



MONTANA ADVISORY COUNCIL ON INDIAN EDUCATION
ADVISORY TO THE BOARD OF PUBLIC EDUCATION AND
SUPERINTENDENT OF PUBLIC INSTRUCTION

Montana Advisory Council on Indian Education
May 1, 2024

Agenda – Informational Session

[Zoom Link](#)

Meeting ID 871 6776 7474

Password 937401

Dial by Telephone 1 646 558 8656

Mission: To provide for more effective and meaningful participation by Indian people in planning, implementation, and administration of relevant educational services and programs under the authority of local school boards.

- | | |
|---|------------|
| Item 1: Call to Order: | 9:00 a.m. |
| ❖ Welcome – Jordann Lankford-Forster, Chairperson | |
| ❖ Pledge of Allegiance | |
| ❖ Roll Call | |
| Item 2: Approval of Minutes | 9:15 a.m. |
| ❖ March 7, 2024, Minutes | |
| Item 3: Ex-officio Reports (10 minutes each) | 9:25 a.m. |
| ❖ Office of Public Instruction – Carrie Kouba | |
| ❖ Tribal Head Starts – Hilary Gourneau | |
| Item 4: American Indian Education Administrative Reports (10 minutes each) | 9:45 a.m. |
| ❖ Indian Education for All Unit – Jennifer Stadum and Mike Jetty | |
| Item 5: Informational Presentations (15 minutes each) | 10:00 a.m. |
| ❖ Tribal Consultation - Michelle Mitchell | |
| ❖ Indian Student Achievement – Ivan Small | |
| Item 6: Chairperson Report | 11:00 a.m. |
| Item 8: Public Comment | 11:15 a.m. |
- This is an opportunity for any member of the audience to bring to the attention of the Council questions or relevant comments concerning matters not on the agenda. Please note that the Council is bound by ethical practice, bylaws, and Montana statutes. The Council may not take

any action on matters brought to the attention of the Council during the public comment portion of the meeting unless specific notice of that matter is included in a properly noticed agenda. Therefore, in the Open Agenda portion of the meeting, the Council will not discuss or take any action, but may refer a matter presented to a future agenda. The following criteria exist for the public comments.

- The public may not discuss items on the current agenda at this time.
- The public may only discuss matters within jurisdiction of the Council.
- No action may be taken on a matter raised during the open agenda.
- The public may not comment in a boisterous, disorderly, hostile, or aggressive manner.
- Each member of the public may address the Council once.

Item 9: Adjournment

11:30 a.m.

Times are approximate

The next meeting is June 5, 2024.



MONTANA ADVISORY COUNCIL ON INDIAN EDUCATION
ADVISORY TO THE BOARD OF PUBLIC EDUCATION AND
SUPERINTENDENT OF PUBLIC INSTRUCTION

**MACIE AGENDA
INFORMATIONAL SESSION
May 1, 2024
ITEM 2
APPROVAL OF MINUTES**

- ❖ Handout 2.1
 - Draft March 7, 2024, minutes



MONTANA ADVISORY COUNCIL ON INDIAN EDUCATION
ADVISORY TO THE BOARD OF PUBLIC EDUCATION AND
SUPERINTENDENT OF PUBLIC INSTRUCTION

MACIE Meeting
March 7, 2024
Minutes - Draft

Members Present (* in person)

Dawn Bishop-Moore Indian Impact Schools
of Montana
Norma Bixby Northern Cheyenne
Tribe
Levi Black Eagle* Crow Tribe
Marcy Cobell Montana Indian
Education Association
Dugan Coburn* Urban – Great Falls
Michelle Crazy Fort Belknap Tribes
Paul Finnicum MTSBA Indian School
Board Caucus
Jordann Forster* Montana Federation
of Public Employees
Hilary Gourneau Tribal Head Start
Susie Hedalen Board of Public
Education
Iris Kill Eagle* Little Shell Tribe
Carrie Kouba* Office of Public
Interim Instruction
Angela McLean Montana University
System
Calli Rusche- Billings Public Schools
Nicholson*
John Well-Off-Man* Class 7 Teachers

Office of Public Instruction/ Board of Public
Education

McCall Flynn Joan Franke*
Rick Wooton Annette Young

Guests

Earl Arkinson* Havre Public Schools
Elaine Arkinson*

Members Absent

Rodney Bird Bureau of Indian
Education
Michael Dolson Confederated Salish
& Kootenai Tribes
Harold Dusty Bull Blackfoot Tribe
Megan Gourneau Fort Peck Tribes
Melissa Hammett Urban – Missoula
Jeremy MacDonald School Administrators
of Montana
Cory Sangrey-Billy Tribal Colleges

The Montana Advisory Council on Indian Education meeting was called to order by Chairperson Jordann Forster at 10:30 a.m. Chairperson Forster welcomed everyone and roll call was taken.

