



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, D.C. 20240

September 15, 1997

Memorandum

To: Members of the Working Group on American Indians Alaska Natives

From: Michael J. Anderson *Michael Anderson*
Deputy Assistant Secretary - Indian Affairs

Subject: Domestic Policy Council Meeting

Attached are the minutes for the Domestic Policy Council meeting held July 16, 1997. Also, please mark your calendars for the next quarterly meeting of the DPC Working Group scheduled for **Wednesday, October 29, 1997**, from 10:00 a.m. to 12:00 p.m., in Room 5160 of the Department of the Interior. All subgroup reports or agenda items need to be submitted electronically to Daphne Berwald at (Daphne_Berwald@IOS.DOI.GOV) or faxed to (202) 208-5320 by October 24th.

Attachment



United States Department of the Interior

OFFICE OF THE SECRETARY

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SEP 15 1997

Memorandum

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

From: Michael Anderson *Michael Anderson*
Deputy Assistant Secretary - Indian Affairs

Subject: Draft Minutes and Action Items from the July 16, 1997, Working Group Meeting

Secretary of the Interior Bruce Babbitt convened the meeting of the White House Domestic Policy Council's Working Group on American Indians and Alaska Natives. After Secretary Babbitt welcomed the members, he offered Lynn Cutler, Special Assistant to the President for Intergovernmental Relations, the opportunity to make some introductory remarks. Ms. Cutler commented on two items.

Item 1: Ms. Cutler reviewed with the members the memorandum from the Chief of Staff to the President and Assistant to the President for Domestic Policy Council dated May 23, 1997, requesting Agency Heads to submit information on policies and activities implementing the President's April 29, 1994, Executive Memorandum on Government-to-Government Relations with Native American Tribal Governments. She stated that the deadline of August 23, 1997, was firm and allowed enough time to prepare a thorough report.

The report will be reviewed by White House staff for gaps in government-to-government policies and implementation activities. The agency submissions will also be the basis for the annual report of the Working Group. Ms. Cutler also noted that interested congressional supporters are not always aware of the good things that are happening for American Indians and Alaska Natives in this Administration.

Action Item: By August 23, 1997, each Agency and Department is provide the information requested in the May 23, 1997, Memorandum to Kris Balderston at the Old Executive Office Building.

Item 2: Ms. Cutler indicated there was some disappointment that no Native Americans were appointed to the board of the race relations panel. However, Judith Winston, the Executive Director, will be meeting with her; and they intend to hire a Native American on staff. Ms. Cutler concluded by stating that she was grateful for information that comes to the White House on American Indian and Alaska Native issues, especially when they are seeking solutions.

Old Business

I. Review of Minutes

No corrections to the minutes from the April 23, 1997, meeting were requested. The minutes were adopted by consensus.

II. Subgroup Reports

A. Subgroup on the Freedom of Information Act and Protecting the Confidentiality of Tribal Communications with the Federal Government

Thomas LeClaire, Department of Justice, reported that the Federal government may not be able to keep confidential certain information received from tribal governments because of increasing demands for litigation related information and requests for discovery. However, a way to protect tribal information under these conditions is to enter into agreements with tribes to act as an agent of information, thereby classifying the documents as exempt under Exemption 5 of FOIA.

Mr. LeClaire noted that the use of a Memorandum of Agreement (MOA) was upheld in the Klamath case. However, MOAs may not always be the best method to protect information or may not always withstand litigation. He suggested to adequately protect tribal information it will be necessary to seek legislative relief.

The members of the subgroup are consulting with their FOIA staff for feedback on the ways to protect the information. Mr. LeClaire and other members of the subgroup met with Senate Committee on Indian Affairs' staff to review the need to protect tribal information, especially in the protection of Indian sacred sites. Mr. LeClaire concluded by stating that this issue was previously raised in 1994.

At the conclusion of the presentation, Secretary Babbitt asked which was the most preferable approach. Mr. LeClaire responded that the Department of Justice feels that the legislative approach was thought to be the most practical. Mike Anderson also stated that the legislative option would probably be better which would require major changes to FOIA and maintain its application to Indian sacred sites as an acceptable exemption.

At the end of the discussion, Mike Anderson reminded the members that there would be a subgroup meeting in three week. Dana Minerva, Environmental Protection Agency, added that EPA should continue to be involved in the issue.

Action Item: Subgroup is to meet prior to the next meeting and prepare a recommendation on the two options for protecting tribal information.

B. Subgroup on the Initiative on Indian Youth

Michael Lincoln, Deputy Director, Indian Health Service, introduced Dr. Bob Harry, Associate Director, and Rita Harding, Nurse Consultant representing Dr. Trujillo. Mr. Lincoln stated that the Department of Health and Human Services (DHHS) had developed and implemented a consultation plan to respond to Indian needs throughout DHHS.

Ms. Harding summarized the data the subgroup reviewed on the rationale for the Initiative On Indian Youth. Ms. Harding stated that basic health indicators pointed out the gap between Native Americans and the mainstream population. The disparity was especially noticeable in morbidity and mortality statistics among young adults. The data was even more disturbing among children from 5-14 years, and, at even younger ages, there was a prevalence of sudden death infant syndrome (SIDS). She also emphasized that the same gap was recognized in corresponding socio-economic data on unemployment, housing, and education, as well as anecdotal information such as the use of crack-cocaine, and the identification of 180 gangs in Indian country.

Ms. Harding reported that the subgroup had very successful and well attended meeting and confirmed two basic themes with Dr. Trujillo: (1) ensuring a safe and healthy community; and (2) ensuring an educated American Indian and Alaska Native population. Ms. Harding stated that initiative would be developed into an Executive Order which would attempt to close the gap and focus on Indian youth by making specific requests of Federal agencies and involving States and private agencies.

Secretary Babbitt inquired on the status of the Executive Order. He suggested that a draft Order be developed and revised before the next meeting.

Action Item: Subgroup is to prepare a draft Executive Order for presentation at the next meeting.

C. Subgroup on Environment and Natural Resource Protection

Tom Wall, Environmental Protection Agency, reported that the subgroup is working on developing a proposal to establish a Federal policy on environmental and natural resource protection in Indian country based on the issues presented to the members in 1994 and in 1996. Tribal governments have expressed skepticism that Federal agencies will work collaboratively or will comply with the policy. Currently, in some cases policies already exists and many are redundant, parallel, or confusing. Mr. Wall stated that additional representation is needed on the subgroup. There are also plans for a large inter-departmental consultation meeting in October, 1997.

Sherri Goodman, Department of Defense, reported progress in addressing their responsibilities to American Indians and Alaska Natives. The DOD representatives visited Pine Ridge, the second largest area used by the military as a practice bombing range. Currently this areas has armament related problems. The DOD is working on a cooperative

agreement to: (1) transfer funding to tribes; (2) support tribal programs; (3) test new technologies on the reservation; and (4) establish a system for curating artifacts held by DOD and to develop a partnership plan with tribes concerning artifacts. Ms. Goodman stated DOD wants to be an active partner in the October consultations and wants to have DOD Indian policy developed by the end of 1997.

Jim Simon, Department of Justice, stated that the October meeting was an excellent idea, but agencies should not limit themselves to one consultation effort. Attempts should be made to piggyback or add natural resource issues onto other meeting agendas and to discuss these issues at related tribal consultation meetings. Mr. Simon thought tribes could benefit from more regional meetings. The subgroup was reviewing agencies' policies and also offered to provide copies of DOJ policies for review.

Mr. Wall reported on two other subcommittee efforts. The NEPA effort has not moved forward due to a need for more tribal consultation. Secondly, the Handbook is in final draft and is expected to be complete by the Fall.

Tom LeClaire announced that the Office of Tribal Justice is working on the overflights over reservations issue and that an internal Federal discussion meeting is scheduled for August to look at tribal concerns.

Action Item: The subgroup will provide a status report at the next meeting on the progress made to develop a proposal establishing a Federal policy on environmental and natural resource protection, on continued tribal consultation and on Federal inter-agency collaboration.

