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From: Mary L. Smith

Re: Report on American Indian and Alaska Native Education

Date: December 14, 1998

Attached is the Interagency plan on Native American education. At the Native American economic development conference on August 6, the President signed an executive order on American Indian and Alaska Native education that required an interagency plan with recommendations identifying initiatives, strategies, and ideas in order to improve Native American education. The centerpieces of the plan include 1000 new Native American teachers and increased funding for the Bureau of Indian Affairs school construction and operation.



UNITED STATES DEPARTMENT OF EDUCATION

THE SECRETARY

December 11, 1998

The President
The White House
Washington, DC 20500

Dear Mr. President:

Enclosed is the American Indian and Alaska Native Education Interagency Plan. The Interagency Plan was developed pursuant to Executive Order 13096 of August 6, 1998, on American Indian and Alaska Native Education.

The goals of the Executive Order on American Indian and Alaska Native Education recognize significant and persistent issues affecting the education of American Indians and Alaska Natives. The Interagency Plan presents two centerpiece initiatives to focus immediate attention on these issues. The first initiative is to recruit and prepare 1000 new Indian teachers for American Indian and Alaska Native students. The second initiative is to continue to support and address the significant backlog of Bureau of Indian Affairs school construction and repair needs.

The plan also identifies initiatives that respond to federal Indian Impact Aid school construction needs, and the need to expand the use of technology, to improve learning readiness, and to increase high school graduation and post secondary attendance rates of American Indian and Alaska Native students.

We are confident that the initiatives developed by the Interagency Task Force will further the goals of the Executive Order on American Indian and Alaska Native Education.

Respectfully,

Richard W. Riley
Secretary of Education

Bruce Babbitt
Secretary of the Interior

Enclosure

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**EXECUTIVE ORDER 13096 ON AMERICAN
INDIAN & ALASKA NATIVE EDUCATION**

First Interagency Task Force Report to the President

November 24, 1998

U.S. Department of Education
U.S. Department of the Interior

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American Indian and Alaska Native Education Policy Development

Interagency Task Force Report to the President

November 24, 1998

Table of Contents

Executive Summary.....Page 1

I. Introduction.....Page 2

II. Interagency Initiatives

 A. Centerpiece Initiatives.....Page 2-3

 1. 1000 New Teachers

 2. BIA School Construction

 B. Other Initiatives.....Page 3-7

 1. Indian Impact Aid School Construction

 2. Technology

 3. Learning Readiness

 4. High School Completion/Post Secondary Attendance

III. Other Order Activities.....Page 7

IV. Long Term Strategy.....Page 8

EXECUTIVE SUMMARY

On August 6, 1998, President Clinton signed Executive Order 13096 on American Indian and Alaska Native Education. The Order affirms the unique political and legal relationship of the Federal government with tribal governments and recognizes the federal government's special responsibility for the education of American Indian and Alaska Natives.

The Order establishes six goals for American Indian and Alaska Native education. The goals of the order are:

1. Improving reading and mathematics;
2. Increasing high school completion and post-secondary attendance rates;
3. Reducing the influence of long-standing factors that impede educational performance, such as poverty and substance abuse;
4. Creating strong, safe and drug-free school environments;
5. Improving science education; and
6. Expanding the use of educational technology.

The goals of the Order recognize significant and persistent issues affecting the education of American Indians and Alaska Natives. The Executive Order established an Interagency Task Force and required, as its first activity, the development of an interagency plan. Participating agencies have identified programmatic and initiative areas for future consideration, which are supportive of the goals of the Order. From this listing, an Interagency Plan - focusing on major initiative areas - has been developed and is described herein.

The plan proposes two centerpiece initiatives: the training of 1,000 new American Indian teachers and continued support for the significant backlog of Bureau of Indian Affairs (BIA) school construction and repair. The plan proposes other important initiatives that the Interagency Task Force deems worthy for consideration. These initiatives include responding to the school construction and repair needs of Federal Indian Impact Aid school districts, expanding and improving the use of technology, improving learning readiness, and increasing high school completion and post-secondary attendance of American Indian and Alaska Native (AI/AN) students.

I. Introduction:

The Interagency Plan for the Education of American Indians and Alaska Natives was developed pursuant to Executive Order 13096 on American Indian and Alaska Native Education by the Interagency Task Force created by the Executive Order. The ideas within the plan were developed with agency consultation with American Indian Tribal governments and reviews through memos and presentations to the National Indian Education Association, the National Congress of American Indians, and the National Advisory Council on Indian Education.

The interagency plan, which will evolve annually, represents the Interagency Task Force's short-term plan. The Executive order also requires the development of a long-term Comprehensive Federal Indian Education Policy. The various activities of the Executive Order, the short-term plan, and other Executive Order activities will form a basis for the development of the long-term comprehensive Federal Indian education policy required by the Order.

II. Interagency Initiatives:

A. Centerpiece Initiatives

The Interagency Plan has two centerpiece initiatives: train 1,000 new American Indian teachers, and meet the significant unmet need for Bureau of Indian Affairs (BIA) facilities construction and repair.

American Indian children have the highest dropout rates and among the lowest academic achievement rates of any population group in the country. Despite this tremendous need American Indian school children have few role models to guide them. Of the Nation's more than two million elementary and secondary teachers, less than one percent, only 18,000, are American Indian Alaska Native.

Compared to other schools, Bureau of Indian Affairs (BIA) schools are generally in poorer condition and have unsatisfactory environmental conditions. There exist major health and safety issues in these schools with two-thirds of the educational facilities being over 30 years old and more than one-quarter over 50 years old.

1. 1,000 New Teachers for American Indian and Alaska Native Students

This initiative would create an American Indian Corps of Teachers (ACT) to recruit and prepare 1,000 new American Indian teachers over a five year period of time to teach at a high level of skill in schools with predominantly American Indian student populations. The proposal would fund up to 20 grants to educational institutions, prioritizing Tribal Colleges and Tribal College partnerships with regional postsecondary institutions that would (1) create teacher training programs in American Indian/Alaska Native communities; (2) provide for American Indian student education and living costs, including child care costs, that are not covered by traditional student financial aid resources; (3) provide continuing education for in-service teachers including an induction program for new graduates of the teacher education programs to improve the quality of teaching in American Indian/Alaska Native communities.

There is a very high annual teacher turnover rate of 35% and a very low number of Indian teachers in schools that serve predominantly American Indian student populations. Many non-Indian teachers often come to rural reservation communities ill-prepared for their life in rural, isolated areas and are poorly trained to be successful with linguistically and culturally unique learner populations.

Given the high teacher turnover rate within Indian communities, jobs are readily available at a significant annual rate to allow for the employment of large numbers of Indian teachers within their own communities. Approximately 70% of students entering Tribal Colleges are single American Indian women who are in their 30's with dependent children. A teacher education

program provides a career avenue for a significant population who are committed to living and working in their home communities. A large number of American Indian paraprofessionals work in schools that serve Indian students. The program would provide a career development opportunity for these individuals as well as help reduce the high unemployment rate among rural reservation American Indians.

To assist teachers who are ill-prepared for working in Indian communities, in-service training in the latest methods of teaching gateway subjects such as reading and math as well as effective strategies for teaching linguistically and culturally unique American Indian learner populations will be allowable components of the program.

2. Bureau of Indian Affairs (BIA) School Construction and Repair

The FY 1999 budget provides \$60 million to replace older, unsafe and dilapidated schools on reservations in accordance with a Congressionally approved priority list of replacement schools, and would provide for much-needed health and safety related repairs and improvements that together comprise a \$700 million backlog. **With two-thirds of the BIA's education facilities over 30 years old, and more than one-quarter over 50 years old, the backlog to correct life safety and other code deficiencies and to replace existing facilities exceeds \$1 billion and is growing.** In the FY 1999 budget, the President requested \$87 million, which is a \$33 million (61%) increase over FY 1998, to support the Administration's Initiative. The President has made a commitment to respond to the serious need for addressing the Bureau of Indian Affairs school facilities construction and repair issues. The initiative seeks to continue efforts to respond to this extreme need.

Compared to other schools, BIA schools are generally in poorer condition and have more unsatisfactory environmental conditions according to a December 1997 GAO report. To remedy this problem and assist them to achieve their full educational potential, Indian students should attend school in facilities that do not pose a threat to their health and safety. The situation for BIA schools is a difficult one, as the sole source for funding their costs for operations, maintenance, and construction is Federal appropriations.

The age and deteriorating condition of BIA schools, employee housing and related education facilities is a major concern for Federal education program managers and Department officials. If conditions at some schools are not corrected, students and teachers may be at significant risk, which may result in school closures or significant liability to the Federal Government, and requests for emergency funding to correct hazardous conditions can be expected to increase.

B. Other Initiatives Recommended by the Task Force

1. School Facilities Construction and Repair for Federal Impact Aid School Districts Serving American Indian Students

All Indian reservation land is held in trust by the federal government for the tribe and cannot be taxed by state or local governments. Most local school construction bonds are paid back through property tax assessment. Therefore, school districts that are composed primarily or entirely of Indian lands (commonly called Impact Aid School Districts) are not able to float construction bonds to finance school renovation and replacement, as revenues are not available for bond payment. These districts, serving predominantly American Indian students on trust lands, have school facilities and school repair issues similar to BIA schools. There is a need to respond to the school construction needs of Indian Impact Aid school districts.

2. Increase the Utilization of Technology in Schools Serving Predominantly Indian Student Populations

a. Bureau of Indian Affairs Technology:

National studies such as the Rand Report suggest that for schools to reach full potential for technology, they need to invest between \$300 and \$500 per student annually. Many states, such as Iowa, have enacted special technology initiatives to fund school technology. These states provide extra funds for infrastructure, teacher training and extra personnel. Bureau-funded schools do not have access to these funds, nor is there any special appropriation from Congress to cover such costs. In comparison to school districts of equal size, the Bureau should have seven million dollars to support its Education Technology Program. The E-rate offers promise to help the nation's schools with discounts to pay for connectivity, wiring, and technology infrastructure; however, this program has not started to reimburse schools.

BIA's Access Native America Reinvention Lab, an NPR project, plans to connect all 185 Bureau-funded schools to the Department of the Interior's Internet backbone system by the end of the year 2000. The goal is to have Internet access in every classroom, school office and library. We have leveraged this initiative through a variety of funding sources, including funds from the Office of Indian Education's (OIEP) school statistics initiative. 19 schools participate in the Technology Innovation Challenge Fund (4 Directions Project), 28 schools participate in the Technology Literacy Challenge Fund (TLCF), and the remainder use some local school funds for technology. To date OIEP has fully connected 76 schools, with 40 more coming on line within the next 90 days. This effort is forced to use existing funds that are already insufficient to meet the educational needs of Indian students.

In addition, current funding is not sufficient to cover technology and distance learning costs such as staff training, to hire additional staff members needed to maintain the new school networks, to design educational software integrated with Indian content, to build web-site and other electronic networking devices, or to buy a sufficient amount of modern multi-media computers capable of reaching the Internet. In a sampling of the 48 schools that submitted applications for the TLCF grants, 50 percent of the computers in schools are more than five years old and only 10 percent are capable of reading the Internet.

b. Increase and Strengthen Interagency Technology Efforts:

The following programs and initiatives have been identified by participating agencies as areas that are currently being reconsidered within budget requests or which may be considered for future agency consideration. They are proposed as areas that may be increased as a strategy for meeting the goals of the Order.

Agriculture: The USDA 1994 Research Program is a new competitive research grants program which will build the research capacity at the thirty 1994 Institutions (Land-Grant Tribal Colleges) by supporting agricultural research activities that address tribal, national, and multistate priorities important to USDA. In addition, the Tribal Colleges Equity Grants Program, if funded, will provide \$50,000 to each of the 30 land grant Tribal Colleges to enhance education opportunities by strengthening instructional programs in the food and agricultural sciences.

Under USDA's Extension Indian Reservation Program land grant universities provide qualified Extension Agents who are part of, and have access to, university resources to work on reservations. The university attempts to recruit qualified American Indians for Extension Agent positions. In a report prepared in 1990, the Intertribal Agriculture Council identified the need for 80 Extension Agents for agriculture on reservations of 120,000 acres or larger. Additional funds are needed to provide adequate funding to support the needed Extension Agents for agriculture to provide educational programs for youth development, foods and nutrition, parenting, financial management, and personal health maintenance.

Distance Learning and Telemedicine Loan and Grant Program (DLT): USDA funds distance learning and telemedicine projects awarded on a competitive basis to encourage and improve the use of telecommunications and computer networks to provide educational and medical linkages for rural areas. These projects have historically leveraged four dollars for each dollar USDA awards.

3. Improve the Learning Readiness of American Indian Students

a. Expand Early Childhood Education:

American Indian children often do not come to school ready to learn. They often face serious health and safety issues, which mitigate their potential to learn. They do not have access to early childhood education programs that are linguistically, culturally, and developmentally appropriate.

An important strategy to the long-term improvement of American Indian education is to significantly increase the availability of early childhood education programs for American Indian learners. It is recommended that early childhood education and parent education, with language development, be key priorities for Indian education at the federal level and that a grant program be established to focus on this effort. The goal is to make early childhood education available to every American Indian child as a major strategy by significantly increasing the amount of funding available through all existing authorities. To assist in meeting this goal, the Department of Education has within its FY 1999 budget an appropriation to establish early childhood education sites so that American Indian and Alaska Native children are given greater assistance to meet their unique educational needs in the case of pre-school children, to improve their learning readiness.

Also, the Bureau of Indian Affairs annually funds 22 Family and Child Education (FACE) projects, serving 1,500 families. The FACE program provides early childhood education opportunities for Indian children by targeting pre-school children ages 0-5 and their parents.

These efforts, though important, do not meet the need to provide early childhood education experiences to most American Indian and Alaska Native children as a fundamental component to a long-term strategy to meet the goals of the Executive Order.

b. Increase and Expand Interagency Efforts:

The Corporation for National Service currently funds American Indian programs directly through a 1 percent set-aside of the overall funding for AmeriCorps programs and a 3 percent set-aside in Learn and Serve America. These programs affect Indian Education in myriad ways, such as providing scholarships for higher education to offering activities that increase children's readiness to learn; increasing reading and math scores; and improving learning through hands-on student service. Out of more than 550 tribes, 31 Tribal Colleges, and numerous national and urban Indian organizations, the Corporation has funding relationships with approximately 35 tribes, two Tribal Colleges, and one national Indian organization. The Corporation is committed to expanding programming to meet the critical educational needs of Indian youth, and finding ways to better reach urban Indians and national Indian organizations.

4. Increasing High School Completion and Postsecondary Attendance

Surveys of American Indian student views of why they left school indicate that they felt pushed out of school and mistreated by teachers and administrators. Students spoke of dissatisfaction with school, feelings of mistrust and alienation, academic difficulties and the importance of family responsibilities, which often required students to leave school to work at home or get a job. Oppressive school policies and poor school climates were also important reasons for leaving school.

American Indian students who left school rejected the schools' academic offerings as dull and unconnected to their lives. This did not mean that youth left school because the content was not subject-specific enough to American Indian culture; rather school was not perceived as an avenue to

obtain the knowledge or skills they desired. Students saw emphasis on basic remedial or vocational training in high schools as limiting their opportunities. Students acknowledged parental and home support; however, problems with school were equally as important. Though pregnancy is often cited as a major reason female students drop out, schools have not accepted the birth of a child when considering strategies for high school completion (Deyhle, American Indian Education).

