

PED Draft Strategic Plan: Feedback from the Tribal Education Alliance

December 10, 2020

The Tribal Education Alliance (TEA) appreciates the opportunity to offer feedback on the PED draft “strategic plan,” dated December 4, 2020. TEA is a coalition of tribal education stakeholders, tribal advocates and Indigenous education experts. TEA members were deeply involved in developing the Tribal Remedy Framework (TRF), a comprehensive plan for meeting the educational needs of Native students and their tribal communities.

The TRF was created collectively by tribal community members and Indigenous education leaders and experts, following a series of tribal Community Education Institutes and Pueblo Convocations. The TRF is the tribal response to the mandates contained in the 2018 *Yazzie/Martinez* court ruling. It has been endorsed by the leadership of New Mexico’s 23 Nations, Tribes and Pueblos.

While the TEA appreciates the work of the individuals involved in the PED’s strategic planning task force, we fail to see how a document emerging from these individual contributions can be considered an official strategic plan, given the lack of formal tribal consultation. We are also disappointed that the PED did not consult TEA in a timely, meaningful and consistent manner. We believe that an earlier consultation regarding the PED’s proposals would not only have been appropriate but also more productive. TEA could have provided in-depth information about the tribal response to *Yazzie/Martinez* and assisted the PED in using the TRF as guidance for moving toward the systemic transformation the court demanded. As it is, we regret that this draft offered by the PED does not sufficiently reflect the TRF, nor does it fulfill the mandates in the *Yazzie/Martinez* ruling.

We are also unclear how this document relates to the PED’s budget proposal, presented to the LFC on December 9, prior to the completion of the “strategic plan.” In our understanding, a strategic plan normally precedes a budget proposal. Moreover, we were surprised to see a line item in PED’s budget proposal called “Tribal Remedy Framework.” This appears to be based on the PED’s own interpretation of the TRF, rather than on meaningful consultation with our tribal experts. This approach does not seem compatible with the PED’s stated commitment to equity and inclusion.

The Tribal Remedy Framework

The TRF’s proposals seek to steer PED away from piecemeal reform measures that marginalize Tribes. The solutions endorsed by Tribes are designed to prompt a fundamental shift in approach; a new education paradigm grounded in the principle of equity and guided by three strategic solutions:

1. Shared responsibility and increased tribal control over the schooling of Native children
2. Community-based education, created by and centered within tribal communities
3. A balanced, culturally and linguistically relevant education that revitalizes and sustains the strengths of children and the core values of their communities

By placing tribal communities at the center of education planning, infrastructure and programming, the TRF aims to advance Indigenous education sovereignty. This means that Tribes must have the opportunity to shape the education of Native children by partnering with public schools and school districts in decisions relating to school governance, budgets and programming. Given the unique legal status of Tribes, Native students are both tribal and U.S. citizens, which confers on tribal governments the duty to oversee the education of their children and include Indigenous languages, cultures and values.

The TRF expresses a holistic understanding and awareness of education as encompassing a virtuous circle from early childhood to primary and secondary schooling through to college

graduation and a return of Native professionals to tribal communities. These educational phases cannot be separated into silos. The Indian Education Act specifically requires the PED to address the continuum of education from early childhood through post-secondary education and to facilitate collaboration between Tribal Education Departments, community-based organizations, LEAs and universities. To transform education in a way that addresses the systemic failure identified by *Yazzie/Martinez*, we urge PED to look at the system holistically and understand its interdependencies.

The PED Draft “Strategic Plan”: TEA Suggestions for Turning Commitments into Reality

The TEA welcomes the PED’s acknowledgment of the systemic failure of New Mexico’s education system, along with the inequities this failure has produced and perpetuated, depriving children, their families and communities of the human development they are entitled to. However, we urge the PED to develop an understanding of the **root causes of this failure**, which is not confined to the past but continues to the present day, and to adopt solutions that address not the symptoms but the causes of systemic failure. Without this deeper analysis and shift of perspective, the PED’s plan risks continuing the current piecemeal approach that uses small pots of money for fragmented reforms while leaving the underlying governance, funding and programmatic structures intact, untouched by the transformative measures called for in the court’s mandates and the TRF.