Minutes

The minutes of the January 3, 2024, meeting were reviewed. Paul Finnicum moved to approve the minutes as written and Dawn Bishop-Moore and Callie Rusche-Nicholson seconded the motion. Passed by all.

Ex-Officio Reports - Superintendent of Public Instruction

Rick Wooton provided information regarding The Yellow Kidney lawsuit. He reviewed the chronology of events. The trial date is currently set for July 29, 2024; however, in January there was a joint motion to stay proceedings for six months due to the impact of House Bill 338 and information received from discovery, parties are optimistic about settling the case and want to explore negotiations. The judge agreed to this. There will be a status conference this afternoon.

Due to HB338 there is an enforcement mechanism for how districts are spending IEFA funding. There is concern regarding schools opting out of funding and not doing Indian Education for All (IEFA). There is requirement for IEFA in the accreditation standards and the districts do need to show how they are implementing IEFA. The Integrated Strategic Action Plan (ISAP) will be reviewed by the IEFA unit. The [Accreditation Status Criteria Reference Guide](#) was shared. There is also concern about the report only coming out halfway through the school year. There will be a Legislative Committee for Education Interim Committee is meeting next week and McCall Flynn anticipates that might be a topic of conversation regarding when implementation actually happens.

Carrie Kouba will find out what happens to monies if they are taken from a school. There was discussion about ideas for what to do with the returned funding, including doing best practices trainings around the state and field trips for students.

Indian Education Unit Reports – Tribal Student Achievement and Relations Unit

Carrie Kouba reviewed what the Tribal Student Achievement and Relations Unit is doing, including Tribal Education Summit and Youth Conference, Transitional Resilience in partnership with State Systemic Improvement Plan, Graduate Profile, morning announcements, supporting schools through restorative practices, wraparound for students, Indigenous Whole Learner Relational Framework, and supporting student voice in the schools.

The American Indian and Minority Achievement council will bring recommendations to the Board of Regents regarding have American Indian faculty and student voice in search processes. There will be a guide developed for this.

Chairperson Report

Chairperson Forster provided information regarding the Western Native Voice and Montana Indian Education Association (MIEA) conferences and the Great Falls Community Pow Wow. Marcy Cobell provided more information about the MIEA conference. MACIE members provided information regarding other conferences and activities.

Angela McLean indicated that enrollment at the university system schools is up six percent. Graduates have increased 25% and retention has grown ten percentage points over the last decade. Persistence from fall to spring semesters was 90.2%.

Jordann asked Paul Finnicum to do a report at a future MACIE meeting on the outcomes regarding the discussion at the Indian School Board Caucus.

Jordann Forster indicated she had received a Memorandum of Understanding (MOU) from the Superintendent's Office regarding the funding for MACIE meetings. She is not sure why a MOU

was done instead of just a letter and will not be signing it. The council through consensus agreed Jordann should not sign. The Superintendent will be invited to the May 1 meeting to discuss this.

Meeting resumed at 1:20 p.m.

Carrie Kouba discussed job positions in Indian Education that are open/will soon be opening.

New Business

❖ Roles on MACIE

Chairperson Forster welcomed John Well-Off-Man as the Class 7 Teachers representative. Jeremy MacDonald will be the Chippewa-Cree representative after the Board of Public Education (BPE) meeting in March, and his old position School Administrators of Montana will be open. She also reviewed the other positions.

Ms. Forster indicated she wants member organizations to be well represented and to hear from them.

❖ IEFA Funding Guidance

Jordann Forster and Calli Rusche-Nicolson have discussed whether MACIE would like to do a letter with recommendations regarding this.

Suggestions for implementation of IEFA:

- ✓ questions on standardized tests regarding Indian education content
- ✓ list of presenters for schools – however, Jordann does not want to endorse names of specific people to present in schools
- ✓ updating of [The Framework](#) (page 44) of what certain sized schools should be doing and [Funding Spectrum Guide](#) of how to spend funding

Calli Rusche-Nicolson also suggested there needs to be recommendations for achievement gap funding.

There was discussion regarding recommendations for what to do regarding districts that are not incorporating IEFA or not spending/inappropriately spending the IEFA funding.

Jordann suggested a congratulatory letter regarding efforts in IEFA. She indicated she will draft a generic letter/certificate. Carrie Kouba will inquire as how to view what districts indicate they are doing regarding implementation.

Jordann asked the Office of Public Instruction (OPI) to send out the regalia statement again to the schools. There was consensus on that.

A committee composed of Jordann Forster, Calli Rusche-Nicolson, Levi Black Eagle, and Dugan Coburn to make suggestions regarding revisions to funding and implementation guidance for IEFA and Student Achievement.

Old Business - MACIE goals

The current goals were reviewed and suggestions for changes were provided:

- ✓ positive attendance – either under 1 or 2
- ✓ possibly student engagement, attendance, graduation rates could possibly be a 5th goal
- ✓ goal 4 may need to be adjusted but not sure how
- ✓ educator shortage
- ✓ goals toward IEFA
- ✓ transportation
- ✓ barriers

No committees were created. MACIE will continue to discuss goals in the coming meetings.