The Bureau of Indian Affairs indicates a yearly dropout rate of 14%; this figure defines students in grades 9-12 that leave school and do not enroll in another school during that year. The Indian Nations at Risk Report indicated a 36% dropout rate as the percentage of tenth grade Indian students nationwide who later left school. At the same time, Indian students are not entering and finishing college as they should be. American Indian students have among the lowest high school and college completion rates in the nation. American Indian students have the lowest rates of returning to eventually complete high school or an equivalent program. Approximately one-half (54 percent) of the schools with high concentrations of American Indian learners offer college preparatory programs as compared to 76 percent of the schools with few (less than 25 percent) Native students enrolled.

a. Expand Adult Education:

The majority of American Indians who qualify for postsecondary education have qualified by completing a high school equivalency program. Adult education opportunities have steadily declined for American Indians. There is a need to increase the availability of Adult education opportunities for American Indians

b. Increase and Expand Interagency Efforts:

- * **Department of Agriculture-Native American Institutions Endowment Fund** builds educational capacity in the areas of curricula design and materials development, faculty development and preparation for teaching, instruction delivery systems, experimental learning, equipment and instrumentation for teaching, and student recruitment and retention.
- * **Department of Education-Indian Fellowship program** has been used to support graduate and undergraduate degrees for American Indian students. The program is not currently funded.
- * **Strengthen ESEA provisions** affecting the education of American Indian students.
- * **Health and Human Services**-funds a number of grant programs that provide summer enrichment programs to American Indians and Alaska Natives. A number of these programs bring students to a local university campus for a minimum of two weeks. The curriculum includes reading, math, and science. These are competitive grant programs; however, with limited funds, they are not available to all target population areas of the country. Other programs provide tutoring and mentoring services that are competitive grant programs with limited funds and are not available to all target population areas of the country.
- * **Indian Health Service (IHS)** has an extern program that provides clinical experience to students during a non-academic year.
- * **HHS** has a number of scholarship programs and loan repayment programs. These programs are to recruit and retain health professionals in health professional shortage areas. The scholarship programs provide funding for students enrolled in courses that will prepare them for acceptance into health professional schools, e.g., nursing, pharmacy, medicine.
- * **The Department of Housing and Urban Development**-maintains and promotes education-related programs and resources important to achieving the goals of the Executive Order. In order to achieve success in these areas, budget support and focused attention on American Indian Alaska Native students is essential.

* The Drug Elimination program may be used to support Indian education efforts when focused on youth drug prevention activities, including (1) redesign or modification of public spaces in Tribal housing developments to provide increased utilization for youth related purposes, such as a tutoring or learning center, (2) provision of equipment, transportation, and personnel costs of operating educational programs related in some way to drug abuse prevention, and (3) support for youth development strategies such as Boys & Girls Clubs, PRIDE, Drug Abuse Resistance Education (D.A.R.E.), 4-H, and Scouts.

* Through the technical assistance portion of the Native American Housing Block Grant program, the Office of Native American Programs (ONAP) will develop a "Future Homebuyer" learning unit that will include a youth oriented module. The youth module will provide the appropriate lesson plans to better educate Native American and Alaska Native students on the use and abuse of credit and financing, as well as budgeting and spending, which will enhance their readiness skills for such future life coping needs as securing a home loan or balancing a checkbook.

* **Corporation for National Service (CNS)**-Expand the education-related programs for American Indian tribes to include expanding AmeriCorps Tribal programs, creating 10 reservation based Indian youth corps programs to complete education related service projects such as tutoring and mentoring, supporting America Reads Programs and developing a Tribal College Service Learning Initiative with Learn and Serve America Higher Education Programs.

* CNS recommends supporting the development of eight Regional Tribal Commissions on Service with increased support for their administration, training and program development; and establishing a set-aside of VISTA to help build tribes' capacities to promote, establish, and administer service programs in tribal communities.

III. Other Order Activities

Future Action:

The ideas developed within the Interagency Plan focus on significant ideas developed over the past year on the part of the Departments of Education and the Interior. The plan also includes areas identified by other participating members of the Interagency Task Force that are currently reflected in agency budget requests or that relate ideas for future agency consideration.

Both budgetary and non-budgetary ideas will become a focus of discussion and activity during each subsequent year as the Task Force works on other Executive Order activities, such as the interagency resource guide, the research agenda, agency consultation, pilot sites, and agency consultation.

The Interagency Task Force will submit an Interagency Plan each year following this initial plan. Each year the plan will consider the progress made on ideas and initiatives and will incorporate new ideas and approaches designed to fulfill the goals of the Order.

In addition to forming the Interagency Task Force, development of a work plan and determination of agency initiatives, the Executive Order includes several significant activities that will occur within the next two years. These activities include:

- Interagency Resource Guide: At the next meeting of the Task Force the representatives will submit information on all education-related programs and resources that support the goals of the Order. It will be the responsibility of the Department of Education to receive, compile, publish and disseminate this guide.
- Research Agenda: The Department of Education, in consultation with the National Advisory Council on Indian Education and the Task Force, will develop and implement a comprehensive

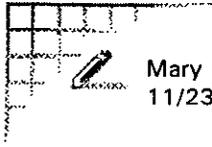
research agenda. The agenda will include establishing baseline data on academic achievement of AI/AN students, evaluating promising practices and evaluating the role of native language and culture in the development of educational strategies.

- **Regional Partnership Forums:** The Departments of Education and the Interior, in collaboration with the Task Force, and Federal, tribal, State and local governments will convene a series of forums. The purpose of these forums will be to identify promising practices and approaches on how to share information, provide assistance to schools, develop partnerships, and coordinate intergovernmental strategies supportive of accomplishing the goals of the order. The Departments of Education and the Interior have an interagency committee that is beginning to plan these forums.
- **School Pilot Sites:** The Departments of Education and the Interior will identify public and Bureau of Indian Affairs funded schools and other schools serving predominantly Indian student populations that can serve as models for other schools. These pilot sites will be recipients of comprehensive technical assistance in support of the goals of the Order.
- **Memoranda of Agreement (MOA):** Participating agencies may develop, where appropriate to support the goals of the Order, MOAs to meet the educational needs of American Indian and Alaska Native students.

IV. Long-Term Strategy: The Comprehensive Federal Indian Education Policy

Within two years the Task Force will produce a policy designed to: improve federal interagency cooperation; promote intergovernmental collaboration; and assist tribal governments in meeting the unique educational needs of American Indian and Alaska Native students, including the need to preserve, revitalize and use native language and cultural traditions. The long term policy will be informed by consultation with American Indian tribal governments and by the results and insights gained from the implementation of the interagency short term plans and other activities of the Executive Order.

Native American -
education



Mary L. Smith
11/23/98 01:04:09 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP
cc: Julie A. Fernandes/OPD/EOP
Subject: Interagency Plan on Native American education

I will be sending you a draft of the Interagency Plan on Native American education that was required as the result of the President's executive order on Native American education. The plan recommends two initiatives to meet the goals of the order: (1) 1000 new Native American teachers for the Native American community and (2) continued support for funding for Bureau of Indian Affairs (BIA) school construction and repair.

We still need to do some minor editing on this draft and vet it through Interior and Education. However, the agencies plan on sending this to the President later this week or sometime next week. Let me know if you have any comments on the draft. Thanks, Mary

The Honorable William Jefferson Clinton
The White House
Washington, DC 20500

Dear Mr. President:

Attached is the American Indian and Alaska Native Education Interagency Plan. The Interagency Plan was developed pursuant the Executive Order 13096 of August 6, 1998 on American Indian and Alaska Native Education.

The goals of the Executive Order on American Indian and Alaska Native Education recognize significant and persistent issues affecting the education of American Indians and Alaska Natives. The Interagency Plan presents two centerpiece initiatives to focus immediate attention on these issues: Recruit and prepare 1000 new Native teachers for American Indian and Alaska Native students and Continue support to address the significant need for Bureau of Indian Affairs (BIA) school construction and repair.

The plan also identifies initiatives that respond to Federal Indian Impact Aid school construction needs, the needs to expand the use of technology, improve learning readiness, and to increase high school graduation and post secondary attendance rates of American Indian and Alaska Native students.

We are confident that the initiatives developed by the Interagency Task Force will further the goals the Executive Order on American Indian and Alaska Native Education.

Sincerely,

Richard W. Riley
Secretary of Education

Bruce Babbitt
Secretary of The Interior

American Indian and Alaska Native Education Policy Development

Interagency Task Force Report to the President

November, 1998

Table of Contents

Executive Summary.....	Page 2
I. Introduction.....	Page 3
II. Interagency Initiatives.....	Page 4
A. Centerpiece Initiatives.....	Page 4-5
1. 1000 New Teachers	
2. BIA School Construction	
B. Other Initiatives.....	Page 6-8
1. Indian Impact Aid School Construction	
2. Technology	
3. Learning Readiness	
4. High School Completion/ Post Secondary Attendance	
III. Other Order Activities.....	Page 9
IV. Long Term Strategy.....	Page 10

EXECUTIVE SUMMARY

On August 6, 1998, President Clinton signed Executive Order 13096 on American Indian and Alaska Native Education. The order affirms the unique political and legal relationship of the Federal government with tribal governments and recognizes the federal government's special responsibility for the education of American Indian and Alaska Natives. The order establishes six goals for American Indian and Alaska Native education. The goals of the order are:

1. Improving reading and mathematics;
2. Increasing high school completion and post-secondary attendance rates;
3. Reducing the influence of long-standing factors that impede educational performance, such as poverty and substance abuse;
4. Creating strong, safe, and drug-free school environments;
5. Improving science education; and
6. Expanding the use of educational technology.

The goals of the order recognize significant and persistent issues affecting the education of American Indian and Alaska Native education. The Executive Order established an Interagency Task Force and required as its first activity the development of an interagency plan. Participating agencies have identified programmatic and initiative areas for future consideration, which are supportive of the goals of the order. From this listing an Interagency Plan focusing on major initiative areas has been developed and is herein described.

The strategic plan proposes two centerpiece initiatives: the training of 1000 new American Indian Teachers and responding to the significant continuing need for Bureau of Indian Affairs (BIA) facility construction and repair. The plan proposes other important initiatives that the Interagency Task Force deems worthy for consideration. These initiatives include responding to the school construction and repair needs of Federal Indian Impact Aid School districts, expanding and improving the use of technology, improving learning readiness and increasing high school completion and post secondary attendance of American Indian and Alaska Native students.

I. INTRODUCTION:

The Interagency Plan for the Education of American Indians and Alaska Natives was developed pursuant to Executive Order 13096 on American Indian and Alaska Native Education by the Interagency Task Force created by the Executive Order. The ideas within the plan were developed with agency consultation with American Indian Tribal governments and reviews through memos and presentations to The National Indian Education Association, The National Congress of American Indians and the National Advisory Council on Indian Education.

The interagency plan, which will be developed each year by the Task force, represents the Interagency Task Force's short-term plan. The Executive order also requires the development of a long term Comprehensive Federal Indian Education Policy. The various activities of the Executive Order, the short-term plan along with other executive order activities will form a basis for the development of the long-term comprehensive federal Indian education policy required by the order.

II. Interagency Plan

A. CENTERPIECE INITIATIVES

The Interagency Plan has two centerpiece initiatives: Train 1000 new American Indian teachers, and meet the significant unmet need for Bureau of Indian Affairs (BIA) facilities construction and repair.

American Indian children have the highest dropout rates and among the lowest academic achievement rates of any population group in the country. Despite this tremendous need American Indian school children have few role models to guide them. Of the Nation's more than two million elementary and secondary teachers, less than one percent – only 18,000 are American Indian/Alaska Native.

Compared to other schools, Bureau of Indian Affairs (BIA) schools are generally in poorer condition and have unsatisfactory environmental conditions. There exists major health and safety issues in these schools with two thirds of the educational facilities being over 30 years old and more than one-quarter over 50 years old. The situation for BIA schools is a difficult one, as they must rely exclusively on the federal appropriations process to fund their operations, maintenance cost and facility construction projects.

1. 1000 New Teachers for American Indian and Alaska Native Students

This initiative creates an American Indian Corps of Teachers (ACT) to recruit and prepare 1000 new American Indian Teachers to teach at a high level of skill in schools with predominant American Indian student populations. The proposal has three parts: (1) funding 25 grants to educational institutions, in partnership with tribal colleges, to create teacher training programs in American Indian/ Alaska Native communities; (2) creating five professional development centers to provide continuing education for in-service teachers to improve the quality of teaching in American Indian/Alaska Native communities; and (3) a fellowship program that will support the training of 1000 new American Indian and Alaska Native teachers over 4 years by providing for their expenses while attending school, including child care.

There is a very high annual teacher turnover rate of 35% of all schools (state, public, Tribal, and Federal schools) that serve predominant American Indian student populations and a very low number of Indian teachers. Many teachers often come to rural reservation communities ill prepared for their life in rural, isolated areas and are poorly trained to be successful with linguistically and culturally unique learner populations. Teachers who do teach American Indian and Alaska Native student populations have not been trained in the latest methods in teaching gateway subjects such as reading and math.

There are jobs readily available at a significant annual rate to allow for large numbers of Indian teachers to be employed within their own communities. The unemployment rate among rural reservation American Indians is extremely high. Approximately 70% of students entering Tribal colleges are single American Indian women who are in their 30's with dependent children. A teacher education program provides a career avenue for a significant population who are committed to live and work in their home communities. There are a large number of American Indian paraprofessionals working in schools that serve Indian students. The program would provide a career opportunity for these individuals.

2. BUREAU OF INDIAN AFFAIRS (BIA) School Construction and Repair

The final FY 1999 budget provides 60 million to replace older, unsafe and dilapidated schools on reservations in accordance with a Congressionally approved priority list of replacement schools, and would provide for much-needed health and safety –related repairs and improvements that together comprise a \$ 700 million backlog. In the FY 1999 budget, the President requested \$ 87 million, which is a \$33 million (61%) increase over FY 1998, to support the Administrations Initiative. The President has made a commitment to responding to the serious need for BIA school facilities construction and repair. Because of the very high need this centerpiece initiative seeks to continue efforts to respond to this need.

With two-thirds of the education facilities over 30 years old, and more than one-quarter over 50 years old, the backlog to correct life safety and other code deficiencies and to replace existing facilities exceeds \$1 billion and is growing. Compared to other schools, BIA schools are generally in poorer condition and have more unsatisfactory environmental conditions according to a December 1997 GAO report. To remedy this and assist them achieve their full educational potential, Indian students should attend school in facilities that do not pose a threat to their health and safety. The situation for BIA schools is a difficult one, as they must rely exclusively on the Federal appropriations process to fund their operations and maintenance costs and construction projects. The BIA facilities management program is located at the Facilities Management and Construction Center in Albuquerque, New Mexico.

Tribes continue to fund more of their education facilities projects and programs through Self-Determination and Self-Governance contracts, grants, and compacts. This supports Presidential directives and Executive Orders (April 29, 1994 Memorandum "Government-to-Government Relations..."; Executive Orders 13084 "Consultation and Coordination..."; and 13096 "American Indian and Alaska Native Education").

The age and deteriorating condition of BIA schools, employee housing, and related education facilities is a major concern for program managers and Department officials. If conditions at some schools are not corrected, students and teachers may be at significant risk, which may result in school closures or significant liability to the Federal Government, and requests for emergency funding to correct hazardous conditions can be expected to increase.