We welcome the PED’s commitment to providing an equitable education for all children, including Indigenous children. However, we urge the PED to adopt **the principle of equity** in the fullest sense of its accepted meaning: that students with different needs and different cultures be treated according to their needs and appropriate to their cultural backgrounds, rather than forced to assimilate. Equity is different from equality in that it does not rest on bringing Native students up to Western standards but requires incorporating Indigenous knowledge and values to create a balanced and relevant education that is centered on students.

We welcome the PED’s commitment to meaningful tribal consultation, as required by law. We also welcome the reference to an asset-based approach that recognizes children’s unique cultural and linguistic contributions. However, we urge the PED to give a deeper meaning and a lasting impact to these commitments by **removing the deep-seated systemic barriers** — specifically institutional racism — that impede progress and by adopting transformative strategies backed by **sufficient public investments**.

The TRF offers equitable and transformative education strategies to meet the needs of Native children and their communities. Adopting these strategies would require the PED to embark on a path that recognizes tribal education sovereignty and embraces a shared responsibility. Investment in tribal education capacity building, including community-based programs and services, would be key to achieving this shift in approach, as would investment in Native languages, curriculum and pedagogy, and in technical assistance provided by Native-led higher education institutions and programs.

The Tribal Remedy Framework sets out steps for transforming education in a way that strengthens tribal education sovereignty. While we recognize that the PED draft “strategic plan” picks up isolated elements of this approach, we request that PED deepen its analysis and expand its strategies. The TEA offers the following guidelines:

1. **Employ targeted interventions:** To reach Native students directly, partner with Tribal Education Departments (TEDs), build tribal education capacity, and fund tribal community-based programs and facilities.
2. **Back up commitments with sustainable funding:** Begin a shift toward needs-based education financing by replacing grants with permanent, recurring funding for Indian education.

3. **Build local and community capacity:** Local capacity must include tribal capacity. To heed LPI's definition of capacity building, which PED quotes ("we mean dollars, professional knowledge and expertise, administrative and oversight structures, and accountability processes that support improvement"), identify, support and utilize the considerable expertise available in Native higher education institutions and programs. This expertise is required for creating a teacher recruitment and retention pipeline, developing relevant curricula, materials and anti-racist pedagogy, and building community capacity — all mentioned in PED's plan.
4. **Build a balanced education system that respects difference:** To make education responsive and relevant, it cannot be one-sided or one-size-fits-all. It is not the PED's role to make decisions about "culture" or "language" when communities' needs are so different (and not just tribal communities). The TRF does not employ the same strategies for all Tribes; it is calibrated to respect and respond to the uniqueness of the different Tribes, Nations and Pueblos, for example by prioritizing community-based infrastructure for some Tribes and higher education networks for others.

Detailed Assessment of the PED's Draft "Strategic Plan"

Below we offer a more detailed review of the PED's proposed strategies, guided by the recommendations contained in the Tribal Remedy Framework. We use the PED's framework of goals and strategies to offer suggestions for creating points of alignment with the TRF.

1. **Creating a Vibrant Educator Ecosystem:** Ensure every child has high quality educators.

