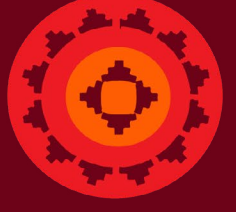


# The Way Forward

REPORT OF THE ALYCE SPOTTED BEAR & WALTER SOBOLEFF  
COMMISSION ON NATIVE CHILDREN



To the President and Congress of the United States  
FEBRUARY 2024



Alyce Spotted Bear and Walter Soboleff  
Commission on Native Children

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# Transmittal Letter to the President and Congress



## Alyce Spotted Bear and Walter Soboleff Commission on Native Children



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February 20, 2024

To: The President of the United States, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate:

Pursuant to the Alyce Spotted Bear and Walter Soboleff Commission on Native Children authorizing legislation (Public Law 114-244, October 14, 2016, as amended), we are pleased to transmit the official and final Report of the Commission on Native Children. This Report completes Congress' charge to the Commission, and we were honored to be Congress' stewards in listening to Native communities across the country describe their vision of what will support communities, children, and youth into the future. Based on the Commission's hearings, research and study, the Report includes the Commission's recommendations for Federal legislative actions and for administrative policies and practices that will improve the education, child welfare, health and justice outcomes for Alaska Native, American Indian, and Native Hawaiian children and youth. These recommendations are not based on the opinions of individual Commissioners but are offered by the Commission as a whole as the only and exclusive Commission Report; no other report is endorsed by the Commission.

The Commission on Native Children was directed to conduct a comprehensive study of the programs, grants, and supports available for Native children (including American Indian, Alaska Native, and Native Hawaiian children, from birth through age 24) and make recommendations about how this overall system could be improved to help Native children thrive. Building on Native values and Native strengths, the Commission offers this report with deep respect for the culture and traditions of Native people, acknowledging that Tribes and Tribal organizations have created successful approaches that can and should be scaled and supported to fulfill their potential. While much of the material in this report is already available elsewhere, the report not only gathers such material together but does so using an expansive approach, to bring into view the connections and crossover issues and solutions among the various disciplines that address endemic and historic issues facing Native children and youth. The Commission is confident that the recommendations presented here will achieve the goals of the legislation and, if implemented, will provide the strategies to transform outcomes for Native children and youth, the hope for our future.

Respectfully submitted,

Gloria O'Neill  
Chair

Tami DeCoteau  
Co-Chair



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**The Way Forward:**

**Report of the Alyce Spotted Bear & Walter Soboleff  
Commission on Native Children**

# Acknowledgments



The Commission on Native Children would like to thank the many individuals and organizations that made its work possible. First and foremost, the Commission thanks Senators Lisa Murkowski (R, Alaska) and Heidi Heitkamp (D, North Dakota), who worked tirelessly to ensure that the Commission was created, established as an independent body, and funded appropriately. Senator Murkowski also provided critical support for an extension of the Commission’s work after the COVID-19 pandemic significantly slowed its progress.

The Commission thanks the many Tribal leaders, culture bearers, community members, service providers, program staff, expert and lay witnesses, content matter experts, Native and non-Native scholars, and others who shared their ideas, passion, and commitment to Native children and youth and made the Commission’s hearings, site visits, and discussions so fruitful. The broad range of perspectives and experiences presented to the Commission was impressive and greatly enriched its work.

The Commission expresses its gratitude to the Native Advisory Committee, which helped guide its work—Abby Abinanti (Yurok Tribe), Leolani Ah Quin (Native Hawaiian and Tongan), Monte Fox (Mandan, Hidatsa, and Arikara Nation), Lynette Jordan (Confederated Tribes of the Colville Reservation and Leech Lake Band of Ojibwe), Sheena Kanott Lambert (Eastern Band of Cherokee Indians), Delia L. Ulima (Native Hawaiian), Donald Warne (Oglala Lakota Nation), Wendall Waukau (Menominee Indian Tribe), Julie Smith-Yliniemi (White Earth Nation descendant), and Marilyn Zimmerman (Fort Peck Assiniboine and Sioux Tribes)—and recognizes the additional gifts of time contributed by those Native Advisory Committee members who participated in the Commission’s working groups.

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The Commission offers special thanks to Miriam Jorgensen (Native Nations Institute) and Lisa Rieger (Cook Inlet Tribal Council) for their facilitation, research, and drafting support of the Commission’s study and recommendations.

# Honor and Dedication



**This report is dedicated to Native children and youth,  
to their families, and to their communities.**

Throughout the last century, a succession of U.S. government reports has documented the conditions and circumstances in which Native children and youth live, and the adverse outcomes that these conditions and circumstances can produce. Native communities have pushed back on that deficit focus, encouraging the Federal government, state governments, and other partners to look instead at the successes that Native children, youth, and families have realized—and to invest in programs and policies proven to generate wellbeing. This report is offered in that spirit. The Commissioners celebrate and honor Native children and youth and look forward to a future in which they all thrive.






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**“ We are still trying to find that fire inside of us, we are building a new world where we can celebrate who we are and not be afraid. No matter what has happened in the past we are the kind of people who have overcome...”**



**ALYSSA JAMES**  
***Chickasaw Nation***

Southern Plains and Eastern Oklahoma Regional Hearing,  
Commission on Native Children

# Executive Summary



Congress established the Alyce Spotted Bear and Walter Soboleff Commission on Native Children (Commission), named for two passionate advocates for Native children and youth, in 2016. It charged the Commission with conducting a comprehensive study of the programs, grants, and supports available to American Indians, Alaska Natives, and Native Hawaiians from birth through age 24 and with making recommendations about how this overall system could be strengthened, improved, and where needed, transformed to better help Native children and youth thrive.

The 11-member Commission included experts in education, juvenile justice, child welfare, social services, and mental and physical health. It received additional guidance from a geographically and culturally diverse Native Advisory Committee. It conducted ten regional public hearings throughout the United States to hear directly from Native communities; 25 virtual hearings on specific topics to gain targeted information in areas of particular interest; and 26 site visits to urban, rural, and reservation-based programs serving Native children and youth, designed to examine what is working at ground level and learn from existing efforts.

The Commission based its process in Native values. It agreed on norms to structure its work and restated them at each meeting and hearing. These practices included opening every meeting with prayer and opening every hearing with ceremony appropriate to the community in which the hearing was held. The Commission's commitment to open, constructive dialogue and to hearing diverse viewpoints ensured that meetings and hearings were conducted in a spirit of mutual respect and with a focus on identifying opportunities for meaningful change.

In examining the unique challenges that Native children and youth face and the range of currently available programs designed to address those challenges, the Commission focused not only on improving the current system but also on highlighting and leveraging the strengths of Native communities. This dual focus produced two primary goals:

- To develop sustainable systems that can deliver effective wraparound services to children, youth, and their families
- To amplify the unique factors offered by Native cultures that promote resilience among Native children and youth

This report constitutes the Commission's recommendations on how to achieve these outcomes.

## KEY THEMES

Five key themes were apparent in the Commission’s research and are reflected in its recommendations:

**Cultural engagement and language learning are critical components of healing and resilience for Native children and youth.**

Examples from Alaska to Florida and from the Navajo Nation to the Penobscot Nation provided evidence of the powerful effects of revitalized culture and language on Native children and youth, supporting positive identity formation and standing as protective factors against other risks.

**Community control and community-level decisionmaking yield the best results for Native children and youth and for their families and communities.**

Putting communities in the driver’s seat in determining how best to address the needs of their children and youth and in controlling the funding to do so recognizes and affirms the principles of Tribal sovereignty and self-determination (as described in the Indian Self-Determination and Education Assistance Act and other Federal statutes). It also allows Tribes and Tribal organizations to put their own cultures, knowledges, and experience to work in the process of addressing those needs. Additionally, it responds to a growing body of research in support of devolution: the idea that levels of government closest to the people are best at making local decisions about how to serve them.

**Flexible funding approaches support innovation and responsiveness.**

Flexible funding across programs, agencies, and departments not only supports self-governance and self-determination but allows Native communities to integrate complementary programs, respond more quickly to urgent or changing circumstances, create wraparound services, and provide more holistic responses to the needs of children and youth.

**Trauma—the emotional response to a terrible event or circumstances—is a root cause of many of the issues with which Native children, youth, and families wrestle today.**

Personal, intergenerational, and historical trauma give rise to layered and cyclical effects in Native families; adverse childhood experiences are both a cause and an effect of such trauma. By contrast, benevolent childhood experiences are an important counterbalance and healing force in the lives of Native children and youth throughout the lifecourse. Appropriate Federal, state, local, and Tribal policy can support benevolent experiences and lay practical groundwork for them.

**Native community leaders, service delivery practitioners, and other experts generally have a broad understanding of who qualifies as a “Native” child.**

Participants in Commission hearings and site visits emphasized diverse criteria—descendancy, state recognition, multiracial heritage, among others—suggesting that Native children and youth would be best served by the broadest definition possible concerning “who counts” to receive programs and services under Federal law.

## RECOMMENDATIONS

### Child Welfare

With regard to Child Welfare, the Commission received evidence about the importance of resource equity with states (and how increased funding can strengthen Tribes' and Tribal organizations' capacities to address child welfare issues), and about the importance of Federal measures to ensure state compliance with the Indian Child Welfare Act.

- 1 **Enhance the capacity of Tribal social services and Tribal courts**
- 2 **Ensure compliance with the Indian Child Welfare Act**
- 3 **Strengthen advocacy for Native children and youth in child welfare cases**
- 4 **Follow local community standards for Native foster and kinship placements**
- 5 **Promote family dependency treatment courts**

### Justice

With regard to Juvenile Justice, the Commission received evidence about the importance of Tribes' and Tribal organizations' freedom to flexibly implement their own juvenile justice systems and to track their children and youth who are in other justice systems. Testimony focused on the value in both settings of preventive measures and treatment as opposed to detention in addressing the behavior of Native children and youth.

- 6 **Redesign Federal programming and funding for Tribal juvenile justice to maximize trauma-informed, community-based care**
- 7 **Keep track of Native youth in Federal, state, and local juvenile justice systems**

### Education

With regard to Education (including early childhood development, K-12, and postsecondary/vocational opportunities), the Commission received evidence about the importance of tailored education for Native students from early childhood through higher education and about the critical role that Native cultures and languages can play in supporting Native student success.

- 8 **Expand access to the Maternal, Infant, and Early Childhood Home Visiting Program**
- 9 **Support Native culture and language learners in early childhood programs and K-12 schools**
- 10 **Expand primary and secondary education to include Native Peoples' histories and cultures**
- 11 **Ensure Native students' access to educational services through appropriate enumeration of Native children and youth**
- 12 **Ensure state government accountability for funding for Native students**
- 13 **Strengthen school, family, and community partnerships**
- 14 **Expand afterschool programming for Native children and youth**
- 15 **Expand opportunities in higher education for Native students**
- 16 **Expand loan forgiveness for Native students**

## **Physical, Mental, and Behavioral Health**

With regard to Physical, Mental, and Behavioral Health, the Commission received evidence about the importance of healthy lifestyles, nutrition, and behavioral health throughout the lifecourse.

- 17 Provide comprehensive prenatal health education and related services to Native mothers and families**
- 18 Develop multigenerational nutrition programs for Native children, youth, and families**
- 19 Expand health-related services where Native children and youth are present**
- 20 Improve Native student access to education and services that address the linkages among trauma exposure, suicide, and substance misuse**
- 21 Establish and enhance disability services for Native children and youth and reduce barriers to access**
- 22 Fund Native sexual health organizations and sexual health programs**
- 23 Require environmental impact health assessments to reduce risks to Native children and youth**
- 24 Fund short-term investments to support Native entities' capacities to bill for health care services**

## **Cross-Systems Issues**

With regard to Cross-Systems Issues, the Commission received evidence about the importance of multidisciplinary flexibility in program and funding streams, of more and more highly qualified professional Native and non-Native staff across all sectors, of more consistent funding through set-asides and noncompetitive grant processes, and of incentivizing programs that deliver success.

- 25 Create and expand mechanisms that allow Native entities to integrate and/or consolidate funding streams to support more multidisciplinary programs for Native children and youth**
- 26 Create more Tribal set-asides, to be distributed as noncompetitive formula funds**
- 27 Create incentives to expand and strengthen the workforce serving Native children and youth**
- 28 Incentivize positive progress against indicators of social distress in Native communities**

## **Research and Data**


With regard to Research and Data, the Commission received evidence about the importance of collaborative research in Native communities that accurately enumerates and addresses Native children and youth, recognizes issues of data sovereignty in Native communities, and is directly responsive to Native aspirations for their children and youth.

- 29 Create a Federal Office of American Indian, Alaska Native, and Native Hawaiian Data, Evaluation, and Research**

In this report, the Commission has identified both concepts to follow and concrete steps to take toward greater resilience and success for Native children and youth. A throughline running across all domains in the Commission's charge, made evident in expert and public testimony and in relevant scholarly work, is that *transformative outcomes for Native children and youth are possible*. This conclusion rests not only on rich learning from American Indian and Alaska Native communities but also on wisdom from the Native Hawaiian community, which faces several distinctive challenges but for whom the point clearly resonates.

The Commission notes that few of its recommendations are truly new. Much has been known—and for quite some time—about how to improve the wellbeing of Native children and youth. A tendency toward top-down decisionmaking, inadequate funding, and a limited understanding (or lack of appreciation) of the cultural factors that can enhance wellbeing have combined to forestall the implementation of strategies and approaches that would turn the wheel. Thus, the overarching request in the Commission's report to the President and Congress is to fulfill the Federal trust responsibility as articulated in treaties, statutes, and policies—a responsibility that in the modern era includes providing an appropriate level of Federal support for self-determination and self-governance so that Tribes, Tribal organizations, and other Native entities can implement and manage programs and services in their communities. Doing so will chart a bold, new path toward intergenerational wellbeing.

This report was written with a variety of users in mind. Those who wish to gain a general understanding of the Commission on Native Children's conclusions and recommendations may wish to read only the ***Executive Summary***. Those who want to know what, specifically, the Commission recommends and gain a more detailed understanding of the recommendations should read the ***Introduction*** and the body of the report, entitled ***Recommendations of the Commission***. Users who want more detail on particular topics may be most interested in ***Appendix D***, which presents additional analysis and research underpinning the Commission's recommendations.



**“ In our culture, our children are sacred...they are the future leaders of Tribes and the future parents and grandparents who will help carry on our traditions.”**



**ALYCE SPOTTED BEAR (1945–2013)**  
*Mandan, Hidatsa, and Arikara Nation*

**“ It’s more than one measure. It’s the people working together to make a better world.”**



**WALTER SOBOLEFF (1908–2011)**  
*Tlingit*



# Introduction



Created by Congress through bipartisan legislation, the Alyce Spotted Bear and Walter Soboleff Commission on Native Children was charged with conducting a comprehensive study of the programs, grants, and supports available to American Indians, Alaska Natives, and Native Hawaiians from birth through age 24 and with making recommendations about how this overall system could be strengthened, improved, and where needed, transformed to better help Native children and youth thrive. (See **Appendix A** for a copy of the authorizing legislation.)

The Commission is named in honor of two passionate advocates for Native children and youth, Alyce Spotted Bear and Walter Soboleff. Ms. Spotted Bear was a chairwoman of the Mandan, Hidatsa, and Arikara Nation, a recognized leader in education, and a distinguished cultural historian. Mr. Soboleff was a religious leader for Alaska Native people, a noted Tlingit educator, and the first Alaska Native Chairman of the Alaska State Board of Education. (See **Appendix B** for more complete biographies.)

To fulfill its charge, the Commission examined the unique challenges that Native children and youth face and the range of programs designed to address those challenges. Following in the footsteps of Ms. Spotted Bear and Mr. Soboleff, it focused not only on improving the current system but also on highlighting and leveraging the strengths of Native communities. Thus, the Commission's recommendations reflect two primary goals:

- To develop sustainable systems that can deliver effective wraparound services to Native children, youth, and their families
- To amplify the unique factors offered by Native cultures that promote resilience among Native children and youth

This introduction provides background for the Commission's report. It describes the Commission's methods, the conditions that constitute a baseline for its work, a summary of key themes and ideas evident in its research, and the lifecourse theory of development, which provides a logic for its recommendations.