B. OTHER INITIATIVES RECOMMENDED BY THE TASK FORCE.

1. School Facilities Construction and Repair for Federal Impact Aid School Districts Serving American Indian Student:

All Indian reservation land is held in trust by the federal government for the tribe and cannot be taxed by state or local governments. Most local school construction bonds are paid back through property tax assessment. A local state public school district that has a large portion of federally owned land not subject to tax cannot float a bond or borrow money for its public schools because it has no revenue stream with which to pay back the money it borrows. Therefore, school districts that are composed primarily or entirely of Indian lands are not able to float construction bonds to finance school renovation and replacement. The Indian Impact Aid School districts serving predominantly American Indian have school facilities and school repair issues similar to BIA schools. There is a need to respond to the school construction needs of Indian Impact Aid school districts

2. Increase the utilization of Technology in Schools serving Predominant Indian Student Populations

a. Bureau of Indian Affairs Technology:

National studies such as the Rand Report suggest that for schools to reach full potential for technology, they need to invest between \$300 and \$500 per student yearly. Many states, such as Iowa, have enacted special technology initiatives to fund school technology. These states provide extra funds for infrastructure, teacher training and extra personnel. Bureau-funded schools do not have access to these funds, nor is there any special appropriation from Congress to cover such costs. In comparison to school districts of equal size, the Bureau should have 7 million dollars to support its Education Technology Program. The E-rate also offers promise to help the nation's schools with discounts to pay for connectivity, wiring, and technology infrastructure. However, this program has not started to reimburse schools.

OIEP's Access Native America Reinvention Lab, a NPR project, plans to connect all 185 Bureau-funded schools to the Department of the Interior's Internet backbone system by the end of the year 2000. The goal is to have Internet access in every classroom, school office and library. We have leveraged this initiative through a variety of funding sources including: funds from the OIEP school statistics initiative, 19 schools participate in the Technology Innovation Challenge Fund (4 Directions Project), 28 schools participate in the Technology Literacy Challenge fund (TLCF), and the remainder use local school funds such as ISEP, Goals 2000 and ESEA for technology. To date OIEP has fully connected 76 schools, with 40 more coming on line within the next 90 days. This effort is forced to use existing funds that are already insufficient to meet the educational needs of Indian students.

In addition, current funding is not sufficient to cover technology and distance learning costs such as staff training, to hire the additional staff members needed to maintain the new school networks, to design educational software integrated with Indian content, to build web-site and other electronic networking devices, or to buy a sufficient amount of modern multi-media computers capable of reaching the Internet. In a sampling of the 48 schools that submitted applications for the TLCF grants, 50% of the computers in schools are more than five years old and only 10% are capable of reading the Internet.

b. Increase and strengthen interagency technology efforts:

Agriculture: The USDA 1994 Research Program builds the research capacity at the thirty 1994 Land Grant Institutions (Land-Grant Tribal Colleges) by supporting agricultural research activities that address tribal, national and multistate priorities important to USDA's mission area. In addition, the Tribal Colleges Equity Grants Program is a new initiative and if funded will provide each of the 30 Land-Grant Tribal colleges to enhance education opportunities by strengthening instructional programs in the food and agricultural sciences.

Extension Indian Reservation Program Land-grant universities provide qualified Extension Agents who are part of, and have access to, university resources to work on reservations. The university attempts to recruit qualified American Indians for Extension Agent positions. In a report prepared in 1990, the Intertribal Agriculture Council identified the need for 80 Extension Agents for agriculture on reservations of 120,000 acres or larger. Additional funds are needed to provide adequate funding to support the needed Extension Agents for agriculture to provide educational programs for youth development, foods and nutrition, parenting, financial management, and personal health maintenance.

Distance Learning and Telemedicine Loan and Grant Program (DLT): USDA funds distance learning and telemedicine projects awarded on a competitive basis to encourage and improve the use of telecommunications and computer networks to provide educational and medical linkages for rural areas. These projects have historically leveraged four dollars for each dollar RUS awards.

3. Improve The learning Readiness of American Indian students:

a. Expand Early Childhood Education:

American Indian children often do not come to school ready to learn. They have often had to face serious health and safety issues, which may have mitigated their potential to learn. They do not have access to early childhood education programs, which are linguistically, culturally, and developmentally appropriate. An important strategy to the long-term improvement of American Indian education is to significantly increase the availability of early childhood education programs for American Indian Learners. It is recommended that early childhood education and parent education, with language development, be key priorities for Indian education at the federal level by establishing a grant program to focus on this effort. The goal should be to make early childhood education available to every American Indian child as a major strategy through significantly increasing the amount of funding available through all existing authorities

The Indian Education Act has within its FY 1999 budget an appropriation to establish a few early childhood education sites.

The Bureau of Indian Affairs funds 22 Family and Child Education (FACE) projects, which serve 1,500 families. The FACE program provides early childhood education opportunities for Indian children by targeting preschool children ages 0-5 and their parents.

a. Increase and expand Interagency Efforts

The Corporation for National Service currently funds American Indian programs directly through a 1% set-aside of the overall funding for AmeriCorps programs and a 3% set-aside in Learn and Serve America. These programs impact Indian Education in myriad ways, from providing scholarships for higher education to offering activities that increase children's' readiness to learn; from increasing reading and math scores to improving learning through hands-on student service. Out of more than 550 tribes, 31 tribal colleges, and numerous national and urban Indian organizations, the Corporation has funding relationships with approximately 35 tribes, 2 tribal colleges, and 1 national Indian organization. The Corporation is committed to expanding programming to meet the critical educational needs of Indian youth, and finding ways to better reach urban Indians and national Indian organizations.

4. Increasing High School Completion and Post-Secondary Attendance

Surveys of American Indian student views of why they left school indicate that they felt pushed out of school and mistreated by teachers and administrators. Students spoke of dissatisfaction

with school, feelings of mistrust and alienation, academic difficulties and the importance of family responsibilities, which often required students to leave school to work at home or get a job. Oppressive school policies and poor school climates were also important reasons for leaving school.

American Indian students who left school rejected the schools' academic offerings as dull and unconnected to their lives. This did not mean that youth left school because the content was not subject-specific enough to American Indian culture; rather school was not perceived as an avenue to obtain the knowledge or skills they desired. Students saw emphasis on basic remedial or vocational tracking in high schools as limiting their opportunities. Students acknowledged parental and home support; however, problems with school were equally as important. Though pregnancy is often cited as a major reason why female students drop out, schools have not accepted the birth of a child when considering strategies for high school completion (Deyhle, American Indian Education).

The Bureau of Indian Affairs indicates a yearly dropout rate of 14%; this figure defines students in grades 9-12 that leave school and do not enroll in another school during that year. The Indian Nations at Risk Report indicated a 36% dropout rate as the percentage of tenth grade Indian students nationwide who later left school. At the same time, Indian students are not entering and finishing college as they should be. American Indian students have among the lowest high school and college completion rates in the nation. American Indian students have the lowest rates of returning to eventually complete high school or an equivalent program. Approximately one-half (54 percent) of the schools with high concentrations of American Indian learners offer college preparatory programs as compared to 76 percent of the schools with few (less than 25 percent) Native students enrolled.

a. Expand Adult Education:

The majority of American Indians who qualify for post secondary education have qualified by obtaining a GED. Adult education opportunities have decline for American Indians. There is a need to increase the availability of Adult education opportunities for American Indians

b. Increase and expand Inter-agency efforts:

* USDA's Native American Institutions Endowment Fund builds educational capacity in the areas of curricula design and materials development, faculty development and preparation for teaching, instruction delivery systems, experimental learning, equipment and instrumentation for teaching, and student recruitment and retention.

* The Fellowship program of the Office of Indian Education DOE has been used to support graduate and undergraduate degrees for American Indian students It is not currently funded.

* Strengthen ESEA provisions effecting the education of American Indian Students

* The DHHS funds a number of grant programs that provide summer enrichment programs to American Indians and Alaska Natives. A number of these programs bring students to a local university campus for a minimum of two weeks. The curriculum includes reading, math, and science. These are competitive grant programs; however, with limited funds these are not available to all target population areas of the country.

* There are other DHHS programs that provide tutoring and mentoring services and, again, these are competitive grant programs with limited funds and are not available to all target population areas of the country.

* The IHS has an extern program that provides clinical experience to students during a non-academic year.

* The DHHS has a number of scholarship programs and loan repayment programs. These programs are to recruit and retain health professionals in health professional shortage areas. The scholarship programs provide funding for students enrolled in courses that will prepare them for acceptance into health professional schools, e.g., nursing, pharmacy, medicine, etc.

* The Department of Housing and Urban Development maintains and promotes education-related programs and resources important to achieving the goals of the order. In order to achieve success in these areas, budget support and focused attention on American Indian Alaska Native students is essential.

* An HUD grant through the Drug Elimination program may be used to support Indian education efforts when focused on youth drug prevention activities, including (1) redesign or modification of public spaces in Tribal housing developments to provide increased utilization for youth related purposes, such as a tutoring or learning center, (2) provision of equipment, transportation, and personnel costs of operating educational programs related in some way to drug abuse prevention, and (3) support for youth development strategies such as Boys & Girls Clubs, PRIDE, Drug Abuse Resistance Education (D.A.R.E.), 4-H, and Scouts.

* Through the technical assistance portion of the Native American Housing Block Grant program, ONAP will develop a "Future Homebuyer" learning unit that will include a youth oriented module. The youth module will provide the appropriate lesson plans to better educate Native American and Alaska Native students on the use and abuse of credit and financing, as well as budgeting and spending, which will enhance their readiness skills for such future life coping needs as securing a home loan or balancing a checkbook.

III. Other Order Activities

Future Action:

The ideas developed within the Interagency Strategic Plan focus on significant ideas developed over the past year on the part of the Departments of Education and the Interior. It also includes areas identified by other participating members of the Interagency Task Force which are currently reflected in agency budget requests or which relate ideas for future agency consideration.

Both budgetary and non budgetary ideas will become a focus of discussion and activity during each year to come as the task force works on other Executive Order activities such as the interagency resource guide, the Research Agenda, Agency Consultation, Pilot Sites, Agency Consultation, etc.

The Interagency Task force will submit an Interagency Plan each year following this first year's plan. Each year the plan will consider the progress made on Ideas and initiatives and will incorporate new ideas and approaches designed to fulfill the goals of the order.

In addition to the forming of the interagency Task Force group, the development of a work plan and the determination of agency initiatives, the executive order includes several significant activities that will occur within the next two years. These activities include:

- Interagency Resource Guide: At the next meeting of the task force the representatives will submit information on all education-related programs and resources that support the goals of the order. It will be the responsibility of the Department of Education to receive, compile, publish and disseminate this guide. The next meeting of the Task Force will

- Research Agenda: The Department of Education in consultation with the National Advisory Council on Indian Education and the Task Force, will develop and implement a comprehensive research agenda. The agenda will include: establishing baseline data on academic achievement of AI/AN students, evaluating promising practices, and evaluating the role of native language and culture in the development of educational strategies. The department of Education has included this activity in the current fiscal budget.
- Regional Partnership Forums: The Department of Education and the Interior, in collaboration with the Task Force, and Federal, tribal, state and local governments will convene a series of forums. The purpose of these forums will be to identify promising practices and approaches on how to share information, provide assistance to schools, develop partnerships, and coordinate intergovernmental strategies supportive of accomplishing the goals of the order. The Department of Education and Interior have an interagency committee that is beginning to address the tasks of this activity.
- School Pilot Sites: The Department of Education and Interior will identify public and Bureau of Indian Affairs funded schools that can serve as models for other schools. These pilot sites will be recipients of comprehensive technical assistance in support of the goals of the order.
- Memoranda of Agreement (MOA): Participating agencies may develop, where appropriate to support the goals of the order, MOAs with one another to meet the educational needs of American Indian and Alaska Native students.

IV. Long Term Strategy: The Comprehensive Federal Indian Education Policy:

Within two years the Task Force will produce a policy designed to: improve federal interagency cooperation; promote intergovernmental collaboration; and assist tribal governments in meeting the unique educational needs, including the need to preserve, revitalize and use native language and cultural traditions. The long term policy will be informed by consultation with American Indian Tribal governments and by the results and insights gained from the implementation of the interagency short term plans and other activities of the executive order.

THE WHITE HOUSE
WASHINGTON

July 9, 1998

MEMORANDUM FOR JACK LEW

THROUGH: MAC REED
FROM: BRUCE REED ^{ML}
SUBJECT: Executive Order on Native American Education

This is a formal request that you process the attached executive order pursuant to Executive Order No. 11030, as amended. I anticipate that the President will want to sign this order by August 5, to be announced as part of the Native American Economic Conference.

This executive order is designed to improve the academic performance of American Indian and Alaska Native students in grades K-12. The order focuses special attention on the following five goals: (1) improving student achievement in reading and mathematics; (2) increasing high school completion and post-secondary attendance rates; (3) reducing the influence of long-standing factors that impede educational performance, such as poverty and substance abuse; (4) creating strong, safe, and drug-free school environments conducive to learning; and (5) expanding the use of science and educational technology. This executive order was developed by DPC along with the Departments of Education and the Interior.

If you have any questions regarding this order, you can contact Mike Cohen at 456-5575 Mary Smith at 456-5571. Thank you for your assistance.

Attachment

EXECUTIVE ORDER: AMERICAN INDIAN AND ALASKA NATIVE EDUCATION

Preamble:

The Federal Government is committed to improving the academic performance and reducing the dropout rate of American Indian and Alaska Native students. To help fulfill this commitment consistent with tribal traditions and cultures, this Executive Order focuses special attention on five goals: (1) improving reading and mathematics, the two gateway subjects for academic success; (2) increasing high school completion and post-secondary attendance rates; (3) reducing the influence of long-standing factors that impede educational performance, such as poverty and substance abuse; (4) creating strong, safe, and drug free school environments conducive to learning; and (5) expanding the use of science and educational technology.

Improving educational achievement and academic progress for American Indian and Alaska Native students is vital to the national goals of preparing every student for responsible citizenship, continued learning, and productive employment. On the 1994 National Assessment of Educational Progress (NAEP), over half of 4th grade American Indian and Alaska Native students scored below the basic level in reading proficiency and almost half scored below the basic level in math. According to the National Center for Education Statistics (NCES), American Indians and Alaska Natives have among the highest dropout rates and lowest college attendance rates of any group. Schools that serve American Indian and Alaska Native students often do not provide college preparatory classes in all subjects and fail to meet their unique educational needs.

The Federal Government has a special historic responsibility in the education of American Indian and Alaska Native students, which includes the following: (1) providing operational support to tribal and federal schools; (2) supplementing state and local support for public schools educating children on Indian trust-status lands through Federal Impact Aid program; (3) assisting tribal governments to develop their capacity to provide for the education of their members; and (4) assisting schools in addressing these students' unique educational and culturally-related academic needs so that they can achieve the same high education standards as all students.

To achieve its purposes, this order calls for a comprehensive and coordinated strategy across all related agencies at the federal level; collaboration with tribal, state, and local governments at the regional level; and the identification and demonstration of effective practices in school at the local level.

Order:

The United States has a unique legal relationship with Indian tribal governments as set forth in the Constitution of the United States, treaties, statutes, executive orders, and court decisions. Since the formation of the Union, the United States has recognized Indian tribes as domestic dependent nations under its protection. In treaties, our Nation has guaranteed the right of Indian tribes to self-government. As domestic dependent nations, Indian tribes exercise inherent sovereign powers over their members and territory. The United States continues to work with

Indian tribes on a government-to-government basis to address issues concerning Indian tribal self-government, trust resources, and Indian tribal treaty and other rights.

Therefore, by the authority vested in me as President by the Constitution and laws of the United States of America, in affirmation of the unique political and legal relationship of the Federal Government with tribal governments, and in recognition of the unique educational and culturally-related academic needs of American Indian and Alaska Native students, it is hereby ordered as follows:

Section 1. Federal Strategy. In order to meet the five goals of this order, a comprehensive federal response is needed to address the fragmentation of government services available to American Indian and Alaska Native students and the complexity of intergovernmental relationships in the education of those students. The purpose of the federal activities described herein is to build toward the development of a long term, comprehensive federal Indian education policy that will accomplish the following goals of this order: (1) improve reading and mathematics; (2) increase high school completion and post-secondary attendance rates; (3) reduce the influence of long-standing factors that impede educational performance; (4) create strong, safe, and drug-free school environments conducive to learning; and (5) expand the use of science and educational technology.

