

American Indian Youth Transition in Oregon: A Strategic Planning Concept Paper

Judy Wiley

Director, the National Indian Parent Information Center

Overview

Educators and community members generally agree that most students enrolled in our nation's public high schools are not performing at a level that would prepare them for challenges of the 21st century. This is particularly the case for linguistically and culturally diverse students such as American Indians (AI), as is evident in our recent evaluation data from focus groups held with tribal groups from 4 different reservations in Oregon.

Data from randomly selected samples of AI parents and tribal educators who participated in our focus groups shows unresolved issues relating to school personnel's lack of understanding of AI culture; AI families and professionals ability to problem solve; and a need for culturally appropriate materials for AI families and tribal members. The need for a program which will address the on-going issues in AI communities continues to grow. AI families, due in part to their geographical isolation, continue to be left behind in the implementation of IDEA and No Child Left Behind.

This concept paper will address the limited understanding that tribal communities, AI parents and AI youth with disabilities in Oregon have of planning and implementing education and interagency activities that comprise a successful education experience and lead to smooth transition into employment or post-secondary education. Recommendations for improvements are also contained in this paper.

Due to an overall historical mistrust of the education process community and family involvement in education continues to be lowest for AI youth, especially those in special education. Studies show that AI student outcomes improve when there is involvement at the tribal and community level in the educational process (American Indian and Alaska Native Mental Health Research, the Journal of the National Center, 2004)

The wealth of research supporting the positive impact of family and community engagement on student achievement holds true for American Indian/Alaska Natives (AI/AN) families, communities, and students. The positive outcomes of improved

motivation, attendance, graduation rates, and achievement are all outcomes observed in AI/AN students when their families and communities are involved. Despite having special education laws and regulations in place since 1975, the majority of these efforts have not led to substantial changes in practices or outcomes in schools serving AI/AN students (*United States Commission on Civil Rights, 2003*).

Because of the complex array of federal and state laws surrounding special education there is confusion as to who holds primary responsibilities for insuring federally mandated protections for AI students with disabilities in tribal communities. The majority (90%) of AI/AN children are educated through public school systems in each state, with the other 10% educated in tribally operated schools or federal schools run by the Bureau of Indian Education (BIE). As a result, a variety of entities may have some level of responsibility for AI/AN children with disabilities in our schools (*Pavel, 1995*).

Parents of AI children with disabilities are often not aware of the services and support their children are entitled to receive and may not know how to advocate for their children effectively (*NCD, 2003*). At the 2008 National Indian Education Conference held in Seattle, Washington, Native American educators from around the United States identified in their platform the need for Indian communities to intervene more actively to improve the educational outcomes of AI/AN students. They further stated that it is crucial for parents/families to play a stronger role in the decision-making process in their child's education in order to address the crisis facing AI student's educational outcomes. The focus of the BIE National Special Education Academy was "Parents as Partners – Formula for Success". Studies have shown that family involvement is the greatest indicator of success in school for all students, when families are involved in the decision-making process (*Howard et al., 2001*). However, many schools based on or near Native American reservations report low parent participation in the Individual Education Program (IEP) meetings (*BIE, 2006*). The National Indian Education community clearly recognizes the need to involve parents in the education of their students in order for American Indian children to succeed academically.

The recommendation of the National Congress of American Indians (1997) includes the importance of the role of parents and tribal government, and the preservation of tribal languages and cultures. Despite the mandates of Treaty Rights, special education laws, and anti-discrimination laws pertaining to individuals with disabilities, equity in education

for AI/AN peoples is dismal (*Charleston, 1997; Deyhle & Swisher, 1997; U.S. Department of Education, 2001; United States Commission on Civil rights, 2003*).

History of Native American in Oregon

American Indian Tribes represent unique legal entities in the United States and are distinct political communities with extensive powers of self-government. Oregon Tribes are separate sovereigns with powers to protect the health, safety and welfare of their members and to govern their lands. This tribal sovereignty predates the existence of the U.S. government and the State of Oregon.

The State continues to realize there is much to be gained for all of Oregon's citizens by acknowledging and supporting tribal sovereignty. Oregon's Indian population is small; approximately 1.6 % of the population; but the legal status of tribal governments as sovereigns (with rights and responsibilities for critical natural, cultural, economic and social resources within the State's borders) makes on-going State agency-Tribal dialogue a necessity. In 2001 Oregon Legislative Assembly passed Senate Bill 770 (SB770) putting the State-Tribal Government-to-Government Relations into Law.