D. Subgroup On Education

Jim Kohlmoos, Department of Education, presented the progress reports on the proposal for a comprehensive Federal Indian education policy and on the implementation of Executive Order No. 13021, Tribal Colleges and Universities.

1. Comprehensive Federal Indian Education Policy - The subgroup is reviewing the tribal proposal submitted to the White House and has met with representatives from various Indian organizations. In general, the subgroup is pleased with the tribal proposal. The subgroup is focusing on the issue of quality of education and to determine how to integrate the policy into the 10 points of the President's Call To Action For American Education In The 21st Century. The subgroup drafted an Executive Order that tries to bring these policies and initiatives into one document. Mr. Kohlmoos emphasized that he was pleased at the collaboration with tribal representatives and among Federal agencies and that the Executive Order would be refined and prepared for review.

2. Executive Order No. 13021, Tribal Colleges and Universities - Implementation of the Executive Order is pending the appointment of the Advisory Council, which will allow the Education Department to begin work on the Five-Year Plan. A budget is in place but no staff have been hired.

Mr. Kohlmoos also noted that a Washington Post article on Little Big Horn College has brought attention to tribal colleges and the Executive order.

Joann Sebastian Morris asked the members to review the draft Executive Order. She added that tribal and Federal representatives were actively collaborating on the Order because of the realization that education is a responsibility beyond the efforts of the BIA or Education Department.

Mr. Alcock, Department of Energy, expressed his concern that the revised version of the draft Executive Order should focus on student achievement and not on process.

Mr. Kohlmoos noted that the subgroup was balancing the importance of the tribal participation in developing the document with the need for improving student achievement.

Secretary Babbitt directed the subgroup to address student achievement more specifically and stated that the document ought to be more specific.

Lynn Cutler commented that the statistics on Indian students were shocking. She stated that the Five-Year Strategic Plan should be moved to an emergency track and that a funding process should be included in the next budget.

Secretary Babbitt concluded the discussion by asking the subgroup to come up with a revised draft Executive order before the next meeting.

Action Item: The subgroup is to prepare a status report on the implementation of Executive Order No. 13021, Tribal Colleges and Universities prior to the next meeting.

Action Item: The subgroup is to present a revised draft Executive order for comprehensive Federal Indian education which specifically addresses student achievement at the next meeting.

Conclusion

The next meeting of the Domestic Policy Council's Working Group on American Indians and Alaska Natives will be scheduled for October. Secretary Babbitt thanked everyone for attending and adjourned the meeting.

From: Mary Smith

MS

Date: 9-17-97

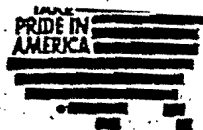
Attached is the following related to the proposed executive order on Native American education and some other information you might find useful:

1. Draft of the executive order on comprehensive federal Indian education
2. Questions and Answers Regarding the Proposed Executive Order on Indian Education
3. Section-by-Section Analysis of the Executive Order on Comprehensive Indian Education
4. Memo summarizing proposals by the DPC American Indian/Alaskan Native Working Group (with attachments)
5. Memo on American Indian Charter Schools
6. List of Selected Federal Regulations for Major Federal Indian Education Laws
7. Washington Post article dated August 29, 1997 on directive for DOJ and Interior to report on curbing crime in Indian country
8. Information on National Congress of American Indians 54th Annual Conference to be held in Santa Fe, New Mexico on November 16-21, 1997



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From: ED SIMERMEYER *Ed Simermeier* Phone: 202-208-7956 FAX: 202-208-7508
Date: 09-12-97 Please copy as needed and distribute to addressees. Number of Pages: 4

Attached is the FINAL DRAFT of the proposed executive order which has been revised to take the comments from NARF, NIEA, NCAI, NACIE, et al. into consideration. This is the version we will present to the DPC staff and discuss on Tuesday. The supplemental materials that we agreed to develop with NARF et al. will be available on Tuesday for dissemination and discussion. Let me know if you have any questions.

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(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

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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:

Bureau
schools to
be tribal
schools

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;

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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:

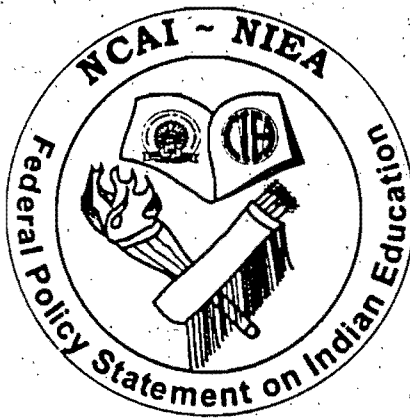
- (1) enhance Indian ownership and tribal governance of education;
- (2) preserve and revitalize Native languages and cultural traditions;
- (3) ensure equity in and access to resources for Indian education; and
- (4) initiate and improve interagency coordination in Indian education.

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.



**QUESTIONS AND ANSWERS
REGARDING THE
PROPOSED EXECUTIVE ORDER
ON INDIAN EDUCATION**

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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.

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

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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,

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

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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.

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.

Rather than create a 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.

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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) held every student to read

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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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.

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 assess 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.

COMPREHENSIVE FEDERAL INDIAN EDUCATION

PREAMBLE

This section introduces the rationale for an executive order from one perspective that the Federal government must commit our education programs to meet the needs of American Indians and Alaska Natives, improve the disparity between Native Americans and the mainstream population, and make sure American Indian and Alaska Native students are served by high quality education. From the perspective of Tribal leaders, and within the backdrop of his historic meeting with tribal leaders in April, 1994, the President is responsive and the executive order is helping bridge the gap. The President is emphasizing four points in his Indian education policy which responds to a document that was developed in Indian country and reflects general agreement based on the result of inter-tribal consultation on education from 1994-1996. That document is the "Comprehensive Federal Indian Education Policy Statement: A Proposal From Indian Country To The White House" which is referenced at the end of this section. This section references low rates of attendance, graduation, etc. as indicators of academic achievement. Data is not included in this section but is being developed in more detail in appendices. It is important to make the full impact of the statistics available in comprehensive tables, charts, graphs, etc. to more fully display the extent of the unmet level of need. In summary, the Preamble introduces the rationale for an executive order, reenforces the need for declaring Indian education a national priority, and reaffirms the Federal commitment to a role in Indian education. The preamble serves to set an historical tone to the significance of what the executive order will accomplish in advancing Indian policy into the 21st century or building a collaborative tribal-Federal approach to comprehensive Indian education for the next 100 years.

AUTHORITY AND PURPOSE

This section sets out the authority of the President to issue an executive order and introduces the purpose of this order. Reference to the Constitution and laws authorizing the President to manage the government is standard and the unique relationship with American Indians and Alaska Natives is highlighted. The April, 1994, Presidential Memorandum and the commitment to a Federal role in Indian education emphasize current administration policy. In general, the order promotes high student achievement, addressees academic competencies, supports the special educational and culturally related academic needs of Native Americans, and recognizes Indian ownership and the role of governance in education. Specific points listed in (a) - (h) address the priorities in the President's Call to Action for American Education in the 21st Century, advance the National Education Goals, ensure equity and access to education for Native Americans, enhance tribal governance and the capacity of tribal organizations to more fully support education. In summary, the order would require each Agency: to appoint a senior official for Indian education; develop a five-year strategic plan in consultation with American Indians and Alaska Natives to promote educational change and collaboration with tribal, state, local, and other Federal agencies in carrying out the purposes

COMPREHENSIVE FEDERAL INDIAN EDUCATION

of the order; and, submit an annual performance report. Under the auspices of NACIE, the order also establishes an Advisory Board of Tribal Partnerships, which is charged with making recommendations on ways to fulfill the purposes of the order.