Subsection A. Interagency Task Force. There shall be established an Interagency Task Force to oversee the planning and implementation of this executive order. The Task Force shall confer with the National Advisory Council on Indian Education (NACIE) in carrying out the activities of this order. The Task Force, in conjunction with the NACIE, shall consult with representatives of American Indian and Alaska Native tribes and organizations, including the National Indian Education Association (NIEA) and the National Congress of American Indians (NCAI), to provide advice on the implementation of activities of the Executive order.

Subsection B. Composition of the Interagency Task Force. The membership of this Task Force shall include, but not be limited to, representatives of the Departments of Agriculture, Commerce, Defense, Education, Energy, Health and Human Services, Housing and Urban Development, Interior, Labor, Transportation, and Treasury, as well as the Environmental Protection Agency, the Corporation for National Service, and the National Science Foundation. Within 30 days, each participating department and agency shall appoint a senior official who will be responsible for management or program administration to serve as a member of the Task Force. The official shall report directly to the agency head or designee on agency activity under this order. To the extent permitted by law and regulation, each agency shall provide appropriate information in readily available formats as requested by the Task Force. The Assistant Secretary of Elementary and Secondary Education of the Department of Education and the Assistant Secretary of Indian Affairs of the Department of the Interior shall co-chair the Task Force.

Upon invitation of the Secretaries of Education and of the Interior, other agencies may participate in the activities of the Task Force.

Subsection C. Interagency Plan. The Task Force shall, within 90 days, develop a federal interagency plan with recommendations for immediate consideration in the fiscal year 2000 budget request, including the identification of initiatives, strategies, spending goals and ideas for future coordinated interagency action supportive of the goals of this order.

Subsection D. Agency Participation. To the extent consistent with law, each participating agency shall adopt and implement strategies to maximize the availability of the agency's education-related programs, activities, resources, information and technical assistance to American Indian and Alaska Native students. In keeping with the spirit of the 1994 Executive Memorandum and the 1998 Executive Order on federal agency consultation with tribal governments (E.O. 13084), each participating agency of the Task Force shall consult with tribal governments on their education-related needs; research needs and priorities; and how the agency can better accomplish the goals of this order. Within six months, each participating agency shall report to the Task Force regarding the strategies developed to ensure participation and consultation.

Subsection E. Interagency Resource Guide. The Task Force shall identify, within relevant federal agencies, all education-related programs that support the goals of this order. Within twelve months of this order, the Task Force, in conjunction with the Department of Education, shall develop, publish, and widely distribute a guide that contains these resources.

Subsection F. Research. The Secretary of Education, through the Office of Educational Research and Improvement and the Office of Indian Education, in accordance with the Department of Education Organization Act (20 U.S.C. 2423c), and in consultation with NACIE and the member agencies of the Task Force, shall develop and implement a comprehensive research agenda that supports the goals of this order. The agenda shall support the efforts of schools, tribal communities, states, and families to promote high achievement, problem-solving abilities, and motivation among American Indian and Alaska Native students. Such an agenda shall include plans for ensuring: (1) reliable, consistent, complete, and accurate information on the academic status and progress of American Indian and Alaska Native students; (2) data collection and analysis that is representative of regional, cultural, and linguistic diversity among American Indian and Alaska Natives; (3) reporting that is in a variety of formats and in a language that is appropriate to a variety of American Indian and non-Indian audiences, including practitioners, policy makers, data users, and the general public; (4) a comprehensive and ongoing evaluation of the impact on academic achievement and retention of research-based educational practices and school-wide reform programs, including those emphasizing the role of the native language and culture in curriculum and instruction; (5)

that high priority needs identified through the above mechanisms be addressed through coordinated interagency support of research and demonstration efforts in schools serving American Indian and Alaska Native students; and (6) appropriate time lines and strategies for the implementation of plans. Within twelve months, the Secretary of Education shall report to the Interagency Task Force the development of a comprehensive research agenda including implementation time lines and strategies adopted.

Subsection G. Comprehensive Federal Indian Education Policy. The Task Force shall, within two years, develop a comprehensive federal Indian education policy to support the accomplishment of the goals of this order. The policy shall consider ideas within the Comprehensive Federal Indian Educational Policy Statement proposal developed by NIEA and NCAI and be designed to: (1) improve federal interagency cooperation; (2) ensure access to information on federal programs and resources; (3) encourage intergovernmental collaboration; and (4) assist tribal governments in meeting the unique educational needs of their children, including the need to preserve, revitalize, and use native languages and cultural traditions. The Task Force shall develop recommendations to implement the policy including budget requests and ideas for future coordinated interagency action. As appropriate, participating agencies of the Task Force may develop memoranda of agreement with one another to enable and enhance the ability of tribes and schools to provide and coordinate the delivery of federal, tribal, state, and local resources and services to meet the social, educational, and health-related needs of American Indian and Alaska Native students.

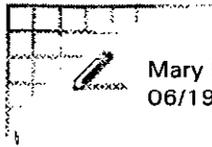
Section 2. Regional Partnership Forums. In conjunction with the Interagency Task Force, the Department of Education and the Department of the Interior shall convene, within eighteen months, a series of regional forums of federal, tribal, and state government interagency representatives to identify promising practices and approaches on how to share information, provide assistance to schools, develop partnerships, and coordinate intergovernmental strategies supportive of accomplishing the goals of this order. A report on each forum shall be submitted to the Task Force, which shall include any recommendations related to intergovernmental relations supportive of accomplishing the goals of this order.

Section 3. School Pilot Sites. The Department of Education and the Department of the Interior shall identify up to eight Bureau of Indian Affairs-funded schools and public schools with significant concentrations of American Indian and Alaska Native students, which shall receive comprehensive technical assistance in support of the goals of this order. A special team of technical assistance providers, including federal staff, shall be convened to provide assistance to these schools. Special attention shall be given to accomplishing Comprehensive School Reform Demonstration Programs where applicable and comprehensive service delivery that connects and utilizes diverse federal agency resources. The team shall disseminate the effective and promising practices of the school pilot sites to other local education agencies educating American Indian and Alaska Native students. The team shall report to the Task Force on the accomplishments and recommendations for improvement of its technical support to local education agencies.

Section 4. Administrative Support. The Department of Education shall provide appropriate administrative services and staff support for the Task Force. With the consent of the Department of Education, other agencies participating in the Initiative shall provide administrative support to the Task Force consistent with statutory authority and shall make use of section 112 of title 3, United States Code, to detail agency employees to the extent permitted by law. The Task Force shall report annually the accomplishments of this order to the Director of the Office of Management and Budget (OMB).

Section 5. General Provisions. This order is intended only to improve the internal management of the Executive Branch and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person. This Executive Order is not intended to preclude, supersede or replace or otherwise dilute any other Executive Order related to American Indian and Alaska Native education.

Native American -
educatic



Mary L. Smith
06/19/98 11:58:25 AM

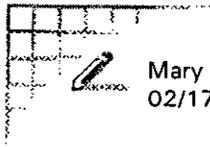
Record Type: Record

To: Elena Kagan/OPD/EOP, Bruce N. Reed/OPD/EOP
cc: Michael Cohen/OPD/EOP, Laura Emmett/WHO/EOP, Julie A. Fernandes/OPD/EOP
Subject: Native American Education Execution Order

We are nearing completion of the Native American executive order. This order would promote the goals of improving reading and math for Native American students and trying to improve the high school graduation rate. The order includes providing technical assistance to eight pilot sites in order to achieve these goals; developing short-term and long-term policy agendas with respect to Native American education; and holding regional forums to provide technical assistance to states and tribes.

We plan on announcing this order at the Native American economic development conference on August 5. This order would be announced in conjunction with some specific economic development proposals that Julie is working on. However, since getting a good education is the first step toward economic self-sufficiency, it makes sense to sign this order at that time. It would be nice to have the President actually sign the order at the conference because, with respect to almost all the other executive orders relating to Native Americans, the President did not meet with the tribes when he signed the orders.

I will get you both a copy of the order. If you both are fine with it, we would like to start the OMB vetting process for this order. I will draft a cover note to OMB as well. Thanks, Mary



Mary L. Smith
02/17/98 12:22:42 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

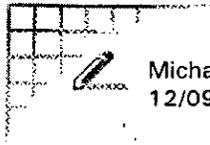
Subject: Native American Update

FYI -- In case it comes up in any other Native American meetings you may have, we are still working on trying to come up with an executive order on Native American education. (This was the executive order that was proposed by many of the Native American groups, and that the groups are really pushing for.)

We have asked the agencies for more substantive input because the current draft of the executive order doesn't really accomplish much. The agencies have asked for a little more time to come up with some ideas, but we hope to meet again on this later in the week. Thanks, Mary

Message Sent To:

Bruce N. Reed/OPD/EOP
Elena Kagan/OPD/EOP
Julie A. Fernandes/OPD/EOP
Michael Cohen/OPD/EOP
Thomas L. Freedman/OPD/EOP
Tanya E. Martin/OPD/EOP



Michael Cohen
12/09/97 03:38:08 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP

cc:

Subject: Alternatives on Indian Education



LOWIND.W



MEDIND.W

In response to your request for a more frugal approach, and in consultation with Interior, I've got two new options, each complete with its own memo.

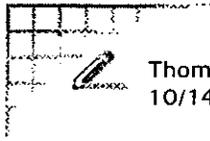
Option 1 (LOWIND): This proposes to double the facilities improvement and repair budget, and increase of \$32.2 million. It fits right within the 30-40 range Bruce gave me. It eliminates any increase either for annual operation and maintenance, or new school construction. Within the budget range, this approach hits the most schools in the largest number of states, while retaining a clear and definable impact.

Option 2 (MEDIND): This proposal adds a doubling of the school construction \$ to the above proposal, and totals \$51.4 million over FY 98 (and a mere \$47.6 million over the BIA FY99 request.)

You also need to know that in the process of working the alternatives with BIA, I discovered that we have to reduce the claim for new school construction at this funding level from 4 to 3; in effect an additional 20 million buys one additional school rather than 2, as originally claimed (I wasn't able to determine why this additional school costs twice as much as the others, but it does, and it is the next one on a Congressionally approved priority list, so we can't substitute two other schools instead.) This is also why the first option eliminates new school construction altogether--given the practice of paying for a whole school at once, it was an all or nothing proposition.

While one additional school doesn't sound like a lot, there are only 8 left on the existing priority list (after that, another list must be generated). Consequently, moving one additional school off the list will be seen as a big step forward by the remaining schools.

I recommend that we go for the larger proposal; it's still a small amount of money, and it enables us to claim to be doing something in new school construction as well as in major repairs. And, doubling funding in two budget accounts will seem like a much bigger deal than just doubling the funding for renovations and repairs.



Thomas L. Freedman
10/14/97 02:17:15 PM

Record Type: Record

To: Elena Kagan/OPD/EOP, Michael Cohen/OPD/EOP
cc: Laura Emmett/WHO/EOP, Mary L. Smith/OPD/EOP
Subject: Native American education

This seems like a possibly promising area for something in the area of the race initiative, especially if we don't already have any measures aimed at helping Native Americans in our package of initiatives. The problems correlate to some steps the Administration has taken generally in education -- Indian drop out rates are above 50%, and there are problems in testing and school construction. However, when Mike and I had representatives of BIA, the Department of Education, and OMB come in and tell us what they would like today, we didn't get much. If we came up with something, what do you of trying to fit it in the race initiatives for funding?

Mike/Tam -

Of course - if you come up with something. Assuming our ED Q Zone proposal comes through, we should try to ensure that one of the communities chosen is an Indian reservation.

Elena



Native American -
education

THE SECRETARY OF THE INTERIOR
WASHINGTON

1st part to Leanne -
Did you participate
in this? What
do you think?
Etc

MEMORANDUM

To: Members of the Domestic Policy Council Working Group
on American Indians and Alaska Natives

From: The Secretary

SEP 30 1997

Subject: Review and Comment on Proposed Executive orders

Please review and comment on the attached documents which the Domestic Policy Council Working Group has discussed as potential Executive orders.

In April, we charged the Council's Education Subgroup with recommending action on the March 1997, "Comprehensive Federal Indian Education Policy Statement: A Proposal From Indian Country To The White House." At our July meeting, this Subgroup, chaired by Michael Anderson, Deputy Assistant Secretary - Indian Affairs, presented a draft Executive order which I directed them to revise based on our review and discussion. The revised draft, Comprehensive Federal Indian Education, is attached for your review and comment.

At our July meeting, we also reviewed information on crime, socio-economic status, and health conditions which the Subgroup on Initiatives, chaired by Michael Trujillo, M.D., M.P.H., Director, Indian Health Service, and Assistant Surgeon General, presented on Indian youth. After our discussion on these issues, an Executive order was prepared to initiate action. That draft Executive order, Initiative for American Indian and Alaska Native Children and Youth, is attached for your review and comment.

Your responses are required by **October 10, 1997**, in anticipation of a scheduled briefing in mid-October that my staff is preparing for the Domestic Policy Council. You may have your staff direct specific questions to Joann Sebastian Morris, Office of Indian Education Programs, at (202) 208-6123, or Leo Nolan, Indian Health Service, at (301) 443-4245. Should you need additional information, please call Michael Anderson at (202) 208-7163, or Ed Simermeyer at 202-208-7956.

Attachments

A T T A C H M E N T 1

PROPOSED DRAFT EXECUTIVE ORDER:

COMPREHENSIVE FEDERAL INDIAN EDUCATION

DRAFT EXECUTIVE ORDER

Preamble. As we enter the 21st century, I want to make Indian education a national priority. I want to reaffirm the commitment to a Federal role in Indian education and the responsibility to provide quality education to all American Indians and Alaska Natives. It is unacceptable for our Native students to continue to perform academically at levels lower than all other students and have the highest dropout rates and the lowest high school completion and college attendance rates in our Nation. By issuing this Executive order, I am resolved to advance a comprehensive Federal Indian education policy that: 1) supports Indian ownership of education for all Native students and enhances tribal governance; 2) preserves and revitalizes Native languages and cultural traditions; 3) assures equity of resources for all Native students and inclusion of Indian education systems in national education reform; and, 4) initiates and improves interagency coordination. I am also honoring my historic April, 1994, consultation with tribal leaders by responding to the recommendations from Indian country which are proposed to my administration in the "Comprehensive Federal Indian Education Policy Statement: A Proposal From Indian Country To The White House."

Authority and Purpose. By the authority vested in me as President, by the Constitution and laws of the United States of America, in reaffirmation of the unique legal and political relationship with American Indian and Alaska Native tribal governments, in recognition of the special educational and culturally related academic needs of Native Americans, and for the purpose of supporting high student achievement and academic competencies by: (a) advancing a comprehensive Federal Indian education policy; (b) promoting effective local, State, Federal and tribal government relations in the education of all American Indians and Alaska Natives; (c) assisting in facilitating the transfer of control of Federally funded education to tribes and tribal organizations and in assisting in the development of the governance capacity of tribal education departments (20 USC, 25 USC, etc.); (d) developing innovative approaches to better link Federal agencies, programs, and resources to the education of all American Indian and Alaska Native students; (e) preserving and revitalizing Native languages and cultural traditions; (f) maintaining a safe educational environment and acceptable physical facilities; (g) ensuring that all American Indians and Alaska Natives can meaningfully and actively participate in my Call to Action for American Education in the 21st Century; and, (h) ensuring the accessibility of all Indian students to the high quality educational opportunities afforded other students in America by supporting the National Education Goals (20 U.S.C. 5812), it is hereby ordered as follows:

Section 1. Department and Agency Participation. Each executive department and agency shall appoint a senior official, who is a full time officer of the Federal government and who is responsible for management or program administration, to serve as a liaison for Indian education activities and advocate for the implementation of this order. The senior official shall report directly to the agency head.