Marcy Cobell suggested having a form for feedback on what is happening, both good and bad.

Public Comment

Ivan Small, former educator and concerned person: He talked about student achievement and schools that serve Native American students, especially those on the Crow and Northern Cheyenne Reservations.

Annette Vicedo Young, Comprehensive System of Personnel Development Specialist, Office of Public Instruction, gave information regarding the Montana Recruitment Project through School Administrators of Montana to assist schools in finding critical positions.

Iris Kill Eagle motioned to adjourn the meeting and Dugan Coburn seconded the motion. Passed by all. The meeting was adjourned at 3:17 p.m.

The next meeting is scheduled for May 1 via Zoom.



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**MACIE AGENDA
INFORMATIONAL SESSION
May 1, 2024
ITEM 3
EX-OFFICIO REPORTS**

- ❖ **Office of Public Instruction – Carrie Kouba**

- ❖ **Tribal head Starts – Hilary Gourneau**
 - Handout 3.1
 - Presentation Summary

Montana Advisory Council on Indian Education

Ex-officio and Indian Education Units Presentation Summaries

May 1, 2024

Presentation	Fort Peck Tribes Head Start
Presenter	Hilary Gourneau
Position Title	Program Director
Overview/Talking Points for Presentation	<p>President Biden signed into law provisions giving Head Start programs additional flexibility to serve children in Tribal communities; Tribally run Head Start programs will be able to prioritize enrolling children from the Tribe, or who live with Tribal members, regardless of family income. AIAN Head Starts (6 in MT) will be updating their selection criteria on their applications to fit the new language/provision.</p> <p><i>Request for Information: Office of Head Start Tribal Programs (RFI), Office of Head Start (OHS) is seeking public comment on whether existing OHS requirements, regulations, and TTA supports for AI/AN Head Start programs, (1) are appropriate for tribal nations to implement in a manner that best meets the needs of the children, families, and programs in their communities, and (2) properly recognize the principles of strong government-to-government relationships and tribal sovereignty. OHS seeks feedback on whether changes to procedures, processes, and TTA materials are needed to improve implementation of AI/AN Head Start programs.</i></p>
Requested Decision	None
Issue(s) Related to MACIE Goals	Goal 1
Recommendation(s)	None
Handouts	<p>https://www.hhs.gov/about/news/2024/03/29/biden-harris-administration-announces-two-head-start-changes-serve-more-children-tribal-communities-children-agricultural-workers.html</p> <p>https://www.federalregister.gov/documents/2024/03/18/2024-05573/request-for-information-office-of-head-start-tribal-programs</p>



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**MACIE AGENDA
INFORMATIONAL SESSION
May 1, 2024**

ITEM 4

AMERICAN INDIAN EDUCATION ADMINISTRATIVE REPORTS

- ❖ **Indian Education for All Unit Report**
 - Handout 4.3
 - Presentation Summaries

Montana Advisory Council on Indian Education

Ex-officio and Indian Education Units Presentation

May 1, 2024

Presentation	Report on PD events including Best Practices for FY '23-'24
Presenter	Jennifer Stadum
Position Title	Indian Education for All Implementation Specialist
Overview/Talking Points for Presentation	Summary of participation and feedback from: ENERGIZE!; Indian Education for All Across the Content; Best Practices Conference Next Steps in PD and outreach
Requested Decision	n/a
Issue(s) Related to MACIE Goals	<ol style="list-style-type: none">1. Culture, language, and culturally relevant curriculum Goal 3: MACIE will act as an advocate for the meaningful integration of culture and indigenous language in Montana schools by promoting the adoption of culturally relevant curriculum and instruction in support of the expression of NA/AI student self-identity and self-actualization.2. Equitable access to virtual teaching-learning platforms and connectivity Goal 4: MACIE supports community programs that are focused on providing equitable access for NA/AI students to technological resources and internet connectivity within rural communities and school systems in response to the growing demand for the integration of virtual teaching and learning.
Recommendation(s)	n/a
Handouts	n/a



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Montana Advisory Council on Indian Education

Ex-officio and Indian Education Units Presentation Summaries

May 1, 2024

Presentation	Indian Education for All update
Presenter	Mike Jetty
Position Title	IEFA Specialist
Overview/Talking Points for Presentation	Update MACIE on the latest IEFA resources – curriculum and professional development. Update MACIE on our efforts to comply with HB 338 and consultation and funding guidance and seek their guidance and input.
Requested Decision	Seeking their guidance and input regarding IEFA implementation efforts.
Issue(s) Related to MACIE Goals	Goal 3 is what we are all about.
Recommendation(s)	None
Handouts	None



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**ITEM 5
INFORMATIONAL PRESENTATIONS**