Since 1924 all Oregon Indians are also citizens of the U.S. Just like other residents, tribal members residing in this state are also Oregon citizens. Oregon's Indian population according to the 2000 census is 45,211. Based on continuing growth patterns that number was estimated to be 50,000 as of December 1, 2009. Close to 50% of those are members of Oregon Tribes; the others are members of Tribes in other states, members of non-recognized Tribes, or those who self-identify as "Indian" for the census. Oregon's Indian population is about 1.6% of the total Oregon population. There are Indians in all 36 Oregon counties.

Treaties, federal statutes and executive agreements over the past 200 years have established a special trust relationship between tribes and the federal government. The federal Bureau of Indian Affairs, located in the Department of Interior, is the primary agency with responsibility to protect tribal interests and administer trust obligations. At times the federal government has been very supportive of tribal self-determination and at other times has adopted policies and passed legislation that has a negative impact on the ability of Tribes to govern as viable sovereigns.

One such policy in the 1950s was called “Termination” which essentially tried to sever federal trusteeship and support for tribal sovereignty. Of the 109 tribes and bands terminated nationwide, 62 were native to Oregon. Over the past few decades, things have changed dramatically. In 1975, the federal government recognized the failure of its Termination policy and passed The Indian Self Determination and Education Assistance Act. This act provides opportunity for Tribes to contract with federal agencies in order to provide services that were previously operated by the federal government. Shortly after passage of this Act several Tribes which had been terminated in the 1950s mounted efforts to reestablish or restore the trust relationship and rebuild their sovereign nations using the Indian Self Determination and Education Assistance Act as well as other authority available to “federally recognized Tribes.”

The Confederated Tribes of Siletz was the second Tribe in the nation to achieve restoration in 1977, followed by the Cow Creek Band of Umpqua Indians in 1982, the Confederated Tribes of Grand Ronde in 1983, the Confederated Tribes of Coos, Lower Umpqua & Siuslaw in 1984, the Klamath Tribes in 1986 and the Coquille in 1989.

In addition to these six Tribes, there are three other federally recognized Tribes in Oregon: Confederated Tribes of Warm Springs (Treaty of 1855), Confederated Tribes of Umatilla (Treaty of 1855) and the Burns Paiute Tribe (established by Executive Order in 1972); for a total of nine.

Please note there are two other entities within Oregon with federal recognition. Ft. McDermitt is a federally-recognized Tribe with reservation lands that straddle Oregon and Nevada. However, the Tribe’s population center is in Nevada. Celilo Village is a small federally-recognized Indian Community located on the Columbia River near The Dalles.

The nine federally recognized Oregon tribes:

- Burns Paiute Tribe, Burns
- Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians
- Confederated Tribes of Grand Ronde
- Confederated Tribes of Siletz
- Confederated Tribes of Warm Springs
- Confederated Tribes of Umatilla Indian Reservation
- Cow Creek Band of the Umpqua Indians

- Klamath Tribe
- Coquille Tribe

State of the State

Presently Oregon has 197 public school districts, which operate a total of 1,306 public schools. These schools enroll a total of 566,067 students from kindergarten through grade 12. Special education students made up 13 percent of the total in 2007–2008 student population (national average: 12.8 percent).

Oregon AI students attend public, and charter schools housed on or near Indian reservations. Oversight of public schools on Indian reservations is the responsibility of the Oregon Department of Education (ODE). Public schools housed on reservation land present special challenges from typical public schools. Most schools on reservations are often isolated at great distances from major urban areas. Isolation can mean difficulty in recruiting and hiring qualified teachers, counselors and other professional staff. It is difficult for schools to provide staff development activities or degree programs when universities and resources are costly and logistically difficult to arrange.

Public schools on reservations must understand the impact of federal legislation on all aspects of public education. It is especially important that the school administrators understand the various federal policies, legislation and programs that provide funding to AI students. They must also know tribal educational policy and practice and how it influences public school education. Schools must blend federal governmental and tribal expectations with state requirements.

According to the state Department of Education (DOE) there are 2,200 American Indian school age students with disabilities approximately (less than 6 students have been omitted from the disability category count due to confidentiality). (*Data gathered from the 2008 Special Education Child Count (SECC)*).

DOE disability categories are:

159: Autism spectrum disorder

508: Communication disorder

169: Emotional disorder

17: Hearing Impairment

134: Mental retardation

290: Other Health Impairment

15: Orthopedic Impairment

897: Specific Learning Disability

9: Traumatic Brain Injury

11: Vision impairment

Specific Focus of Concept Paper

Before we can successfully transition AI Students into post secondary employment and education, we must address a number of significant barriers:

First, the lack of understanding of AI parent's, AI youth and tribal communities in developing transition programs; a crucial aspect to the success of students receiving special education and related services. Congress in IDEA 2004 (Section 1400(d)), stated: "The purpose of this title is to ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living." When Congress added "further education" to the Purposes of IDEA 2004, they established a new outcome for special education.