SECTION 1 DEPARTMENT AND AGENCY PARTICIPATION

By appointing a senior manager in each participating agency and department, the intent is to raise the accountability and awareness for this Presidential initiative. Appointing senior officials has proven successful in implementing executive orders. Senior managers are in a position to maintain regular contact with agency heads and review agency progress on the initiative, as well as make recommendations on implementation, identify opportunities and barriers, and apply available resources to resolve problems and ensure timely action. A senior official is appropriate to serve as a liaison in the spirit of Government to Government consultation and as an advocate for equity and access.

SECTION 3 FEDERAL STRATEGIC PLAN FOR INDIAN EDUCATION

The call for a strategic plan for Indian education promotes student achievement and relates to current educational change and systemic reform with a focus on academic competencies and high standards. In order to further focus on student achievement, the plan, within appropriate authorities, must specifically address how each agency will participate with American Indians and Alaska Natives in carrying out the President's Call to Action for American Education in the 21st Century, addressing the National Education Goals with American Indians and Alaska Natives, launching public, private, and tribal partnerships which develop linkages with schools and educational institutions, and improving intergovernmental coordination in education activities. As the agencies develop measurable objectives, a myriad of educational activities will follow in carrying out the plan. Some examples of direct activities will be increased resources to support remedial education, technical training, and academic competencies enabling students to continue progress in school, enter job markets, continue their education, etc. Indirect activities which support student achievement will be in curriculum development, shared technologies, computer learning support, surplus materials, hardware, software, furniture, lab equipment, etc. The strategic plan also requires agencies to communicate what educational program activities are available to American Indians and Alaska Natives. In developing the strategic plan agencies are required to collaborate and consult with Native American tribal governments, communities, parents, educators, et al. so that tribal principles, strategies, and effective practices for education are given full consideration. Representatives of tribal organizations stressed the importance of referencing the March, 1997, "Comprehensive Federal Indian Education Policy Statement: A Proposal From Indian Country To The White House," in this section in order to continue in the spirit of the consultation efforts which the President initiated for his administration in the historic April, 1994 meeting with tribal leaders. A high number of tribal governments and

COMPREHENSIVE FEDERAL INDIAN EDUCATION

organizations have endorsed the March, 1997 document and there is a high expectation that agencies will adopt the recommendations. Annual performance indicators and measurable objectives are included in the plans. The call for five-year plans is consistent with Federal reinvention efforts that project grants and cooperative agreements over a 60 month period to avoid unnecessary paper work and reduce both Federal staff work and the burden of outdated government processes. Over this longer period agencies can implement strategic objectives to meet long term goals but rely on annual performance indicators and measurable objectives for accountability. Annual agency performance on long term goals is consistent with governmental reform and with the Vice President's efforts to make government cost less and work better. The agencies will submit their plans to the Secretary of Education within 1 year of the effective date of the order and revise the plans annually thereafter at the end of each fiscal year. Annual performance will be reported beginning in FY 2000 and will measure progress in meeting objectives, as well as report on the resources applied to Indian education and related programs. The reports will be available to the stakeholders and the access will promote ownership of Indian education.

SECTION 3 TRIBAL PARTNERSHIPS

(A) ESTABLISHMENT – The Secretary of Education is designated to work with the Cabinet Officers and provide a liaison through the National Advisory Council On Indian Education ("NACIE") to the Tribal Partnership Board of Advisors ("Board").

(B) COMPOSITION – Membership on the Board will include representatives of the National Congress of American Indians (NCAI), Native American Rights Fund (NARF), National Indian Education Association (NIEA), American Indian Higher Education Consortium (AIHEC), and National Advisory Council on Indian Education (NACIE). These organizations are representative of broad national interests in Indian education and Native American tribal governments and organizations. NCAI, NARF, and NIEA worked with tribal organizations to develop the March, 1997 proposal from 1994-7. Additional Board representation will be drawn from the Native American community and tribal governments, as well as the private and public sector. Membership will also include Federal staff and members of NACIE. Federal staff will round out the public-private-tribal partnership concept and NACIE members serve as sub-council representatives. The Board is established as a sub-council of NACIE, an authorized advisory group which is chartered to generally address Indian education with a concentration on programs in the Department of Education. A Board of 15 members is considered reasonable for meeting a quorum, limiting operating costs, and representing broad interest. The Chairman of NACIE will receive nominations and make recommendations to the Secretary for membership on the Board. Terms are 2 years and renewable at the discretion of the appointing official.

COMPREHENSIVE FEDERAL INDIAN EDUCATION

(C) ROLE OF THE BOARD - The primary role of the Board is to monitor and review the progress toward fulfilling the purposes of the order and report their recommendations annually. NACIE will provide overall review of the Board's work and include the recommendations in the annual NACIE report. The Board will make recommendations based on the reports and taking into account emerging changes in 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.

(D) SCHEDULED MEETINGS - The purpose of the meetings will be to carry out the work of the Board; therefore, the Board will at a minimum meet at least annually. The number and schedule of Board meetings will be called by the Chair of the Board who will notify the Chair of NACIE and provide a schedule of meetings, locations, times, etc.

SECTION 4 TERMINATION

In accordance with the Federal Advisory Committee Act, the Board will terminate unless the President orders renewal within 2 years of it's establishment or consistent with the scheduled renewal of NACIE.

SECTION 5 ADMINISTRATION

Serving without compensation except for travel and per diem is in line with the Federal Advisory Committee Act. Providing federal staff support to the Board and NACIE is a standard expectation that is assigned by the order to the Department of Education. Federal agencies shall put forth a collaborative effort with the Department of Education. Participating agencies shall develop interagency agreements and memoranda of understanding that commit resources to support the order. Each entity shall make use of 3 U.S.C. Section 112, the Economy Act, and Section 415 of the Department of Education's authorizing legislation for interagency agreements enabling cooperative efforts and shared program management. Such collaborative efforts and joint funding arrangements shall allow all Federal agencies to share program management to the extent permitted by law. The minimum level of effort and staffing for all activities related to the order should be consistent with other Presidential initiatives to assure practical operating levels and staffing.

MEMORANDUM

TO: TOM FREEDMAN, MARY SMITH, TANYA MARTIN

FROM: JULIE MIKUTA

**RE: PROPOSALS BEING PUT FORTH BY SUBGROUPS OF THE
AMERICAN INDIAN/ ALASKAN NATIVE WORKING GROUP**

DATE: AUGUST 23, 1997

SUMMARY

Currently, the subgroups of the American Indian/ Alaskan Native (AI/AN) working group (headed by Secretary Babbitt) are developing two executive orders, a project to fund pilot programs that will help AI/AN youth, and a book based on reports about AI/AN youth. This memo summarizes each of these projects.

I. EDUCATION EXECUTIVE ORDER (Attached)

This executive order calls for all federal department and agencies to analyze their role in the education of AI/ AN students and write a five year strategic plan to improve the education of these youth. The groups will use President Clinton's 10-point education plan as their guide.

Timeline

Representatives from various agencies and interest groups reviewed the draft executive order on August 14. Since the meeting, the Department of Education and the BIA have significantly improved the draft by making it more clear and concise. This version is being circulated among the agencies and interest groups. The next meeting will be held during the first week in September. The group aims to submit a polished version of the executive order at the next meeting of the entire working group, in October.

II. YOUTH INITIATIVE EXECUTIVE ORDER (Attached)

This executive order creates a council within the DHHS. Its members will be Presidential appointees and will include representatives of Tribal leaders. The Council's function is to offer advice to the President on issues concerning the health and well-being (i.e. includes areas such as juvenile crime) of AI/AN youth based on the Council's consultations with the tribes. Some agency representatives criticize this set-up, as this Federal-Tribal government partnership will not necessarily include urban Indians. (Currently, over 55% of AI/AN live off of the reservations.)

Timeline

Representatives from various agencies reviewed the draft executive order on August 21. They plan to make minor changes, and hold a meeting on September 5. Members of several interest groups will be present. The group is working toward submitting a polished version of the executive order at the working group's October meeting.