## METHODS

The 11-member Commission included experts in education, juvenile justice, child welfare, social services, and mental and physical health. (See **Appendix B** for Commissioner biographies.) It received additional guidance from a Native Advisory Committee consisting of representatives from geographically and culturally distinct Tribal communities. (See **Appendix C** for the list of Native Advisory Committee members.) To carry out its comprehensive study, the Commission held 10 regional hearings across the United States to hear from Indigenous leaders, Native community members, expert practitioners and scholars; hosted 25 virtual hearings on key topics; conducted 26 site visits; convened 25 official Commission meetings; and tasked various subsets of members to meet as subcommittees and working groups.<sup>1</sup> (See **Appendix F** for a list of the Commission's meetings, hearings, and site visits and **Appendix G** for a list of individuals who provided testimony.) It also reviewed reports from previous commissions and advisory bodies, a substantial body of scholarly research, and numerous program evaluations and assessments. (See **Appendix H** for a complete list of references.)

The Commission was aware that its success would depend, in part, on creating an environment in which individuals with diverse viewpoints, experiences, and backgrounds could engage in open, inclusive, and mutually respectful dialogue. With that in mind, shortly after the full slate of Commissioners was appointed but before Congress appropriated funds, the chair secured private support to convene an initial, unofficial meeting in fall 2018, at which the Commission reviewed its charge and developed norms for participation. Once funds were appropriated and a process for financial administration was determined, the Commission held its first official in-person meeting in fall 2019, at which it ratified the norms, established an

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1 | The working group meetings were not considered official meetings of the Commission.

operating framework, created subcommittees, and specified meeting and hearing protocols. The latter included opening each meeting and hearing with prayer, opening and closing each hearing with locally appropriate ceremony, and reiterating its norms for participation before engaging in any Commission business.

In March 2020, the Commission's first formal field hearing was cut short by the announcement of the worldwide COVID-19 pandemic. By halting in-person field hearings for nearly two years, this wholly unexpected development further slowed the Commission's progress.<sup>2</sup> By adding to the hardships already experienced by many Native children, youth, and families,<sup>3</sup> the pandemic also further heightened the Commissioners' sense of urgency and resolve.

Likewise, inspirational stories of successful community-based responses to pandemic-generated crises offered hope and underscored the significance and promise of the Commission's work.

The Commission employed a deliberative, multistep process to progress from research to recommendations. In early 2022, Commissioners and several members of the Native Advisory Committee divided into four working groups, each with an assigned topic area, to propose, discuss, and refine recommendations.<sup>4</sup> Over the next 18 months, the full Commission met regularly to consider slates of

recommendations forwarded from the working groups. Each recommendation received robust discussion before a vote was taken on its disposition. The Commission rejected a few recommendations, returned some to the working groups for further refinement, and accepted others for inclusion in its report. Early on, the Commission determined that all of its decisions would follow majority rule. Nonetheless, all but four of 50 accepted recommendations passed unanimously.<sup>5</sup> For clarity and ease of presentation, these were combined and condensed, resulting in the 29 Commission recommendations presented in this report. The final report also was approved by a majority of the Commission.

## CONDITIONS AND BASELINES

In 2020, there were approximately 9.7 million self-identified American Indians and Alaska Natives living in the United States, a total that includes individuals reporting one or more races on census forms.<sup>6</sup> Approximately 38% were children and youth ages 0 through 24.<sup>7</sup> Of these totals, 13% lived on an American Indian reservation, on off-reservation trust land, or in a Tribal statistical area.<sup>8</sup> Nearly 70% lived in metropolitan areas.<sup>9</sup>

Also in 2020, there were 680,442 self-identified Native Hawaiians living in the United States, a total that includes individuals reporting one or more races on census forms.<sup>10</sup> Approximately 55% were children and youth ages 0 through

2 | In sum, the Commission persisted in its efforts despite delays in the appointments and funding processes and despite the onset of the worldwide COVID-19 pandemic. While the Act creating the Commission on Native Children was signed into law on October 14, 2016, the appointments process was not completed until May 2018, an appropriation was not made until February 2019, and a process for allocating funds was not finalized until October 2019. The COVID-19 pandemic was declared in March 2020, vaccines were not widely available until March 2021, and in-person meetings resumed only in fits and starts by 2022. Thus, the Commission compressed much of the work on its wide-ranging scope into the two years from August 2021 to August 2023, as indicated in Appendix F.

3 | For example, between April 2020 and July 2021, one in every 168 American Indian and Alaska Native children became orphaned, making them 4.5 times more likely to lose a parent or grandparent caregiver than white children; see S. D. Hillis, A. Blenkinsop, A. Villaveces, F. B. Annor, L. Liburd, G. M. Massetti, Z. Demissie, J. A. Mercy, C. A. Nelson III, L. Cluver, S. Flaxman, L. Sherr, C. A. Donnelly, O. Ratmann & H. J. T. Unwin, (2021), COVID-19-associated orphanhood and caregiver death in the United States, *Pediatrics*, 148(December), article 6: e2021053760, <https://doi.org/10.1542/peds.2021-053760>.

4 | The four working groups were 1) Child Welfare and Juvenile Justice, 2) Physical and Mental Health, 3) Early Childhood Education and Development and Educational and Vocational Opportunities, and 4) Cross-Systems Issues and Data and Evaluation.

5 | Official meetings required a quorum of six Commissioners and, thus, unanimous votes reflect unanimity of the quorum present for the relevant Commission meeting.

6 | U.S. Census Bureau, (2022), *American Indians and Alaska Natives in the United States: 2020*, U.S. Department of Commerce, [https://www2.census.gov/geo/maps/DC2020/AIANWall2020/2020\\_AIAN\\_US.pdf](https://www2.census.gov/geo/maps/DC2020/AIANWall2020/2020_AIAN_US.pdf).

7 | U.S. Census Bureau, (2020), *DEC detailed demographic and housing characteristics file A* [dataset], U.S. Department of Commerce, <https://www.census.gov/data/tables/2023/dec/2020-census-dhc.html>.

8 | U.S. Census Bureau, (2022), *AIAN in the United States: 2020*.

9 | S. Ruggles, S. Flood, M. Sobek, D. Backman, A. Chen, G. Cooper, S. Richards, R. Rogers & M. Schouweiler, (2023), *IPUMS USA* (Version 14.0) [dataset], University of Minnesota, <https://doi.org/10.18128/D010.V14.0>; original data from U.S. Census, (2022), *2017-2021 American Community Survey 5-year Public Use Microdata Sample* [dataset], U.S. Department of Commerce.

10 | B. Rico, J. K. Hahn, and P. Jacobs, (2023), *Detailed look at Native Hawaiian and Other Pacific Islander groups: Chuukese and Papua New Guinean populations fastest growing Pacific Islander groups in 2020*, U.S. Department of Commerce Census Bureau, <https://www.census.gov/library/stories/2023/09/2020-census-dhc-a-nhpi-population.html#:~:text=The%20Native%20Hawaiian%20alone%20or,MB%5D%20in%20the%20United%20States>.

24.<sup>11</sup> Of these totals, 47% lived on or near a Native Hawaiian home land or on or near American Indian or Alaska Native lands; 94% of Native Hawaiians living in Hawai'i lived on or near a Native Hawaiian home land.<sup>12</sup> Nearly 73% lived in metropolitan areas.<sup>13</sup>

While many American Indian, Alaska Native, and Native Hawaiian children and youth are thriving—living in safe homes and in communities that support them, developing positive relationships with family and peers, pursuing healthy lifestyles and enjoying good health, and furthering their academic and cultural educations—others face challenging life circumstances. Figure 1 provides more detail on this mixed picture. Taken together, these outcomes stand as a call to action and are the backdrop against which the Commission makes its recommendations.<sup>14</sup>

**“ As inter-generational trauma survivors, we must shift our minds from focusing on what has been lost and change it to the conscious awareness of what we can still learn.”**



**MADISON WHITE**  
***Mohawk Nation of Akwesasne***

**2019 Champion for Change, Center for  
Native American Youth, Aspen Institute**

11 | U.S. Census Bureau, (2020), *DEC detailed demographic and housing characteristics file A* [dataset].

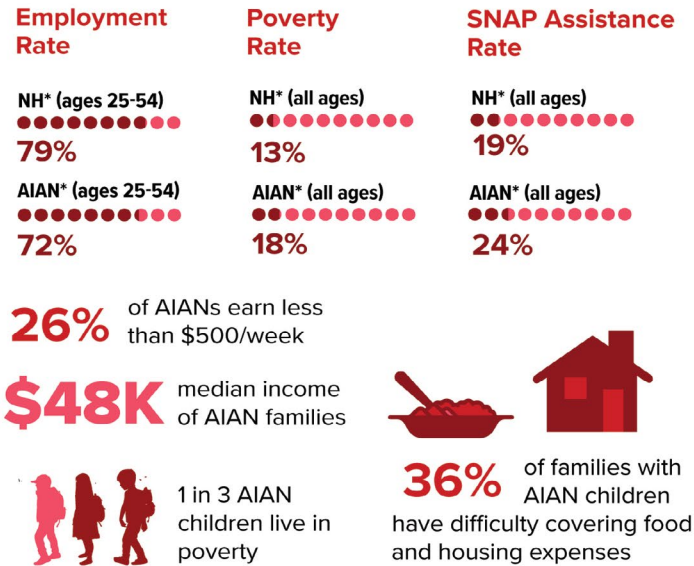
12 | S. Ruggles, et al., (2023), *IPUMS USA* (Version14.0) [dataset]; note that “on or near a Native Hawaiian homeland or on or near American Indian or Alaska Native lands” includes any Census block that was designated as a Native Hawaiian homeland area, American Indian reservation, on off-reservation trust land parcel, or Tribal statistical area.

13 | S. Ruggles, et al., (2023), *IPUMS USA* (Version14.0) [dataset].

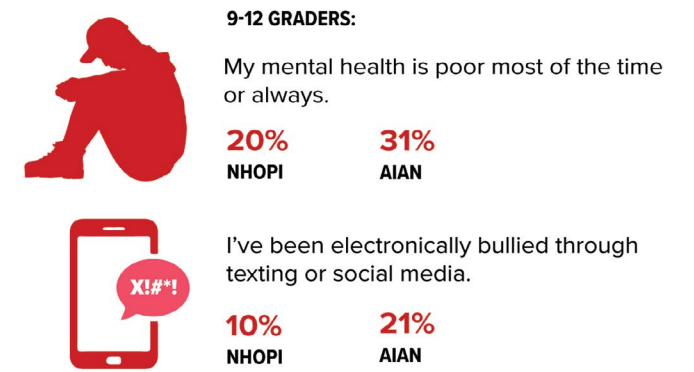
14 | In its final recommendation, the Commission also points out that much more, more accurate, and more self-determined data are needed, particularly to mark progress toward greater wellbeing.

Figure 1. Baseline Data

## Socioeconomic conditions



## Mental health



### Socioeconomic conditions sources

S. Ruggles, et al., (2023), *IPUMS USA* (Version 14.0) [dataset], University of Minnesota, <https://doi.org/10.18128/D010.V14.0>.

National Indian Child Welfare Association (NICWA), (2022), *State of American Indian/Alaska Native children and families, part 2: Economic conditions*, <https://www.nicwa.org/wp-content/uploads/2022/11/NICWA-State-of-AIAN-Children-and-Families-Report-PART-2.pdf>.

U.S. Census Bureau, (2022), *ACS 1-year estimates selected population profiles* [dataset], U.S. Department of Commerce, <https://www.census.gov/data/developers/data-sets/acs-1year.html>.

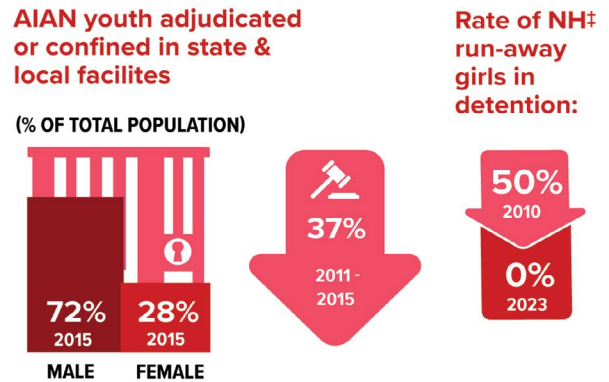
### Mental health sources

Centers for Disease Control and Prevention (CDC), (2023), *High school youth risk behavior survey data explorer, 2021*, U.S. Department of Health and Human Services (HHS), <https://nccd.cdc.gov/Youthonline/App/Results.aspx?LID=XX>.

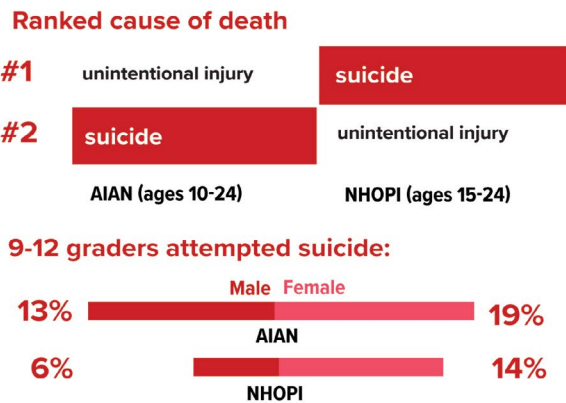
AIAN= American Indian/Alaska Native  
 NHOPI= Native Hawaiian/Other Pacific Islander  
 NH= Native Hawaiian

Data are single race unless noted:  
 \* single and multi-race combined  
 ‡ not specified

## Juvenile justice



## Suicide



### Juvenile justice sources

C. Healy, (2022, July 25), Hawai'i has no girls in juvenile detention: Here's how it got there, *Washington Post*, <https://www.washingtonpost.com/nation/2022/07/25/hawaii-zero-girls-youth-correctional-facility/>.

U.S. Government Accountability Office, (2018), *Native American youth involvement in justice systems and information on grants to help address juvenile delinquency*, <https://www.gao.gov/assets/gao-18-591.pdf>.

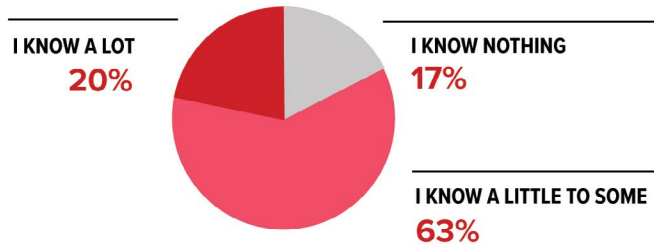
### Suicide sources

CDC, (2020), *WISGARS: Leading causes of death visualization tool*, HHS, <https://wisqars.cdc.gov/lcd/>.

## Cultural knowledge

### AIAN† 4TH GRADERS:

How much do you know about the history, traditions, and/or arts and crafts of your Indigenous group?



## Infant & child mortality

### Infant mortality rate: (per 1,000 live births)



### Cause of death:

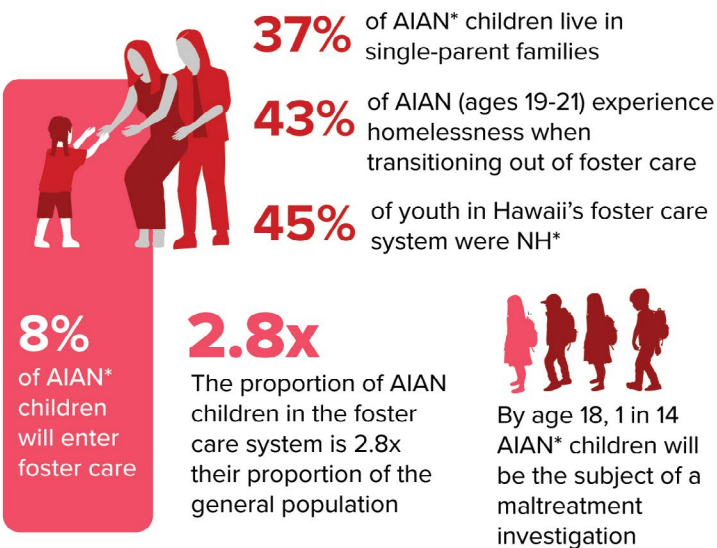
#### AIAN (ages 0-19):

**42%**

2017-2020

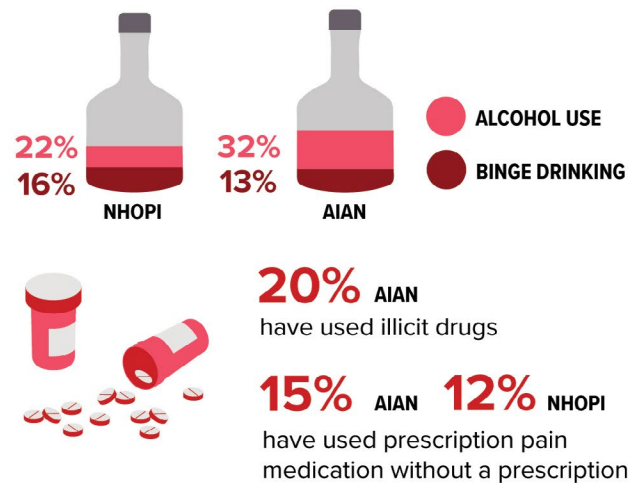
increase in violence-related death (homicide, suicide, deadly force)

## Child welfare



## Substance use

### 9-12 GRADERS:



### Cultural knowledge sources

National Assessment of Educational Progress, (2019), *National Indian Education Study 2019: American Indian and Alaska Native students at grades 4 and 8*, U.S. Department of Education (ED) National Center for Education Statistics (NCES), <https://nces.ed.gov/nationsreportcard/subject/publications/studies/pdf/2021018.pdf>.