The national graduation rate for AI high school students was 49.3 percent in the 2003 – 2004 school years, compared to 76.2 percent for White students (*EPE Research Center 2007*). The National Assessment of Educational Progress (NAEP) reports that 83 percent of AI/AN eighth graders read below grade level, compared to 61 percent of white eighth graders (*U.S. Department of Education National Center for Education Statistics 2005a*). NAEP also reports that 74 percent of AI/AN twelfth graders read below grade level, compared to 57 percent of White twelfth graders (*U.S. Department of Education,*

National Center for Education Statistics 2007). In the last decade only 66% of AI students graduated from high school. Part of the lags in attainment and academic performance are that AI/AN students suffer from significantly higher rates of poverty, unemployment, suicide, early school leaving and serious health risks (*A Report on the Status of AI/AN in Education, 2005*).

Young adults who do not finish high school are more likely to be unemployed and earn less when they are employed than those who complete high school (*U.S. Department of Labor 2008*). When working with AI/AN families and students it is important to remember the learning styles of AI people, where learning is achieved by watching a skill, practicing it and then teaching it to others (*Tharp, Dalton, & Yamauchi, 1994*). Following AI traditions, learning for AI/AN families and students is best done in small groups.

Approaching transition services for AI youth with disabilities on reservations must address the realities of reservation life. All of the reservations in Oregon are geographically isolated, with no or limited access to public transportation, high unemployment and limited access to agencies and services. When presenting trainings on tribal land it is imperative that these considerations are addressed in the training curriculums.

The second barrier that must be addressed is professionals' lack of understanding of Native American culture. Professionals (i.e. teachers, principals and service providers) having knowledge of the laws governing special education and of relationship-building practices is critical for team decision making that are family centered (*Friend & Bursick, 2002*). Research concludes that the framework for family strengthening in tribal communities must be built around AI self-determination at both the personal and community level. AI families have reported being most satisfied with services that are family centered and culturally appropriate. AI parents also state that trust is an important element in their utilization of services (*Aakus & Hoover, 1998*). Tentative relationships can be strengthened or destroyed depending upon the respectfulness of the communication exchange (*Swisher & Tippeconnic, 1999*). Building partnerships and trust is difficult because the majority of teachers who serve AI students, including special education teachers are non-Native. There is very little training available for non-Native teachers about working with AI students in special education and their families. It is recognized that to be effective partners with AI families, educators need to understand AI

people's cultural characteristics and conversation patterns (*Jones et al., 1997; Nelson et al., 1992*).

A proven documented method for serving the Native America population is outreach efforts which include trainings provided on reservation lands with approval and support of tribal leaders and presented by Native American trainers. For services to be successful to the Native American population they must be provided by Native Americans themselves.

Therefore, all training and information provided to AI parents needs to be provided at the tribal level and needs to be responsive to the cultural identities of the federally recognized tribes. It must also incorporate the cultural backgrounds of Native Americans living in urban areas.

“The key role played by Native control lies in the linkages between culture and effective governmental and social institutions, policies and programs. The cultural distinctiveness of Native American communities, coupled with the paths of their histories, bring matters of culture and spirituality to the forefront. This is not simply a matter of a need for “cultural sensitivity.” Rather, for policies and programs to work effectively, they must be legitimate in the eye of the Native Community” (*The Harvard project; American Indian Economic Development, 2004*).

To be effective, programs need to match Native community's individual cultures. Programs also must incorporate and honor tribal sovereignty, the unique government-to-government relationship that individual federally recognized tribes have with the U.S. government.

Desired Outcomes

- AI youth with disabilities, parents and tribal communities will know of options, resources and supports for employment or post secondary education.
- AI young adults will be more involved in the individualized futures planning of their transition plans
- AI youth with disabilities and AI parents will be referred to support services and know how to access them (e.g.: mental and physical health services; transportation; tutoring, post-program supports; assistive technologies; financial

resources; independent living centers; community based support service agencies; personal assistance services including readers and interpreters; and benefits-planning supports and services).

- All parents will learn of resources and support services to build advocacy skills so that they might assist their tribal community in obtaining improved transition outcomes for young adults with disabilities.
- Three confederated tribes in Oregon, the National Indian Parent Information Center (NIPIC) and the Oregon Parent Training and Information Center (OrPTI) Indian Outreach project will review information gathered from trainings on employment options for native youth for future targeted outreach to Native American communities.
- Professional staff will have a better cultural awareness of the Native American culture.

Proposed Strategic Actions

1. Work with NIPIC, Oregon Office of Vocational Rehabilitation's Competitive Employment project, and OrPTI to develop on-going relationships with three federally recognized tribes in Oregon.