Sec. 2. Federal Strategic Plan for Indian Education (a) Content. Each Agency shall develop and document a five-year strategic plan to promote educational change, systemic reform, and high student achievement and academic competencies in fulfilling this order. The strategic plan shall advance sound educational theories and principles of tribal consultation and collaboration. These Five-Year Plans shall include annual performance indicators and appropriate measurable objectives for the agency. The plans shall address among other relevant issues:

(1) specific participation in The Call To Action For American Education In the 21st Century and The National Education Goals;

DRAFT EXECUTIVE ORDER

(2) public, private, and tribal partnerships which support systemic reform and activities at the school, school district, and tribal level, which develop linkages with schools and other educational institutions serving American Indian and Alaska Native students, and which initiate and improve intergovernmental cooperation supporting educational activities for all American Indians and Alaska Natives;

(3) information and technical assistance that will be communicated to Native American tribal governments, communities, parents, students, tribal colleges, and educators regarding the education program activities of the agency; and,

(4) equity in and access to agency resources utilized for education activities in which American Indians and Alaska Natives are eligible to participate.

In developing the strategic plan required by this order, agencies shall give full consideration to tribal principles of education, tribal strategies for Indian education, and effective tribal practices in education. To the extent permitted by law, the plans shall give the highest consideration to the tribal recommendations made in the March, 1997, "Comprehensive Federal Indian Education Policy Statement: A Proposal From Indian Country To The White House."

(b) *Submission.* Each agency shall submit its strategic plan for Indian education to the Secretary within 1 year of the effective date of this order. The plans shall be revised annually and submitted to the Secretary at the end of each fiscal year beginning in FY 1999.

(c) *Annual Performance Reports.* Each agency shall submit an annual performance report to the Secretary at the end of each fiscal year beginning in FY 2000 that shall measure each agency's performance against the objectives set forth in its Five-Year Plan. Each agency shall also report on the resources and the comparative level of effort applied to Indian education and related programs. The annual reports shall be accessible to Native American tribal governments, Indian organizations, and representatives of Indian parents, educators, and others.

Sec. 3. Tribal Partnerships. (a) *Establishment.* There shall be established under the auspices of the National Advisory Council On Indian Education (NACIE) a sub-council entitled the Tribal Partnership Board of Advisors ("Board"). Notwithstanding the provisions of any other Executive order, the responsibilities of the President under the Federal Advisory Committee Act, as amended (5 U.S.C. App.), with respect to the Board, shall be performed by the Secretary of Education ("Secretary"), in accordance with the guidelines and procedures established by the Administrator of General Services.

(b) *Composition.* Membership on the Board shall consist of not more than 15 Members who shall be nominated by the Chairman of NACIE and appointed by the Secretary. The Board shall include three NACIE members, an equal number of Federal representatives, and one representative from each of the following organizations - the National Congress of American Indians, the National Indian Education Association, the Native American Rights Fund, and the American Indian Higher Education Consortium. The Board may also include representatives of Native American tribal governments, parent organizations, health, business, and financial institutions, independent foundations, and such other persons as deemed appropriate. Members of the Board will serve terms of 2 years and may be reappointed to additional terms. A Member may continue to serve until his or her successor is appointed. In the event a Member

DRAFT EXECUTIVE ORDER

fails to serve a full term, an individual appointed to replace the Member will serve the remainder of that term. All terms will expire upon the termination of the Board.

(c) *Role of Board.* The Board shall monitor and report the progress made by Federal agencies toward fulfilling the purposes and objectives of this order and provide advice. The Board shall also provide recommendations and report at least annually on ways to:

- (1) enhance Indian ownership and tribal governance of education;
- (2) preserve and revitalize Native languages and cultural traditions;
- (3) ensure equity in and access to resources for Indian education; and
- (4) initiate and improve interagency coordination in Indian education.

The NACIE shall review the work of the Board and include the recommendations in the Annual Report to Congress.

(d) *Scheduled Meetings.* The Board shall meet at least annually to provide advice and consultation and to transmit reports and make recommendations.

Sec. 4. Termination. The Board shall terminate 2 years after the date of this Executive order unless the Board is renewed prior to the end of that 2 year period.

Sec. 5. Administration. The Department of Education shall provide appropriate administrative services and staff support for the NACIE and the Board as may be required. To the extent permitted by law and regulations, each Federal agency shall cooperate in providing resources, including personnel, to meet the objectives of this order.

*ADDITIONAL ATTACHMENTS
PROVIDED FOR YOUR INFORMATION
COMMENTS ARE NOT REQUESTED*

SUPPLEMENTAL INFORMATION

QUESTIONS AND ANSWERS

- 1 *Background and Development*
- 1 *Content*
- 1 *Relationship to Other Federal Initiatives*
- 1 *Role of Congress*
- 1 *Impact On and Role of Agencies*
- 1 *Indian Country Implementation and Participation*
- 1 *Anticipated Results*

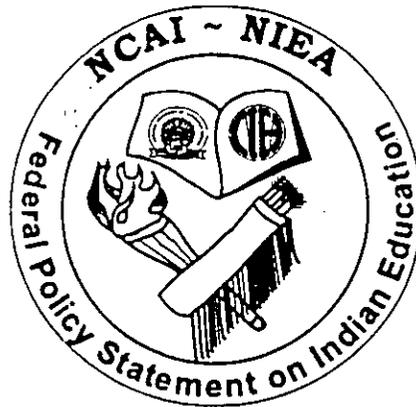
MAJOR FEDERAL INDIAN EDUCATION LAWS

- 1 *Listing of Laws*

SELECTED FEDERAL REGULATIONS FOR MAJOR FEDERAL INDIAN EDUCATION LAWS

- 1 *Listing of Regulations*

NOTE: The Education Subgroup has worked very closely with representatives from the National Congress of American Indians, Native American Rights Fund, National Indian Education Association, and National Advisory Council On Indian Education. The supplemental information was developed to provide additional background materials for use in reviewing the proposed Executive order and to bring a perspective to the tribal efforts on this issue over the last few years. There has been an extremely strong inter-agency collaboration within the Subgroup and open consultation with the tribal representatives. The proposed Executive order reflects a Federal commitment to make Indian education a priority by improving the disparity in the achievement of Native students, addressing tribal concerns, and continuing successful models. The proposed Executive order brings a high level of Federal-tribal collaboration to Indian education and will initiate and enhance inter-agency coordination.



QUESTIONS AND ANSWERS
REGARDING THE
PROPOSED EXECUTIVE ORDER
ON INDIAN EDUCATION

Prepared By

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September 1997

**Summary List of Questions
Regarding the Proposed Executive Order**

Page No.

BACKGROUND AND DEVELOPMENT

- 1. What is the condition generally of Indian education today? 1
- 2. What is the history of the March 1997 proposal from Indian country to the White House for a Comprehensive Federal Indian Education Policy Statement (CFIEPS), also known as the "Red Book"? 2
- 3. What has happened since the presentation of the Red Book to the White House? 2
- 4. Why is an Executive order on Indian Education now being sought? Will the Executive order replace the Red Book? 3
- 5. What is an Executive order and what good could it do? Will it be enforceable? 3
- 6. Why do we need an Executive order when Congress has already declared the federal government's Indian education policy in several statutes? 3

CONTENT

- 7. Does the Executive order mention tribal sovereignty and Indian self-determination? 4
- 8. What does the Executive order say about the importance of native language and culture to Indian education? 4
- 9. Can the Executive order make Indian education an "entitlement," especially in terms of funding? 4
- 10. Can the Executive order make the federal government acknowledgment a trust responsibility to Indians in education? 5

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4

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12. Can the Executive order confirm the roles of school boards, teachers, and parents in Indian education? 6

13. Can the Executive order confirm the federal obligations to urban Indians and non-federally recognized Indians? 6

14. What does the Executive order say about the role of the National Advisory Council on Indian Education? 6

RELATIONSHIP TO OTHER FEDERAL INITIATIVES

15. How does the Executive order on Indian education relate to the Executive order regarding Tribal Colleges that was signed by the President in October, 1996? 7

16. How does the Executive order on Indian education relate to the Executive order proposed by the Indian Health Service on Indian Youth? 7

17. How does the Executive order on Indian education relate to other education efforts of this Administration, such as Goals 2000 and the President's 10-Point Call to Action? 7

ROLE OF CONGRESS

18. What is the role of Congress regarding the Executive order on Indian education? 8

IMPACT ON AND ROLE OF AGENCIES

19. How will the Executive order on Indian education affect each agency? 9

20. What does the Executive order say about inter-agency coordination in Indian education? 9

- 21. What background information or material should the agencies be familiar with before implementing the Executive order? 9
- 22. What other resources will each agency need to implement the Executive order? 10
- 23. Who can assist the agencies in implementing the Executive order? 10

INDIAN COUNTRY IMPLEMENTATION PARTICIPATION

- 24. How will Indian country participate in the implementation of the Executive order? 10

ANTICIPATED RESULTS

- 25. What are the anticipated results once the Executive order is implemented? 10

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September 15, 1997

D R A F T

September 15, 1997

Questions and Answers Regarding the Executive Order on Indian Education

BACKGROUND AND DEVELOPMENT

1. What is the condition generally of Indian education today?

There are many good things about Indian education today. There are over 600,000 American Indian and Alaska Native students in elementary, secondary, and post-secondary schools. For the first time ever, of the 187 Bureau of Indian Affairs (BIA)-funded elementary and secondary schools, more are operated by tribes through contracts and grants than by the BIA. There are 24 tribally controlled community colleges. There are over 80 tribal education departments. There are many exemplary schools and programs throughout Indian country. Much of the progress is due to good research and studies that have clearly identified what needs to be done to improve the quality of education for American Indian and Alaska Native students. See *"Reference Guide to Reports on Indian Education Statistics and Data,"* prepared as a separate document in support of this Executive order.

There are also many areas of concern in Indian education today. Reports and research show that a majority of Indian children perform at below average levels academically. For example, in 1994, over 50% of American Indian fourth graders scored below the basic level in reading proficiency, compared with 42% of all students. Indian students suffer from disproportionately low attendance and high drop out rates. For example, in 1989, the nationwide high school drop out rate for American Indian and Alaska Natives was 36% compared to 28% for Hispanics, 22% for African-Americans, and 15% for whites. As of 1990, only 66% of American Indians aged 25 years or older were high school graduates, compared to 78% of the general population. A disproportionate number of American Indians and Alaska Natives do not graduate from post-secondary institutions. From 1969 to 1996, almost 100 Native languages ceased to be spoken. Many Native languages are at a serious risk of being lost forever. See also *"Reference Guide to Reports on Indian Education Statistics and Data."*

Although the number of American Indian and Alaska Native students has increased, overall federal funding for Indian education has declined and is projected to decline even further. In Fiscal Year 1996, funding for reservation-based education programs in the Department of the Interior's Bureau of Indian Affairs' budget was reduced by over \$100 million. There is a backlog of \$680 million in funding needed for facilities construction and maintenance of federally-funded Indian schools and for public schools located in or near Indian country. In Fiscal Year 1996, Congress eliminated funding for several programs in the Department of Education's Office of Indian Education including adult education and higher education scholarships.

Within tribes and Indian communities, a lack of ownership and relevancy regarding formal education is pervasive. And the reality is that the curricula, staffing, and funding in schools that serve Indian students are often not controlled by tribes and Indian communities. Unless and until ownership of and relevancy in education is restored to tribes and Indian communities, the educational success of American Indian and Alaska Native students will continue to be hampered.

September 15, 1997

D R A F T

September 15, 1997

2. What is the history of the March 1997 proposal from Indian country to the White House for a Comprehensive Federal Indian Education Policy Statement (CFIEPS), also known as the "Red Book"?

The genesis of the CFIEPS arose after President Clinton's White House meeting with tribal leaders on April 29, 1994. At the tribal leaders' meeting, Indian education was given very little time, but great concerns were expressed by tribal leaders about problems in Indian education and the federal responsibility in Indian education. Afterward, a series of meetings on Indian education was held at the White House. At these meetings it was agreed by federal officials, tribal leaders, and Indian educators that a comprehensive federal Indian education policy would assist the federal agencies and tribes in working together to improve Indian education.

Tribal leaders and Indian educators developed the CFIEPS after extensive research of federal Indian education laws and Indian education reports, and based on comments gathered in Indian country. Collaborative leadership was provided by a CFIEPS Advisory Group, comprised of members of the National Congress of American Indians (NCAI), the National Indian Education Association (NIEA), the National Advisory Council on Indian Education (NACIE), and the Native American Rights Fund (NARF). The Advisory Group spent over two years consulting with Indian country on the CFIEPS. At their 1996 annual conventions, NCAI and NIEA endorsed by resolution the CFIEPS Red Book version and authorized presentation to the White House. Numerous tribes and Indian organizations have also endorsed the Red Book.

In March 1997, the Red Book was presented by NCAI and NIEA to the White House through Department of the Interior Secretary Bruce Babbitt, who chairs the Domestic Policy Council's Working Group on American Indians and Alaska Natives; Gerald Tirozzi, the Assistant Secretary for Elementary and Secondary Education; and, Mike Cohen, the President's Special Assistant for Education.

3. What has happened since the presentation of the Red Book to the White House?

The Domestic Policy Council has referred the Red Book to the Education Sub-Group of the Working Group on American Indians and Alaska Natives. The Education Sub-Group has hosted a series of meetings with the CFIEPS Advisory Group to discuss and understand the Red Book. In addition, the Advisory Group has met with Mike Cohen to discuss the Red Book. Through these meetings, it was agreed to propose an Executive order which would direct the federal agencies to implement the Red Book. The Education Sub-Group and the Advisory Group have drafted such a proposed Executive order.

In July 1997, the Education Sub-Group recommended the proposed Executive order to the Working Group. The Working Group and White House personnel were generally receptive to the concept of a comprehensive Executive order on Indian education. However, the Working Group referred the proposed Executive order back to the Education Sub-Group for further drafting and refinement. The Education Sub-Group continues to work with the CFIEPS

September 15, 1997

D R A F T

September 15, 1997

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September 15, 1997

DRAFT

September 15, 1997

Advisory Group to improve the proposed Executive order. In addition, the Advisory Group has met with Lynn Cutler, the President's Deputy Assistant for Intergovernmental Affairs, to discuss the proposed Executive order.

4. **Why is an Executive order on Indian Education now being sought? Will the Executive order replace the Red Book?**

The CFIEPS Advisory Group and the Education Sub-Group have had many discussions on strategies for getting the federal agencies to adopt and implement the Red Book. It was agreed that since the intent is to have a comprehensive federal Indian education policy statement, and that since Indian education involves so many federal agencies and so many varied programs, an Executive order would facilitate adoption, implementation, and coordination by the agencies. Two other approaches were considered: 1) a policy statement signed by the President without an Executive order, which would have less force than a policy statement backed up by an Executive order; and, 2) an agency-by-agency negotiation for policy statements, which would be very time consuming and might not achieve the desired uniform results.

An Executive order on Indian education will not replace the Red Book. Rather, the Executive order recognizes that the Red Book is the proposal from Indian country regarding a comprehensive federal Indian education policy. The Executive order on Indian education directs the agencies to adopt and implement strategic plans for Indian education that are consistent with the Red Book. Thus, the Executive order is a means of effectuating the Red Book developed by Indian country.

5. **What is an Executive order and what good could it do? Will it be enforceable?**

In legal terms, Executive orders are directives from the President to federal agencies on how to administer their functions, or to take action and how to take action regarding a specific matter. Executive orders are generally valid if they are issued pursuant to constitutional or statutory authority and have been published in the federal register. The President will issue the Executive order on Indian education pursuant to his Constitutionally vested powers as President and pursuant to the laws of the United States, including the many Indian education statutes.

