

GUIDANCE FOR SOUTH DAKOTA TRIBAL EDUCATION CONSULTATION

Background and Introduction

As required by South Dakota Law, SDCL 1-54-5, the state of South Dakota has a policy that requires consultation with tribal governments regarding programs that have an effect on tribal members or the reservation.

The statute states:

1-54-5. Consultation with tribal government regarding state programs. It is the policy of the state to consult with a tribal government regarding the conduct of state government programs which have the potential of affecting tribal members on the reservation. This section may not be construed to confer any substantive rights on any party in any litigation or otherwise.

The nine federally recognized tribes reaffirm their sovereignty and mutual beneficial relationship with the state of South Dakota.

The State of South Dakota (SD), through the SD Department of Education (DOE) and Department of Tribal Relations, will consult with the nine federally recognized tribes in SD to address the education challenges in state public schools that face Native students in South Dakota.

Purpose

This guide is for the purpose of establishing a consultation process between the SD DOE and the nine federally recognized tribes in SD. The guide was created collaboratively among the SD Office of Indian Education, the SD DOE, the Department of Tribal Relations and appointed designees by each of the nine federally recognized tribes in SD.

The SD DOE, with consultation from the SD tribes, will strive to identify innovative strategies that aim to increase student success through promoting educational models that are culturally relevant and create partnerships between SD, the public school sector, the Bureau of Indian Education, tribal schools and tribes.

To date, the SD DOE and tribes have had meetings to gather tribal input and feedback of the state education plan and create a process for consultation. As a result, the following information was gathered to create the consultation process:

Building Capacity for Meaningful Consultation Discussion

Groups were asked to discuss goals, strategies/steps and challenges related to building capacity for meaningful consultation.

Goals for building capacity:

- Goals/desired results:
 - Tribes have access to needed data;
 - Tribal input prior to decisions;
 - Meaningful consideration of recommendations from tribes/TEDS;
 - After consultation, provide tribes written response of outcomes;
 - Consent/agreement prior to moving forward with issues that impact Native children.
- Strategies: Process, people, timeline, issues, priorities, internal organization, communication
- Issues: Tribal buy-in/cooperation, information sharing, time, identify negotiables and re-visit non-negotiables

- Goals/next steps:
 - Collaborate on clear definition of consultation,
 - Consensus-based decision making,
 - Procedure for sharing data & partnership for data-driven decision making,
 - Recognize that Natives are citizens of South Dakota, advocate/be active on a local level.
- Issues: Building knowledge, capacity building, relationship & trust building, time/consistency, communication requirements, role of SD Indian Education Advisory Council, role of SD Indian Education Summit

- Goals/next steps:
 - Create calendar of meeting dates & framework,
 - Determine participants,
 - Together: determine purpose/intention/expected outcomes/timeline.
- Issues: Build trust, owning historical roadblocks to building trust, establish norms for constructive listening/communications, dissolve ethnic stereotyping, inter-tribal conflicts that could impede the process, clarifying/establish defined points of contact

Meaningful tribal consultation, both in process and product, is the foundation that will best support Native Students. It will be helpful when tribes and the SD DOE approach consultation within the context of developing a mutually respectful relationship. A key component in working with tribal representatives and supporting Native youth is trust.

Tribal Consultation

Tribal consultation should be *timely, and meaningful and attended by appropriate officials*. This guide is designed to create a framework for consultancy between tribes and the State of South Dakota. The South Dakota Department of Education is committed to supporting the process to increase opportunities for successful consultation and engagement with stakeholders. This resource is meant to provide guidance necessary to build trusting, reciprocal, and long-lasting relationships with the Native communities in their respective regions.

Where tribal ordinances, resolutions or other guidance exist at the tribal level, the SD DOE will look to those resources to properly engage in consultation.

Timely

Timely means the consultation process, in this case the identification of issues requiring consultation, should begin as early as possible before the date of consultation to ensure it is timely and meaningful. Consultation should be held as early as possible in advance of making significant decisions regarding plans or applications for programs affecting schools with high native populations.

Every year, the Tribal/State Consultation referred to in this guide will be held during the SD Indian Education Summit. Specific dates and times will be determined annually. A full day during the SD Indian Education Summit will be set aside for SD DOE and tribal designees to consult on issues of the success of Native students. Agendas and meeting details will be determined by both sides prior to consultation.

To support timely and meaningful consultation now and in the future, regularly scheduled meetings to ensure initial feedback is incorporated, and tribal leaders continue to have a voice in the ongoing implementation and review process of the plan. Collaboration vs. consultation is of more value when putting emphasis on the inclusion of tribal input and feedback. Given that tribes may receive multiple requests for consultation, tribes and the SD DOE should consider arranging for informational meetings prior to consultation.

Meaningful

Consultation is meaningful when: it occurs at the earliest possible date, prior to the development of a program, initiative, or policy to ensure that tribal views are respected and included in such plans. Tribal consultation is most effective when it is seen and understood as a process for continuous input and discussion.

Meaningful consultation is based on open communication and coordination that acknowledges and considers the views of all participants, and then seeks agreement on how to provide continuing assistance. The process of tribal consultation is equally important as the product. If tribal input is not reflected in how educational programs and services are administered to students, then we have missed a fantastic opportunity to support our Native students.

The following factors have been identified as crucial to successful meaningful consultation:

Respect: both sides. Respect is a virtue of traditional Oceti Sakowin culture.

Knowledge of native communities: understanding the unique history, culture and language of the Oceti Sakowin is crucial to making improvements to current educational systems.