Timeline: January 2010

2. Work with Tribal communities to provide awareness with written materials of employment, post secondary options available outside of the reservation.

Timeline: February 2010

3. Development of culturally appropriate materials for trainings on transition services on American Indian reservations, for Native American parents and youth with disabilities

Timeline: January 2010

4. Review training curriculum materials with three tribal leaders and Native American Advisory group for approval

Timeline: February 2010

5. Develop interagency agreements with three tribes in the state of Oregon to provide access to Native youth with disabilities and training locations for workshops.

Timeline: January – February 2010

6. Provide trainings on three federally funded reservations in Oregon, using culturally appropriate materials that will address youth transition services and options.

Timeline: Spring 2010.

7. Provide summary of outcome based evaluations on training outcomes, materials, and training presentation.

Timeline: Summer 2010

Partners: Tribal Councils, Tribal Education Committee, American Indian Vocational Rehabilitation service program, and the Johnson O'Malley programs.

Policy Implications and Considerations

In the current weak economy, seeking the most efficient provider of governmental services, avoiding duplication of services and supporting efforts to create jobs (particularly in rural areas) is a priority for both the State and Tribes. The ability to provide infrastructure improvements, educational and social services and natural and cultural resources management may be augmented in several of the state's most highly distressed areas because of the Tribes' ability to leverage federal dollars due to the federal trust responsibility or income generated from growing tribal enterprises.

The Oregon Legislative Commission on Indian Services state that in order to work with the tribes in Oregon agencies should follow these considerations:

- Respect and act in a way that demonstrates your understanding that each Oregon Tribe is a distinct sovereignty. If it's a government-to-government matter, make sure you are dealing with an authorized Tribal representative for that issue.

- If launching a new policy, program or initiative, consider if a courtesy visit to Tribal Council is appropriate (check if the Council would like periodic status briefing, or up-dates)
- Understand that a state-tribal relation is a relationship that needs to be build and maintained.
- Expect things may take a little longer; be flexible
- Things change; keep in touch; keep up to date (elections; subscribe to tribal newspapers, make periodic visits by phone or to reservations)

While Tribal communities represent unique legal entities in the United States and are distinct political communities with extensive powers of self-government. Oregon tribes are separate sovereigns with powers to protect the health, safety and welfare of their members. Services must work within the political structure of the Tribal government to impact services and outcomes in tribal communities. It must be done from the inside of the tribal community to insure outcomes and goals are met within the tribe. Types of outreach need to include services within the existing tribal structure including Indian Heath Services (IHS), Indian Education Councils, and Indian Vocational Rehabilitation services.

In addition, an advisory group needs to be developed for ongoing discussions with NIPIC, DOE, OrPTI Indian outreach program, and tribal community agencies; to collaborate on methods to increase and improve parent and youth Involvement; and to address on-going issues and solutions.

One-Year Prioritized Proposed Strategic Actions

Priority Area One: Training Opportunities

1. Develop AI Advisory group to:
 - Assist with outreach efforts to American Indian youth;
 - Oversee training materials and outreach efforts to ensure culturally relevance;
 - Review and design evaluation materials; and
 - Assist with accessing needs of the community for future trainings on tribal lands.

Timeline: January 2010

Partners: Native American parents who have young adults with disabilities, tribal members, tribal leaders in education.

2. Develop cooperative agreements with three tribes in Oregon to gain access and support for trainings on tribal lands.

Timeline: January – February 2010

Partners: NIPIC, tribal leaders from three tribes in Oregon, OrPTI Indian Outreach program, OVRs/Employment project.

Proposed partners: Oregon Department of Education (ODE) Local School Districts.

3. Work in collaboration with NIPIC, OrPTI Indian outreach program and OVRs/Competitive Employment project to provide culturally appropriate trainings on transition services on post secondary transition to employment and college.

Timeline: February 2010

Partners: NIPIC, OrPTI Indian Outreach, American Indian Advisory group and OVRs.

4. Identify Native American training locations, dates and times.

Timeline: February – March 2010

Partners: Tribal leaders from three of Oregon's Indian reservations, OrPTI Indian outreach program, and OVRs.

5. Hold focus groups from the three Indian reservations training sites to determine future needs of the tribal community.

Timeline: Summer 2010

Partners: Tribal community members, including parents, youth with disabilities, education staff and tribal leaders.

6. Provide summary of outcome based evaluations from the three trainings and summary of needs assessment based on outcomes of focus groups to determine future training needs.

Timeline: December 2010

Partners: NIPIC, OrPTI Indian outreach program, NA advisory group, ODE and OVRs.