III. YOUTH INTERVENTION PILOT PROGRAMS (Attached)

The Indian Health Service (part of the DHHS) plans to use approximately \$25,000 from FY'97 to fund youth intervention pilot programs on two Indian reservations. These programs will attempt to lessen the high rates of youth problems such as school dropout rates, juvenile delinquency, high suicide rates, high rates of alcoholism and substance abuse by parents. If the money is not allocated from FY'97 funds, there will be money set aside for this use in the future. The funds will be distributed based on a competitive grant process.

Timeline

If the FY'97 funds are used, the workplan will be finalized by the end of October. The pilots will start in December and conclude in September, 2000.

IV. LITERATURE REVIEW OF REPORTS ON INDIAN YOUTH (Outline Attached)

A book is currently being written based on all reports that have been done in the past 10 years about the state of Indian youth. The book will develop a profile of the status of AI/AN youth based on reports of the health, education, housing, employment, child development and quality of life. It will also make recommendations and described barriers to implementation of potential strategies.

V. POSSIBLE TRIP TO MEETING IN SANTE FE

The National Congress of American Indians is holding its annual conference in Santa Fe from 11/16- 11/21. Approximately 250 tribes are members of the NCAI, making it the largest organization of the Indian tribes. There are over 1,000 recognized tribes in America.

DRAFT EXECUTIVE ORDER**PREAMBLE**

As we enter the 21st century, I want to focus on academic proficiency for our American Indian and Alaska Native students. Through this Executive order, I am directing Federal agencies and executive departments: (a) to consult with tribal leaders and their representatives to improve, reinvent, and reform our Indian education systems; and, (b) to ensure our Federal policies affecting American Indians and Alaska Natives are consistent in supporting quality education programs, high student achievement, and the utmost tribal collaboration. 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 reaffirming the commitment to a Federal role in Indian education and the responsibility to provide quality education to American Indians and Alaska Natives. I also want to honor my historic April, 1994, consultation with tribal leaders by responding to the recommendations from Indian country which were proposed to my administration this year in the report, "Comprehensive Federal Indian Education Policy Statement: A Proposal From Indian Country To The White House."

AUTHORITY AND PURPOSE**GO TO PAGE 2**

The section "INTRODUCTION" is not included in the body of this version of the draft executive order but should be fashioned into a q & a supplemental information to supplement the proposed order and serve as a technical assistance tool.

DRAFT EXECUTIVE ORDER

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 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 American Indian and Alaska Native children; (e) preserving and revitalizing Native languages and cultural traditions; (f) maintaining a safe educational environment and acceptable physical facilities; (g) ensuring that 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 Indian children to the high quality educational opportunities afforded other children 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 the purposes of this order. The senior official shall report directly to the agency head.

SECTION 2. FEDERAL STRATEGIC PLAN FOR INDIAN EDUCATION

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. Each agency shall enter into public, private, and tribal partnerships which support systemic reform and activities at the school, school district, and tribal level. Each agency shall set objectives that target academic improvements for American Indians and Alaska Natives by: (a) addressing the appropriate level of the agency's specific participation in The Call To Action For American Education In the 21st Century and The National Education Goals; (b) establishing linkages with schools and other educational institutions serving these students; (c) identifying areas of intergovernmental cooperation supporting educational activities for these students; and, (d) outlining how educational information and technical assistance will be communicated to American Indian and Alaska Native tribal governments, Native American communities, parents, students, tribal colleges, and Indian educators.

In developing the strategic plan each agency shall give consideration to how American Indians and Alaska Natives participate in and benefit from the utilization of agency resources for education activities and how equity and access to agency resources are ensured.

DRAFT EXECUTIVE ORDER

The strategic plan shall advance sound educational theories and the principles of tribal consultation and collaboration. The plans shall be consistent with 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 March, 1997, which include but are not limited to promoting and supporting individual student achievement, tribal divisions of education, clearinghouses, research and evaluation, teacher preparation, parent education, curricula, and other related education issues in quality, governance and tribal control.

Each agency shall submit their 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.

SECTION 3. ANNUAL PERFORMANCE REPORT

Each federal agency shall provide an annual performance report on progress in accomplishing the purposes of this order. Each agency shall report on the outcomes of their activities which support their objectives and on the level of effort applied to Indian education and related programs. The annual reports shall be reviewed by representatives of Indian parents, elected tribal leaders, Indian organizations, Indian educators, and others. Each agency shall submit their Annual Performance Report to the Secretary at the end of each fiscal year beginning in FY 2000.

SECTION 4. ADMINISTRATION

The Department shall provide such administrative services 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.

SECTION 5. TRIBAL PARTNERSHIPS

There shall be established under the auspices of the National Advisory Council On Indian Education (NACIE) a sub-council of Tribal Partnerships. The role shall be to study the progress made by Federal agencies in accomplishing the purposes of the Executive order and to provide national recommendations annually. The National Advisory Council On Indian Education shall review the work of the sub-council and report the recommendations in their annual report. Membership on the sub-council shall consist of three NACIE members, an equal number of Federal representatives, and at least 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. Other members may be appointed as representatives from tribal governments, Indian organizations, businesses, educational institutions, and non-profit organizations, as well as Indian educators, parents, and citizens from the private and public sectors. The membership shall not exceed 15 members, who shall be appointed to a two-year term, which may be renewed.

Executive Order

Initiative for American Indian and Alaska Native Children and Adolescents

BACKGROUND

An alarming and growing 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 adolescents in comparison to youth in general throughout the United States. Indicators of this disparity include:

- *Average Age* –
- 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 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 compared to the general population.

Concern about this disparity is now heightened because it continues to grow in spite of individual tribal, state, and federal efforts to reduce it. Indicators of this growth 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 crank; and
- Reports of gang activity on reservations are increasing.
- ~~Number of gangs~~

SEE SOO SUNG ADDS

- *Juvenile criminal arrest statistics – 61% juveniles in federal custody are AI/AN*
- *Sexual offenses ratio is 41/243*

Improvement is possible. The decrease in certain communicable diseases which resulted from the provision of sanitation and safe drinking water to homes on reservations demonstrates the impact an individual federal program can have. Increased seat belt usage on certain reservations is the result of combining state, federal, and tribal resources to target a specific risk factor.

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

DEFINITION AND RATIONALE

The concept of "quality of life" has physical, mental, spiritual, social, environmental, 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 a 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 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 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.

POLICY STATEMENT

How to include Urban Indians

The Federal Government should ~~set an example~~ move forward in changing the nature of Federal-Tribal governmental relations resulting in Federal Departments and Agencies implementing comprehensive administrative changes necessary to improve the health and safety of American Indian and Alaska Native (AI/AN) Youth. *Tribal community capacity building and tribal empowerment are cornerstones of the needed changes.* This new partnership of cooperation and collaboration amongst Federal agencies will transform them into organizations capable of *working in partnership with tribes* to delivering quality services to American Indian and Alaska Native communities.

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 establish a new form of Federal-Tribal governmental relations throughout the executive branch to promote healthy and safe American Indian and Alaska Native communities for their youth and to promote educational success, economic development, and community empowerment, it is hereby ordered:

Section 1. Federal/Tribal Partnership Council. (a) Establishment and Membership; There shall be established in the Department of Health and Human Services 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. The Council shall comprise the following members appointed by the President, *including representation of Tribal leaderships:*

- (1)
- (2) National Congress of American Indians (NCAI)
- (3) American Indian Healthcare Administration (AIHCA)
- (4) National Indian Health Board (NIHB)
- (5)
- (6)
- (7)

Members shall have 2-year terms on the Council, which may be extended by the President.