### Child welfare sources

NICWA, (2022), *State of American Indian/Alaska Native children and families, part 5: Child welfare*, <https://www.nicwa.org/wp-content/uploads/2023/05/NICWA-State-of-AIAN-Children-and-Families-Report-PART-5.pdf>.

J. Pourier, Y. Chen, & D. Around Him, (2023), *American Indian and Alaska native children live in diverse family structures*, Child Trends, <https://doi.org/10.56417/2499a7141k>.

Social Services Division, (2020), *Hawai'i data booklet (APSR FFY 2021)*, Hawai'i Department of Human Services/Ka 'Oihana Mālama Lawelawe Kanaka, <https://humanservices.hawaii.gov/wp-content/uploads/2021/01/Attachment-A-2021-APSR-Data-Booklet.pdf>.

Annie E. Casey Foundation, (2022), *Child welfare and foster care statistics*, <https://www.aecf.org/blog/child-welfare-and-foster-care-statistics>.

### Infant & child mortality sources

D. Ely & A. Driscoll, (2022), *Infant mortality in the United States, 2020: Data from the period linked birth/infant death file*, *National Vital Statistics Reports*, 71(5), <https://www.cdc.gov/nchs/data/nvsr/nvsr71/nvsr71-05.pdf>.

NICWA, (2022), *State of American Indian/Alaska Native children and families, part 4: Mortality data*, <https://www.nicwa.org/wp-content/uploads/2022/11/NICWA-State-of-AIAN-Children-and-Families-Report-PART-4.pdf>.

### Substance use sources

CDC, (2023), *High school youth risk behavior survey data explorer, 2021*.

## Exposure to violence

### 9-12 GRADERS:

Yes, I have been in a physical fight at least once.

**19%**  
NHOPI

**31%**  
AIAN

### FEMALE 9-12 GRADERS:

Yes, I have been forced to have sexual intercourse.

**16%**  
NHOPI

**32%**  
AIAN



Reported cases of missing Indigenous women & girls (2022)

## Educational achievement

Percentage of 4<sup>th</sup> graders proficient or advanced in



**AIAN** **17%** **22%**

**NH** **26%** **20%**



**26%**  
NH\*

**22%**  
AIAN\*

have earned a Bachelor's degree or higher (age 25+)

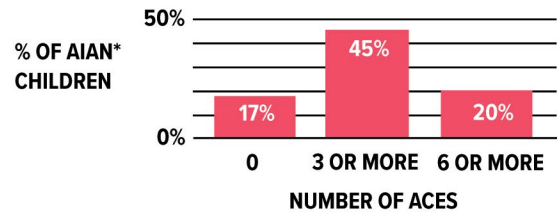
### AIAN HIGH SCHOOL STUDENTS:



**Graduation rate**



## Adverse Childhood Experiences (ACEs)



**16%** of AIAN children were victims of violence or witnessed violence in their neighborhoods

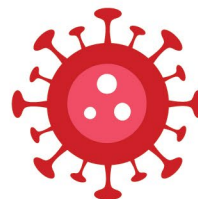
**18%** of AIAN children lived with parent who served time in jail after he/she was born

## Physical health



**15%**

of AIAN† (ages 18+) in the Indian Health Services were diagnosed with diabetes



**65%**

2020-2023

of AIAN† and NH† completed primary series of COVID-19 vaccination

### Exposure to violence

CDC, (2023), *High school youth risk behavior survey data explorer, 2021*.

Federal Bureau of Investigation, (2023), *2022 NCIC missing person and unidentified person statistics*, U.S. Department of Justice, <https://www.fbi.gov/file-repository/2022-ncic-missing-person-and-unidentified-person-statistics.pdf/view>.

### Educational achievement

S. Ruggles, et al., (2023), *IPUMS USA (Version 14.0)* [dataset].

NCES, (2016), *Public high school graduation rates*, in *The condition of education*, ED Institute of Education Sciences (IES), [https://nces.ed.gov/programs/coe/pdf/Indicator\\_COI/coe\\_coi\\_2016\\_05.pdf](https://nces.ed.gov/programs/coe/pdf/Indicator_COI/coe_coi_2016_05.pdf).

NCES, (2021), *Public high school graduation rates*, in *The condition of education*, ED, IES, [https://nces.ed.gov/programs/coe/pdf/2021/coi\\_508c.pdf](https://nces.ed.gov/programs/coe/pdf/2021/coi_508c.pdf).

NCES, (2023), *Status dropout rates*, in *The condition of education*, ED, IES, <https://nces.ed.gov/programs/coe/indicator/coi>.

NCES, (2023), *The nation's report card: 2022 mathematics state snapshot report (nation, grade 4, public schools)*, ED, IES, <https://nces.ed.gov/nationsreportcard/subject/publications/stt2022/pdf/2023011NP4.pdf>.

NCES, (2023), *The nation's report card: 2022 reading state snapshot report (nation, grade 4, public schools)*, ED, IES, <https://nces.ed.gov/nationsreportcard/subject/publications/stt2022/pdf/2023010NP4.pdf>.

### Adverse Childhood Experiences

NICWA, (2022), *State of American Indian/Alaska Native children and families, part 3: Adverse childhood experiences and historical trauma*, <https://www.nicwa.org/wp-content/uploads/2022/11/NICWA-State-of-AIAN-Children-and-Families-Report-PART-3.pdf>.

### Physical health

CDC, (2023), *COVID data tracker*, HHS, <https://covid.cdc.gov/covid-data-tracker/#vaccination-demographics-trends>.

CDC, (2022), *National diabetes statistics report: Estimates of diabetes and its burden in the United States*, HHS, <https://www.cdc.gov/diabetes/data/statistics-report/index.html>.

## KEY THEMES

Five key themes were apparent across the Commission’s research—in the testimony it heard, at the site visits it conducted, and in the practice-based and scholarly evidence it reviewed. These themes, noted below, also are reflected in the Commission’s recommendations.

### Cultural engagement and language learning

Systematic attempts to eradicate Native culture and language have separated many Native children and youth from opportunities to engage with their cultures and learn their languages. A lack of funding, of curricula, of teachers, and of flexibility in course requirements and instructor qualifications, among other challenges, make it difficult to learn language and be exposed to culture at school. The large number of Native children who live far from their Native communities poses another significant challenge.

The impact of these limited opportunities can be understood through the benefits that exposure brings: cultural engagement and language learning are critical components of healing and resiliency for Native children and youth. Examples from Alaska to Florida and from the Navajo Nation to the Penobscot Nation provided evidence of the powerful effects of revitalized culture and language on Native children and youth, which support positive identity formation and serve as protective factors against other risks.

### Community control

Putting communities in the driver’s seat in determining how best to address the needs of their children and youth, and controlling the funding to do so, recognizes and affirms the principles of Tribal sovereignty and self-determination (as described in the Indian Self-Determination and Education Assistance Act and other Federal statutes). It also allows Tribes and Tribal organizations to put their own cultures, knowledges, and experience to work in the process of addressing those needs. Additionally, these arrangements respond to a growing body of research in support of devolution: the idea that levels of government closest to the people are best at making local decisions about how to serve them.

### Flexible funding and holistic programming

Flexible funding approaches—those that support the integration and/or consolidation of funding streams across programs, agencies, and departments—allow Native communities to create wraparound services, integrate complementary programs, respond more quickly to urgent needs and changing circumstances, and serve families, children, and youth holistically. Witness after witness before the Commission stressed that in so doing, such funding approaches support self-determination, center culture, and improve Native communities’ capacities to help their children and youth thrive.

### Trauma

Experts typically separate trauma into three categories:

- Personal trauma, which is an emotional response to a terrible event like an accident, rape, or natural disaster
- Intergenerational trauma, which arises when the experiences of parents affect the development of their children or even later generations
- Historical trauma, which is cumulative psychological and emotional wounding that results from massive group trauma, such as colonization, genocide, economic depression, pandemic, or war

American Indian, Alaska Native, and Native Hawaiian children and youth are likely not only to experience trauma but to experience multiple types. As trauma experiences layer upon one another and cycle through families and generations, they give rise to many of the baseline conditions described above.

In this light, adverse childhood experiences are both a cause and an effect of trauma. By contrast, benevolent childhood experiences are an important counterbalance and healing force in the lives of Native children and youth throughout the lifecourse.

### “Native” child

The law regarding eligibility for services as a “Native” child or youth varies considerably across authorizing legislation, appropriations, and agency policy or practice.

The Commission’s authorizing legislation provides its own definition of “Native” child based on prior legislation. It identifies as Native children those individuals considered Indian children under the provisions of the Indian Child Welfare Act of 1978 and those individuals considered Native Hawaiian according to the Elementary and Secondary Education Act of 1965, adding youth ages 18 to 24. The legislation also is clear that its provisions use the definitions of “Indian” and “Indian Tribe” under 25 U.S.C. §5304(e), the Indian Self-Determination and Education Assistance Act, which recognizes the various ways that Native people organize themselves and provide services.

Throughout its work, however, the Commission observed that community members, Native leaders, service delivery practitioners, and other experts generally have a broader understanding about who qualifies as a Native child than is reflected in Federal law and policy. While ideas of inclusion vary from Native community to Native community, considerations such as descendancy, state recognition, and multiracial heritage, among other wider nets, all were emphasized at hearings and in site visits.<sup>15</sup>

Based on the evidence presented, the Commission offers its recommendations in the context and frame of the broadest possible definition of Native child and with the observation that Federal policy and Native children would be best served by a consistent and broad definition across all agencies and programs. The ways that Native children are defined across the Federal systems should avoid externally imposed definitions that increase barriers to services and fail to incorporate the history and current circumstances of Native communities. A consistent and broad understanding eliminates such barriers and takes historical and current circumstances into account. This concept is explicit in some recommendations and implicit in others.

## RISK REDUCTION AND PROTECTIVE FACTORS

Lifecourse theory posits that the social, cultural, economic, political, and physical environments in which individuals live have a profound influence on their ability to thrive.<sup>16</sup> Further, interdependence with family and community members, life history and key life events, and individual agency all affect

the achievement of wellbeing at every life stage,<sup>17</sup> which means that progress toward “good” or “poor” outcomes may not be linear. Exposure to stressors at crucial times during earlier years can combine with the achievement (or not) of milestones to negatively impact wellbeing later in life.<sup>18</sup> Yet strategically timed and age-appropriate interventions can have the opposite effect, mitigating risks and reducing an individual’s chances of sliding off a thriving lifecourse pathway. Such interventions thereby provide a framework for social policy.

American Indians, Alaska Natives, and Native Hawaiians growing up in the United States experience a distinct macro-level, systemic disadvantage. They face the “challenge of interfacing with a settler-colonial legacy that prevails over their homelands, Native institutions, and their lives. This legacy includes an exhaustive list of policies that sought to destroy Native American culture, identity, and communities.”<sup>19</sup> In other words, Native children, youth, and their families must contend with additional burdens while navigating the pathway toward thriving.

Accordingly, to the extent that American Indian, Alaska Native, and Native Hawaiian children and youth have greater exposure to circumstances and conditions that put them at risk—circumstances and conditions that often are caused or made worse by direct or structural discrimination—they are less likely to be set on a course toward positive life outcomes.

15 | Also see the Indian Health Care Improvement Act, 25 U.S.C. §1603(13).

16 | C. E. Oré, N. I. Teufel-Shone & T. M. Chico-Jarillo, (2016), American Indian and Alaska Native resilience along the lifecourse and across generations: A literature review, *American Indian and Alaska Native Mental Health Research*, 23(3), 134-57, <https://doi:10.5820/aian.2303.2016.134>.

17 | G. H. Elder, Jr., (1998), The lifecourse as developmental theory, *Child Development*, 69(1), 1–12, <https://doi.org/10.1111/j.1467-8624.1998.tb06128.x>.

18 | N. Halfon, K. Larson, M. Lu, E. Tullis & S. Russ, (2014), Lifecourse health development: Past, present and future, *Maternal and Child Health Journal*, 18(2), 344–365, <https://doi.org/10.1007/s10995-013-1346-2>.

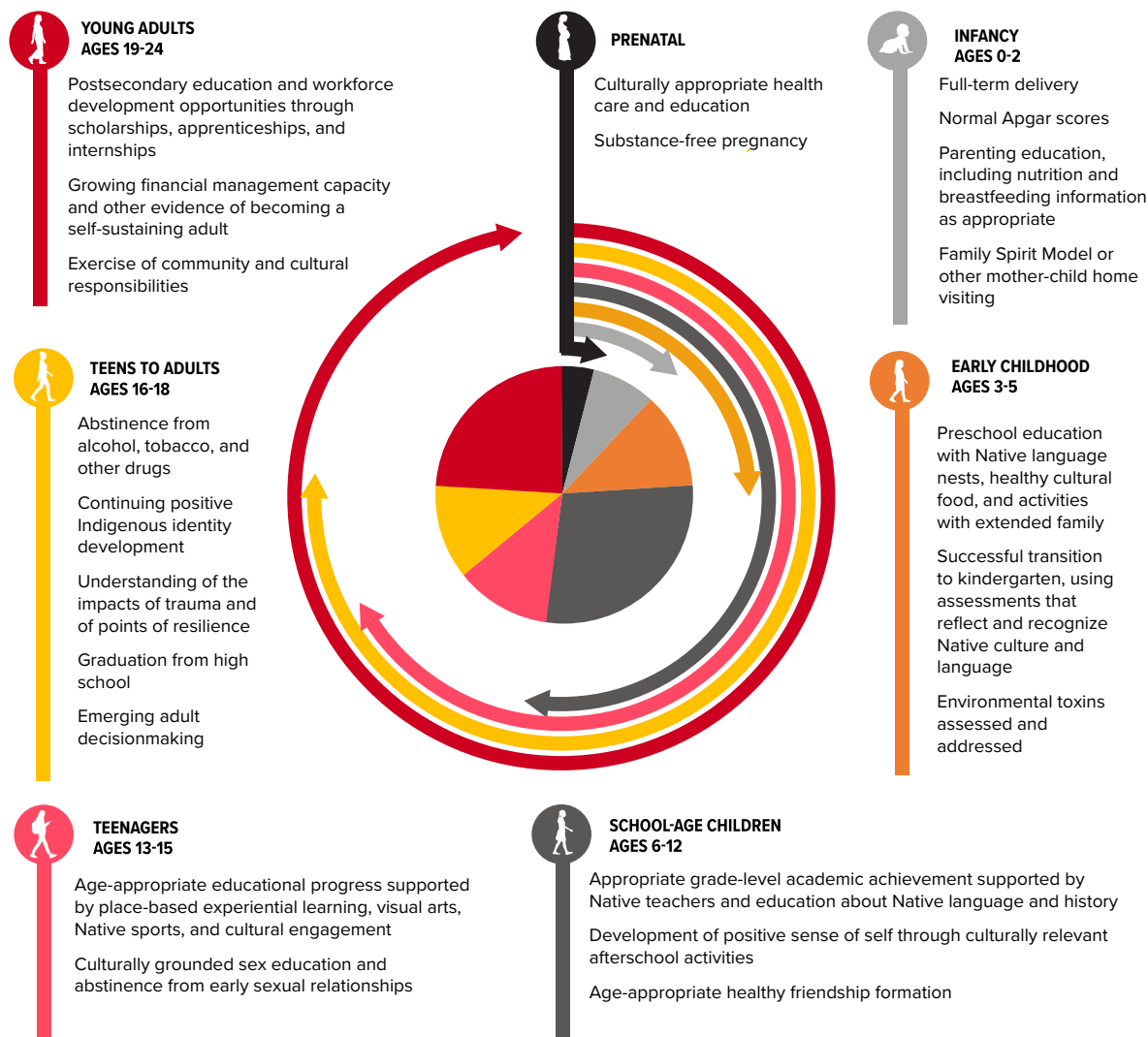
19 | R. Gonzalez, M. Yellow Bird & K. Walters, (2016), The Indigenous lifecourse: Strengthening the health and well-being of Native youth, *Native Americans in Philanthropy*, 3, <https://20951050.fs1.hubspotusercontent-na1.net/hubfs/20951050/Indigenous-Lifecourse-NAP-Report.pdf>.