❖ **Tribal Consultation**

- Handout 6.1
 - Presentation Summary
 - ✓ Attachments - Tribal Council resolution, CSKT's Tribal Education Consultation Plan, Letter to districts, Agenda, Montana OPI Guidance

❖ **Indian Student Achievement**

- Handout 6.2
 - Presentation Summary

MACIE AGENDA PRESENTATION REQUEST

May 1, 2024

Name and title of person presenting	Michelle Mitchell, Confederated Salish and Kootenai and Tribes, Tribal Education Director
Contact information: phone	406-675-2700 ext.1342
Contact information: e-mail	michelle.mitchell@cskt.org
Organization	Confederated Salish and Kootenai Tribes
Select one	<input checked="" type="checkbox"/> Presentation <input type="checkbox"/> New Business
Presentation title	Tribal Consultation
Description of presentation	The Confederated Salish and Kootenai Tribes created a process for engaging in Tribal Consultation in Education with Flathead Reservation Local Education Agencies and would like to share that information with other tribal nations in Montana.
How does this relate to the MACIE goals (next page)	Goals 2 and 3 both related to the legal requirement of Tribal Consultation in ESSA. ESSA has created opportunities for tribes to work more closely with state and local education agencies in support of Tribal students. Under ESSA, state and local educational agencies are required to engage in “timely and meaningful” consultation with area tribes while preparing and submitting plans or applications for federal programs.
Action requesting the advisory council take	Informational only, no action requested.
Handouts (send with presentation request)	Presentation, Tribal Council resolution, CSKT’s Tribal Education Consultation Plan, Letter sent to districts regarding 4/10/2024, Agenda – 4/10/24, MT OPI Guidance
Technology requirements	I will need screen sharing to present during Zoom meeting.



**MONTANA ADVISORY COUNCIL ON INDIAN EDUCATION
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**RESOLUTION
OF THE GOVERNING BODY OF
THE CONFEDERATED SALISH AND KOOTENAI TRIBES
OF THE FLATHEAD NATION**

A RESOLUTION SUPPORTING THE EFFORTS OF THE TRIBAL EDUCATION DEPARTMENT THROUGH TRIBAL CONSULTATION WITH FLATHEAD RESERVATION LOCAL EDUCATION AGENCIES, CONSISTENT WITH THE PURPOSES OUTLINED IN THIS RESOLUTION

BE IT RESOLVED BY THE COUNCIL OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES THAT:

WHEREAS, the Confederated Salish and Kootenai Tribes believes that Native students should have an opportunity for an inclusive understanding of self through their tribal identity, language, traditional teaching, cultural practices, and healing; and

WHEREAS, the Confederated Salish and Kootenai Tribes (CSKT) support an inclusive educational approach that reaffirms our traditional ways of living centered in our oral traditions and values. We support the CSKT Tribal Education Department (TED) in engaging in Tribal Consultation with Local Education Agencies (LEAs) on and near the Flathead Indian Reservation as the appropriate representative department for this consultation; and

WHEREAS, TED maintains consistent efforts in consultation with the all stakeholders but especially Knowledge Keepers in our Tribal Communities while seeking guidance on issues regarding student identity, mental health through culture, and value teachings through traditional methods of knowledge transfers maintained since time immemorial; and shall adhere to the 23 - 24 Education Tribal Consultation Plan; and

WHEREAS, TED shall work directly with the LEAs as approved by the Confederated Salish and Kootenai Tribes, as directed. Upon agreement by TED and each LEA, the TED Department Head shall be granted signatory authority to confirm this year's Tribal Consultation verification forms 1 and 2; and

WHEREAS, the Confederated Salish and Kootenai Tribes, desires to support the efforts of TED and LEAs while providing direction through consistent consultation; and

NOW, THEREFORE BE IT RESOLVED, the Confederated Salish and Kootenai Tribes, hereby supports the efforts of the Tribal Education Department and the Local Education Agencies to support our tribal youth/students, consistent with the purposes outlined in this Resolution.

CERTIFICATION

The foregoing resolution was adopted by the Tribal Council on the 17th day of August, 2023, with a vote of 9 for; 0 opposed; and 1 not voting, pursuant to the authority vested in it by Article VI, Section 1 (a), (c) and (u) of the Tribes' Constitution and Bylaws; said Constitution adopted and approved under Section 16 of the Act of June 18, 1934 (48 Stat. 984), as amended.