(b) Responsibilities and Functions. The Council shall advise the President on matters involving Federal-Tribal relations in the executive branch, *necessary to*

*Inclusion of
Urban
Indians.*

*55%
like of
representation.*

*i.e. emphasis
partnership with tribes*

*> set up a
council
w/ DHHS*

*Indian Law Enforcement Agency
= private law enforcers.*

*only
representation +
tribal
leadership
appointed
by Pres.
+ Reps from
private sector.*

*wherein
(a) ?*

improve the health and quality of AI/AN youth. Its activities shall include: (1) consultation with Tribal governments and their members; (2) proposing to the President by (1) ~~ate~~ any statutory changes necessary to achieve the objectives of this order, including legislation, 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; (2) develop Tribal institutional capacity through the use of appropriate Federal resources; and to the extent possible, utilize 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.

- Consult w/ tribal
- recommend resolutions
- monitor progress.

Participate
Partnerships

Section 2. Department and Agency Participation. The heads of Federal agencies shall ensure that, within 90 days from the date of this order, the Secretary 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 . (So-forth-and so-on... appropriate language can be gleaned from E.O. 13021) Federal agencies shall implement all Council recommendations approved by the President.

Section 3. Administration.

Section 4. Administrative Support.

Consultation w/tribal
Recommend resolution
Monitor programs
Voice of AI/NA

APPENDIX I

SUGGESTIONS AS TO SPECIFIC ACTIVITIES IN THE 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 youth
Problem identification	Identification of unmet health needs in the Indian youth population in terms of both services and resources Identification of major risks facing Indian youth including social, economic, educational 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 youth Development of data systems to collect information specific to urban Indian youth Development of expanded data information systems specific to Indian 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 youth

Program development

Development and implementation of a multidimensional, multiagency strategic plan to improve the quality of life of AI/AN youth based both on health profile information and summary of available services and resources

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

Publicity about and replication of programs proven to be effective for Indian youth

Coordination and communication between Federal agencies to eliminate program duplication

Program implementation

Development of linkages between Federal agencies, Tribes, Indian groups, States and private organizations to address unmet health needs of Indian 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 youth

Evaluation

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

Incorporation of Indian 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 Adolescent Initiative to the Domestic Policy Council annually

Minutes from the August 14, 1997
Youth Initiative Inter-Agency Workgroup Meeting
Report from Working Group

In Attendance

- Soo Song
- Oric Cuellar
- Laurence Dunmore
- Tom Dowd (by conference call)
- Rita Harding (by conference call)
- Dr. Craig Vanderwagon
- Gina Doyebi
 - Joe Hardy called in to say he couldn't make the meeting, but would try to send Luis Bueso
 - Ed Simmermyer called in to say he has a meeting conflict and will be attending the meeting on 8/21/97

Purpose and effect for change

- Consultation with Indian groups, i.e., Indian Health boards, tribes, etc
- True tribal partnership
- Government-to-government partnership

Edits/Changes

- Background
 - Add Average age as a benchmark for statistics
 - Add number of gangs with juvenile arrest statistics
- Definition and Rationale
 - 1. Ensuring a Safe and Healthy Home and Community
 - Add d. Family and child services
 - Add c. Community security issues/law and justice
- Policy Statement
 - 1st paragraph – Federal government should move forward in order to deal with issue, to allow for openness, allowing for tribal empowerment and to include representation of Tribal leaderships from NCAI, AIHCA, NIHB
 - Responsibilities and Functions
 - Add that the Council shall advise the President on matters involving Federal –Tribal relations in the executive branch, necessary to improve the health and quality of AI/AN youth.
 - Change proposing to the President any statutory changes necessary to achieve the objectives of this order, etc.

Next Meeting – August 21, 1997 at 10:00 a.m., at the Department of Labor, Room North 4438

Page 4 - Youth Intervention Project - Model Sites

Prior actions that support this proposal are:

- Presidential memorandum targeting preschool children and directing the establishment of a senior level interagency working group
- HHS Children's Health Initiative: Kids: We Can Do Better!
- Executive Order 13045 "Protection of Children from Environmental Health and Safety Risks"

Money from FY97 (?) (?)

The purpose of this task order is to identify 2 Indian communities to serve as model sites over a three year period that will address the broader scope of the Indian Youth Initiative. The model sites identified should be sites that have high incidence rates of youth problems such as school drop out rates; juvenile delinquency and law enforcement problems; high suicide rates; high rates of alcoholism and substance abuse by the parents where the tribal law enforcement and the social services programs have jurisdiction over the placement of the children. Resources in the amount of \$25,000 will be made available to the Indian community model sites for implementation of the youth intervention program.

reservation and one urban Indian community

1. • Identify those Indian communities in most need and determine eligibility for the model sites.
2. • Develop an intervention program that address the specific problematic areas to those Indian communities identified as model sites.
3. • Implement the intervention program within the community identifying all accountability points; set reporting requirements; A profile of what variables or factors either contribute or inhibit the growth and development of AI/AN youth.
4. • Establish a tracking system that will provide information on the participating youth and he/she successes or other information that will be helpful in developing a nationwide youth initiative.
5. • Prepare and submit quarterly reports to the task officer.
6. • Prepare a final report that provides the process followed from start to finish. With recommendations on how a national intervention program can be established and implemented.

The Deliverables for this Task Order are:

- | <u>TASK</u> | <u>DUE DATE</u> |
|---|--------------------|
| 1. Meet with IHS staff to review work plan, Strategies and Schedule for project | September 22, 1997 |
| 2. A finalized workplan and outline for the Final Report | October 29, 1997 |

Page 5 - Youth Intervention Project - Model Sites

3. Progress Report Phase I - Model sites
4. Intervention Plan for Model Sites
5. Progress reports (due quarterly)
6. Final Report

December 2, 1997

December 2, 1997

September 1, 2000

Schedule of Payments

Task #1	\$
Task 2#	\$
Task #3	\$
Task #4	\$
Task #5	\$

Total Cost: \$

Indian Health Service Task Order Officer:

Leo J. Nolan

Indian Health Service

Special Assistant to the Director Office of Public Health

12300 Twinbrook Parkway

Twinbrook Metro Plaza Building, Suite # 450

Rockville, Maryland 20852

Telephone # : 301-443-4245

Fax # : 301-443-1522

Contractor:

Native American Consultants, Inc.

Final Report Outline

Profile of the State of Indian Youth

I. Introduction

A. Background

1. American Indian and Alaska Native (AI/AN) youth "at risk."

1.1. Areas of significant progress

1.2. Threats to development and problem areas

2. Quality of life and associated measures

3. Stages of child development

4. Need for coordinated Federal policy and programs

B. Task Order Goals and Objectives.

1. Identify information sources

2. Assess availability and quality of data

3. Develop profile of the status of AI/AN youth

3.1. Quality of life, health, education, employment, housing, development

3.2. Input from key informants in AI/AN communities

4. Develop recommendations

4.1. Data needed for assessing progress

4.2. Prioritized problem list

4.3. Coordination of Federal/tribal programs and policies

II. Methodology

A. Approach

B. Data Sources

1. Federal and state agencies

2. AI/AN organizations (NCAI, ANHB, USET)

3. Publications

4. Internet-based

5. Key informants in AI/AN communities

C. Data Analysis and evaluation

1. Availability

2. Reliability and validity

III. Findings

A. Profile of Status of AI/AN Youth

1. Health, education, housing, employment, development, quality of life

2. Prioritized list of problems, threats

3. Federal agencies with services/responsibilities pertaining to the problems and threats

IV. Recommendations

A. Data needs

B. Problems, barriers, and threats to be addressed

C. Areas of coordination

MEMORANDUM

TO: TOM FREEDMAN, MARY SMITH, TANYA MARTIN
FROM: JULIE MIKUTA
RE: AMERICAN INDIAN CHARTER SCHOOLS
DATE: AUGUST 19, 1997

SUMMARY

Charter schools receive praise from many tribal leaders. Charter schools for American Indian students have opened in four states. Most are run by tribes. This memo describes some of these schools and mentions other school-based programs that have been successful in increasing the test scores and graduation rates of Indian students.

CHARTER SCHOOLS FOR AMERICAN INDIAN STUDENTS

Below are descriptions of charter schools run primarily for Native American students.