“ Even the seasons form a great circle in their changing, and always come back again to where they were. The life of a person is a circle from childhood to childhood, and so it is in everything where power moves.”

**BLACK ELK**  
*Oglala Lakota*

Figure 2. Positive Indigenous Lifecourse Model



Importantly, however, the distinctive aspects of American Indian, Alaska Native, and Native Hawaiian children’s and youths’ challenges also point to a unique source of strength: despite the United States government’s best attempts, Native communities and nations have maintained substantial and significant aspects of their cultures, knowledges, and lifeways. Furthermore, research emphasizes that if Native children and youth experience the benefits of key culturally oriented protective factors throughout childhood, adolescence, and the young adult years, these factors can have a meaningful impact in mitigating societal risk, building resilience, and setting children up to thrive in successive life stages.<sup>20</sup> In sum, cultural buffers can “flip the script.” One representation of a positive lifecourse for children and youth is captured in **Figure 2**.

Leading Indigenous scholars have pointed to seven categories of protective factors that support positive outcomes for Native children throughout the lifecourse.<sup>21</sup> At every point from the prenatal period to young adulthood, these factors give rise to additional markers of healthy progress for American Indian, Alaska Native, and Native Hawaiian children and youth.

- Cultural connectedness: by connecting them to land and place and providing access to traditional knowledge, cultural connectedness supports Native children and youth in knowing who they are.
- Family connectedness: by strengthening relationships with children and youth, parents and trusted adults can exert a positive influence through love, example, and monitoring.
- Community control: by asserting and enacting control over their lands, natural resources, and governing institutions, Native communities can achieve greater self-governance and implement programs that best serve their children, youth, and families.

- Spirituality and ceremony: by continuing and/or revitalizing spirituality and ceremony, Native communities promote multi-level healing, from healing relationships with the spirit world, to healing the environment, to healing individual children and parents affected by trauma.
- Extended kinship bonds and networks: By nesting individuals within the embrace of community, the ancestral practice of networking provided a form of public health—from the individual neurological level to the whole community level. Its restoration and/or strengthening can improve the health of children, parents, and adult mentors.
- Healthy traditional food: By increasing access to Native ancestral diets and food habits, Native communities take advantage of traditional medicinal knowledge, strengthen Native American microbiomes, and restore and support holistic wellbeing—physical, mental, and spiritual health.
- Youth self-efficacy: By developing their confidence, competence, and capacities for culturally informed decisionmaking based on traditional knowledge, a Native child’s or youth’s sense of identity, purpose, and efficacy is promoted and protected.

The Commission’s appreciation of the lifecourse model is rooted in its recognition that individuals are subject to the large and apparently impersonal social forces that operate at the macrolevel, affecting whole communities. This recognition is in contrast with a more individualistic framing, in which the outcomes a Native child or youth experiences arise from their own or their family’s actions or inactions.

The Commission offers its recommendations in light of the need for deliberate and positive responses to the current situation of American Indian, Alaska Native, and Native Hawaiian children and youth. Throughout its work, the Commissioners reflected carefully on the concept of the lifecourse and geared their recommendations to keeping Native children and youth on track for development as thriving Native adults. Each of the Commission’s recommended investments and ideas for Federal, state, and Tribal policymakers and program managers is intended to bolster Indigenous protective factors, build resilience,

20 | See, for example, T. D. LaFromboise, D. R. Hoyt, L. Oliver, & L. B. Whitbeck, (2006), Family, community, and school influences on resilience among American Indian adolescents in the Upper Midwest, *Journal of Community Psychology*, 34(2), 193-209, <https://doi.org/10.1002/jcop.20090>; C. E. Kauffman, J. Desserich, C. B. Crow, B. H. Rock, E. Keane, & C. M. Mitchell, (2007), Culture, context, and sexual risk among Northern Plains American Indian youth, *Social Science and Medicine*, 64(10), 2152-2164, <https://doi.org/10.1016/j.socscimed.2007.02.003>; L. Wexler, (2009), *The importance of identity, history, and culture in the wellbeing of Indigenous youth*, 2(2), 267-276, <https://doi.org/10.1353/hcy.0.0055>.

21 | R. Gonzalez, et al., (2016).

and reduce risk to Native children and youth. Without such changes in policymaking and programming, too few Native children and youth will realize their potential—which weakens Native America and the United States overall. This report constitutes the Commission’s recommendations on how to achieve such outcomes by identifying successful, scalable solutions and lifting those to the attention of all stakeholders with the goal of creating a bright future for Native children and youth.





# Recommendations of the Commission



The Commission on Native Children offers 29 recommendations to the Federal government, state governments, and Native communities to make improvements to programs that serve Native children. As directed by the Commission’s authorizing legislation, the recommendations also recognize the diversity in Native communities’ cultural values and acknowledge their cultural strengths. This section of the report, which is organized by topic area, presents the Commission’s recommendations and brief descriptions of the rationale for each. More comprehensive discussions of the information that guided the Commission’s decisionmaking are available in **Appendix D, Recommendation Analysis**.

Please note that because contemporaneous commissions were addressing issues involving Indigenous boarding schools and missing and murdered Indigenous persons, the Commission on Native Children focused its attention on child welfare, education, health, and justice issues that largely lie outside the scope of those other commissions.

**“ Even though we are all different—we all have different standards, and different ceremonies, and different ways that we create as Native Americans—we do have the huge similarity of knowing that we are still here and we are not going anywhere.”**



**KAYLA O’CONNOR**  
***Costanoan Rumsen Ohlone Tribe***  
**Student, California Tribal College**  
Pacific Regional Hearing, Commission on Native Children



## Child Welfare



**With regard to child welfare, the Commission received evidence about the importance of resource equity with states (and how increased funding can strengthen Tribes' and Tribal organizations' capacity to address child welfare issues), as well as about the importance of Federal measures to ensure state compliance with the Indian Child Welfare Act.**

## 1

## Enhance the capacity of Tribal social services and Tribal courts

The Federal government shall provide sufficient funds and design appropriate processes for distributing those funds so that all Tribal social services and Tribal courts are funded adequately to address child welfare. Tribes should receive full financial support from all relevant Federal sources from which states receive financial support, at levels that are proportionate to their populations and community needs and that create equity with state funding. Thus, Congress, the Bureau of Indian Affairs, the Department of Justice, and the Department of Health and Human Services shall fund, pursue, and implement:

- **An amended process for Tribal access to Social Security Act Title IV-E funds and Family First Prevention Services Act funds, including:**
  - » Streamlined Tribal IV-E applications and reporting requirements, as distinguished from those required for states, appropriate to Tribes' child welfare systems and smaller populations
  - » Provision for Title IV-E agreements with states that allow Tribes discretion to decide which Title IV-E program components to be funded to operate
  - » Waivers for Tribes and Tribal organizations of requirements in state Title IV-E plans that exceed minimum Federal requirements
- Changes in legislation related to state foster care and other supportive funding, if required, so that Tribes and Tribal organizations are able to bill states for maintenance, services, and administrative case management costs when a Native child's case is transferred from state to Tribal court, including but not limited to provisions that:
  - » Allow Title IV-E funding provided by states for foster care, kinship guardianship, or Adoption Assistance services for a Native child under state jurisdiction to follow the child if their case is transferred from state to Tribal jurisdiction.
- » Provide funding for special education and other social services/behavioral health resources that a Native child in care may require
- » Include funding for Extended Foster Care for youth aging out of foster care at 18 if the state includes Extended Foster Care in its child welfare program
- Legislative or regulatory changes if necessary to allow for Title IV-E and other Federal child welfare programs to be combined into P.L. 102-477 plans, P.L. 93-638 Self-Determination contracts, and Self-Governance compacts so that Tribes and Tribal organizations are able to use resources in the most flexible, effective, and cost efficient ways possible
- Legislative changes to create a Tribal set-aside and a formula-driven, noncompetitive distribution of funds to Tribes from the Social Services Block Grant (SSBG) and a Tribal-specific, and larger, set-aside for monies distributed to Tribes under the Child Abuse Prevention and Treatment Act (CAPTA) Community-Based Child Abuse Prevention grant program. The overall funding for CAPTA also should be increased to ensure that all Tribes have the capacity to operate a basic child abuse prevention program as states currently have with these funds
- Fully funded Tribal courts, including in P.L. 83-280 states, at documented need, which is annually reported by the Department of the Interior to Congress pursuant to the Tribal Law and Order Act, and expanded funding and scope for Tribal Court Improvement Program funds under Title IV-B
- Appropriations for the creation of appeals processes for Tribal court decisions regarding child welfare in Tribal courts
- Passage of the Tribal Family Fairness Act, which has been introduced in two Congresses—first in the 117<sup>th</sup> Congress in 2021 and again in the 118<sup>th</sup> Congress in 2023 as HR 2762



“**nəsá?c’əŋ cx<sup>w</sup> means ‘you are my every breath.’ This S’Klallam phrase is specifically meant to be said to children. They are the breath of our future.”**



**LONI GRENINGER**

***Jamestown S’Klallam Tribe***

**Vice Chairwoman, Tribal Council, and Director Social & Community Services**

Northwest and Rocky Mountain Regional Hearing, Commission on Native Children

Although Tribal social services and Tribal courts have the authority and desire to manage child welfare cases for Tribal children and families, they do not have access to the same Federal funding as do state and local courts to support either their systems or their Tribal families and children in need. This is true with regard to funding for judges, guardians ad litem, attorneys, and social service case workers and is particularly true with regard to the provision of services for children in foster care, where resources are needed for education support, foster care payments, and intensive services such as therapeutic foster care. In addition, Tribes also need resources for family strengthening that prevent out-of-home placements and for alternative permanent placements when children cannot be returned home to their parents or relatives. As a result, many Tribes are forced to decline jurisdiction to ensure that Tribal children have access to necessary services. The Commission’s recommendation addresses this inequity so that Tribes have access to the same resources to support their children and families as do states and local courts and child welfare systems.

One of the major barriers is the difficulty Tribes encounter in operating direct IV-E programs. While Tribes should be accountable to the U.S. government for IV-E funds, the

current administrative and fiscal requirements are more appropriate for the larger populations and programs in states. Therefore, as IV-E is a primary source of funding for state and local governments in supporting child welfare programs, a streamlined process for Tribes and Tribal organizations to access IV-E funding would increase their resources to effectively implement their own child welfare programs.

Additionally, most of the Federal child welfare program funding available to Tribes is limited and discretionary (requiring annual appropriations from Congress that may change from year to year), and at times, Tribes must compete with states or other entities to receive it. Improving Tribal access to funding under the CAPTA grants and SSBG and other Federal sources available to states for child welfare programming, so that they also receive direct noncompetitive formula funding, would narrow the funding gap. Finally, fully funding the interdisciplinary services offered through the Bureau of Indian Affairs’ Tiwahe program would also greatly enhance Tribes’ capacities by making it possible for any Tribe that wished to operate its programs in a more coordinated and administratively reasonable manner to do so.

## CASE STUDY

### PORT GAMBLE S'KLALLAM TRIBE CHILD WELFARE PROGRAM

In 2012, the Port Gamble S'Klallam Tribe (PGST) became the first Tribe in the U.S. to enter into a direct agreement with the Department of Health and Human Services to operate its own Social Security Act Title IV-E program governing guardianship assistance, foster care, and adoption assistance. While significant for Tribes across the U.S. and important to the capacity of the PGST to serve its citizens, this administrative and financial agreement also should be understood as the next logical step in PGST's progress toward full self-determination over child welfare and family services.

In the 1980s, PGST initiated a concerted effort to reassert sovereignty over the future of S'Klallam children by developing its own Tribal Child Welfare Program. Then, in 2003, it worked with the State of Washington to broaden the definition of "family" for emergency and foster care placements to include "Tribe." PGST also Indigenized its own child welfare laws and regulations:

- The Tribal code requires that child custody determinations consider how children "will maintain significant contact with parents, siblings, grandparents, other extended family members and the Port Gamble S'Klallam community" and notes that children should be given "an opportunity to learn about and participate in the S'Klallam way." Guardianship provisions clearly state that "the care of children is both a family and Tribal responsibility."

“ Every  
child should  
have a happy  
growing-up  
life.”

S'KLALLAM ELDER



- The PGST code governing the termination of parental rights is much more stringent than state rules and does not impose timelines for permanency. Fostering and guardianship agreements offer stability for children without excluding parents, who are expected to “keep working toward being a good parent and offering whatever they can to benefit their children.”

Administratively, PGST deliberately placed its Child Welfare Program within its integrated Children and Family Services Department (CFS), which manages a wide array of connected and complementary programs: youth services (including prevention activities, after school programming, Independent Living Services, Education and Training Vouchers, and parent/child retreats); elder activities (including congregate meal service, elder trips and social events, and chair volleyball); child support; vulnerable adult case management; protective payee support; Adult Protective Services investigations; special needs case management; Temporary Aid to Needy Families; SNAP Pilot Project; Maternal Home Visiting Program; WIC; and a Kinship Navigator who works as part of the child welfare team. Within this broader, supportive setting, the Child Welfare Program is made up of a child welfare manager, investigator, and family care coordinators; as the touch points closest to families, the family care coordinators are able to offer services via a holistic and preventive approach rather than in a piecemeal, program-by-program fashion.

By focusing on prevention and establishing a trusting relationship with the Tribal community, the PGST child welfare team has been able to reduce dependency caseloads to an all-time low of 6 active dependencies (down from 60 in 2012) and 21 guardianships. PGST recently became the first Tribe in Washington state and the fourth in the nation to have an approved Family First Prevention Services Plan, allowing them to bill for prevention services.

The exercise of self-determination and sovereignty over child welfare has had a transformative impact on PGST families and children. Parents are never punished for admitting they cannot care for their children and are encouraged to seek services. The Tribe has been able to increase the number of foster homes and halt the steady rise in the number of S’Klallam children placed in court-ordered care. As a result of all of its efforts, the number of Tribal dependency cases fell from 60 in 2012 to six in 2023.



## 2

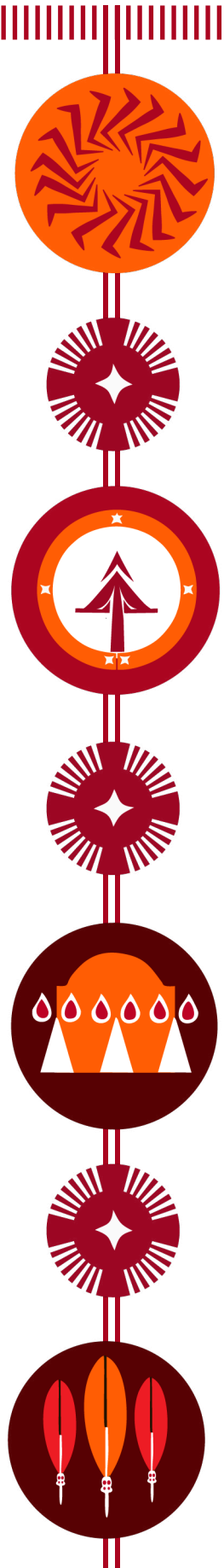
## Ensure compliance with the Indian Child Welfare Act

Federal and state government agencies shall be required to adopt and implement policies and procedures that promote greater state compliance with the Indian Child Welfare Act (ICWA), long considered the gold standard for child welfare practice, to better ensure Indian child and family wellbeing and limited removal of children from their families and/or communities. Such policies and procedures shall include:

- Efforts to support the inherent authority of Tribal courts to make decisions about their children, such as removing barriers to transfer to Tribal court
- Training and technical assistance on ICWA requirements and best practices for state child welfare agencies and courts, developed and delivered by Native professionals with appropriate content area and local community expertise
- A requirement that the U.S. Department of Health and Human Services (HHS) collect data from the states on their implementation of ICWA, utilizing, without exclusion, the Adoption and Foster Care Analysis and Reporting System (AFCARS) and Child and Family Services Review as vehicles for new data collection. The data collected should be used to measure state ICWA compliance, performance improvement plans, and demonstrate progress on improvement, including, but not limited to, diligent inquiry, notice, Tribal intervention, active efforts, placements, transfer of jurisdiction, and permanency
- A requirement that HHS assess states' progress in ICWA compliance improvements and make achieving benchmarks in improvement plans either a condition of receiving IV-E or other Federal child welfare funding or a condition of receiving additional funds as an incentive for improved compliance
- A requirement that in cases where a Native child is adopted by a non-Native family, state court orders shall include an enforceable provision (for example, a Post-Adoption Contact Agreement and Culture Plan), to preserve connection to the child's Native community
- A requirement for diligent and documented inquiry before a court makes a finding that a child is not eligible for membership and therefore ICWA does not apply based on current information
- Implementation of Administration for Children and Families (ACF) Policy Manual Question 31, which ensures that states may subaward IV-E funds to Tribes to pay for attorneys to represent Tribes in state child welfare cases
- Funding and resources to create specialized ICWA courts and to lower attorney and social worker caseloads in those jurisdictions with higher Native caseloads
- Funding and resources to create Tribal-state joint jurisdiction wellness and child welfare courts
- Technical and financial support so that Tribes and Tribal organizations have stable infrastructure and capacity to identify and maintain access to ICWA compliant homes, thus providing an incentive to states to use such homes for out-of-home care
- Adherence to the provisions of ICWA related to parents' wishes

In order to achieve the goals of ICWA, the Bureau of Indian Affairs must work closely with relevant Federal agencies such as ACF to focus on child and family *wellbeing* planning with birth parents and relatives and ensure recruitment and engagement of culturally competent state and Federal staff (through, for example, ICWA Specialist certification training for state and local child welfare workers). HHS also should use its power to hold states accountable for compliance with ICWA through AFCARS, auditing, and other monitoring mechanisms including, without limitation, state IV-B plans, Annual Progress and Services Reviews, and Child and Family Services Reviews. Further, the Commission recommends specialized ICWA courts, which are state or county courts that handle ICWA cases in one docket and in collaborative ways by engaging with Tribal partners and other stakeholders. These courts have designated staff, designated locations, and often, designated days of the week and robust remote appearance capabilities to best accommodate Tribal participation.