We appreciate your focus on increasing teacher diversity and recruiting and retaining more Native educators. We also agree with the goal of increasing the number and quality of educators serving Native students, including by supporting professional development with regard to culturally and linguistically relevant pedagogy, anti-racist pedagogy and Indigenous language instruction. However, we also see a need for deepening and expanding the PED's approach, including through revising the strategy as follows:

- Provide tuition waivers, not just scholarships, for Native students, as many other states do, based on the unique legal status of enrolled tribal members (1.f).
- Ensure pay equity for Native language teachers by recognizing that tribal qualifications are equal, not inferior, to Western qualifications (1.g).
- Create and sustain collaborative relationships between educator preparation programs and school districts, charter schools and tribal education departments, and specifically support Native educator preparation programs to engage in such collaborations (2. a).
- Create a Native teacher pipeline by funding Native higher education institutions and programs who recruit, educate, develop and support teachers.
- Increase the availability of relevant, uniquely knowledgeable and effective regional technical assistance by establishing two Native technical assistance centers, hosted by Native higher education institutions/programs in collaboration with Pueblos/Apache Tribes and the Navajo Nation, respectively (4.d).
- Ensure that education system leaders receive Indian Education Act training, anti-racism training, and are given support in building formal collaborations between LEAs and Tribes, beyond perfunctory consultation (Educator Ecosystem table).
- Mandate (rather than incentivize) professional development in CLR and anti-racist pedagogy, carried out by Native higher education institutions/programs (Educator Ecosystem table).

2. **Access to Opportunity:** Remove external barriers and provide equitable access to services for students to be able to thrive in the educational setting regardless of their demographics.

We welcome the PED's intention of providing equitable access to educational opportunities, including through holistic models. In particular, we appreciate the goal of expanding tribal community-based programs, including after-school and summer school. Given the many cultural, physical and resource barriers faced by Native students, the commitment to tribal community-based education must be backed up by meaningful investments that build and sustain capacity, including through formal cooperation and contracting with schools. Here are some suggestions that we hope will help the PED expand its approach:

- Identify and address the barriers faced by tribal communities to establish Community Schools (1.)
- Expand culturally and linguistically relevant education by providing recurring funding to tribal community-based facilities and programs (2.).
- Increase access to tribal community-based health and social supports through funding collaborations with Native higher education programs such as the Center for Native American Health at UNM and Honoring Native Life at UNM (3.b.)
- Build local capacity by providing both LEAs and TEDs with regional technical assistance to better address the needs of Native students. Establish two Native technical assistance centers (see above) hosted by Native higher education institutions/programs in collaboration with Tribes to provide this assistance (7.a).
- Increase extended learning for Native students through targeted funding for tribal programs that provide such learning opportunities, not just for LEAs (Access to Opportunity table).
- Ensure that at-risk funding reaches Native students by targeting this funding to Tribes, not just by increasing oversight (Access to Opportunity table).

3. **Pathways and Profiles:** Increase graduation rates and increase opportunities for applied, experiential learning.

We appreciate the PED's recognition that the purpose of education and the profiles of high school graduates need to reflect local wisdom and cultures, as well as graduation pathways in tribal communities. We particularly welcome the stated commitment to working with College Horizons and the Leadership Institute on college readiness initiatives, assuming that this commitment is backed up by investment. At several points, the PED plan mentions working with local communities to develop pathways and profiles, but we urge you to ensure that communities are at the front and center of these decisions, which cannot be taken by PED on behalf of tribal communities. Here are some suggestions for deepening the PED's approach to community involvement:

- Enable collaboration between tribal communities and higher education institutions to develop tribal community profiles that provide information on graduation and workforce pathways (3.a).
- Fully fund the successful college readiness and internship programs operated by College Horizons and the Leadership Institute (3.d).

- A Pathways Trust should include Tribes and tribal community-based programs (3.g).
- Support tribal libraries in their culturally and linguistically appropriate outreach regarding available graduation pathways in tribal communities (Pathways and Profiles table).

4. **Whole Child Education:** Increase academic outcomes and attend to the social-emotional, cultural, linguistic, and enrichment needs of all students.