1. There are 10 charter schools on Arizona's Salt River Pima-Maricopa, Hopi and Navajo reservations. Gaining charter school status increases per pupil funding from the \$2,800 received from the BIA per year to \$4,000 annually. The additional money comes from the state. Several of these schools have repaired their facilities, hired more staff, and purchased supplies with this additional money and funds raised from private sources. However, in 1996, the Arizona state legislature passed legislation that eliminates funding after June 30, 1998, for charter schools located on reservations. They claim that these schools are double dipping by receiving both state and federal funds. Schools that already have charters will maintain their status. [The Arizona Republic, 5/18/97; The Ethnic Newswatch, 3/31/97, and 11/30/96]
2. The American Indian Charter School opened in East Bay, San Francisco this year. Its goal is to address the needs of Native American children in grades 6-8. [San Francisco Examiner, 2/9/97]
3. The Dakota Open School, a K-12 school attended in 1996-97 by about 50 students from the Lower Sioux Community in Minnesota, is in the process of trying to convince the state to allow its high school to remain open. The state stopped sponsoring the high school in June, due to poor accountability, student achievement and attendance. Southwest State University has agreed to sponsor the school and help with professional development-- currently no charter school in Minnesota is sponsored by a university. This is the first time that the state has considered closing a charter school, although it was the first state to issue charters. [Star Tribune of Minneapolis, 7/19/94; Ed Week, 9/28/94]
4. The Millie Lacs Indian Reservation outside of Minneapolis has created a pseudo-charter

school for 210 students. The difference between this school and normal charters is that its funding comes from federal, not state, sources. The school is similar to a charter because the tribe has re-designed the school, which now focuses heavily on technology and the tribal language and culture. [Rocky Mountain News, 12/1/96]

5. There are also charter schools in Buffalo, NY, and in Detroit that are centered around Native American studies. [Detroit News, 6/13/96]
6. One school in Minnesota and another in Michigan have received charters but have not yet opened. [Detroit News, 3/3/97]

OTHER MODEL PROGRAMS

These are some non-charter school programs that have been successful with Indian students.

1. Denver Public Schools run American Indian Focus Schools within 10 public schools. These programs serve approximately 38% of the district's Indian enrollment and provide peer support, culturally relevant curriculum and academic support services. [Rocky Mountain News, 12/1/96]
2. The Jefferson County (Colorado) School District has created drug and alcohol prevention programs tailored to Indian students. The district also provides one-on-one tutoring and helps Indian students research college scholarships. [Rocky Mountain News, 12/1/96]
3. Indian students enrolled in the Indian Education Program in Aurora, CO, score better on standardized tests than do their peers across the state. The Program provides alcohol and drug prevention, tutoring services and help for families in finding services in the community. [Rocky Mountain News, 12/1/96]

**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

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.

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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August 29, 1997

THE WASHINGTON POST

Soaring Indian Crime Rate Draws Reno Attention

Justice Dept. Seeks Improved Law Enforcement on Reservations

Associated Press

With Indian reservation crime on the rise, U.S. attorneys were ordered yesterday to meet with tribal leaders and propose ways to improve law enforcement.

"Violence and crime in Indian country impose a terrible toll on Native American citizens and interfere with the ability of Indian tribes to achieve meaningful self-governance, as well as peace and stability in their communities," Attorney General Janet Reno said.

One idea being considered is to have the Justice Department take over police functions of the Interior Department's Bureau of Indian Affairs.

The homicide rate on Indian lands has soared by 87 percent in the last five years, even as it has declined nationwide by 22 percent.

President Clinton this week gave the Justice and Interior departments until the end of the year to suggest ways to curb reservation crime.

Many Indian citizens receive police, investigative and detention services that lag far behind even this country's poorest jurisdictions," Clinton said.

Many reservations have little or only part-time police protection. Two police

officers have been killed in separate incidents in the past two years on the Navajo reservation in Arizona.

BIA officials and tribal leaders say money is the biggest need, and that consideration has tribes divided over whether the Justice Department should take over BIA's law enforcement responsibilities.

Backers of the idea say Congress would be more willing to fund a Justice Department-run police force than the BIA, which is frequently accused of mismanaging its programs.

BIA has a \$90 million budget for law enforcement and provides both direct policing as well as funding for tribal-run police departments. The bureau has 75 investigators and 250 uniformed officers to cover 250 reservations.

Justice Department officials "can make much more of a financial commitment and raise the integrity and level of those programs to the kind of quality we're looking for," said Ron Allen, president of the National Congress of American Indians.

But William Kittle, president of the Rosebud Sioux tribe of South Dakota, fears the Justice Department would lose interest in Indian law enforcement

"That's an obligation of the Interior Department," he said.

Interior Secretary Bruce Babbitt, who oversees BIA, would support the shift if that is what a majority of tribes want, said spokeswoman Stephanie Hanna.

Reno is considering a number of options and "no recommendations have been made," said spokeswoman Christine DiBartolo.

Ted Quasala, BIA's law enforcement director, said his agency needs money to hire additional officers. On many reservations, police officers have no backup and often have to go to areas with no telephone or radio service, he said.

"It can't be the feds telling the tribes what's good for them. We need to sit down and listen and come up with some overall plan to meet most everyone's needs," he said.

Another problem is a lack of adequate jails or rehabilitation facilities, especially for juvenile offenders, said John Schneider, the U.S. attorney for North Dakota.

"Arresting these juveniles is not the problem. It's the problem after they've been arrested," he said.

ASPH

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PIANO EXCHANGE!

THE LEVINE SCHOOL OF MUSIC SPECIAL ANNOUNCEMENT

School of Music... through a computer... NEW/USED PIANO

Green
Danners



NATIONAL CONGRESS OF AMERICAN INDIANS

54th Annual Convention Information

When: Sunday, November 16-Friday, November 21, 1997

Where: Sweeney Convention Center
Santa Fe, NM

Hotel: See attached hotel information sheet

Registration: Early Bird Registration Fees (Deadline: August 1)
Member: \$275 Non-Member: \$325 Student: \$150

Pre-Registration Fees: (August 1-October 17)
Member: \$300 Non-Member: \$350 Student: \$175

On-Site Registration Fees: (After October 17)
Member: \$350 Non-Member: \$400 Student: \$200

Membership Fee:

Individual	\$10.00	Indian Couple	\$12.00
Indian Student	\$6.00	Lifetime (one-time fee)	\$100.00
Association (Non-Voting)	\$50.00	Associate (Non-Indian, Non-Voting)	\$25.00

Exhibitors Fee:

Indian Arts & Crafts	\$375	Tribal	\$375
Non-profit organization	\$450	Entrepreneur/Tribal Enterprise	\$500
Corporation	\$900	Federal Agency	\$900

Advertising Fee: Full Page \$650 Half Page \$400 Quarter Page \$300 Business card \$225

Banquet Fees: Luncheons: Youth/Honor \$25.00 (each) Gala Banquet \$50.00

Travel Agents: Native American Travel Service
4130 No. Goldwater Blvd., #114
Scottsdale, AZ 85251

For Reservations Call:
602-945-0771
602-945-0264 (Fax)

More Information:

Teresa Iplina/Lorenda Sanchez	CIMC, (1-800-640-2462)
Tanya Thrasher	NCAI, (202-466-7767)
Governor Joe Garcia, NCAI Area Vice President	(505-852-4400)
Governor Lela Kaskalia, Planning Committee Co-Chair	(505-455-2036)

Sponsorship packages available—Call NCAI for details.



NATIONAL CONGRESS OF AMERICAN INDIANS

54th Annual Convention - Santa Fe, New Mexico Hotel/Lodging Information

Host Hotel

La Fonda
100 East San Francisco St.
*Single/Double: \$82.00

Reservations: 1-800-523-5002
Fax: 505-995-2324

La Fonda, NCAI's host hotel, is surrounded by historic churches, museums, shops, and galleries. It is located on the Plaza, within walking distance of the Convention Center.