An important component to ensuring that children maintain connection with their Tribal community can be achieved through a Post Adoption Contact Agreement (PACA, see California Family Code §8616.5) or similar mechanism, by which a state court order requires that non-Native adoptive parents continue the child’s relationship with the Tribe. PACAs are focused on connectivity beyond family such as contact with cultural learning and experience, receipt of benefits in the event of birth parent death (heirship), and guidance on sensitive topics like name changes and haircutting. These arrangements address at least one negative impact on Native children resulting from “adopting out”—undermining positive Native identity development—which in turn may mitigate suicidality and other destructive behaviors that can arise as Native youth age in non-Native foster/adoptive homes.



## 3

**Strengthen advocacy for Native children in child welfare cases**

Because children in child welfare cases are the only parties not appointed counsel at public expense, Congress shall fund and state and Tribal governments shall improve the advocacy resources available to Native children and youth by appointing advocates, which shall be a guardian ad litem (GAL) and a separate attorney for every American Indian, Alaska Native, and Native Hawaiian child involved in a state or Tribal welfare system. To be effective, these advocates must have knowledge of and receive specialized training in cultural intelligence, the Indian Child Welfare Act (ICWA), Native family connections and relationships, and be familiar with the customs and traditions of the Tribe where the child is enrolled/enrollable and/or of the Native community where the child lives.

- In all child welfare cases under state jurisdiction that involve an American Indian, Alaska Native, or Native Hawaiian child, judges shall appoint 1) a GAL for the child, who will serve at public expense and whose responsibility is to recommend to

the court what is in the best interest of the child; and 2) an attorney for the child, who will serve at public expense and whose responsibility is to convey the child's wishes to the court, including where the child would like to live and other vital matters. Compliance with this mandate shall be a condition of the receipt of ongoing state Title IV-E funding.

- In all child welfare cases under Tribal jurisdiction, Tribal court judges shall appoint and Congress shall appropriate funds for 1) a GAL for each child, who will serve at public expense and whose responsibility is to recommend what is in the best interest of the child; and 2) an attorney for the child, who will serve at public expense and whose responsibility is to convey the child's wishes to the court, including where the child would like to live. Congress shall appropriate sufficient funding to cover the costs of attorney and non-attorney Tribal GALs and separate attorneys for children and youth as part of Title IV-E or provide a noncompetitive grant program for Tribes to cover these costs, if such representation is appropriate in the context of the child's case and the Tribe's chosen method of addressing such cases.

Although states are required to provide a GAL in child welfare cases, not all do so consistently. The Commission believes that it is important for a GAL to be appointed in each case involving a Native child, but it is equally important for that GAL to have a deep understanding of ICWA and of the emotional, social, and cultural circumstances of the Native child, including that child's Tribal connections. The Commission also recommends that GALs be appointed in Tribal cases but recognizes that Tribes do not have the same resources for establishing GAL programs as states do. For example, Title IV-E funds, even if available to the Tribes, may only be used to remunerate attorney GALs—a requirement that can pose a problem in some Native communities and should be removed. The Commission also notes that where Tribes use alternative dispute resolution venues such as peacemaking courts, GALs may not be necessary;

an alternative more suitable to the Tribal court may be an appropriate substitute.

The Commission further recognizes that states and Tribes vary with regard to their provision of counsel to children and youth involved in state child welfare systems. However, the National Council of Juvenile and Family Court Judges and the National Association of Children's Counsel has found that access to counsel whose role is to express a child's wishes to the court strengthens that child's sense of agency in decisions concerning placement and contributes to more successful outcomes when such children age out of foster care.

Without adequate resources, Tribes will not have the ability to provide GALs or attorneys for children. Thus, such funding should be provided either as part of an expanded and simplified IV-E program for Tribes (see Recommendation 1) or as a noncompetitive grant program.

## 4

**Follow local community standards for Native foster and kinship placements**

State government licensing agencies shall ensure that local American Indian, Alaska Native, and Native Hawaiian community standards are used in the licensing of Native foster or kinship homes by, for example, incorporating local community standards in licensing rules and regulations and making liberal use of waivers.

In order to ensure that states and local agencies do not inadvertently apply standards that create barriers to Native foster or kinship placements, it is important to utilize the standards of the communities in which the children and families live. The Fostering Connections to Success and Promoting Adoptions Act of 2008 (P.L. 110-151) expresses a limited version of this idea by allowing states and Tribes to waive non-safety standards used in licensing relative placements. The idea is further developed in Federal regulations approved in September 2023 that allow states and Tribes to establish separate licensing standards for relative and kinship foster homes. The Commission's intent is to ensure that local Native community standards are used in licensing all Native foster homes, aligning with the more expansive understanding of relatives and kin that exists in many Native communities.

## 5

**Promote family dependency treatment courts**

Congress shall appropriate sufficient funds to state and Tribal courts on a noncompetitive basis through the Departments of Justice, Interior, and Health and Human Services for the ongoing and expanded use of family dependency treatment courts (also sometimes called family drug courts, healing to wellness courts, peacemaking circles, or other similar names) or other courts to address child welfare as the Tribes so choose for American Indian, Alaska Native, and Native Hawaiian communities.

Over the past several decades, research has shown that treatment courts, which provide more intensive judicial intervention and greater access to substance abuse treatment, produce higher rates of success in child welfare cases. These types of courts, which include healing to wellness, circle peacemaking, and family drug courts, also often are more consistent with holistic Native approaches to wellbeing that involve the community. However, these courts generally are supported with competitive short-term grant funding, which limits the sustainability of these important options. Noncompetitive, long-term operating funds are essential for transforming the child welfare system at both state and Tribal levels.

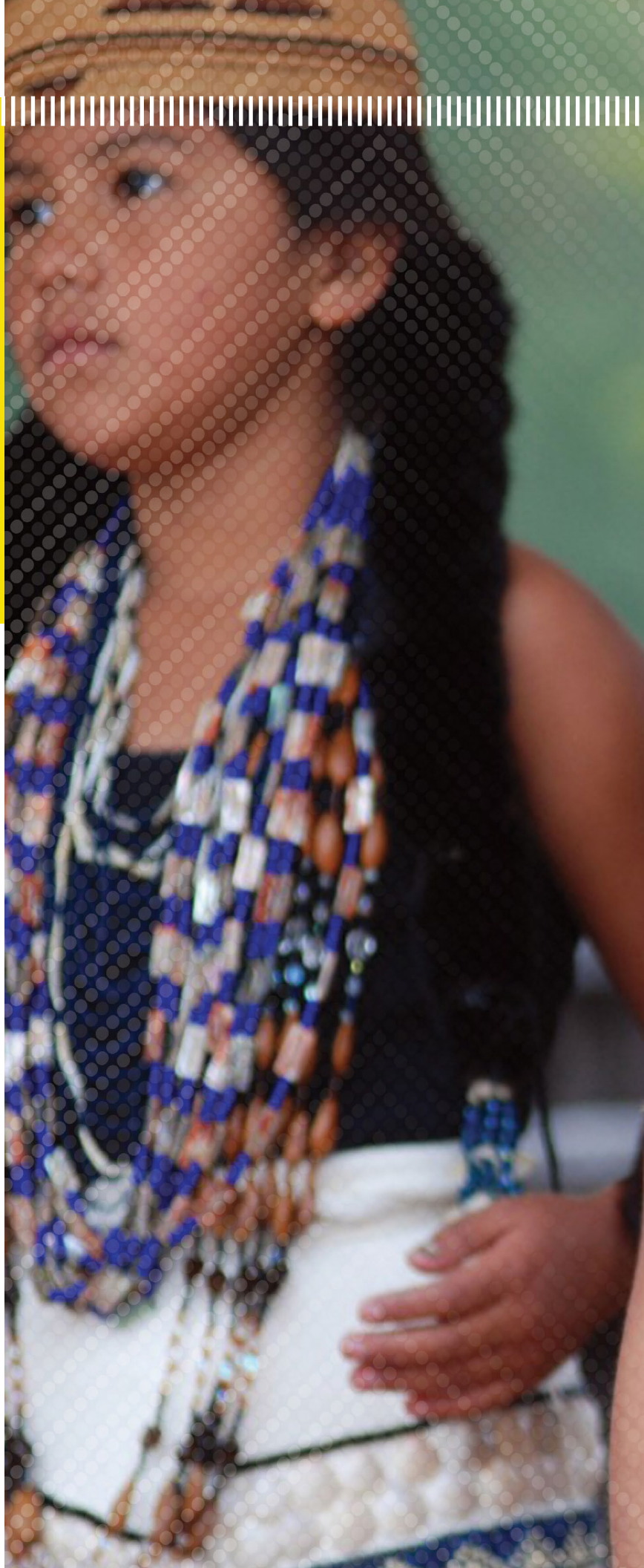
# CASE STUDY

## THE YUOK TRIBE'S JOINT JURISDICTION COURTS

In an effort to promote and elevate holistic, culturally appropriate approaches to family healing, the Yurok Tribe has joined with the California state judicial system to create joint jurisdiction courts. These partnerships provide a framework for Tribal and state court judges to adjudicate certain juvenile justice and child welfare cases in a collaborative manner. They also establish an avenue for Tribal citizens to receive much-needed supportive services from both the Tribe and the county, resulting in a multifaceted approach to achieving better outcomes for children, youth, and families.

*Youth Diversion* is a collaboration among the Yurok Tribal Court, Del Norte County Superior Court, and Del Norte School District to address truancy. If a Yurok youth is determined to be at high risk of entering the juvenile justice system due to truancy, high absenteeism, and/or an inability to obtain or successfully complete an Individual Education Plan, the program provides the individual and their family with access to legal and other supportive services.

The *Joint Family Wellness Court* is the product of a joint powers Memoranda of Agreement among








Del Norte Superior Court, Yurok Tribal Court, and the Yurok Human Services Department intended to better respond to the opioid crisis by creating an alternative to the state child dependency court. (Note: The Yurok Reservation is in two counties, and the Yurok Tribe also has an agreement with Humboldt County that mirrors the Del Norte County agreement.) The court's mission is to empower families to make healthy decisions and break the cycles of addiction and of child abuse and neglect. It is presided over by both a Tribal court judge and a state court judge; operates under California state law, Federal law, and Yurok Tribal law; is informed by Yurok traditions and culture; and through its combination of justice system supervision with rehabilitation services, embraces aspects of Tribal healing to wellness and collaborative justice. Key components include:

- A coordinated team approach
- Comprehensive, culturally competent services
- Frequent monitoring
- Creation of support systems for family recovery and child wellbeing

Through the Youth Diversion and Joint Family Wellness Court initiatives, Yurok children, youth, and families experience holistic, intervention-based, and prevention-oriented care, thus promoting wellness and resilience for the entire Yurok community and strengthening the next generation.





**“ Tribal courts face chronic underfunding, which is a significant challenge. When looking at the challenges in family court, it becomes evident that, both economically and morally, it’s better to invest upfront in prevention than to spend resources on a cure. The focus is on preventing children from entering the child protection stream.”**



**ERIC MENCHERT**

**Chief Judge, Penobscot Nation Tribal Court**

Eastern Regional Hearing, Commission on Native Children



## Juvenile Justice



**With regard to juvenile justice, the Commission received evidence about the importance of Tribes' and Tribal organizations' freedom to flexibly implement their own juvenile justice systems and to track their children and youth who are in other justice systems. Testimony focused on the value in both settings of preventive measures and treatment as opposed to detention in addressing the behavior of Native children and youth.**

## 6

## Redesign Federal programming and funding for Tribal juvenile justice to maximize trauma-informed, community-based care

Native youth who come into contact with Federal, state, local, or Tribal juvenile justice systems or who are at risk of doing so (whether delinquent, runaway, homeless, or truant) shall be placed, to the extent possible, in community care and under community supervision, including in diversion programs and in family-centered, community-based alternatives rather than in secure juvenile detention centers or other secure facilities, which should be utilized as the last resort and not as a general or permanent placement.

To do so:

- Congress and executive branch agencies shall revise statutes, regulations, and policies that prevent Tribes from flexibly using funds currently devoted to detaining juveniles—whether provided by Department of Justice (DOJ), Department of the Interior (DOI), or Department of Health and Human Services (HHS)—for more demonstrably beneficial programs, such as trauma-informed treatment and greater coordination between Tribal child welfare and juvenile justice agencies; new rules shall permit alternative uses for Federally funded secure detention facilities, including their use for prevention, reentry services, treatment, rehabilitation, and shelter care, but with residential placements used always as a last resort to community-based placements.
  - Congress shall appropriate funding for Tribes, Tribal organizations, and Native Hawaiian entities to:
    - » Widely utilize and, if necessary, create Native community-based outpatient care programming that includes culturally relevant trauma-informed care for all affected parties (youth, victims, and their families), so that recovery can occur in the least restrictive setting appropriate to the circumstances of each case
- » Construct and create treatment and rehabilitation facilities that serve American Indian, Alaska Native, and Native Hawaiian children and youth who experience trauma (personal, intergenerational, and/or historical), including but not limited to facilities for service provision, shelter and respite, and constructive youth activities
  - » Construct and establish safe homes, group homes, shelters, day and evening reporting centers, and drop-in centers for Native youth who commit non-violent offenses, who go missing voluntarily for whatever reason, and/or who are habitually absent from school without permission, as alternatives to their placement in secure juvenile detention centers, but only for the shortest possible placement periods.
  - » Construct and create cultural facilities, recreational facilities, theaters, sports centers, and other options that create positive environments for youth and promote resilience
- Federal, State, and local law enforcement and juvenile justice agencies shall coordinate with relevant Tribes, Tribal organizations, or Native community entities to expand programs and to ensure placement of Native youth in appropriate community-based supervision and treatment settings, whether Tribal or nontribal.
  - Status offenses shall not be handled in delinquency court but shall be handled in child welfare court to the extent they are in court at all.
  - Congress shall fund creation of a comprehensive education and training program for Tribal, Federal, state, and local law enforcement officers, judges, court staff, prosecutors, probation officers, and service providers who work with Native youth that addresses the evidence-based preference for community-based supervision and treatment of Native youth who come into contact with the legal system or who are at risk of doing so.

The Commission is committed to reversing the focus on secure detention in favor of rehabilitation and community-centered programs for all Native youth who come into contact with the legal system or who are at risk of doing so. This recommendation recognizes that the behaviors that bring Native juveniles into contact with legal systems are best addressed through culture-based programs that keep youth connected to the community, offer alternatives to drugs and alcohol, and contribute to protective factors such as positive identity formation. It also recognizes that Native communities are ready, willing, and able to implement a wide range of programs beyond secure detention for prevention, intervention, and response, including through treatment and diversion programs.

It is the understanding of the Commission that barriers exist to the greater use of community-based care and supervision.