Executive orders generally require the agencies to report to the President on compliance by the agencies with Executive orders. Executive orders, however, are not generally enforceable by private individuals unless Congress expressly provides for such private rights. It is very rare for Congress to do this.

6. **Why do we need an Executive order when Congress has already declared the federal government's Indian education policy in several statutes?**

Congress has recognized in a number of statutory policy declarations that Indian education is an inherent component of tribal sovereignty and Indian self-determination. However,

September 15, 1997

D R A F T

September 15, 1997

congressional Indian education policies are fragmented among various treaties, statutes, agencies, and programs. Federal agencies have rarely initiated coordinated implementation of their Indian education policies and programs.

A major impetus for and intent of the Executive order on Indian education is to help the federal agencies implement specific statutory Indian education policies and mandates, as well as general congressional and executive policies such as Indian self-determination in a comprehensive and coordinated manner.

CONTENT

7. Does the Executive order mention tribal sovereignty and Indian self-determination?

No. Presidential Indian Policy Statements and Memoranda use the terms "tribal sovereignty" and "Indian self-determination." So do the several Indian policy statements issued by various federal agencies. However, the two Executive orders issued to date by President Clinton, the Sacred Sites Executive Order of May 24, 1996, and the Tribal Colleges Executive Order of October 19, 1996, do not use these terms. They use the terms "government-to-government relationship" and "special relationship."

Similarly, the Executive order on Indian education uses the terms "unique legal and political relationship" and "special educational and culturally related needs." However, these terms are clearly based on tribal sovereignty and Indian self-determination as recognized by Congress in many statutes, including Indian education statutes. Thus, even though the terms are not expressly stated in the Executive order, they are impliedly encompassed in the Executive order.

8. What does the Executive order say about the importance of Native language and culture to Indian education?

The Executive order recognizes that Native languages and cultures are essential to Indian student achievement. It also recognizes that a comprehensive federal Indian education policy should preserve and revitalize Native languages and cultures. The Executive order directs the federal agencies to help tribes and Indian communities preserve, revitalize, and use Native languages and cultures, just as Congress has done in several statutes. Based on its monitoring and reporting sections, the Executive order can help tribes and Indian communities keep the federal agencies accountable for incorporating and providing for, in their program planning and administration, opportunities to preserve, revitalize, and use Native languages and cultures.

9. Can the Executive order make Indian education an "entitlement," especially in terms of funding?

"Entitlement," meaning "reserved or guaranteed funding for Indian education" is a laudable goal. The Executive order recognizes that a comprehensive federal Indian education policy

congressional Indian education policies are fragmented among various treaties, statutes, agencies, and programs. Federal agencies have rarely initiated coordinated implementation of their Indian education policies and programs.

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September 15, 1997

D R A F T

September 15, 1997

assures equity of resources for all Native students and inclusion of Indian education systems in national education reform efforts. It also directs federal agencies with responsibility in Indian education to include tribes and Indian communities in agency planning, including the budget development processes. Tribes and Indian communities can thus use the Executive order as the cornerstone in a long term effort to influence the budget process and gain supporting legislation to ensure parity funding levels for Indian education.

An Executive order, however, cannot itself establish Indian education funding as an entitlement. In order to accomplish this, legislation must be passed by Congress and signed by the President. Parity funding for Indian education could also be established through litigation on a case-by-case basis depending on the current statutes that authorize a particular Indian education program.

10. Can the Executive order make the federal government acknowledgment a trust responsibility to Indians in education?

The Executive order emphasizes the legal and political government-to-government relationship that the federal government has with Indian tribes. The government-to-government relationship gives Congress the power to pass laws that may generate a trust responsibility. Congress must pass the laws and the courts must determine on a case-by-case basis whether and to what extent there is a trust responsibility in each instance. The Executive order also emphasizes the special relationship with and the moral obligations to Indian people that have caused Congress to pass laws such as the Indian Education Act "Title IX" program.

Congress provides authority to federal agencies through legislation. An Executive order can only direct federal agencies within that authority. Thus, the Executive order on Indian education maximizes each agency's statutory and regulatory responsibilities to Indians within an agency's given legislative authority.

11. About 90% of Indian children attend state public schools, even in "Indian country," as that term is defined by federal law. What does the Executive order say about the interest of some tribal governments in having authority over the state public schools that are in "Indian country"?

The legal authority of tribes over the state public schools in Indian country (as Indian country is defined by federal law) is an unsettled question in federal law. An Executive order cannot resolve this legal question. However, the Executive order directs the federal agencies to support tribal education departments. It also directs the agencies to actively promote cooperative, intergovernmental agreements between tribes and states, and between tribes and public school districts, to improve Indian education. Through tribal regulation and cooperative intergovernmental agreements, tribes can gain control vis-a-vis the public schools that serve tribal children in Indian country.

September 15, 1997

D R A F T

September 15, 1997

12. Can the Executive order confirm the roles of school boards, teachers, and parents in Indian education?

The Executive order directs the federal agencies to consult with and recognize the important roles of these entities and people in Indian education, just as Congress has recognized the same in many statutes. The Executive order thus preserves the roles of these entities and people to the extent that Congress has addressed this issue. Based on its monitoring and reporting sections, the Executive order can also help tribes and Indian communities keep the federal agencies accountable to these entities and people.

13. Can the Executive order confirm the federal obligations to urban Indians and non-federally recognized Indians?

The Executive order directs the Department of Education to recognize the federal government's moral obligations to urban, terminated, and non-federally recognized Indians on the same basis that Congress recognizes these obligations in the Indian Education Act "Title IX" program. In establishing the Title IX program, Congress recognized the past injustices inflicted upon urban, terminated, and non-federally recognized Indians, and, based upon a moral obligation assumed special responsibilities to these Indians. Thus, the Executive order directs the federal agencies to take the same position regarding these Indians that Congress has taken.

RELATIONSHIP TO OTHER FEDERAL INITIATIVES

14. What does the Executive order say about the role of the National Advisory Council on Indian Education?

The National Advisory Council on Indian Education (NACIE) was established by Congress as part of the Indian Education Act of 1972, Public Law 92-518. NACIE still exists, however, in Fiscal Year 1996, Congress eliminated funding for NACIE as part of sweeping cuts in the Department of Education's Indian education budget.

Rather than create an entirely new, national Indian education board, the Executive order builds upon and strengthens NACIE. It does so by establishing, under the auspices of NACIE, a fifteen-member Advisory Board. The Advisory Board is comprised of federal officials as well as members from NACIE, NCAI, NIEA, NARF, and the American Indian Higher Education Consortium. The Board monitors compliance by the federal agencies with the Executive order. The Board focuses on providing advice and consultation on 1) Indian ownership and tribal governance of education; 2) Native language and culture in education; 3) equity in and access to federal education resources for Indian students; and, 4) inter-agency coordination in Indian education. NACIE will review the work of the Board and include the Board's recommendations in its annual report to Congress.

CLINTON LIBRARY PHOTOCOPY

September 15, 1997

D R A F T

September 15, 1997

12. **Can the Executive order confirm the roles of school boards, teachers, and parents in Indian education?**

The Executive order directs the federal agencies to consult with and recognize the important roles of these entities and people in Indian education, just as Congress has recognized the same in many statutes. The Executive order thus preserves the roles of these entities and people to the extent that Congress has addressed this issue. Based on its monitoring and reporting sections, the Executive order can also help tribes and Indian communities keep the federal agencies accountable to these entities and people.

13. **Can the Executive order confirm the federal obligations to urban Indians and non-federally recognized Indians?**

The Executive order directs the Department of Education to recognize the federal government's moral obligations to urban, terminated, and non-federally recognized Indians on the same basis that Congress recognizes these obligations in the Indian Education Act "Title IX" program. In establishing the Title IX program, Congress recognized the past injustices inflicted upon urban, terminated, and non-federally recognized Indians, and, based upon a moral obligation, assumed special responsibilities to these Indians. Thus, the Executive order directs the federal agencies to take the same position regarding these Indians that Congress has taken.

RELATIONSHIP TO OTHER FEDERAL INITIATIVES

14. **What does the Executive order say about the role of the National Advisory Council on Indian Education?**

The National Advisory Council on Indian Education (NACIE) was established by Congress as part of the Indian Education Act of 1972, Public Law 92-318. NACIE still exists, however, in Fiscal Year 1996, Congress eliminated funding for NACIE as part of sweeping cuts in the Department of Education's Indian education budget.

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CLINTON LIBRARY PHOTOCOPY

September 15, 1997

D R A F T

September 15, 1997

15. ~~How does the Executive order on Indian education relate to the Executive order regarding Tribal Colleges that was signed by the President in October, 1996?~~

Executive Order No. 13021, Tribal Colleges and Universities, focuses on higher education at the tribal colleges and helps elevate their status to that of the Historically Black Colleges and Hispanic Serving Institutions. These other minority higher education institutions already had Executive orders.

The Executive order on Indian education encompasses all levels of Indian education, all types of schools that serve American Indian and Alaska Native students, and all Indian education programs. There are some shared priorities with the Tribal Colleges Executive order, primarily in the subject matter of Native languages and cultures. Both orders also call for strengthening linkages between pre-school, elementary, and secondary education and tribal college programs.

There are, however, no jurisdictional or funding overlaps or conflicts. The American Indian Higher Education Consortium has endorsed the Red Book, and thus the tribal colleges support the proposal for an Executive order on Indian education. Indian country generally and the federal government see the two Executive orders as complementing each other, in that both promote tribal control of education and the infusion of Native language and culture into Indian education.

16. ~~How does the Executive order on Indian education relate to the Executive order being developed by the Indian Health Service on Indian Youth?~~

The Indian Health Service (IHS) is developing an Executive order entitled, "Initiative for American Indian and Alaska Native Children and Youth." This Executive order addresses the health and welfare of American Indian and Alaska Native children and youth, both within tribes and Indian communities, and as individuals. It focuses on bridging the gap between the health and welfare of American Indian and Alaska Native youth and youth in general throughout the United States.

The Department of Health and Human Services' Working Group on the IHS Executive order has studied the Executive order on Indian education. The Education Sub-Group has made a concerted effort to monitor and coordinate the development of both Executive orders. There are no jurisdictional or funding overlaps or conflicts. The two Executive orders are complementary of each other in that both promote the improvement of the quality of life and education for American Indian and Alaska Native children and youth.

17. ~~How does the Executive order on Indian education relate to other education efforts of this Administration, such as Goals 2000 and the President's 10-Point Call to Action?~~

In January 1997, President Clinton issued a Ten Point Call to Action for American Education in the 21st Century. The Call to Action is to 1) set rigorous national standards in reading and math; 2) have talented and dedicated teachers in every classroom; 3) hold every student to read

September 15, 1997

D R A F T

September 15, 1997

independently and well by the end of the 3rd grade; 4) expand head start and challenge parents to get involved early in their children's learning; 5) expand school choice and accountability in public education; 6) make sure schools are safe, disciplined, and drug free; 7) modernize school buildings and support school construction; 8) open the doors of college; 9) help adults improve their education; and, 10) connect every classroom and library to the Internet by the year 2000 and help all students become technologically literate.

The Executive order directs that American Indians and Alaska Natives participate meaningfully and actively in the Call to Action. The Executive order also directs that American Indians and Alaska Natives are ensured accessibility to the high quality educational opportunities afforded other children by Goals 2000. The Executive order directs the agencies to report how American Indian and Alaska Native students are participating in the various programs that support the Call to Action and Goals 2000. Thus, the Executive order complements the Call to Action and Goals 2000, in that it helps improve the quality of education for American Indian and Alaska Native students by making Indian education a national priority, by calling for equity for Indian students in education, by including Indian students in national education reform efforts, and by helping tribes and Indian communities to hold federal agencies accountable for equity in Indian education and for inclusion of Indian education in national education efforts.

ROLE OF CONGRESS

18. What is the role of Congress regarding the Executive order on Indian education?

The intent is that the President sign the Executive order with the support of Congress. In the case of the Executive Order on Tribal Colleges and Universities, resolutions were passed by the Senate and the House encouraging the signing of the Executive Order. Many members of Congress wrote letters of support for the Tribal Colleges Executive order. These letters were helpful in getting the Tribal Colleges Executive Order signed by the President.

For the Executive order on Indian education, Senator Domenici has already introduced a resolution, S.Res. No. 100, by which the Senate recognizes the need for the development and implementation of a comprehensive federal Indian education policy that "meets the needs of American Indian and Alaska Native people."

NCAI and NIEA are working to gain introduction of a House resolution supporting the Executive order on Indian education. They are also working to gain letters of support from congressional committees, caucuses, and members.

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September 15, 1997

D R A F T

September 15, 1997

IMPACT ON AND ROLE OF AGENCIES**19. How will the Executive order on Indian education affect each agency?**

In general, the Executive order will help the agencies be more efficient in administering their programs and functions. The Executive order will improve coordination among the various agencies that deal with Indian education. The Executive order will also help the agencies establish better working relations with tribes and Indian communities on Indian education matters, and will allow improved participation of tribes and Indian communities in the variety of education programs for which Indian students are eligible and from which Indian students benefit.

Specifically, the Executive order requires agencies to develop five-year strategic plans on Indian education. The plans must be developed in consultation with tribes and Indian communities, and in coordination with other federal agencies. The agencies must submit the plans to the Department of Education. The agencies must also appoint a senior official, who is a full time employee, to serve as a liaison for Indian education activities and to advocate for the implementation of the Executive order. The agencies must also report annually on their compliance with the Executive order.

20. What does the Executive order say about inter-agency coordination in Indian education?

The Red Book makes clear that a major concern of Indian country is the fragmentation and lack of inter-agency coordination in Indian education. A major priority of Indian country in seeking the Executive order is for the federal government to develop a more comprehensive approach to Indian education by improving inter-agency coordination in all aspects of Indian education.

The Executive order recognizes that a comprehensive federal Indian education policy must initiate and improve inter-agency coordination in Indian education. The Executive order charges the Advisory Board under NACIE with recommending specific ways to initiate and improve inter-agency coordination.

21. What background information or material should the agencies be familiar with before implementing the Executive order?

NCAI and NIEA have prepared a number of important materials for background and information on the Executive order. These materials include the Red Book, this Questions and Answers document, the Reference Guide to Reports on Indian Education Statistics and Data, compilation lists of major federal Indian education laws and regulations, the resolutions passed by NCAI and NIEA endorsing the Red Book, and the many resolutions endorsing and letters of support for the Red Book by tribes and Indian organizations.

September 15, 1997

DRAFT

September 15, 1997

Other useful information includes the President Clinton's Memorandum of April 29, 1994 on Government-to-Government Relations with Native American Tribal Governments, the Goals 2000 legislation, and President Clinton's Ten Point Call to Action for American Education in the 21st Century of January, 1997. A list of members of the CFIEPS Advisory Group is available from NCAI and NIEA. A list of Tribal Education Department Directors is available from NCAI and NIEA. A list of coordinators of Indian education programs in urban areas is under development by the federal government.

22. **What other resources will each agency need to implement the Executive order?**

Each agency must assign its own staff and funding to carry out the five-year strategic planning, the liaison / advocacy roles, the inter-agency coordination, and the annual compliance reporting required by the Executive order. It will be critical for each agency to identify dedicated staff with the time and energy to meet the directives of the Executive order.

23. **Who can assist the agencies in implementing the Executive order?**

Indian tribes, Indian organizations, and other Indian grantees of federal funding and programs can assist the agencies in implementing the Executive order. NACIE, the Advisory Board established by the Executive order, and the CFIEPS Advisory Group can provide advice, technical assistance, and program consultation.