We appreciate the PED's commitment to grounding education in a holistic development model and an asset-based approach. We welcome the recognition that schools need to provide supportive and safe environments, ensure social-emotional learning and implement culturally and linguistically relevant educational curricula and practices. In particular, we appreciate the goal of funding trauma-informed practices and Indigenous justice models. We urge you to develop clearer strategies for achieving these goals, especially with regard to removing the systemic and institutional barriers that, to date, have impeded progress. We recommend centering Native students, tribal communities, families and Native experts in creating these new approaches, which cannot be imposed by PED or PED's contractors. We urge the PED to adopt an explicit commitment to addressing institutional racism and to sharing responsibilities with Tribes in ways that enable local collaboration and participation. Here are some suggestions that we hope will help the PED expand its approach:

- Support both LEAs and TEDs to implement a culturally responsive social-emotional learning framework and associated social and health services, especially community-based services (2.a)
- Train district administrators and teachers in behavioral interventions based on restorative and Indigenous justice principles, and fund two Native technical assistance centers (see above) providing necessary training and advice (3.a).
- Amend NM statutes to change discipline policies and require districts to use restorative practices, including Indigenous justice models (3.b)
- Support tribal communities, through assistance from Native higher education institutions/ programs, to design and collaborate in the implementation of culturally and linguistically relevant education practices (4.a).
- Collaborate with Tribes and Native higher education institutions/programs to develop district and school action plans for implementing learning environments that are safe, equitable, culturally and linguistically responsive, and fully aligned with the Indian Education Act, Hispanic Education Act, and Bilingual Multicultural Education Act (4.b).
- Establish and fund two Indigenous curriculum and materials development centers, operated by Native higher education institutions/programs in collaboration with Tribes, to develop culturally and linguistically relevant curricula, including Indigenous language programs (4.c).
- Increase access to and participation in high quality heritage language, bilingual, and multicultural programs by funding community-based programming, including tribal programs and programs operated within tribal libraries (4.h).
- Provide regionally-based professional development and technical assistance that addresses the needs of Native students by establishing two Native technical assistance centers (see above), to support schools, districts and TEDs to implement culturally relevant engagement practices (5.b).

- Deepen collaboration with Tribes by recognizing that TEDs have a role equivalent to LEAs and must be funded accordingly. Support formal collaboration between TEDs and LEAs, and build tribal capacity to share responsibility in school governance (5.d).
- Support collaboration between Tribes and Native higher education institutions/programs to develop a community-based, authentic formative assessment system (6.c).
- Invest in building out tribal community-based education infrastructure, including tribal libraries, to provide community-based education programming and services, including extended learning time, summer school, experiential learning, CLR learning and place-based learning (7.e).
- Fund Native higher education institutions/programs to develop social studies standards that fully reflect the experiences and contributions of Native Americans (Whole Child table).
- Fund Native higher education institutions/programs to provide professional development for teachers to eliminate biased approaches that impede Native students' college readiness by limiting access to advanced coursework and other opportunities, and fund Native higher education institutions/programs for outreach to Native students (1. and Whole Child table).

5. Overarching Initiatives and Support Structures

Regional Support Structure

The TEA agrees that regional support is essential, especially for districts and schools with large Native populations and, as the PED plan details, aligning community goals with educational programming. This also requires supporting TEDs and tribal community-based education programs, whose role in the education of Native students must be elevated and sufficiently funded. The TEA does not consider PED or existing RECs equipped to provide this type of support for Native students. Instead, we propose to establish two new technical assistance centers, hosted by Native higher education institutions and programs in collaboration with Tribes.

Accountability

Targeted funding, programs and services have the potential to significantly increase accountability. We propose that PED directs funding to TEDs and develops intergovernmental agreements with Tribes that define culturally and community-appropriate accountability provisions for funds targeting Native students. We also propose that PED support a formal framework for collaboration between LEAs and TEDs in school governance and financing.

We appreciate the opportunity to offer a detailed response to PED's draft "strategic plan." We would also appreciate strong consideration of the concepts, proposals and recommendations reflective of the Tribal Remedy Framework and incorporating them into the next iterations of your planning document. We are available to respond to any questions you may have. Thank you.