ATTEST:



Chairman, Tribal Council



Tribal Secretary



PRESENTED BY: MICHELLE MITCHELL

TRIBAL EDUCATION
8/15/2023

FLATHEAD RESERVATION TRIBAL EDUCATION CONSULTATION PLAN 2023 - 2024

BACKGROUND

The Every Student Succeeds Act of 2015, which amended the Elementary and Secondary Education Act, requires certain Local Education Agencies (LEAs), or school districts, to engage in “timely and meaningful” consultation with tribes while preparing and submitting their funding applications for federal education programs. LEAs that receive more than \$40,000 for Title IV (Student Support and Academic Enrichment Grants) or have more than 50 percent American Indian enrollment are required to consult with tribes. Flathead Reservation LEAs that meet this requirement are: Ronan, Polson, St. Ignatius and Arlee, however almost all of the other LEAs have agreed to engage in Tribal Consultation as well. In addition, Missoula Public County Schools also meet the Title VI threshold and thus are required to engage in Tribal Consultation with the tribes closest to their location, which is CSKT.

In previous years, LEAs demonstrated their compliance with this federal requirement by simply checking a box on their funding applications for federal education programs. For the first time this year, the Montana Office of Public Instruction is requiring school districts to submit forms with their funding applications verifying that tribes were invited to and that Tribal Consultation occurred. Also, specific topics were discussed. These forms require tribes to sign off and affirm that the LEA engaged in timely and meaningful consultation.

CONSULTATION PROCESS

Upon CSKT Tribal Council approval, CSKT Tribal Education Department (TED) Head and staff will engage in Tribal Consultation on behalf of the CSKT for the 2023-2024 school year as outlined below.

1. CSKT TED will schedule a meeting with each requesting LEA prior to the September 29th deadline for LEAs to submit their funding applications for the academic 23-24 school year.
2. CSKT TED will engage in Tribal Consultation with each requesting LEA and discuss the following required questions:
 - a. What services will be offered
 - b. How, where, and by whom the services will be provided
 - c. How the services will be academically assessed and how the results of that assessment will be used to improve those services
 - d. The size and scope of the services to be provided
 - e. How and when the district will make decisions about the delivery of services to Native children, including a thorough consideration and analysis of the views of the Tribal or Tribal Organization officials on the provision of services through a contract with potential third-party providers
 - f. How, if the district disagrees with views of the Tribal or Tribal Organization officials on the provision of services through a contract, the district will provide in writing to the Tribal or Tribal Organization officials an analysis of the reasons why the district has chosen not to use a contractor
 - g. Whether the district shall provide services directly, or through a separate government agency, consortium, entity, or third-party contractor
 - h. When, including the approximate time of day the services will be provided, and
 - i. How the school district must give thorough consideration and analysis of the preferences of the Tribal or Tribal Organization officials regarding the provision of

services; however, the public school district must make the final decision in respect to the services it will provide.

3. When all points have been discussed, CSKT TED Department Head will sign forms 00ESEA-TC-01 (Revised 6/22 US) and 00ESEA-TC-02 (Revised 6/22 US) verifying that Tribal Consultation occurred and indicating whether CSKT TED believes that the LEA:
 - a. Completed in the consultation in a timely and meaningful manner,
 - b. Gave due consideration to the views of the Tribal officials, and
 - c. Made decisions that treat American Indian students equitably
4. Upon submission for funding, each LEA will send an electronic copy of grant application to CSKT TED.
5. Upon receipt, CSKT TED will notify the applicable LEA that a copy has been received, reviewed, and agreed upon.

LEA TRIBAL CONSULTATION TEAM

TEAM STRUCTURE

LEA Tribal Consultation team members will include:

- LEA Superintendent
- LEA Administrators upon the discretion of the district
- TED Department Head
- TED Program Managers (or appropriate substitutes)

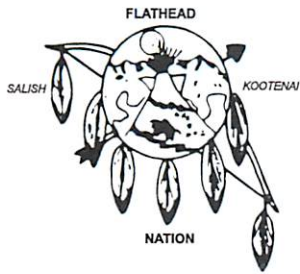
TEAM GOALS

- Engage in Tribal Consultation in regards to the 2023 – 2024 academic school year
- Discuss formal planning for continued Tribal Consultation as required by the Elementary and Secondary Education Act (ESEA) as amended in 2015

CONTINUED TRIBAL CONSULTATION

Consistent with the ESEA, CSKT will develop an Education Tribal Consultation Plan for the 2023 – 2024 Academic School Year and future academic years. This plan will include but not be limited to:

- Frequency of Tribal Consultation
- Tribal Consultation discussion points
- Procedures for resolving conflicts
- Timeline for Tribal Council updates
- Opportunities for Tribal Council participation



THE CONFEDERATED SALISH AND KOOTENAI TRIBES
OF THE FLATHEAD NATION

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A People of Vision

TRIBAL COUNCIL MEMBERS:

Mike Dolson - Chairman
Tom McDonald - Vice Chair
Martin Charlo - Secretary
Jame Steele, Jr. - Treasurer
Carole Lankford
Len TwoTeeth
Danielle Matt
James "Bing" Matt
Jim Malatare
Jennifer Finley

A Confederation of the Salish,
Pend d' Oreille
and Kootenai Tribes

April 1, 2024

Dear Education Leaders,

The Confederated Salish and Kootenai Tribes (CSKT) of the Flathead Nation cordially invite you to "CSKT Tribal Consultation 2024" hosted by the Education Agency of the CSKT, the Tribal Education Department (TED).