INDIAN COUNTRY IMPLEMENTATION PARTICIPATION

24. **How will Indian country participate in the implementation of the Executive order?**

The Executive order requires the agencies to develop their five-year strategic plans in consultation with tribes and Indian educators. NACIE and the Advisory Board established by the Executive order to monitor the agencies' compliance with the Executive order have tribal representation among their members. This built-in participation helps ensure that Indian country participates in and holds the federal agencies accountable for the implementation of the Executive order.

ANTICIPATED RESULTS

25. **What are the anticipated results once the Executive order is implemented?**

Indian education will be raised to a higher priority with the federal and tribal governments. This in turn will improve the quality of education and educational opportunities for American Indian and Alaska Native students.

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MAJOR FEDERAL INDIAN EDUCATION LAWS

1. The Johnson O'Malley Act of 1934, as amended. Provides federal funding for formula-based supplemental education programs to tribes and state public schools for the special educational needs of Indian students. Requires local Indian education committees to review applications and be involved in operations. Tribes receive preference when applying for JOM funding through the Bureau of Indian Affairs.
2. The Impact Aid Laws of 1950, Public Laws 81-874 and 81-815, as amended. Provide federal subsidies to state public school districts to construct facilities ('815) and educate children residing on federal lands including Indian country ('874). Amendments were passed in 1978 based on the government-to-government relationship between the United States and Indian tribes. These amendments require school districts to have policies and procedures which ensure that Indian parents and tribes have an opportunity to comment on the funding application process and are consulted in the development of school programs. Indian tribes may also file complaints with the Secretary of Education against school districts for violation of Impact Aid policies and procedures.
3. The Elementary and Secondary Education Act of 1965, Public Law 89-10, as amended. Provides supplemental federal funding for a variety of education programs including those that are known today as Chapter 1 and Bilingual Education. Both Chapter 1 and Bilingual Education funding may be provided to state public schools, Bureau of Indian Affairs schools, and to tribal contract or grant schools.

Chapter 1 formula-based funding provides supplemental educational services and programs, usually to develop basic academic skills, for disadvantaged youth including Native Americans. Bilingual Education competitive, discretionary funding provides supplemental bilingual education services and programs for limited English proficient youth including Native Americans. Both programs have a parent advisory committee requirement to provide schools with advice in the planning, implementation, and evaluation of their programs and services. This requirement may be waived and the elected school board may serve as a PAC in tribal contract and grant schools.

4. The Head Start Program Act of 1965, as amended. Provides formula-based federal funding for comprehensive health, educational, nutritional, social, and other services to economically disadvantaged preschool children including children on federally recognized Indian reservations. Federally recognized Indian tribes may directly receive Head Start funding and operate Head Start programs for Indian children on their reservations.

5. The Indian Elementary and Secondary School Assistance Act of 1972, Public Law 92-318, as amended. Provides formula-based federal funding for supplemental programs known as Title IX. These programs are designed to meet the special educational or culturally related academic needs of Indian students. Title IX formula funds may be provided to state public schools, Bureau of Indian Affairs schools, and tribal contract and grant schools. Indian parent advisory committees must approve Title IX programs and be involved in program administration in the state public schools.

This Act also establishes a National Advisory Council on Indian Education to advise the Secretary of Education and to submit an annual report on Indian education to Congress. The Act also makes tribes eligible for certain competitive, discretionary grants for elementary and secondary school demonstration and pilot projects, special teacher training programs, Indian controlled schools projects, and adult education programs.

6. The Indian Self-Determination and Education Assistance Act of 1975, Public Law 93-638, as amended. Allows Indian tribes to contract for the operation of schools that were formerly operated by the Bureau of Indian Affairs or that were funded by the BIA and privately operated. Authorizes direct funding to tribal schools for programs and operations that are regulated under the Education Amendments of 1978, Public Law 95-561.
7. The Education Amendments of 1978, Public Law 95-561, as amended. Provides broad statutory guidance to schools that are operated or funded by the Bureau of Indian Affairs. Provides for Indian school boards in BIA operated schools. Requires the BIA to actively consult with tribes in all matters that relate to Bureau schools. Allows the Secretary of the Interior to implement cooperative agreements between tribes, school boards of Bureau schools, and state public school districts. Establishes formula-based funding for all BIA operated schools and BIA funded tribal schools. Requires that such schools be accredited or meet standards that are equal to or exceed those accreditation requirements. Allows tribes to set academic standards for BIA operated or funded schools that take into account the specific needs of Indian children.
8. The Tribally Controlled Community College Assistance Act of 1978, Public Law 98-192, as amended. Provides federal funding for post-secondary institutions controlled by Indian tribes. Tribal governments now operate 24 tribally controlled colleges. Two of these colleges are four-year institutions.
9. The Indian Education Act of 1988, Public Law 100-297, as amended. Allows tribes to operate BIA funded schools as grant schools rather than as contract schools. Grant school funding allows tribal schools to receive funding on a more timely basis, to invest those funds under certain restrictions, and to use the interest gained for further educational costs in their schools.

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This Act also authorizes federal funding for tribal early childhood programs and tribal departments of education. To date no money has been appropriated for tribal departments of education.

10. The Carl D. Perkins Vocational and Applied Technology Education Act of 1990, Public Law 101-392. Provides funding for competitive, discretionary project grants that will provide vocational education opportunities for Indians. Allows tribes and tribal organizations to plan, conduct, and administer vocational education programs that will provide Indian students with skills related to jobs or further post-secondary training. Also allows tribal post-secondary institutions to compete for post-secondary vocational education grants.
11. The Native American Languages Act of 1990, Public Law 101-477. Recognizes the right of Indian tribes to use their native languages to conduct tribal business and as a medium of instruction in all Bureau of Indian Affairs funded schools. Directs federal agencies to consult with tribes in evaluating the agencies' policies and procedures and bringing these in compliance with the Act.
12. The Goals 2000: Educate America Act, Public Law 103-227. Provides funds and a framework for schools to meet the National Education Goals. Includes American Indian and Alaska Native students in public schools and allots set-aside funds for schools operated or funded by the Bureau of Indian Affairs. Authorizes the Secretary of the Interior to establish a plan to develop a reform and improvement plan for BIA education and to conduct a cost analysis of BIA academic and home living / residential standards. Specifically mentions Indian education in the activities of the Office of Educational Research and Improvement (OERI), including placing the Director of BIA Education on the National Educational Research Policy and Priorities Board and the inclusion of American Indian and Alaska Native students in OERI research institutes / activities.
13. The Improving America's School Act of 1994, Public Law 103-382. Amends the Elementary and Secondary Education Act of 1965, including Title I (formerly Chapter 1), Bilingual Education, Impact Act, and Title IX. This Act also amends the Education Amendments of 1978, which pertain to Bureau of Indian Affairs schools and programs. This Act also provides land-grant status to tribal colleges in accordance with the provisions of the Act of July 2, 1962.

**List of Selected Federal Regulations
for Major Federal Indian Education Laws**

1. 25 CFR 21 Arrangement With States, Territories, or Other Agencies For Relief of Distress and Social Welfare of Indians
2. 25 CFR 27 Vocational Training for Adult Indians
3. 25 CFR 31-36 Part 31--Federal Schools for Indians
Part 32--Indian Education Policies
Part 33--Transfer of Indian Education Functions
Part 36--Minimum Academic Standards for the Basic Education of Indian Children and National Criteria for Dormitory Situations
4. 25 CFR 38-40 Part 38--Education Personnel
Part 39--The Indian School Equalization Program
Part 40--Administration of Educational Loans, Grants and Other Assistance for Higher Education
5. 25 CFR 41 Grants to Tribally Controlled Community Colleges and Navajo Community College
6. 25 CFR 42-46 Part 42--Student Rights and Due Process Procedures
Part 43--Maintenance and Control of Student Records in Bureau Schools
Part 46--Adult Education Programs
7. 25 CFR 273-276 Part 273--Education Contracts Under Johnson-O'Malley Act
Part 275--Staffing
Part 276--Uniform Administrative Requirements for Grants
8. 25 CFR 900 Contracts Under the Indian Self-Determination and Education Assistance Act
9. 34 CFR 200 Title 1 - Helping Disadvantaged Children Meet High Standards
10. 34 CFR 222 Subpart G--Special (Impact Aid) Provisions for Local Educational Agencies that Claim Children Residing on Indian Lands
11. 34 CFR 263 Indian Fellowship and Professional Development Programs
12. 34 CFR 300-303 Assistance to States for the Education of Children With Disabilities
13. 34 CFR 401 Indian Vocational Education Program
14. 34 CFR 410 Tribally Controlled Postsecondary Vocational Institutions Program
15. 45 CFR 1357.50 Head Start Grants to Indian Tribal Organizations

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A T T A C H M E N T 2

PROPOSED DRAFT EXECUTIVE ORDER:

*INITIATIVE ON AMERICAN INDIAN AND ALASKA NATIVE
CHILDREN AND YOUTH*

INITIATIVE FOR AMERICAN INDIAN AND ALASKA NATIVE CHILDREN AND YOUTH

Preamble. I am proud of my Administration's accomplishments in enhancing the partnership between the Federal government and American Indian and Alaska Native tribal governments. Since my meeting with tribal leadership in 1994, many steps have been taken to strengthen the sovereignty and effectiveness of the tribal governments, while discharging the trust responsibilities of the United States Government. However, there is a significant and critical challenge that we must meet together if we are to improve the quality of life and assure cultural integrity for the First Americans into the future. We must improve the health and well being of all Native American children and youth, and the overall wellness of their communities.

Significant strides have been made in reducing the disproportionate burden of illness and social distress borne by Native American communities. This has been demonstrated by many health and social statistics including a great reduction in infant mortality, increasing life expectancy, and recent levels of improvement in some socio-economic conditions. However, there are worrisome indicators of insufficient progress among American Indian and Alaska Native communities. We must affirm together a commitment to strong physical, mental, spiritual, cultural, and economic health for these children and youth and the communities that they inhabit. We must ensure a safe and healthy home and community and ensure that there is effective personal development for each individual within the context of developing communities.

Policy Statement. Therefore, consistent with the Federal trust responsibility, the Federal government will move forward in strengthening Federal-Tribal governmental relations resulting in executive departments and agencies implementing comprehensive administrative changes necessary to improve the health, safety, and wellness of all American Indian and Alaska Native (AI/AN) Children and Youth. Tribal community capacity building and tribal empowerment are cornerstones of the needed changes. A renewed partnership of cooperation and collaboration amongst executive departments and agencies will transform these Federal entities into organizations capable of working in partnership with tribes on a government-to-government basis to deliver quality services to all American Indian and Alaska Native communities.

Authority and Purpose. By the authority vested in me as President by the Constitution and the laws of the United States, in reaffirmation of the special relationship of the Federal government to American Indians and Alaska Natives, and in order to further strengthen Federal-Tribal governmental relations throughout the executive branch for the purpose of promoting healthy and safe American Indian and Alaska Native communities; developing their children and youth; and, supporting individual achievement, economic development, cultural integrity and community empowerment, it is hereby ordered as follows:

INITIATIVE FOR AMERICAN INDIAN AND ALASKA NATIVE CHILDREN AND YOUTH

Section 1. Federal/Tribal Partnership Council. (a) Establishment. There shall be established in the Department of Health and Human Services ("DHHS") a Presidential advisory committee entitled the President's Federal/Tribal Partnership Council ("Council").

Notwithstanding the provisions of any other Executive order, the responsibilities of the President under the Federal Advisory Committee Act, as amended (5 U.S.C. App.), with respect to the Council, shall be performed by the Secretary of the Department of Health and Human Services ("Secretary"), in accordance with the guidelines and procedures established by the Administrator of General Services.

(b) Composition. Membership on the Council shall consist of not more than 12 Members. The Council shall be comprised of members appointed by the President, including representation of tribal leadership and other such persons as may be deemed appropriate.

For example:

- (1) selected individual elected/appointed tribal officials;
 - (2) the National Congress of American Indians (NCAI);
 - (3) a National Urban Indian Healthcare Organization;
 - (4) the National Indian Health Board (NIHB);
 - (5) the Native American Rights Fund (NARF);
 - (6) the United National Indian and Tribal Youth (UNITY);
 - (7) private business leader(s);
 - (8) the Attorney General, Department of Justice, or other Cabinet level official; and,
 - (9) other national Indian organizations representing labor, education, law and order.
- Members will serve terms of 2 years and may be reappointed to additional terms on the Council by the President.

(b) Responsibilities and Functions of the Council. The Council shall advise the President on matters involving Federal-Tribal relations in the executive branch, necessary to improve the health and quality of life for AI/AN children and youth and the overall wellness of Indian communities. Its activities shall include:

- (1) consulting with Native American tribal governments and their members as to the needs and appropriate interventions;
- (2) recommending changes necessary to achieve the objectives of this order, including legislation, merging of funds from various agencies consistent with principles of Self-Determination and Self-Governance, for the creation of a flexible and responsive Federal system of program grants, contracts, and other direct Federal service delivery systems benefiting AI/AN.
- (3) developing tribal institutional capacity through the use of appropriate Federal resources;

INITIATIVE FOR AMERICAN INDIAN AND ALASKA NATIVE CHILDREN AND YOUTH

(4) utilizing the expertise of individuals from both the Federal and tribal governments to foster local partnership arrangements that reduce Federal and tribal administrative barriers to healthy and safe AI/AN communities; and,

(5) utilizing the expertise and resources of private and non-profit entities to augment tribal capacity.

Sec. 2. Department and Agency Participation. Within 60 days from the date of this order, the head of each Federal agency shall appoint a senior official, who is a full-time officer of the Federal Government and who is responsible for management or program administration, to serve as a liaison to the Council. The official shall report directly to the head of their respective agency. Federal agencies shall implement all relevant Council recommendations approved by the President.

Sec. 3. Schedule/Timelines. (a) Implementation. Upon issuance of the order, the components of this order shall be implemented immediately and in compliance with the timelines specified in the order.

(b) Consultation. The Council shall meet within 90 days of the signing of the order and conduct tribal consultation within 120 days of its initial meeting.

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APPENDICES

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Indicators of the Scope of the Problem and Performance Measures

APPENDIX II

Suggestions as to Specific Activities in Five Major Activity Groups

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INDICATORS OF THE SCOPE OF THE PROBLEM AND PERFORMANCE MEASURES

BACKGROUND

Although there are many measures of the success of Federal and tribal efforts, an alarming disparity exists in a number of objective indicators of the health and general well being of American Indian and Alaska Native (AI/AN) children and youth in comparison to youth in general throughout the United States. Indicators of this disparity include:

- The average age of the AI/AN population is 7-8 years younger than the general population.
- The proportion of AI/AN people who die under 25 years of age is 3.2 times greater than for the nation as a whole.
- The alcoholism death rate for AI/AN youth age 15 to 24 years is 17 times greater than national rates.
- The accident death rate for AI/AN children age 5 to 14 years is 2 times greater than national rates.
- The Sudden Infant Death Syndrome (SIDS) rate for AI/AN infants is 1.8 times greater than national rates.
- The suicide rate for 15-24 year old AI/AN is more than twice that of the same group in the general population.
- Homicide is the second leading cause of death among AI/AN from 1-14 years of age and third for 15-24 year olds.
- Unemployment rates are 2-3 times higher for AI/AN people when compared to the nation as a whole.
- Over twice as many AI/AN people live in poverty as compared to the general population.

Concern about this disparity is now heightened because it appears to be growing in spite of individual Tribal, State, and Federal efforts to reduce it. Indicators of growth of problems in this population include the following:

- In some AI/AN communities, fully 10 percent of the children are in court-ordered foster care;
- Substance abuse in the AI/AN population is progressing from alcohol to hard drugs like crack and crack;
- Reported crimes in AI/AN communities are twice as likely to be violent than in other communities across the United States.
- An estimated 375 gangs have been identified in AI/AN communities, with a wide range of activities, including showing colors, graffiti, vandalism, theft, possession of firearms, sale of narcotics, and violent offenses.
- Well child care and other preventive health services for children have declined 25% in the last 5 years.
- The homicide rates in some tribal communities have risen as much as 80 percent since 1992, while nationwide, the homicide rate has declined 22 percent.
- The homicide rate in Indian country is 1.5 times greater than the rate for the general population.

