportunities under the ANE program as well. This extension allows for more focused attention to the unique challenges facing Alaska Native students.

New activities include

- specific focus on increasing high school graduation rates;
- enrichment programs in science, technology, engineering, and math;
- increased opportunities to integrate language and culture;
- instruction in youth leadership; and
- preparation for postsecondary education.

Native Hawaiian Education

ESSA increases the opportunities for participation and coordination from Native Hawaiians, focusing on language and culture to improve student outcomes. ESSA requires the Native Hawaiian Education Council (NHEC)⁴ to coordinate, assess, and provide guidance and direction on the education and related services and programs available to Native Hawaiians.

ESSA revises the composition of the NHEC to fifteen named government and Native Hawaiian organization leaders instead of the previous twenty-one Native Hawaiian, island community-based providers, and consumers of education services. The named government or organization leader may designate someone who has experience in Native Hawaiian education or cultural activities with traditional cultural experience given due consideration.

ESSA also authorizes the U.S. Department of Education to award grants via the Native Hawaiian Education Program (NHEP) and to prioritize funding for projects that are designed to address

- reading and literacy for grades K–3 and “at-risk” children and youth;
- needs in fields where Native Hawaiians are underemployed; and
- the use of the Hawaiian language in instruction.



Native Language Immersion

ESSA supports Native American and Alaska Native languages as primary languages of instruction and supports the rights of Native American and Alaska Native students to use, practice, and maintain Native languages in public schools. ESSA also provides new federal grant funding that recipients can use to

- provide professional development for teachers and staff to strengthen the overall language and academic goals of the school;
- develop or refine curriculum, including teaching materials and activities; and
- create or refine assessments written in the Native American or Alaska Native language of instruction that measure student proficiency and that are aligned with state and tribal academic standards.

Eligible grant recipients include tribes, tribal colleges or universities, TEAs, LEAs (including public charter schools), schools operated by BIE, an Alaska Regional Corporation, and nonprofit and for-profit organizations.

ESSA also authorizes the U.S. Secretary of Education, in collaboration with the U.S. Secretary of the Interior, to conduct a study to evaluate education provided through Native American languages. ESSA requires the U.S. Secretary of Education to consult with states, districts, tribes, tribal organizations, universities, and experts with significant knowledge of Native languages and immersion programs in carrying out the study. The purpose of the study is to

- evaluate the level of expertise in education pedagogy, Native American language fluency, and experience of school staff;
- assess how schools and programs use Native American languages to provide instruction in multiple subjects;
- evaluate how schools and programs assess the academic proficiency of students; and
- report on academic outcomes, including high school graduation rates, of students who have completed the highest grade taught through the school.

Under ESSA, the U.S. Secretary of Education, in collaboration with the U.S. Secretary of the Interior, shall develop a report to submit to the U.S. Congress of findings and conclusions, including recommendations for legislative and administrative actions, within eighteen months of the enactment of ESSA.

For additional fact sheets and videos about ESSA, visit www.all4ed.org/essa/.

For additional information about Native communities, visit <http://niea.org/>.

Endnotes

¹ BIE must enter into a negotiated rule-making process in order to implement any changes to its current accountability system.

² An Indian community-based organization can apply for Title VI grant funds only if an LEA, Indian tribe, Indian organization, or consortium of these entities does not apply for funding.

³ ESSA's requirement for consultation with tribes applies only to LEAs that have an American Indian or Alaska Native enrollment of at least 50 percent or have received more than \$40,000 in funding under the Indian Education formula program in the previous fiscal year.

⁴ The NHEC must hold at least one community consultation on each of the islands of Hawaii, Maui, Molokai, Lanai, Oahu, and Kauai. This public meeting will allow the NHEC to gather input on current NHEP grantees, priorities and needs of the community, and to discuss Native Hawaiian education concerns.

Photos provided by the National Indian Education Association.

The **Alliance for Excellent Education** is a Washington, DC–based national policy and advocacy organization dedicated to ensuring that all students, particularly those traditionally underserved, graduate from high school ready for success in college, work, and citizenship. www.all4ed.org

The **National Indian Education Association** (NIEA) advances comprehensive educational opportunities for all Native students. Serving as the critical link between Native communities and the diverse array of institutions that serve our students, NIEA holds all accountable for improving achievement. Through advocacy, capacity-building, and education, NIEA supports Native students and their communities to succeed. NIEA.org