CSKT Tribal Consultation will take place at KwaTaqNuk on April 10, 2024 from 9 AM - 3 PM with lunch provided. Tribal Consultation is a time for Education Agencies to engage in collaboration and information sharing with the CSKT. In preparation for this exciting exchange, TED has invited several CSKT leaders, the Flathead Youth Council, and departments and programs to share information with you and support your efforts in doing what is best for students.

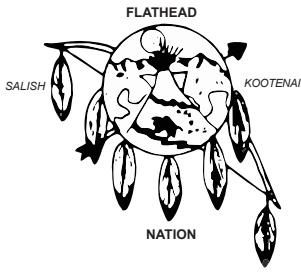
The Every Student Succeeds Act (ESSA) stresses the importance of improving educational outcomes for American Indian and Alaska Native students. Along with an increased emphasis on teaching Native languages, identifying the impact of English language learner (ELL) status, and embedding culture into curriculum, ESSA has created opportunities for tribes to work more closely with state and local education agencies in support of Tribal students.

Under ESSA, state and local educational agencies are required to engage in "timely and meaningful" consultation with area tribes while preparing and submitting plans or applications for federal programs, including Title I and Title IV Indian Education Formula Grants.

In preparation for this, TED respectfully requests that you send any plans, questions or requests to Michelle Mitchell, no later than April 8th @ noon. Her email is michelle.mitchell@cskt.org. You can also call her with any questions @ 406-675-2700 ext.1342.

Respectfully,

Mike Dolson, Chairman
Confederated Salish & Kootenai Tribal Council



A Confederation of the Salish,
Pend d' Oreille
and Kootenai Tribes

THE CONFEDERATED SALISH AND KOOTENAI TRIBES OF THE FLATHEAD NATION

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Danielle Matt
James "Bing" Matt
Jim Malatare
Jennifer Finley

CSKT Education Tribal Consultation

Date and Time: 4/10/2024, 9 AM - 3 PM
Location: KwaTaqNuk, Polson, MT

AGENDA

- | | |
|---------------|--|
| 9:00 - 9:30 | Opening - Dancing Boy Drum/Stephen SmallSalmon |
| 9:30 - 10:00 | Welcome & Introductions - Name, Role, Organization |
| 10:00 - 10:15 | Tribal Consultation Discussion - Tribal Consultation/IEFA |
| 10:15 - 10:30 | Discussion - Share-outs |
| 10:30 - 10:45 | BREAK |
| 10:45 - 11:45 | CSKT Departments/Programs Share-outs (THD, TCCC, TED, NRD, etc.) |
| 11:45 - 12:15 | CSKT Curriculum Presentation |
| 12:15 - 1:00 | LUNCH |
| 1:00 - 2:00 | District Share-outs |
| 2:00 - 2:30 | Closing - Nkwusm |
| 2:30 - 3:00 | Agreements and Next Steps, set next meeting date |



Guidance on Facilitating Local Educational Agency Requests for Effective Tribal Consultation

Compiled and Prepared

by

Montana Office of Public Instruction (OPI)

School Improvement and Innovation Department / Tribal Relations and Resiliency Unit



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***“Let us put our minds together and see what life we can make for our children.”
Sitting Bull***

Guidance on Facilitating Local Educational Agency Requests for Effective Tribal Consultation

Purpose

The Tribal Relations and Resiliency Unit (TRRU) was developed to build relationships and understandings within the Office of Public Instruction (OPI) and Montana school districts to incorporate tribal voice, share resources, and build connections through consultation on matters affecting American Indian students. Consultation, as defined within the Every Student Succeeds Act (ESSA) requirements, will work to create these opportunities for school districts and tribal leaders to work collaboratively for the benefit of our youth.

We have compiled the following best practices document and recommendations with the intent of providing interagency staff responsible for managing covered federal/state programs Guidance on Facilitating Local Educational Agency (LEA) Requests for Effective Tribal Consultation.

As drafted by the US Department of Education bulletin dated September 2016, under ESSA Section 8538, consultation is intended to create opportunities for Local Educational Agencies (LEAs) and tribal leaders to work together on behalf of American Indian and Alaska Native students. The consultation process allows affected LEAs to gather input from Indian tribes and tribal organizations to encourage relationships and collaboration that is a critical part of improving academic outcomes.

Background

The consultation requirements outlined under section 8538 of the Elementary and Secondary Education (ESEA – reauthorized as ESSA) requires affected local educational agencies (LEAs) to consult with Indian tribes, or those tribal organizations approved by the tribes located in the area served by the LEA, prior to submitting a plan or application for covered programs. This requirement is designed *“to ensure timely and meaningful consultation on issues affecting American Indian and Alaska Native students.”* The consultation must be done *“in a manner and in such time that provides the opportunity for such appropriate officials from Indian tribes or tribal organizations to meaningfully and substantively contribute to plans under covered programs”*.