Other Hotels & Lodging

Hotel Santa Fe
(Native American-owned)
1501 Paseo de Peralta
*Single/Double: \$69 Suite: \$89 plus

Reservations: 1-800-825-9876
Fax: 505-984-2211

Santa Fe's only Native American owned hotel, in partnership with the Picuris Pueblo. A complimentary guest shuttle is available for travel to meetings/events.

Rates:
*Plus 10.25%
Tax

Hilton of Santa Fe
100 Sandoval Drive
*Single/Double: \$112

Reservations: 1-800- HILTONS
Fax: 505-986-6439

The Hilton of Santa Fe, located near the Plaza, is built within the 200-year-old adobe walls of the original Casa de Ortiz.

The Inn at Loretto
211 Old Santa Fe Trail
*Single/Double: \$86.00

Reservations: 1-800-727-5531
Fax: 505-984-7988

The Inn at Loretto, located at the end of the historic Santa Fe Trail, is within walking distance of many museums, art galleries, shops and restaurants.

Inn of the Governors
234 Don Gaspar Rd.
*Single/Double: \$82.00

Reservations: 1-800-234-4534
Fax: 505-989-9149

The Inn of the Governors, located two blocks from the Plaza, offers a intimate atmosphere. Many guest rooms offer wood-burning kiva fireplaces and all feature Southwestern décor and local artwork.

**When
making
reservations
Ask for
NCAI
Group
Rate**

La Posada de Santa Fe
330 East Palace Ave.
Single: \$82/Double: \$86

Reservations: 1-800-727-5276
Fax: 505-982-6850

La Posada is set on six acres of landscaped gardens several blocks from the Plaza. Rooms are private and many offer wood-burning fireplaces.

Fort Marcy Hotel Suites
20 Artist Road
1 BR Suite: \$86/2BR Suite: \$129

Reservations: 1-800-561-0898
Fax: 505-984-8682

Located four blocks from the Plaza, Fort Marcy Hotel Suites features one and two-bedroom suites in a retreat-like setting. Each suite offers a fireplace, full kitchen, VCRs and cable TV. The two-bedroom suites are ideal for families or groups. Complimentary shuttle service available.



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240



EDUCATION SUBGROUP OF THE WHITE HOUSE DOMESTIC POLICY COUNCIL'S WORKING GROUP ON AMERICAN INDIANS AND ALASKA NATIVES

Transmittal Form

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Roanne Robinson	DOC	202	482-1635
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David Beaulieu	ED	202	260-7779
Bernard Garcia	ED	202	260-7779
Amos Goodfox	ED	202	260-7779
David Bergeron	ED	202	708-9107
Deborah Santiago	ED	202	708-9107
Dennis Berry	ED	202	205-8793
Roberta Lewis	ED	202	205-8793
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Alex Whitetailfeather	DOE	202	586-0293
Dolores Chacon	DOI	202	208-3690
Bob Buechner	DOI	202	208-3690
Michael Anderson	DOI	202	208-5320
Joanne Sebastian Morris	DOI	202	208-3312
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Leo Nolan	HHS	301	443-1522
Phyllis Eddy	HHS	301	481-3192
Robert Carson	HHS	301	594-0767
Irene James	OMB	202	395-6899
Richard Kodl	OMB	202	395-6899
Richard LeMaire	DOD	703	607-0151
Jerry Franck	USAF	202	767-5012
Leanne Shimabukuro	WH-DPC	202	456-5581
Michael Cohen	WH-DPC	202	456-5501
Ted Key	HUD	202	755-0182
Gerry Gipp	NSF	703	306-0456
Tanya Martin	WH	202	456-5581
Mary Smith	WH	202	456-5581
Cynthia Johnson	Nat.Corp.	202	565-2787

From: ED SIMERMEYER *Ed Simermeier* Phone: 202-208-7956 FAX: 202-208-7508
Date: 09-12-97 Please copy as needed and distribute to addressees. Number of Pages: 4

Attached is the FINAL DRAFT of the proposed executive order which has been revised to take the comments from NARF, NIEA, NCAI, NACIE, et al. into consideration. This is the version we will present to the DPC staff and discuss on Tuesday. The supplemental materials that we agreed to develop with NARF et al. will be available on Tuesday for dissemination and discussion. Let me know if you have any questions.

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

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

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.



OFFICE OF THE SECRETARY
Washington, D.C. 20240

EDUCATION SUBGROUP
OF THE WHITE HOUSE DOMESTIC POLICY COUNCIL'S
WORKING GROUP ON AMERICAN INDIANS AND ALASKA NATIVES

Transmittal Form

<i>Name</i>	<i>Agency</i>	<i>Area Code</i>	<i>FAX</i>
Al Barros	USDA	202	720-8819
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Mary Smith	WH	202	456-5581
Julie Mikuda	WH	202	456-5581

From: ED SIMERMEYER

Phone: 202-208-7956

FAX: 202-208-7508

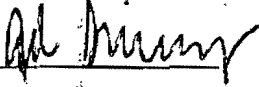
Date:

Please copy as needed and distribute to addressees. Number of Pages:

DATE: 08-28-97

NOTE TO MEMBERS OF THE EDUCATION SUBGROUP OF THE WHITE HOUSE DOMESTIC POLICY COUNCIL'S WORKING GROUP ON AMERICAN INDIANS AND ALASKA NATIVES

RE: Meeting Materials For Wednesday, September 4, 1997, Main Interior Building, Room 4145

FROM: Ed Simermeyer 

An agenda for our next meeting and a copy of the revised draft of the proposed Executive order are attached. This is the latest version which I developed after the subgroup meeting with the tribal representatives on August 13, 1997. The revised draft makes use of a Preamble to make it clear that the focus of the order is stronger student academic achievement, quality education programs, and tribal involvement. By referencing the Red Book to tribal consultation efforts, the Preamble places the importance of the tribal document in proper perspective. I am recommending the Introduction not be included in the body of the order but be redevelopped as part of supplemental materials which accompany the order and which are transmitted as Qs & As, background statements, etc. The strategic plan requirements have been revised and include what we agreed was needed in Section 2 as support for educational improvement and reform. There is also reference in this section to the content of the Red Book which does include specific examples of tribal recommendations and which does address more than process. Fiscal year timelines have been established as due dates for plans and reports in Sections 2-3. In Section 5, an oversight function for tribal representatives, Federal staff, and others has been proposed as a subpart of NACIE based on some of the ideas from our meeting. Engaging NACIE may lead to administrative advantages in meeting the requirements of FACA, as well as keep representatives of NIEA, NARF, NCAI, and others in the process. As agreed at the meeting, a copy of this revised draft has been sent to the NCAI, NARF, NIEA, and NACIE representatives. I have also attached a general schedule with a broad sequence of events that we can probably anticipate in the Executive order process. Should you have any questions or need additional information, please call me on 202-208-7956.

Attachments:

1. Agenda
2. Revised Draft Executive Order
3. General Sequence of Events

EDUCATION SUBGROUP
OF THE WHITE HOUSE DOMESTIC POLICY COUNCIL'S
WORKING GROUP ON AMERICAN INDIANS AND ALASKA NATIVES

AGENDA

THURSDAY, SEPTEMBER 4, 1997

MAIN INTERIOR BUILDING

ROOM 4145

10:00 a.m. Welcome

Michael Anderson,
Deputy Assistant Secretary -
Indian Affairs

Comments On Revised Draft

Representatives from
NCAI, NARF, NIEA, NACIE

Supplemental Materials
Executive Order Process

Ed Simermeyer

11:30 a.m. Wrap-Up

Joanne Sebastian Morris

DRAFT EXECUTIVE ORDER**PREAMBLE**

As we enter the 21st century, I want to focus on academic proficiency for our American Indian and Alaska Native students. Through this Executive order, I am directing Federal agencies and executive departments: (a) to consult with tribal leaders and their representatives to improve, reinvent, and reform our Indian education systems; and, (b) to ensure our Federal policies affecting American Indians and Alaska Natives are consistent in supporting quality education programs, high student achievement, and the utmost tribal collaboration. 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 reaffirming the commitment to a Federal role in Indian education and the responsibility to provide quality education to American Indians and Alaska Natives. I also want to honor my historic April, 1994, consultation with tribal leaders by responding to the recommendations from Indian country which were proposed to my administration this year in the report, "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 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 American Indian and Alaska Native children; (e) preserving and revitalizing Native languages and cultural traditions; (f) maintaining a safe educational environment and acceptable physical facilities; (g) ensuring that 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 Indian children to the high quality educational opportunities afforded other children 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 the purposes of this order. The senior official shall report directly to the agency head.