Limited funding is the most substantial barrier, but prohibitions on Tribes' and Tribal organizations' use of Federal public safety and justice funds (both DOI and DOJ) for mental health and substance abuse treatment also are problematic, as they prevent the highest and best use of existing funds. Congress and the executive branch should remove any such legislative and programmatic barriers so that secure detention becomes a last resort for youth who come into contact with Tribal justice and social services systems and so that facilities can be staffed as sites for positive youth programming rather than for secure detention. Finally, Tribal, Federal, state, and local justice system personnel must understand the benefits of and implement community-based care, which is best achieved through training and education that involves all parties (justice systems, research experts, and Tribes).



**My journey led me from homelessness to group homes and eventually to a juvenile detention facility. Did you know that once a young person is arrested, even for a non-violent crime or a status offense, they are more likely to remain entangled in the juvenile justice system, potentially increasing the chances of involvement in the adult criminal justice system? Native Hawaiians are significantly overrepresented in the juvenile justice system, comprising almost 45% of youth within it. They have historically faced higher rates of arrest, incarceration, and probation compared to other ethnic groups. Reflecting on my experiences as a more healed adult, I now realize that I felt lost and hopeless, yearning for a sense of belonging to people, land, and community.”**



**ANASTASIA NEUMANN**

**Youth Panelist**

Hawai'i Regional Hearing, Commission on Native Children

# CASE STUDY

## KAWAILOA YOUTH & FAMILY WELLNESS CENTER

The transformation of the Hawai'i Youth Correctional Facility (HYCF) into the Kawaiiloa Youth and Family Wellness Center stands as a beacon of hope for juvenile justice reform. Responding to reports of the alarming overrepresentation of Native Hawaiians in the adult correctional system, many with histories of family trauma, the state initially pursued reform in the late 1980s. While the effort met with some success, over-incarceration and disproportionality continued. More active reform efforts occurred in the 2010s: the legislature passed a systems change bill in 2014, redirecting resources to treatment and improved referral options for justice-involved youth. The state also hired a new director for the HYCF who was specifically tasked with reimagining the campus and sustaining and expanding the reform effort. In 2018, the state legislature changed the facility's name to Kawaiiloa Youth and Family Wellness Center and approved development of even more programs for youth and young adults, including an assessment center for victims of sex trafficking, a secured mental health residential program for minors,



“For me, Kawaiiloa Youth and Family Wellness Center is what a modern pu'uhonua looks like.”

**MARK PATTERSON**  
*Native Hawaiian*

**Administrator, Hawai'i Youth  
Correctional Facility & Kawaiiloa Youth  
and Family Wellness Center**

Site Visit Host, Hawai'i Regional Hearing,  
Commission on Native Children

a homeless shelter for 18- to 24-year-olds, and vocational training for 14- to 24-year-olds.

The result has been a remarkable reduction in youth incarceration—falling more than 80% at HYCF/Kawaiiloa over the last 15 years—emphasizing the success of community-based alternatives over traditional incarceration and of holistic rehabilitation (including Hawaiian healing modalities) over punitive measures. The paradigm shift has truly created a pu'uhonua, a place of refuge and healing, for both the youth and their families.

Looking ahead, the vision for Kawaiiloa extends beyond rehabilitation to economic empowerment through enterprises such as selling locally and sustainably produced beef. The self-sustainability model aligns with the broader goal of transforming Kawaiiloa into a center for healing, education, and economic empowerment, ensuring a brighter future for youth and the community. This work is accomplished through collaboration among the state, Federal and philanthropic partners, the community, and the Kawaiiloa youth and families, which reflects a shared commitment to creating a nurturing environment that breaks the cycle of trauma and incarceration. In the serene hills of Kawaiiloa, the vision of a comprehensive rehabilitation center is taking shape, offering a testament to the potential for transformative change in juvenile justice.



## 7

**Keep track of Native youth in Federal, state, and local juvenile justice systems**

Federal, state, and local juvenile justice systems shall be required to maintain complete records concerning Native youth who have come into contact with those systems, including their American Indian, Alaska Native, or Native Hawaiian affiliations. If Federal, state, and local systems are uncertain whether a juvenile is Native, they shall be required to verify with the relevant Native entity and make a finding as to whether a youth is affiliated with a Tribe, Alaska Native entity, or the Native Hawaiian community.

For those children and youth in these systems who are verified to be affiliated with an American Indian Tribe or Alaska Native entity or with the Native Hawaiian community:

- Federal, state, and local governments shall create mechanisms to report back to juveniles' Native communities and guardians as to their placement, location, and status on a regular basis, but in no case less than annually.
- State courts shall provide notice, as required by the Indian Child Welfare Act, about all status offenses committed by Indian children, with regular reporting back to the Tribe or Tribal organization and guardians, and Tribes or Tribal organizations shall be offered the opportunity to intervene and provide services; furthermore, the same notice and opportunity to intervene and provide services shall

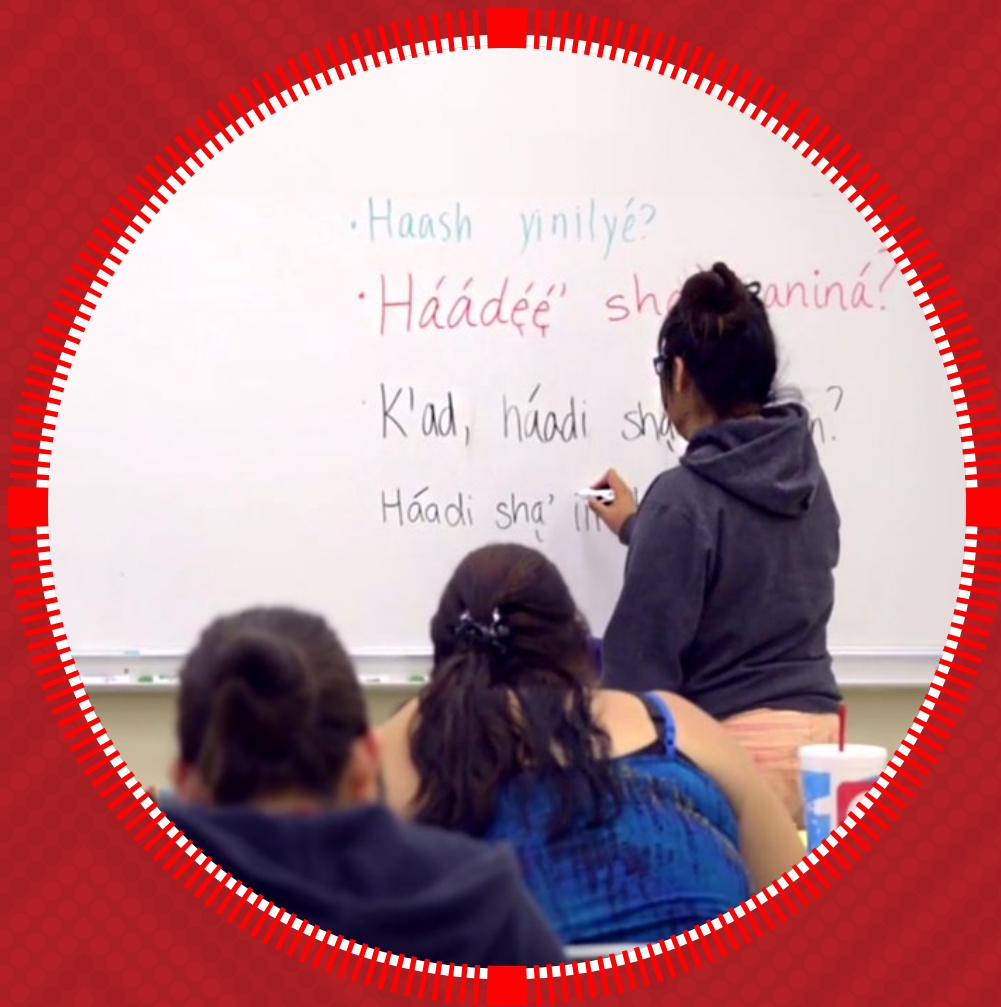
be provided to Native Hawaiian entities, although not required by ICWA.

- In all other state and Federal juvenile cases (i.e., non-status offenses), notice shall be provided, and Tribes, Tribal organizations, and Native Hawaiian entities shall be offered the opportunity to intervene and provide services.
- If Federal court takes jurisdiction over a juvenile case that occurred on Tribal land, the U.S. Attorney must use the same certification process with the Tribe that they use with states as required under 18 U.S.C. §5032, which provides that proceedings cannot be initiated against a juvenile in any court of the United States unless the Attorney General, after investigation, certifies to the appropriate U.S. District Court that (1) the juvenile court or other appropriate court of a State does not have jurisdiction or refuses to assume jurisdiction over the juvenile with respect to the alleged act of juvenile delinquency; or (2) the state does not have available programs and services adequate for the needs of juveniles; or (3) the offense charged is a crime of violence that is a felony or an offense described in section 401 of the Controlled Substances Act (21 U.S.C. 841), or section 1002(a), 1003, 1005, 1009, or 1010(b)(1), (2), or (3) of the Controlled Substances Import and Export Act (21 U.S.C. 952(a), 953, 955, 959, 960(b)(1), (2), (3)), section 922(x) or section 924(b), (g), or (h) of this title, and there is a substantial Federal interest in the case or the offense to warrant the exercise of Federal jurisdiction.

While the Commission recognizes that collection and storage of juvenile justice data varies greatly from government to government, it also recognizes the importance of a systematic method that ensures that American Indian, Alaska Native, and Native Hawaiian youth do not get lost in Federal, state, and local justice systems. American Indian, Alaska Native, and Native Hawaiian entities and organizations not only have the right to know where their children and youth are but often are best positioned to assist in assessment, rehabilitation, treatment, and prevention efforts and in identifying alternatives to detention. To ensure that they are afforded

opportunities to intervene and assist, this recommendation requires notice to relevant Native entities when a Native child or youth enters a nontribal justice system and, at very least, annual reporting concerning the placement, location, and status of Native children and youth who remain under Federal, state, and local juvenile justice systems' supervision. Successful implementation of this recommendation will require seamless cooperation and information sharing among the various jurisdictions that have responsibility for each case and for each child or youth.





## Education



**With regard to education (including early childhood development, K-12, and postsecondary/vocational training opportunities), the Commission received evidence about the importance of tailored education for Native students from early childhood through higher education and about the critical role that Native cultures and languages can play in supporting Native student success.**

## 8

**Expand access to the Maternal, Infant, and Early Childhood Home Visiting Program**

**With the aims of decreasing infant mortality and of improving health and child welfare outcomes for American Indian, Alaska Native, and Native Hawaiian mothers and children, Congress and the Department of Health and Human Services shall expand access to the Maternal, Infant, and Early Childhood Home Visiting (MIECHV) Program. To do so:**

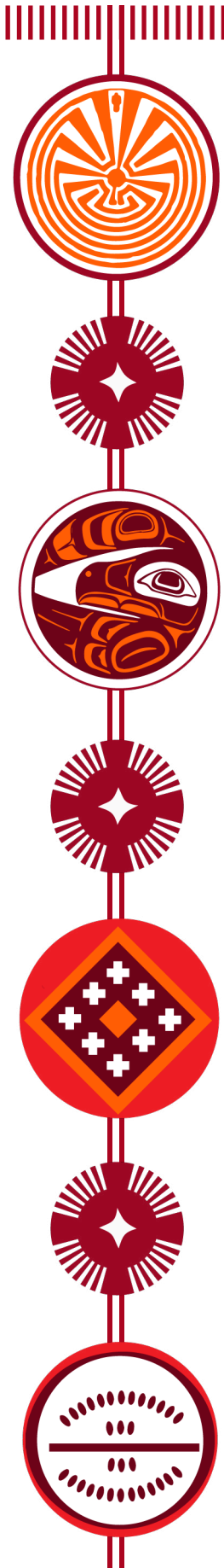
- **Congress shall amend the Native Hawaiian Health Care Improvement Act or enact new legislation authorizing the Department of Health and Human Services to expand the Tribal MIECHV program eligibility to include Native Hawaiians.**
- **The Department of Health and Human Services shall end competitive grantmaking for Tribal and Native-entity MIECHV and develop formulas for the distribution of Tribal and Native-entity MIECHV Program Development and Implementation funds and for Tribal and Native-entity MIECHV Program Implementation and Expansion funds that are inclusive of Native Hawaiian entities and provide for minimum allocations so that smaller programs are not disadvantaged; distributions above the minimum shall be based on the total funding authorized by Congress and the total number of Tribal and Native applicants.**
- **Congress shall expand overall funding for Tribal and Native-entity MIECHV, to appropriately support Native Hawaiian-entity MIECHV and to accommodate the redesign of Tribal and Native-entity MIECHV as a formula funded, noncompetitive program with sufficient funds for meaningful program delivery.**

Early childhood development is key to later thriving. The MIECHV program is a proven success and a vital resource for families in Tribal communities who commonly face higher risks and barriers to achieving positive maternal and child health and welfare outcomes. Through Tribal MIECHV, health, social service, and child development professionals partner with families in a home visiting format to together address the goals of improving maternal and child health, preventing child abuse and neglect, reducing crime and domestic violence, increasing family education and earning potential, promoting children’s development and readiness to participate in school, and connecting families to needed community resources and supports.

Nonetheless, many Tribes face significant barriers to participating in MIECHV, including limited resources and limited experience applying for competitive grants—and Native Hawaiian communities are not eligible to participate in the Tribal program. Solutions to these obstacles include increased funding, transition to a formula funding for Tribal MIECHV programs (rather than competitive grants), and inclusion of Native Hawaiian entities as qualified applicants.

**“ Early intervention can substantially reduce the impact of poverty on children’s development when it is sufficiently intensive and reaches the families who need it the most. Poverty chronically deprives children of the resources necessary for them to thrive, as well as decreasing their resilience to stress and various physical illnesses.”**

**HILARY GOURNEAU**  
*Fort Peck Assiniboine and Sioux Tribes*  
**Director, Head Start Program**  
 Northwest and Rocky Mountain Regional Hearing,  
 Commission on Native Children



# CASE STUDY

## HUMMINGBIRD INDIGENOUS FAMILY SERVICES

Hummingbird Indigenous Family Services initiated its community impact efforts in the summer of 2019 through the launch of an Indigenous doula and lactation counselor program, Daybreak Star Doulas. Established in collaboration with the United Indians of All Tribes Foundation and funded by King County's Best Starts for Kids tax levy, the program hired two doulas who swiftly engaged with Indigenous families. This commitment to community wellbeing expanded in the summer of 2021 with the establishment of Hummingbird Indigenous Family Services, dedicated to providing holistic support for Indigenous families, with a particular focus on maternal health and breastfeeding. Hummingbird's deeply rooted values include:

- Believing every parent is the perfect parent for their baby
- Believing that healthy mothers and babies are the foundation of a healthy community
- Believing that abundance and generosity are essential in Indigenous resiliency
- Believing that abundance and generosity are a community responsibility
- Believing in the validity of traditional knowledge



- Believing in centering Indigenous people in all work
- Believing in the importance of providing culturally relevant care

Hummingbird Indigenous Family Services addresses historical trauma, systemic barriers, and cultural disconnection through a suite of culturally sensitive, impactful programs for Indigenous families during the pre- and postnatal periods. The Indigenous BirthKeepers initiative includes a full-spectrum doula program, which reduces maternal stress. The Nest provides a guaranteed basic income from pregnancy through a child's third birthday, which enhances wellbeing by reducing financial insecurity. The storytelling program empowers parents to reshape their narratives, and the Pilimakua Family Connections program further supports the wellbeing of Indigenous children and families through Indigenous-centered services, including home visiting.

Hummingbird's comprehensive approach—emphasizing culture, community involvement, and income support—offers a valuable, replicable example of how Native communities can truly transform maternal and family care. While it is not a MIECHV-certified program, it speaks to MIECHV's goals of improving maternal and child health, preventing child abuse, reducing crime and domestic violence, increasing family education and earning potential, promoting children's development and readiness to participate in school, and connecting families to needed community resources and supports in an innovative and culturally appropriate manner.