An affected LEA is defined within the ESSA requirements as a school district or system that has either fifty percent (50%) or more of its student enrollment made up of AI/AN

students or received an Indian education formula grant under Title VI of the ESEA, as amended by the ESSA, in the previous fiscal year that exceeded \$40,000, and which also educate American Indian/Alaska Native (AI/AN) students. Affected LEAs who meet these criteria are required to consult with local Indian tribes or tribal organizations prior to submitting a plan or application under covered ESEA (ESSA) formula grant programs.

Which Covered Programs Require Consultation

The following is a list of current programs which require an affected LEA to consult with Indian tribes or tribal organizations prior to submitting either a plan or application for covered programs.

- Title I, Part A (Improving Basic Programs Operated by State and Local Educational Agencies)
- Title I, Part C (Education of Migratory Children)
- Title I, Part D (Prevention and Intervention Programs for Children and Youth who are Neglected, Delinquent, or At-Risk)
- Title II, Part A (Supporting Effective Instruction)
- Title III, Part A (English Language Acquisition, Language Enhancement, and Academic Achievement Act)
- Title IV, Part A (Student Support and Academic Enrichment Grants)
- Title IV, Part B (21st Century Community Learning Centers)
- Title V, Part B, subpart 2 (Rural and Low-Income School Program)
- Title VI, Part A, subpart 1 (Indian Education Formula Grants to Local Educational Agencies)

Scheduling and Sequencing of Tribal Consultation under ESSA Section 8538

Affected LEAs should conduct their consultation in advance of making significant decisions regarding plans or applications for covered programs, to ensure an *“opportunity for . . . appropriate officials from Indian tribes or tribal organizations to meaningfully and substantively contribute”* to an LEA’s plan (section 8538(a)).

The timeline for each consultation is dictated by requirements of the relevant formula grant program, which have different application deadlines. Given that tribes may receive multiple requests for consultation, LEAs are encouraged to consider arranging for informational meetings with Indian tribes or tribal organizations in advance of the actual, formal consultation taking place. Facilitation of these, informal information gathering sessions should be arranged with the assistance of the State EA, and, through

services provided by the Tribal Relations and Resiliency Unit working directly with the Tribal, Family, and Community Liaison.

Meaningful Consultation

In order to ensure consultation is meaningful, a respectful relationship is essential. Education and understandings of SEAs (State Educational Agencies), LEAs and Tribal Nations can ease misconceptions and build trust. Mutually valued protocol and procedure can provide positive experiences for our students, districts, tribes, and state.

We will assist LEAs in the opportunity to receive timely input and feedback in collaboration with the tribes on plans pertaining to ESSA-covered programs. We will work with the tribal nations, or those tribal organizations approved by the tribes located in the area served by the LEA to create opportunities for input, resource sharing and support for students.

We will support LEAs on issues or questions on which the LEA seeks tribal input, or support to draft plans, in advance of the actual consultation. As LEAs are mandated to initiate consultation prior to making a final decision on significant and substantive issues related to the content of the covered program plans, we can assist LEAs in providing written responses to all tribal input received during consultation to explain how tribal input was considered and incorporated into the final application and plan.

Required Consultation Documentation Under ESSA Section 8538

Under this section, each LEA must maintain in its records for all State-administered ESEA programs copies of documentation in the form of a current, written affirmation signed and dated by the appropriate officials of the participating tribes (or tribal organizations approved by the tribes), demonstrating the required consultation has occurred. If tribal officials do not provide such affirmation within a reasonable period, the LEA must forward to the SEA documentation confirming consultation has taken place.

LEA Demonstration of Effective Tribal Consultation

Documentation supporting the affected LEA's assertion that effective consultation has been completed between the LEA and the tribe or tribal organization may include any of the following:

- A letter, memo, or email from the American Indian nation(s) and tribal communities or tribal organizations approved by the nations located in the area served by the LEA stating meaningful consultation occurred.

- A formal agreement or memorandum of understanding (MOU) between the entities describing their collaboration to support students who are American Indian.
- A work plan developed by the LEA and the American Indian nation(s) and tribal communities or tribal organizations approved by the nations located in the area served by the LEA to develop a formal agreement or MOU between the entities.
- ESSA LEA Plan consultation meeting minutes.

Combining Consultation in Conjunction with Required Tribal/Parent Involvement

LEAs may coordinate or consolidate the required ESEA consultation with the parent activities required under the Indian Education formula grant program, the Impact Aid program, and the Johnson O'Malley program. An LEA may only do so, however, if the activity in question – i.e., the consultation – meets all of the requirements of each program. For example, an LEA may plan a public hearing or meeting with its local tribe regarding its education program generally in order to meet the Impact Aid requirements for Indian Policies and Procedures; that hearing with the tribe could incorporate the elements of the LEA's proposed plans under the covered programs, rather than hold a separate consultation event. The LEA can involve the local tribe or tribes in planning the best approach that satisfies the needs of the tribe(s) and the LEA in a time-effective manner, meeting the requirements of the various programs.