Consensus driven decision making: the best group decisions are made when a consensus can be reached. Consensus decision making is also a well-established cultural aspect of Oceti Sakowin ways of life. Parties should strive to reach consensus in decision making.

Sustaining progress: in order to truly achieve change, efforts to improve education for Native students is an ongoing process. It will take a continuous, collaborative, sustained approach to achieve progress.

The SD DOE will work collaboratively with tribes to develop a common understanding of “meaningful” consultation.

- The State will provide tribes, or those tribal organizations approved by the tribes located in the area served, an opportunity to provide input and feedback to the SD DOE on essential issues to Native students impacting education.
- The State will provide a list of issues or questions in advance of the consultation.
- The State will consult before it makes a final decision on significant and substantive issues related to the content of the essential issues impacting education for Native students.
- The State will provide a summary report of action taken based on the recommendations as a result of the consultation.

Appropriate Officials

The term “appropriate officials” means:

- SD DOE designees
- Tribal officials who are appointed tribal leaders or officials designated in writing by one of the nine SD tribes for the specific consultation purpose.

The SD DOE will annually request designees as appropriate officials for all nine SD tribes and copy that communication to appropriate Tribal Education Directors or designees. South Dakota recommends the appropriate official be the Tribal Education Director so as to ensure the participants have a vast and specific knowledge of Indian Education. It is essential that Tribes choose who represents their voices in the process of consultation.

Consultation Process

- Who: Active participants will include the SD DOE, the SD Department of Tribal Relations and appropriate officials as designated by the tribes.
- When: annually during the SD Indian Education Summit, dates and times to be determined annually
- Notice: 60 days in advance of the meeting for the identification of issues to be addressed and the exchange of necessary documents.
- Notice: will be provided to Tribal Chairs, Tribal Education Directors, Tribal Education Departments and **all** schools located within the nine reservation exterior boundaries.
- Consultation mechanism: a face to face meeting during the annual SD Indian Education Summit in September.

Specific Areas of Consultation

Areas of education consultation will include:

- Changes in Federal and/or State law
- Changes in State Administrative Rules
- Changes in assessment requirements
- Changes in required education standards

Other areas of ongoing collaboration/consultation may include but are not limited to:

- Bullying
- Safe schools
- Attendance
- Healthy life choices
- Culturally relevant curriculums
- Standards
- Native language
- Accurate South Dakota history
- Tribal Governments
- Cultural sensitivity
- Racism
- Historical Trauma
- Suicide
- Teacher recruitment and retention
- Parental involvement
- Student engagement
- Student centered learning
- Appropriate Assessment
- Data Collection and distribution

Required Documentation

Meeting minutes and sign-in documentation will be provided to the tribes. As a result of the meeting the SD DOE will also provide a summary report.

Appendix 1 Tribal Directory for South Dakota

Cheyenne River Sioux Tribe [Great Plains]

Harold C. Frazier (Chairman)

Tel: (605) 964-4155

Fax: (605) 964-4151

Recognition Status: Federal

PO Box 590

Eagle Butte, SD57625-0590

Website: <http://www.sioux.org>

Crow Creek Sioux Tribe [Great Plains]

Lester Thompson, Jr (Chairman)

Tel: (605)

Fax: (605) 245-2789

Recognition Status: Federal

PO Box 50

Fort Thompson, SD57339-0050

Website: <http://sdtribalrelations.com>

Flandreau Santee Sioux Tribe [Great Plains]

Anthony Reider (President)

Tel: (605) 997-3891

Fax: (605) 997-3878

Recognition Status: Federal

PO Box 283

Flandreau, SD57028-0283

Website: <http://www.santeesioux.com>

Lower Brule Sioux Tribe [Great Plains]

Boyd Gourneau (Chairman)

Tel: (605) 473-5561

Fax: (605) 473-5606

Recognition Status: Federal

187 Oyate Circle

Lower Brule, SD57548-0187

Website:

Oglala Sioux Tribe [Great Plains]

Troy Scott Weston (President)

Tel: (605) 867-5821

Fax: (605) 867-6076

Recognition Status: Federal

PO Box 2070

Pine Ridge, SD57770-2070

Website: <http://oglalalakotanation.info/index.html>

Rosebud Sioux Tribe [Great Plains]

William Kindle (President)

Tel: (605) 747-2381

Fax: (605) 747-2243

Recognition Status: Federal

PO Box 430

Rosebud, SD57570-0430

Website: <http://www.rosebudsiouxtribe-nsn.gov>

Sisseton-Wahpeton Oyate of the Lake Traverse Reservation [Great Plains]

Dave Flute (Chairman)

Tel: (605) 698-3911

Fax: (605) 698-7907

Recognition Status: Federal

PO Box 509

Agency Village, SD57262-0509

Website: <http://www.swo-nsn.gov>

Standing Rock Sioux Tribe [Great Plains]

Mike Faith (Chairman)

Tel: (701) 854-8500

Fax: (701) 854-8595

Recognition Status: Federal

PO Box D

Fort Yates, ND58538-0522

Website: <http://www.standingrock.org>

Yankton Sioux Tribe [Great Plains]

Robert Flying Hawk (Chairman)

Tel: (605) 384-3641 or (605) 384-3804

Fax: (605) 384-5687

Recognition Status: Federal

PO Box 1153

Wagner, SD57380-1153

Website:

Appendix 2

Tribal Education Directors (TEDs)

As of January 2018

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Emma Jean Blue Earth

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Dr. Sherry Johnson

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