## 9

## Support Native culture and language learners in early childhood programs and K-12 schools

Congress and the Department of Education, Bureau of Indian Education, Administration for Children and Families, and other Federal departments and agencies that fund and support the education of American Indian, Alaska Native, and Native Hawaiian students shall make every effort to provide, maintain, and sustain American Indian, Alaska Native, and Native Hawaiian culture and language learning (and especially language immersion) in early childhood education programs and in K-12 schools. To do so:

- Congress and relevant executive branch agencies shall provide funding and programmatic support to Tribal and public schools for:
  - » Culture- and community-specific curricula that teach local Indigenous languages and embrace community-specific ways of knowing and doing
  - » Language- and community-specific teacher recruitment strategies, including appropriate remuneration and flexible certification, that consider the different stages of Native language revitalization
  - » Outdoor, field, and place-based education attuned to seasonal life and to familial cultural practices and knowledges
  - » Native culture- and language-appropriate placement-related assessments, particularly

in the transition from Native community-centered preschool programs to mainstream kindergartens, so that receiving schools are able to recognize and use cultural strengths as a component of readiness assessment and of placement decisions

- Congress and relevant executive branch agencies shall provide funding and technical assistance for Tribes, Tribal organizations, and Native Hawaiian entities to build or improve Tribal/Native schools, assist them in taking over management of Federal and public schools, and/or start their own schools.
- Where state standards require graduates from publicly funded secondary schools to meet an art, history, or language requirement, state boards of education shall ensure that Native classes or requisites, designed in conjunction with local Tribes and Native communities, are available to students in publicly funded schools that serve an appropriate number of Native students (where “an appropriate number” is defined by in the same manner as in the Title VI Indian Education Formula Grant program, with the caveat that a school is obligated to provide classes even if it does not receive such Title VI monies), and that these classes are eligible to satisfy graduation requirements.
- Tribal Colleges and Universities (TCUs) and Native American-Serving Nontribal Institutions (NASNTI) shall offer teacher training and training in curriculum development as well as other programming appropriate for supporting this recommendation.

Educational systems play a vital role in shaping the knowledge and skill sets of students. However, the significant disconnect between Native ways of knowing and public—and even Tribal—school curricula may be a contributing factor to lower academic achievement, higher dropout rates, and diminished cultural self-esteem among Native students. To bridge the gap, inclusion of and emphasis on language and cultural revitalization in curricular materials

needs to be a priority, both for academic achievement and the development of positive self-identity that supports it. Many Native communities already are involved in this work to varying extents; this recommendation seeks to augment and amplify such efforts and, in so doing, supports and expands on the *Multi-Agency Initiative to Protect and Preserve Native Languages* launched by the U.S. Departments of the Interior, Education, and Health and Human Services in 2021.

**“ Across nations, we all share similarities regarding the drum, the land, and the plants. Consequently, all of our Tribally controlled schools are actively working to enhance our culture and language. This effort is rooted in the understanding that self-identity is deeply connected to these cultural aspects. During interviews with our students, one of them expressed, ‘If we don’t get exposed, we don’t learn.’”**

**CONNIE ALBERT**  
**Education Program Administrator, Office of Tribally Controlled Schools, Bureau of Indian Education**  
 Eastern Regional Hearing, Commission on Native Children

The Commission was particularly concerned about:  
 1) young students with early, advantageous Native language immersion experiences (whether home-based and/or preschool or Head Start) being subsequently disadvantaged by inappropriate, culturally biased mainstream kindergarten placement assessments; 2) the lack of robust and ubiquitous language immersion programs in elementary schools and related barriers to Indigenous language teacher certification; and 3) older students being denied the option to count instruction

in their Native language or cultural arts toward graduation requirements. Guided by the comments at the Commission’s regional hearings, the recommendation focuses on strategies that consider the various stages of language revitalization. The goal is to provide adequate resources to not only start and develop Native language and cultural programs but also to maintain, sustain, and strengthen those that already exist.

# CASE STUDY

## PUEBLO OF JEMEZ DEPARTMENT OF EDUCATION

In 1999, following an extensive visioning process, the Pueblo of Jemez resolved to take ownership over the education of Jemez children, redefine education to fit its own needs, and build capacity for educational leadership. As a result, the Jemez Department of Education (JDE) has become a key player in the academic *and* cultural education of the Pueblo's children and youth.

Change began with organizational redesign: the JDE adopted a comprehensive approach focused on assisting all Pueblo learners, from infants to adults, and on engaging all schools and education services serving Pueblo children. Next, the Pueblo leveraged community support and strategic institutional partnerships, including guidance from the New Mexico Charter School Coalition, to become the first Tribe in New Mexico to establish charter schools. The Pueblo opened San Diego Riverside (K-8) in 1999 and Walatowa High (grades 9-12) in 2003, after overcoming opposition from the local public school district and winning an appeal to the state school board.

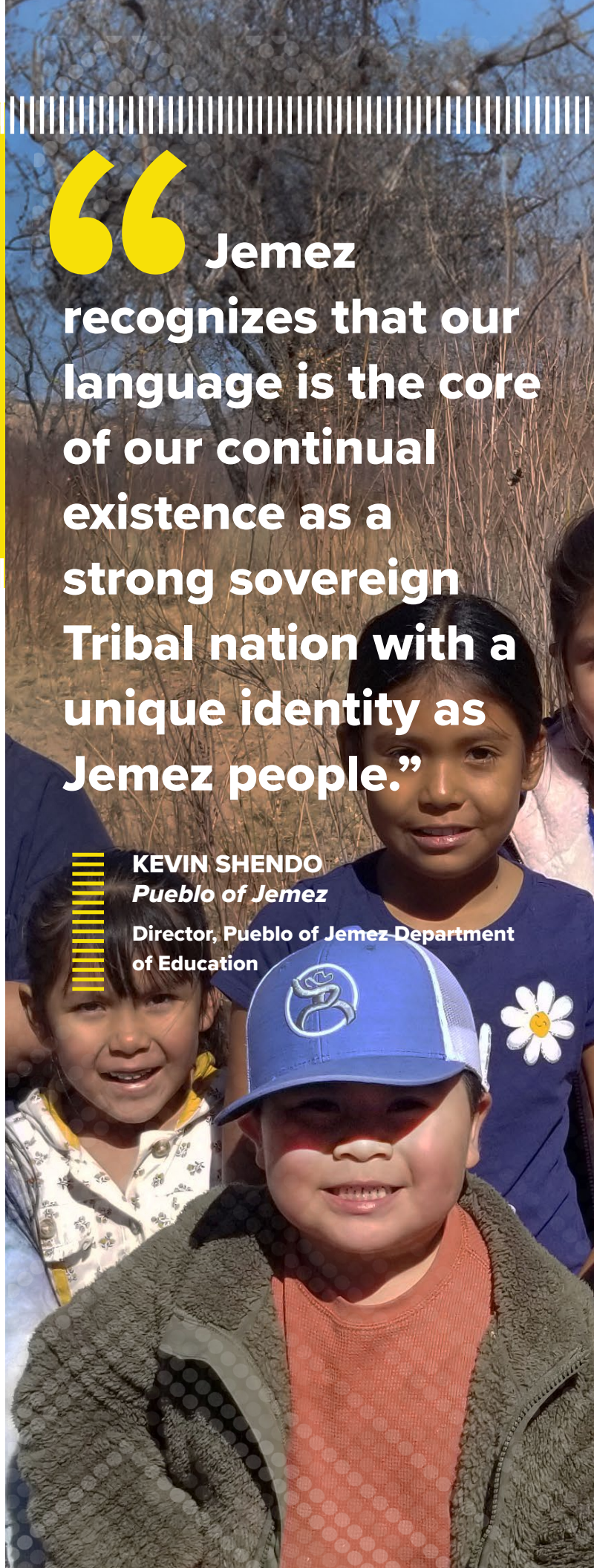
Guided by the community's vision and a problem-solving orientation, the Pueblo continued its march toward educational sovereignty, step by step:

- In 2007, the JDE formed a research partnership, "Becoming Jemez," with Arizona State University, the University of Colorado, and Denver AI/AN Head Start Research Center to document the positive effects of Native language immersion in Head Start programs, transforming the national Office of Head Start's

“ Jemez recognizes that our language is the core of our continual existence as a strong sovereign Tribal nation with a unique identity as Jemez people.”

**KEVIN SHENDO**  
*Pueblo of Jemez*

Director, Pueblo of Jemez Department  
of Education







recommendations for curriculum delivery and instruction in Native/Home languages other than English.

- In 2016, building on their extant partnership to administer Title VI Federal Indian Education Formula Grant program funds in lieu of a school district (the only Tribes in New Mexico to do so), the Pueblos of Jemez and Zia formed an E-rate consortium—which succeeded in securing an FCC award to build a high-speed, self-provisioned fiber optic network to serve the Tribes’ libraries and schools.
- In 2017, with support from the W.K. Kellogg Foundation, the Better Way Foundation, and the New Mexico Department of Public Education-Indian Education Division, the JDE worked with consultants and the Universities of New Mexico and Hawai’i to develop a Tribally defined, viable, tested, and authentic oral language assessment in Jemez (Towa, an unwritten language) for use in public, charter, and Bureau of Indian Education schools in Jemez.
- In 2026, the Jemez Department of Education will enroll its first cohort of educators in a new Jemez Immersion Licensure program offered through the University of Hawai’i-Hilo to support continued teacher training and capacity building; the cohort’s anticipated graduation date is spring 2028. Starting in fall 2024, master’s cohort to co-develop the Jemez Teacher Licensure Program, modeled after the Kahuawaiola Teacher Licensure Program, will formally begin. This cohort also will serve as adjunct faculty for the Jemez Immersion Teacher Licensure Program.

Through the JDE’s support of language and culture-infused curricula from pre-K through grade 12, dual language and immersion programs for children ages 0-9, and emphases on both academic rigor and community-integrated experiential learning, Jemez has created a community in which 80% of the population speaks Jemez (Towa), 94% of Walatowa High Charter School students graduate, and 98% are accepted to college or proceed directly into career-related training or employment. The Pueblo of Jemez has demonstrated that Native children who know who they are, where they come from, and are supported in their aspirations to succeed can excel academically and strengthen their nations.



## 10

**Expand primary and secondary education to include Native Peoples' histories and cultures**

The Federal, state, and Tribal governments shall leverage all opportunities available to assure that elementary and secondary schools within their jurisdictions acknowledge the United States' Indigenous people and incorporate lessons on place-based history and culture written by relevant Native communities into school curricula and programming; no schools that receive public (Federal and state) funds are exempt from this recommendation, regardless of the percentage of enrolled Native students. Therefore, Congress shall provide funding for the following:

- Curriculum and planning staff at state and local levels to consult and collaborate with the Native communities whose geography they share to develop educational approaches that recognize the history and ongoing presence of Native Peoples in the United States.
- Native communities to develop self-determined content, standards, and metrics that hold schools


(and themselves) accountable for implementing this recommendation.

- Tribal Colleges and Universities (TCUs) and Native American-Serving Nontribal Institutions (NASNTI) to offer teacher training and training in curriculum development as well as other programming appropriate for supporting this recommendation.
- State and Federal licensing agencies for primary and secondary school teachers to require current and future educators to demonstrate knowledge of the Native Peoples located in the geographies they serve through proof of completion of a course—designed or approved by relevant Native communities—that addresses American Indian, Native Hawaiian, and Alaska Native topics including but not limited to local Native Peoples' histories, state and Federal relations, and Native culture, values, and traditional knowledge, utilizing curricula that either are designed by relevant Native communities or have the express approval of those communities.

To better serve both Native and non-Native students, elementary and secondary schools must incorporate more information about American Indian, Alaska Native, and Native Hawaiian Peoples into their curricula. Teaching Indigenous history, culture, and language strengthens Native children and youth's resilience through positive reinforcement of their identities and sense of belonging, which ultimately supports school attendance, grade completion, and closure of the achievement gap. Education about Indigenous contributions to civics, math, science, and the arts not only expands non-Native student learning but also promotes social and emotional development and cross-cultural understanding.

The Commission recognizes the challenges of this recommendation. State and local school systems will need to update curricula and invest in program development and

teacher training. Tribes will need to develop their capacities to engage with nontribal school systems and assist in standard setting and accountability. TCUs and NASNTIs will need to develop curricula appropriate for undergraduate, graduate, and professional development programming, especially if they are to support teachers not only at Tribally controlled schools but also at public and other mainstream schools. Schools and school districts that already have adopted "Indian education for all" can provide guidance and lessons learned to others, but the work requires appropriating adequate Federal funds.



**“ We started an educator prep program — where we are actually decolonizing prep programs, to train teachers that understand trauma and how it affects the brain, and therefore they know how to teach those types of learners. We wanted them to know how to integrate culture, we wanted these teachers to be able to go to these school systems and be able to connect to these students.”**

 **LONA RUNNING WOLF**  
*Blackfeet, Haida, Little Shell Cree*  
**Former Director of American Indian Student Achievement, Montana Office of Public Instruction**  
Northwest and Rocky Mountain Regional Hearing, Commission on Native Children

11

**Ensure Native students’ access to educational services through appropriate enumeration of Native children and youth**

**Congress shall amend the Indian Education Formula Grants to Local Educational Agencies (LEAs) program, as authorized under Title VI, Part A, of the Elementary and Secondary Education Act of 1965 (ESEA) and reauthorized under the Every Student Succeeds Act of 2015 (ESSA), to require school districts and states to count Native children and youth in the most expansive way possible. In the executive branch, the Office of Management and Budget shall revise its guidance to the Department of Education and any other executive branch department or agency that provides educational services to Native children and youth on how to count American Indians, Alaska Natives, and Native Hawaiians to include multiracial individuals.**

Federal government data classification standards have led to an undercount of American Indian, Alaska Native, and Native Hawaiian populations at many Federal agencies. In

particular, Office of Management and Budget (OMB) guidance has resulted in the Department of Education not counting as American Indian/Alaska Native (AIAN) any student who identifies as AIAN in combination with another race and/or Hispanic or Latino. Because American Indians, Alaska Natives, and Native Hawaiians self-identify as multiracial more than any other group in the United States, and because nearly one-third of the U.S. Native American population also identifies as ethnically Hispanic or Latino, these enumeration policies diminish the count of Native students in public schools. Funding for Native students thus is provided at much lower levels than the true population count warrants, limiting schools in their efforts to serve Native students and denying students the benefits and services that could assist them in achieving success.

The Commission proposes that the Department of Education use the more expansive definition of “Native student” that includes both AIAN alone and in combination. This change will increase the availability of Federal funding for Native children in public schools, generating a more equitable and supportive environment to help keep them on track for a thriving life.

12

**Ensure state government accountability for funding for Native students**

**Congress shall require every state that receives Federal funding for American Indian, Alaska Native, and Native Hawaiian students in primary and secondary education systems through any title of the Elementary and Secondary Education Act, as amended, or the Johnson O’Malley Act to ensure that Federal educational funds received pursuant to these Acts and intended to support Native students are spent on American Indian, Alaska Native, and Native Hawaiian students.**

Many states receive Impact Aid, Title VI, and Johnson O’Malley funding for supplemental education activities for American Indian, Alaska Native, and Native Hawaiian students in their student bodies. Methods of support vary from academic counselors and tutors to art, dance, music, and Native sports. However, combining these funds into general fund activities and siphoning them away from the Native student target audience defeats Congress’ purpose and the intent of the funding. For example, some states have taken a percentage of Impact Aid for the general state education fund, depriving Native students of resources due to them. This recommendation requires a rigorous monitoring and enforcement system to be implemented by the Department of Education.

## 13

**Strengthen school, family, and community partnerships**

Tribal, state, and Federal education agencies shall collaborate to identify, disseminate, and fund community-school partnership models that can be implemented in Tribal, public, and charter school settings, engage multiple levels of community and school leadership, and employ a continual process of review, assessment, and recalibration by school leadership to promote Native student academic success and graduation. Efforts shall be particularly focused on school completion strategies, dropout prevention, and closing the achievement gap through the scaling of demonstrated models of success within and outside Native communities.

Because more than 90% of American Indian, Alaska Native, and Native Hawaiian students are educated in nontribal public schools, Native student success programming must reach beyond educational environments that Tribes, Tribal organizations, and Native Hawaiian entities control. Evidence points toward the success of models that both connect students to the broader community and engage school leadership, from teachers to administrators to school boards; Communities in Schools is one example. By integrating community programs into the school environment, by connecting students to out-of-school support systems, and by paying close attention to student needs, to the specific factors that motivate individual students, and to progress reports, community and school partners can help students achieve consistent school attendance, grade-level progress, and ultimately, graduation success. The focus here is on scaling up efforts that have generated demonstrable, positive results both in and out of Native communities to support success for Native students.

## 14

**Expand afterschool programming for Native children and youth**

In consultation with Tribes and Tribal organizations, Congress shall fund and relevant executive branch agencies shall enhance Native children's overall learning readiness by expanding, developing, and promoting robust afterschool programs for Native youth. Such programs must be culturally based and trauma-informed, partner with parents/caregivers, and as needed, provide referrals to trauma-informed behavioral health providers; where appropriate, local capacity also shall be expanded through community partnerships.