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Significant reduction or elimination of the disparity between the overall quality of life of AI/AN children and youth will require comprehensive multi-agency strategic planning. This collaboration is critical to improving the quality of life of AI/AN children and youth.

DEFINITION AND RATIONALE

The concept of quality of life has physical, mental, spiritual, social, environmental, cultural, and economic components. Each makes its special contribution to the overall well-being of the individual and the community in which he/she lives. The enormous gap between AI/AN youth and the general population youth in this area mandates a broad based and multidimensional initiative.

Two themes are critical to this initiative's success. With their essential underlying components, they are as follows:

1. Ensuring a Safe and Healthy Home and Community
 - a. Public health activities that are community based including health promotion, injury prevention, communicable disease control
 - b. Clinical services of the highest quality and accessibility including well child care, adolescent health care, mental health services, and chemical abuse treatment services
 - c. Environmental health, including environmental protection, effective justice programs, safe and nutritious food, and safe housing, school, and work environments.
 - d. Family and child services
 - e. Community security issues/law and justice
2. Ensuring Personal Development within the Context of Developing Communities
 - a. Education, including the provision of the highest quality education in early childhood, elementary and secondary schools, and, post secondary educational opportunities to maximize preparedness to be successful in adult life.
 - b. Economic development in AI/AN communities to assure the availability of employment opportunities for all AI/AN youth.
 - c. Community empowerment to assure the exercise of meaningful local control and the highest possible quality of life.

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APPENDIX II

SUGGESTIONS AS TO SPECIFIC ACTIVITIES
IN
FIVE MAJOR ACTIVITY GROUPS

ACTIVITY GROUP

ACTIVITY

Crosses all groups

Integration of Indian youth into planning and evaluation of initiative efforts

Identify and implement policy, regulatory, and legislative changes as needed to make services readily available to AI/AN children and youth

Problem identification

Identification of unmet health needs in the Indian children and youth population in terms of both services and resources

Identification of major risks facing Indian children and youth including social, economic, educational, cultural, and environmental factors

Identification of impediments to availability and utilization of services and resources to Indian communities including cultural concerns and logistical problems

System development

Development and ongoing maintenance of baselines and health, safety, environmental, social and educational profiles of AI/AN children and youth

Development of data systems to collect information specific to urban Indian youth

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Development of expanded data information systems specific to Indian children and youth and accessible by all Federal agencies, Tribes, Indian groups, States, and private organizations with emphasis on making data accurate and comparable

Development of user-friendly information systems identifying and explaining services and resources available to Tribes, Indian groups, and Indian children and youth

Program development

Development and implementation of a multi-dimensional, multi-agency strategic plan to improve the quality of life of AI/AN children and youth based both on health and social profile information and summary of available services and resources

Provision of technical assistance to facilitate access to underutilized services and resources for Indian children and youth

Development of a catalogue of all services and resources currently administered by federal agencies that are available to Tribes, tribal organizations, and urban Indian groups for Indian children and youth

Identification and replication of programs proven to be effective for Indian children and youth

Coordination and communication between Federal agencies to eliminate program duplication

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Program implementation

Development of linkages between Federal agencies, Tribes, Indian groups, States and private organizations to address unmet health and social needs of Indian children and youth and to enhance delivery of broad based services and multidimensional interventions which include both basic health and safety needs and broader social and economic functioning

Expansion of community empowerment and capacity building efforts of Tribes and Indian communities

Expansion of training, demonstration grants, and direct services focused on Indian children and youth

Evaluation

Implementation of ongoing educational efforts about Tribal sovereignty for Federal agencies, States, and private organizations

Incorporation of Indian children and youth outcome criteria into the Government Performance and Results Act performance plans for all relevant agencies

Report on progress and outcomes of AI/AN children and youth initiative to the Domestic Policy Council annually

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This Act also authorizes federal funding for tribal early childhood programs and tribal departments of education. To date no money has been appropriated for tribal departments of education.

10. The Carl D. Perkins Vocational and Applied Technology Education Act of 1990, Public Law 101-392. Provides funding for competitive, discretionary project grants that will provide vocational education opportunities for Indians. Allows tribes and tribal organizations to plan, conduct, and administer vocational education programs that will provide Indian students with skills related to jobs or further post-secondary training. Also allows tribal post-secondary institutions to compete for post-secondary vocational education grants.
11. The Native American Languages Act of 1990, Public Law 101-477. Recognizes the right of Indian tribes to use their native languages to conduct tribal business and as a medium of instruction in all Bureau of Indian Affairs funded schools. Directs federal agencies to consult with tribes in evaluating the agencies' policies and procedures and bringing these in compliance with the Act.
12. The Goals 2000: Educate America Act, Public Law 103-227. Provides funds and a framework for schools to meet the National Education Goals. Includes American Indian and Alaska Native students in public schools and allots set-aside funds for schools operated or funded by the Bureau of Indian Affairs. Authorizes the Secretary of the Interior to establish a plan to develop a reform and improvement plan for BIA education and to conduct a cost analysis of BIA academic and home living / residential standards. Specifically mentions Indian education in the activities of the Office of Educational Research and Improvement (OERI), including placing the Director of BIA Education on the National Educational Research Policy and Priorities Board and the inclusion of American Indian and Alaska Native students in OERI research institutes / activities.
13. The Improving America's School Act of 1994, Public Law 103-382. Amends the Elementary and Secondary Education Act of 1965, including Title I (formerly Chapter 1), Bilingual Education, Impact Act, and Title IX. This Act also amends the Education Amendments of 1978, which pertain to Bureau of Indian Affairs schools and programs. This Act also provides land-grant status to tribal colleges in accordance with the provisions of the Act of July 2, 1962.

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**List of Selected Federal Regulations
for Major Federal Indian Education Laws**

1. 25 CFR 21 Arrangement With States, Territories, or Other Agencies For Relief of Distress and Social Welfare of Indians
2. 25 CFR 29 Vocational Training for Adult Indians
3. 25 CFR 31-36 Part 31--Federal Schools for Indians
Part 32--Indian Education Policies
Part 33--Transfer of Indian Education Functions
Part 36--Minimum Academic Standards for the Basic Education of Indian Children and National Criteria for Dormitory Situations
4. 25 CFR 38-40 Part 38--Education Personnel
Part 39--The Indian School Equalization Program
Part 40--Administration of Educational Loans, Grants and Other Assistance for Higher Education
5. 25 CFR 41 Grants to Tribally Controlled Community Colleges and Navajo Community College
6. 25 CFR 42-46 Part 42--Student Rights and Due Process Procedures
Part 43--Maintenance and Control of Student Records in Bureau Schools
Part 46--Adult Education Programs
7. 25 CFR 273-276 Part 273--Education Contracts Under Johnson-O'Malley Act
Part 275--Staffing
Part 276--Uniform Administrative Requirements for Grants
8. 25 CFR 900 Contracts Under the Indian Self-Determination and Education Assistance Act
9. 34 CFR 200 Title 1 - Helping Disadvantaged Children Meet High Standards
10. 34 CFR 222 Subpart G--Special (Impact Aid) Provisions for Local Educational Agencies that Claim Children Residing on Indian Lands
11. 34 CFR 263 Indian Fellowship and Professional Development Programs
12. 34 CFR 300-303 Assistance to States for the Education of Children With Disabilities
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A T T A C H M E N T 2

PROPOSED DRAFT EXECUTIVE ORDER:

*INITIATIVE ON AMERICAN INDIAN AND ALASKA NATIVE
CHILDREN AND YOUTH*

INITIATIVE FOR AMERICAN INDIAN AND ALASKA NATIVE CHILDREN AND YOUTH

Preamble. I am proud of my Administration's accomplishments in enhancing the partnership between the Federal government and American Indian and Alaska Native tribal governments. Since my meeting with tribal leadership in 1994, many steps have been taken to strengthen the sovereignty and effectiveness of the tribal governments, while discharging the trust responsibilities of the United States Government. However, there is a significant and critical challenge that we must meet together if we are to improve the quality of life and assure cultural integrity for the First Americans into the future. We must improve the health and well being of all Native American children and youth, and the overall wellness of their communities.

Significant strides have been made in reducing the disproportionate burden of illness and social distress borne by Native American communities. This has been demonstrated by many health and social statistics including a great reduction in infant mortality, increasing life expectancy, and recent levels of improvement in some socio-economic conditions. However, there are worrisome indicators of insufficient progress among American Indian and Alaska Native communities. We must affirm together a commitment to strong physical, mental, spiritual, cultural, and economic health for these children and youth and the communities that they inhabit. We must ensure a safe and healthy home and community and ensure that there is effective personal development for each individual within the context of developing communities.

Policy Statement. Therefore, consistent with the Federal trust responsibility, the Federal government will move forward in strengthening Federal-Tribal governmental relations resulting in executive departments and agencies implementing comprehensive administrative changes necessary to improve the health, safety, and wellness of all American Indian and Alaska Native (AI/AN) Children and Youth. Tribal community capacity building and tribal empowerment are cornerstones of the needed changes. A renewed partnership of cooperation and collaboration amongst executive departments and agencies will transform these Federal entities into organizations capable of working in partnership with tribes on a government-to-government basis to deliver quality services to all American Indian and Alaska Native communities.

Authority and Purpose. By the authority vested in me as President by the Constitution and the laws of the United States, in reaffirmation of the special relationship of the Federal government to American Indians and Alaska Natives, and in order to further strengthen Federal-Tribal governmental relations throughout the executive branch for the purpose of promoting healthy and safe American Indian and Alaska Native communities; developing their children and youth; and, supporting individual achievement, economic development, cultural integrity and community empowerment, it is hereby ordered as follows:

INITIATIVE FOR AMERICAN INDIAN AND ALASKA NATIVE CHILDREN AND YOUTH

Section 1. Federal/Tribal Partnership Council. (a) Establishment. There shall be established in the Department of Health and Human Services ("DHHS") a Presidential advisory committee entitled the President's Federal/Tribal Partnership Council ("Council").

Notwithstanding the provisions of any other Executive order, the responsibilities of the President under the Federal Advisory Committee Act, as amended (5 U.S.C. App.), with respect to the Council, shall be performed by the Secretary of the Department of Health and Human Services ("Secretary"), in accordance with the guidelines and procedures established by the Administrator of General Services.

(b) Composition. Membership on the Council shall consist of not more than 12 Members. The Council shall be comprised of members appointed by the President, including representation of tribal leadership and other such persons as may be deemed appropriate.

For example:

- (1) selected individual elected/appointed tribal officials;
 - (2) the National Congress of American Indians (NCAI);
 - (3) a National Urban Indian Healthcare Organization;
 - (4) the National Indian Health Board (NIHB);
 - (5) the Native American Rights Fund (NARF);
 - (6) the United National Indian and Tribal Youth (UNITY);
 - (7) private business leader(s);
 - (8) the Attorney General, Department of Justice, or other Cabinet level official; and,
 - (9) other national Indian organizations representing labor, education, law and order.
- Members will serve terms of 2 years and may be reappointed to additional terms on the Council by the President.

(b) Responsibilities and Functions of the Council. The Council shall advise the President on matters involving Federal-Tribal relations in the executive branch, necessary to improve the health and quality of life for AI/AN children and youth and the overall wellness of Indian communities. Its activities shall include:

- (1) consulting with Native American tribal governments and their members as to the needs and appropriate interventions;
- (2) recommending changes necessary to achieve the objectives of this order, including legislation, merging of funds from various agencies consistent with principles of Self-Determination and Self-Governance, for the creation of a flexible and responsive Federal system of program grants, contracts, and other direct Federal service delivery systems benefiting AI/AN.
- (3) developing tribal institutional capacity through the use of appropriate Federal resources;

INITIATIVE FOR AMERICAN INDIAN AND ALASKA NATIVE CHILDREN AND YOUTH

(4) utilizing the expertise of individuals from both the Federal and tribal governments to foster local partnership arrangements that reduce Federal and tribal administrative barriers to healthy and safe AI/AN communities; and,

(5) utilizing the expertise and resources of private and non-profit entities to augment tribal capacity.

Sec. 2. Department and Agency Participation. Within 60 days from the date of this order, the head of each Federal agency shall appoint a senior official, who is a full-time officer of the Federal Government and who is responsible for management or program administration, to serve as a liaison to the Council. The official shall report directly to the head of their respective agency. Federal agencies shall implement all relevant Council recommendations approved by the President.

Sec. 3. Schedule/Timelines. (a) *Implementation.* Upon issuance of the order, the components of this order shall be implemented immediately and in compliance with the timelines specified in the order.

(b) *Consultation.* The Council shall meet within 90 days of the signing of the order and conduct tribal consultation within 120 days of its initial meeting.

(c) *Reporting.* The Council shall provide a report and recommendations for Federal action and outcomes to the President within 180 days of its initial meeting. Thereafter, reports on measurable progress in meeting the goals of this order and recommendations for further efforts to be undertaken by the Federal government shall be provided to the President annually in a format established by the Secretary.

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(b) *Funding.* The Council shall be funded by the Department of Health and Human Services.

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 - b. Economic development in AI/AN communities to assure the availability of employment opportunities for all AI/AN youth.
 - c. Community empowerment to assure the exercise of meaningful local control and the highest possible quality of life.

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APPENDIX II

SUGGESTIONS AS TO SPECIFIC ACTIVITIES
IN
FIVE MAJOR ACTIVITY GROUPS

ACTIVITY GROUP

ACTIVITY

Crosses all groups

Integration of Indian youth into planning and evaluation of initiative efforts

Identify and implement policy, regulatory, and legislative changes as needed to make services readily available to AI/AN children and youth

Problem identification

Identification of unmet health needs in the Indian children and youth population in terms of both services and resources

Identification of major risks facing Indian children and youth including social, economic, educational, cultural, and environmental factors

Identification of impediments to availability and utilization of services and resources to Indian communities including cultural concerns and logistical problems

System development

Development and ongoing maintenance of baselines and health, safety, environmental, social and educational profiles of AI/AN children and youth

Development of data systems to collect information specific to urban Indian youth

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Development of expanded data information systems specific to Indian children and youth and accessible by all Federal agencies, Tribes, Indian groups, States, and private organizations with emphasis on making data accurate and comparable

Development of user-friendly information systems identifying and explaining services and resources available to Tribes, Indian groups, and Indian children and youth

Program development

Development and implementation of a multi-dimensional, multi-agency strategic plan to improve the quality of life of AI/AN children and youth based both on health and social profile information and summary of available services and resources

Provision of technical assistance to facilitate access to underutilized services and resources for Indian children and youth

Development of a catalogue of all services and resources currently administered by federal agencies that are available to Tribes, tribal organizations, and urban Indian groups for Indian children and youth

Identification and replication of programs proven to be effective for Indian children and youth

Coordination and communication between Federal agencies to eliminate program duplication

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Program implementation

Development of linkages between Federal agencies, Tribes, Indian groups, States and private organizations to address unmet health and social needs of Indian children and youth and to enhance delivery of broad based services and multidimensional interventions which include both basic health and safety needs and broader social and economic functioning

Expansion of community empowerment and capacity building efforts for Tribes and Indian communities

Expansion of training, demonstration grants, and direct services focused on Indian children and youth

Evaluation

Implementation of ongoing educational efforts about Tribal sovereignty for Federal agencies, States, and private organizations

Incorporation of Indian children and youth outcome criteria into the Government Performance and Results Act performance plans for all relevant agencies

Report on progress and outcomes of AI/AN children and youth initiative to the Domestic Policy Council annually

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