Determining the Necessity of Separate or Collective Consultation

Where there are multiple tribes and a single LEA, the LEA may hold a consolidated consultation that includes all affected local tribes. Similarly, where there are multiple LEAs and one tribe, there is no federal prohibition against a joint consultation held by several LEAs. In both cases the LEA must ensure the tribe or tribes have a meaningful and timely opportunity to give input into an LEA's plans or applications.

Agency Facilitation in Accordance with ESSA Section 8538 Requirements

To ensure all conditions outlined under ESSA Section 8538 (Tribal Consultation with LEAs) are satisfied and that the OPI, as the SEA identified within ESSA, remains in alignment with stated requirements, the Tribal Relations and Resiliency Unit encourages agency level staff and personnel to observe the following recommended protocols in advising and supporting affected LEAs with respect to the best practices to be followed.

In order to facilitate the process of tribal consultation with OPI agency staff assisting LEAs, working in conjunction with the OPI Tribal Relations and Resiliency Unit and

Director, who is primary responsibility as a liaison is to provide leadership, direction, facilitation, and coordination with key stakeholders for K-12 programs related to Indian education and American Indian student achievement, we have developed a written request (see attached format) which can be submitted to the Tribal Relations and Resiliency Unit Director for review and guidance.

Once the request has been submitted by the LEA, working with and through the SEA for review by the Tribal Relations and Resiliency Unit, the following actions will be initiated:

- Unit Director/Liaison will acknowledge receipt of the request.
- A reasonable period should be allowed following the submission of the initial request from the LEA for receipt of a response from the Unit Director.
- Unit Director/Liaison will identify the appropriate tribal staff, department, or tribal organization that is authorized to participate in the consultation process and initiate contact with the appropriate tribe or tribal organization, along with providing that contact information to the LEA.
- Unit Director/Liaison will facilitate the LEA's request for both an informal or informational conversation with the appropriate tribal staff, department, or tribal organization, along with providing additional direction on the next steps for both LEAs and tribes or tribal organizations with the intent of facilitating the formal consultation process.
- Unit Director/Liaison will work directly with both the LEA and tribe or tribal organization to complete an effective and meaningful formal consultation process to benefit students and advance relationships where needed.
- When consultation is complete, the LEA can provide confirmation through supporting documentation to the Unit Director/Liaison and tribe or tribal organization, identifying the outcomes of the consultation process including specific components of the covered program plan that reflect the recommendations provided through the tribal consultation process.

As a team within OPI, we can provide LEAs and Tribal Nations the appropriate guidance and support required by ESSA. We will build a collaborative foundation to consistently schedule consultation on an annual basis with hopes to better relationships, share resources, and support services for the betterment of the American Indian students. When schools and communities work together, students benefit.

Request to Initiate Tribal Consultation in Compliance with ESSA Section 8538

LEA _____

Name & Title _____

Affected Program(s) _____

Tribal Community or Organization(s) _____

OPI Department, Unit, or Office (SEA) _____

Date _____

Description of Consultation Sought

This request affirms that the interagency unit, department or office staff and/or personnel identified herein have assisted the affected LEA with the submission of a formal request to the Director of the OPI Tribal Relations and Resiliency Unit in compliance with the requirements for tribal consultation, as set forth under Section 8538 of the Elementary and Secondary Education Act of 1965 (ESEA) as amended by the Every Student Succeeds Act ESSA, to initiate the required consultation process between the tribe, tribal organization, and affected LEA.

Date Received: _____

MACIE AGENDA PRESENTATION

May 1, 2024

Name and title of person presenting	Ivan Small
Contact information: phone	406-245-1222
Contact information: e-mail	ivansmall74@gmail.com
Organization	N/A
Select one	<input type="checkbox"/> Presentation <input checked="" type="checkbox"/> New Business
Presentation title	Indian Student Achievement
Description of presentation	Discuss Indian Student Achievement issues and how to best improve education in schools on/near reservations.
How does this relate to the MACIE goals (next page)	Increasing American Indian student achievement
Action requesting the advisory council take	Action items for next steps and moving forward with collaborative and innovative solutions.
Handouts (send with presentation request)	none
Technology requirements	none



MONTANA ADVISORY COUNCIL ON INDIAN EDUCATION
 ADVISORY TO THE BOARD OF PUBLIC EDUCATION AND
 SUPERINTENDENT OF PUBLIC INSTRUCTION



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**MACIE AGENDA
INFORMATIONAL SESSION
May 1, 2024
ITEM 6
CHAIRPERSON REPORT**

❖ Chairperson Report