DRAFT EXECUTIVE ORDER**SECTION 2. FEDERAL STRATEGIC PLAN FOR INDIAN EDUCATION**

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. Each agency shall enter into public, private, and tribal partnerships which support systemic reform and activities at the school, school district, and tribal level. Each agency shall set objectives that target academic improvements for American Indians and Alaska Natives by: (a) addressing the appropriate level of the agency's specific participation in The Call To Action For American Education In the 21st Century and The National Education Goals; (b) establishing linkages with schools and other educational institutions serving these students; (c) identifying areas of intergovernmental cooperation supporting educational activities for these students; and, (d) outlining how educational information and technical assistance will be communicated to American Indian and Alaska Native tribal governments, Native American communities, parents, students, tribal colleges, and Indian educators.

In developing the strategic plan each agency shall give consideration to how American Indians and Alaska Natives participate in and benefit from the utilization of agency resources for education activities and how equity and access to agency resources are ensured. The strategic plan shall advance sound educational theories and the principles of tribal consultation and collaboration. The plans shall be consistent with 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 March, 1997, which include but are not limited to promoting and supporting individual student achievement, tribal divisions of education, clearinghouses, research and evaluation, teacher preparation, parent education, curricula, and other related education issues in quality, governance and tribal control.

Each agency shall submit their 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.

SECTION 3. ANNUAL PERFORMANCE REPORT

Each federal agency shall provide an annual performance report on progress in accomplishing the purposes of this order. Each agency shall report on the outcomes of their activities which support their objectives and on the level of effort applied to Indian education and related programs. The annual reports shall be reviewed by representatives of Indian parents, elected tribal leaders, Indian organizations, Indian educators, and others. Each agency shall submit their Annual Performance Report to the Secretary at the end of each fiscal year beginning in FY 2000.

DRAFT EXECUTIVE ORDER**SECTION 4. ADMINISTRATION**

The Department shall provide such administrative services 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.

SECTION 5. TRIBAL PARTNERSHIPS

There shall be established under the auspices of the National Advisory Council On Indian Education (NACIE) a sub-council of Tribal Partnerships. The role shall be to study the progress made by Federal agencies in accomplishing the purposes of the Executive order and to provide national recommendations annually. The National Advisory Council On Indian Education shall review the work of the sub-council and report the recommendations in their annual report. Membership on the sub-council shall consist of three NACIE members, an equal number of Federal representatives, and at least 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. Other members may be appointed as representatives from tribal governments, Indian organizations, businesses, educational institutions, and non-profit organizations, as well as Indian educators, parents, and citizens from the private and public sectors. The membership shall not exceed 15 members, who shall be appointed to a two-year term, which may be renewed.

DRAFT OF GENERAL SEQUENCE OF EVENTS

September	4:	Education Subgroup reviews revised draft with tribal representatives.
September	10:	Education Subgroup briefs DPC staff on proposed draft.
September		Tribal representatives continue follow-up activities with the White House Office of Inter-Governmental Affairs
September	15:	Draft (with supplemental materials) sent to agencies for initial review prior to October meeting of the Working Group
October		Presentation of the Revised Final Draft of the proposed Executive Order to the Working Group for submission to DPC
October		Final review begins by DPC, OMB, and others

Badst proposals

1/1/1

STW

Michael am
Jan - AIA
Mar -
Dennis

By m4

John

① Intergait Comp

- 90% in public school

- significant mobility among kids

② Enhance ability of kids to get themselves

③ Cultural Uniqueness

④ Mobility → kids move between school and stt school

⑤ Social Issues Major parameter

- songs

- self-identification

- must incorporate culture into presentation

⑥ Language Issues - to include in native language



Oct 29
27

④ School Construction

Parental Involvement
- research of kids

[Even started - ok with part/kt & see W]

Input Rats - Manager
- Acq. +

Data Problems

Still supply gaps

Could see - health from
Crim. metrics

Board Share

State $\leftrightarrow$ Tribal cooperation

BIA G-2K standard - Creation for LA's near
reservations

① - Still / tats / repaty Tex

② - Mobility

③ - Call home / Convince / Mail

④ - ^{Set} Picture of Am. II. Ed

⑤ - Part Ind

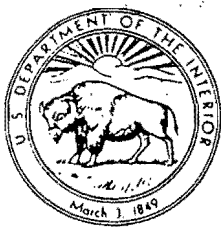
⑥ - In / past / sub
- cal
- tl

⑦ - Governance

What woly

- Intels / much
will cheta

- Studies / R + D



THE SECRETARY OF THE INTERIOR
WASHINGTON

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



LYNN G. CUTLER
DEPUTY ASSISTANT TO THE PRESIDENT
FOR INTERGOVERNMENTAL AFFAIRS

*As we discussed -
this
just
came*

ATTACHMENT 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.

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(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

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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

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

MAJOR FEDERAL INDIAN EDUCATION LAWS

- I *Listing of Laws*

SELECTED FEDERAL REGULATIONS FOR MAJOR FEDERAL INDIAN EDUCATION LAWS

- I *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**

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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.

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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

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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,

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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

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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.

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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.

Rather than create a 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.

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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) held every student to read

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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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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.

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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 assess 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.

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.

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

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.

Sec. 4. Administration. (a) *Compensation.* Members of the Council shall serve without compensation, but shall be allowed travel expenses including per-diem in lieu of subsistence, as authorized by law for persons serving intermittently in government service (5 U.S.C. 5701-5707).

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

(c) *Administrative Support.* The Secretary of DHHS shall provide basic administrative support to the Council. With the consent of the Department of Health and Human Services, other agencies participating in the initiative shall provide administrative support consistent with statutory authority and shall detail agency employees to the extent permitted by law. The Council shall have a core staff and it shall be supported at appropriate levels.

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

APPENDICES

APPENDIX I

Indicators of the Scope of the Problem and Performance Measures

APPENDIX II

Suggestions as to Specific Activities in Five Major Activity Groups

NOTE: The Subgroup on the Initiative for American Indian and Alaska Native Youth has developed appendices which present: 1) data about certain health and socio-economic conditions among Indian country's children and youth; and, 2) information about some of the activities that would evolve out of the Executive order. The data was put together by an inter-agency workgroup which reported to the subgroup; and, the information on potential activities is the result of collaborative efforts of the members of the subgroup. The critical themes are ensuring a safe and healthy home and community and ensuring personal development within the context of developing communities. The appendices are provided to support the need for a Presidential initiative that will focus Federal resources and collaborate with tribal efforts to improve the status of American Indian and Alaska Native children and youth and support tribal communities.

APPENDIX I

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; and
- 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.

Improvement is possible. These and other indicators can be used to measure the success of Federal and tribal efforts under this order. The decrease in certain communicable diseases, which resulted from the provision of sanitation and safe drinking water to homes on reservations, demonstrates the impact an individual federal program can have. Increased seat belt usage on certain reservations is the result of combining state, federal, and tribal resources to target a specific risk factor.

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.

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

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

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

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.
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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

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- Members will serve terms of 2 years and may be reappointed to additional terms on the Council by the President.

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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,

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INDICATORS OF THE SCOPE OF THE PROBLEM AND PERFORMANCE MEASURES

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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.

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

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

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