Comprehensive afterschool programs keep children and youth safe and help them succeed in school and in life: studies show that quality afterschool programs positively affect a range of student issues, including reading and math achievement, school engagement, school attendance, grade promotion, graduation, and health and wellness. Quality afterschool programs for Native children and youth not only offer homework help, physical recreation, creative outlets, workforce exposure, and beneficial social interactions but also provide supervision in a safe, culturally competent, trauma-informed, and services-rich environment. Unfortunately, many Native children and youth lack access to programs tailored to their specific needs.

The Commission's recommendation seeks to address this shortage by expanding Indigenously informed afterschool programming in and beyond Native communities. Funding, service provision, and collaboration with local Native communities and non-Native organizations will help build high-impact, culturally competent afterschool programs.

# CASE STUDY

## NORTH DAKOTA TRIBAL COLLEGE SYSTEM APPRENTICESHIP PROGRAM

Contemporary Tribal economies have diverse workforce needs, and hiring managers often are challenged to find Native candidates to fill open positions. Similarly, many employers realize the benefits of hiring Native staff, but have difficulty identifying Native job seekers in their fields. Responding to these needs, the North Dakota Tribal College System (NDTCS), a network of five Tribal colleges and universities (TCUs) in North Dakota, created the Tribal College Apprenticeship Program (TCAP), an “earn and learn” opportunity supported by private funding from large regional employers.

Innovation and flexibility are hallmarks of the TCAP. As a group, the NDTCS colleges have identified traineeships in areas such as business administration, finance, early childhood education, social work, HVAC, plumbing, heavy equipment, welding, building trades, auto tech, commercial driver’s license (CDL), carpentry, information technology (IT), nursing, and TCU-based professional positions—but each TCU designs its own TCAP project to match college capacities and local economic needs. Administratively, the TCUs rely on a creative combination of college work-study, internship, and apprenticeship programs to provide students with on-the-job skills training. Students choose among their TCU’s TCAP





options and earn either a fully funded two-year degree or a technical certification, whichever is appropriate to their field of study. Depending on the apprenticeship position and location, students also may have the option of earning a bachelor's or master's degree.

All NDTCS member institutions are accredited by the Higher Learning Commission, just as state colleges and universities are, which ensures that students receive quality academic education. As Tribally chartered entities, the collaborating TCUs also are committed to teaching Indigenous languages and engaging Tribal cultures in their curricula. Through TCAP, students can augment these academic and cultural learning experiences with exposure to high-demand occupations and meaningful, lifelong career paths.

For TCAP participants, the combination of academic education, cultural education, and vocational education increases the relevance of higher education, reduces its cost, and incentivizes college completion. For communities in the rural northern Great Plains, TCAP is equally—if not more—impactful. By identifying and leveraging place-based opportunities to support the workforce needs of both Native and non-Native employers, the Tribal College Apprenticeship Program anchors businesses, sustains economies, promotes cross-cultural engagement, strengthens families, improves public safety, and improves wellbeing for all.



## 15

**Expand opportunities in higher education for Native students**

**Congress, the Department of Education, and state governments shall increase American Indian, Alaska Native, and Native Hawaiian students' access to higher education (where "higher education" is understood to include a recognized postsecondary credential consisting of an industry-recognized certificate or certification, a certificate of completion of an apprenticeship, a license recognized by the state involved or Federal government, or an associate or baccalaureate degree) through increased funding and by creating and modifying relevant programs and regulations. In particular, Congress, the Department of Education, and state governments shall ensure that:**

- **Native students who are admitted to qualifying programs receive tuition, room, and board at no cost for a student's first degree, license, or certificate/certification**
- **The Pell Grant Program and other forms of Federal financial aid are modified to include assistance to Native students pursuing technical education or other short-term training or certificate programs (see H.R. 6585, The Bipartisan Workforce Pell Act, introduced December 5, 2023)**
- **Accredited institutions develop Native American student support services that help students maintain satisfactory academic progress (for example, staying on track to graduate within 150% of their program length) and mitigate their risks of dropping out prior to graduation/completion**

The Commission bases this recommendation on the Federal trust responsibility. Native American students long have been underrepresented in postsecondary education, resulting in attainment and employment gaps. The proportion of American Indian students receiving bachelor's degrees, for example, is less than half that of white Americans, with Alaska Natives faring somewhat worse, and Native Hawaiians faring somewhat better. A key component of this recommendation is the expansion of qualifying postsecondary programs other than academic degrees to the definition contained in the Workforce Innovation and Opportunity Act. These certifications/certificates increase earning potential without requiring a two- or four-year degree.

This recommendation instructs Congress, the Department of Education, and state governments to find similar ways to create more affordable pathways by which Native students can gain a college education or earn a credential. Amending the Pell Grant Program to include assistance to Native students pursuing technical education or other short-term training or certificate programs is one necessary approach. Other options may be for the Federal government to increase the value of Pell Grants overall or to create a program for Native students modeled on the Chafee Educational and Training Vouchers Program. At the state level, more state governments should follow the lead of states that already offer tuition-free undergraduate education to qualified Native residents; in states with Promise programs, still more progress could be made through an expansion of outreach and services specifically intended for Native community members.

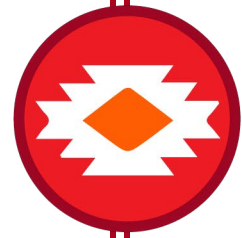


16

**Expand loan forgiveness for Native students**

**The Federal government shall forgive the Federal student loans of any American Indian, Alaska Native, and Native Hawaiian graduate who works for five consecutive years in any sector of public service or for any Native entity or entities; the Commission defines a “Native entity” as any organization owned or controlled by a Tribe or Tribal organization as defined in 25 U.S.C. §5304(e); any Native-serving entity receiving funds through programs of the Departments of the Interior, Health and Human Services, Justice, or Education; or any Federal or state government agency that serves Native communities.**

The Federal government offers a variety of student loan forgiveness programs for workforce recruitment purposes. These include the Public Service Loan Forgiveness Program, Teacher Loan Forgiveness Program, Attorney Student Loan Repayment Program, and Loan Repayment Program for health professionals working for the Indian and Public Health Service. Recognizing the beneficial nature of loan forgiveness in these professions, the Commission seeks to expand loan forgiveness both for the impact it will have on American Indian, Alaska Native, and Native Hawaiian individuals’ educational attainment and for the impact it will have on Native communities in terms of their ability to attract a high-quality workforce. The recommendation acknowledges the many ways Native communities organize their governing systems, service provision, and economies and, in so doing, expands the pool of eligible employers and bolsters portability (the opportunity to change employers and advance careers while continuing to accrue credit toward loan forgiveness).



# CASE STUDY

## FREE TUITION PROGRAMS FOR NATIVE STUDENTS IN MINNESOTA

With costs for colleges and universities skyrocketing across the nation, and the burden of student debt causing many to question the value of higher education, focus has turned to how to relieve that burden. For Native students, many of whom are first-generation college students and have low or moderate incomes, the cost burden of higher education often looms even larger.

In Minnesota, however, free tuition for higher education is increasingly a reality. The state's commitment to affordable higher education for all residents has developed over time, starting with the Minnesota State grants, which supplement Federal Pell Grants for Minnesota-resident students. In 2005, the state layered the U Promise Scholarship on top of the grant program and, in 2021, added the Promise Plus Free Tuition program, which supports Minnesota-resident students with family income less than \$50,000 who are enrolled at any of the University of Minnesota campuses. Beginning in fall 2024, the North Star Promise Scholarship will allow students with family incomes under \$80,000 to pursue a two- or four-year degree or certificate program at any of the University of Minnesota campuses, Minnesota State colleges, or Minnesota-based Tribal colleges without paying tuition (after applying all other scholarships, tuition waivers, stipends, and grants).





In addition to the general Minnesota free tuition programs, the following opportunities are designed specifically for American Indian and Alaska Native students:

- The University of Minnesota Morris long has admitted American Indian, Alaska Native, and Canadian First Nation students, regardless of state of residency, tuition-free. The original buildings on the Morris campus, built more than a century ago, housed an American Indian boarding school, first administered by the Catholic Church and later by the U.S. Government. When the boarding school closed, the campus was transferred to the State of Minnesota with the stipulation that tuition for Native students would always be waived.
- In 2021, the University of Minnesota created the Native American Promise Tuition Program, which affects all campuses in its system. Eligible freshmen and transfer students from the 11 Federally recognized Tribes in Minnesota with household incomes up to \$125,000 pay no tuition or fees.
- Minnesota's Native students also are eligible for the Minnesota Indian Scholarship Program, which provides postsecondary financial assistance to Minnesota-resident students who demonstrate financial need and are enrolled at least three-quarter time as an undergraduate (up to \$4,000) or at least half-time as a graduate student (up to \$6,000) and are at least one-quarter Indian or a member of any Federally recognized Tribe or Canadian First Nation.

While these free tuition programs often do not cover costs such as fees, books, and living expenses, still other programs are available to supplement the scholarships and make the achievement of higher education goals possible. The flexibility offered among certificate, two-year, and four-year degree programs allows the free tuition programs to meet students where they are and support them to realize their dreams.



**“ The health system is difficult to navigate, especially for mental health care. Looking for professionals that can relate to the Indigenous Native experience and that have values that align with my values and cultural traditions are hard to find. People who aren’t like you don’t understand what your story is and how you can navigate your world.”**



**KAYLA HARSTAD**

***Turtle Mountain Band of Chippewa***

**First-year university student**

Youth Panel, Northwest and Rocky Mountain Regional Hearing,

Commission on Native Children



## Physical, Mental, and Behavioral Health



**With regard to physical, mental, and behavioral health, the Commission received evidence about the importance of healthy lifestyles, nutrition, and behavioral health throughout the lifecycle, and in particular about prevention measures in support of Native children and youth for successful and healthy growth into adulthood.**


## 17

## Provide comprehensive prenatal health education and related services to Native mothers and families

The Departments of Health and Human Services, Interior, and Education shall implement multiple strategies to provide comprehensive maternal health education for American Indian, Alaska Native, and Native Hawaiian mothers and families. To implement the recommendation, these executive branch agencies shall:

- Widely disseminate, resource, and implement culturally tailored positive pregnancy messages, including how healthy maternal behaviors support healthy births and healthy babies
- Widely disseminate, resource, and implement culturally tailored, evidence-based preconception counseling and diabetes risk reduction programs
- Provide counseling services pre- and post-conception and provide additional support and services for postpartum mothers
- Beginning early in their pregnancies, screen American Indian, Alaska Native, and Native Hawaiian women for pregestational or gestational diabetes, obesity, excessive weight gain, multiple pregnancies, prior fetal macrosomia, family history of fetal macrosomia, and possible exposures to environmental toxins
- Provide intensive dietary instruction and home glucose monitoring to high-risk pregnant American Indian, Alaska Native, and Native Hawaiian women
- Screen for and identify American Indian, Alaska Native, and Native Hawaiian women early in pregnancy who are at risk of using alcohol and other addictive substances during pregnancy, and provide resources and support for those mothers and families
- Provide education on alcohol and substance abuse and its effects on fetal development
- Provide family nutrition courses and education on food and its effects on fetal and child development, including encouraging breastfeeding

American Indian, Alaska Native, and Native Hawaiian communities do not have adequate or appropriate access to comprehensive maternal health education and support compared to other communities. This recommendation recognizes the importance of culturally tailored approaches to maternal health education. The Commission's emphasis on preconception counseling, diabetes risk reduction, and postpartum support aligns with best practices for promoting healthy pregnancies and maternal wellbeing, especially in high-risk communities. Furthermore, screening for risk factors and providing education on substance abuse during pregnancy address specific challenges faced by Native communities.



**“ Positive early experiences help young children learn, grow, and succeed... we are taught that the actions of the parents directly impact the social, emotional, and physical capability of the child.”**



**MEMARIE TSOSIE**

*Navajo*

**Director, Navajo Region First Things First**

Navajo Regional Hearing, Commission on Native Children

## 18

**Develop multigenerational nutrition programs for Native children, youth, and families**

The Departments of Agriculture, Education, Health and Human Services, and Interior, and all their relevant divisions and agencies (including the Indian Health Service, Centers for Disease Control, Bureau of Indian Affairs, and Bureau of Indian Education) shall create and enhance initiatives that provide immersive multigenerational nutrition and health programs for American Indians, Alaska Natives, and Native Hawaiians. Such initiatives will:

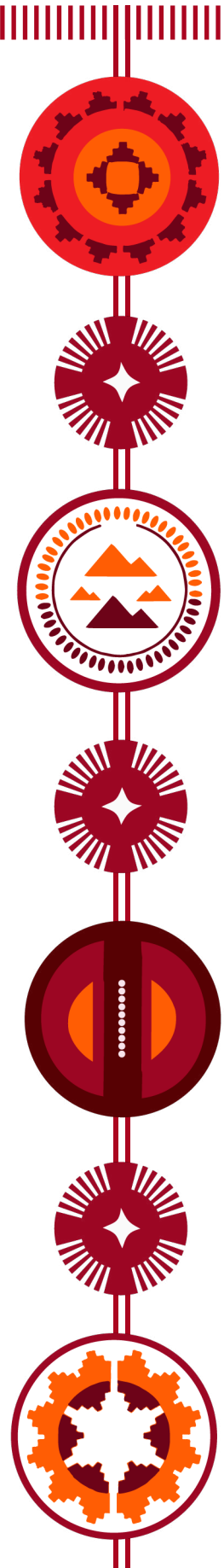
- Intervene at multiple levels of the food system to create, support, and encourage multigenerational activities that build upon cultural and spiritual values and traditions consistent with the key elements of a healthy lifestyle such as good nutrition, physical exercise, and social connection; this involves:
  - » investing in Indigenous food sovereignty initiatives that restore traditional foods and foodways
  - » increasing access to Indigenous foods and other healthy foods in school-based lunch programs
  - » limiting easy access to low quality, ultra-processed foods
  - » planning, supporting, and sustaining a continuum of nutrition programs for Native children that seamlessly allows for participation across the developmental lifespan
- Screen Native children for and address their risks of obesity, diabetes, and other conditions related to the social determinants of health in educational, health care, justice, and social service settings
- Support programs and services in Native schools, community centers, and juvenile detention centers that:
  - » provide education to Native youth about healthy eating habits, preparing affordable meals for families, preventing or living with diabetes, incorporating Indigenous foods into family diets, and using Indigenous medicinal herbs
  - » increase access to local produce and culturally relevant Indigenous foods and medicinal herbs
- Enhance and improve data collection, access, analysis, and reporting regarding dietary behavior and health-related factors for Native children and youth, and improve the utility of these data, by:
  - » Allocating funding for comprehensive analyses, summary reports, and wide dissemination of findings about dietary behavior and related factors among American Indian, Alaska Native, and Native Hawaiian children and youth derived from the Centers for Disease Control's Youth Risk Behaviors survey
  - » Facilitating easier access to and conducting analyses of the Indian Health Service's National Data Warehouse, focusing specifically on information pertaining to the risk, onset, duration, severity, and comorbidities associated with obesity, diabetes, and other chronic illness among American Indian and Alaska Native children
  - » Requiring health service providers serving Native communities to provide a dietary health assessment upon request of a patient and institute personalized plans that take account of these data and analyses and implement strategies to address them



Over the last 40 years, a significant shift has occurred in the nutritional needs of American Indian, Alaska Native, and Native Hawaiian youth. Where the focus was once on malnutrition and undernutrition, it now is on the overconsumption of poor-quality foods and concomitant poor health consequences. Numerous witnesses testified before the Commission about the disproportionate effect of nutrition-related chronic diseases such as obesity and diabetes on Native children's and youths' lives in both the short and long term.

To promote better health for American Indian, Alaska Native, and Native Hawaiian children and youth, there is an urgent need for obesity prevention programs that are culturally oriented, family-centered, and community and school-based that target healthful eating beginning in childhood. By supporting the creation and enhancement of programs capable of transforming Native children's nutrition, this multi-tiered recommendation should forestall and prevent obesity, diabetes, and other health conditions across the lifespan. The recommendation helps individual children, youth, and entire Native communities by reducing stress on their health care systems.

This recommendation also centers on the critical need to enhance data collection, access, analysis, and reporting regarding dietary behavior and health-related factors for American Indian, Alaska Native, and Native Hawaiian children and youth. The Commission considered the gaps in data collection and analysis concerning dietary behavior and health among Native children and youth and how best to overcome them. The recommended strategies aim to provide a comprehensive picture of dietary behavior, health-related factors, and health outcomes among Native children and youth and, more importantly, to provide children and youth with personalized plans to improve health outcomes.

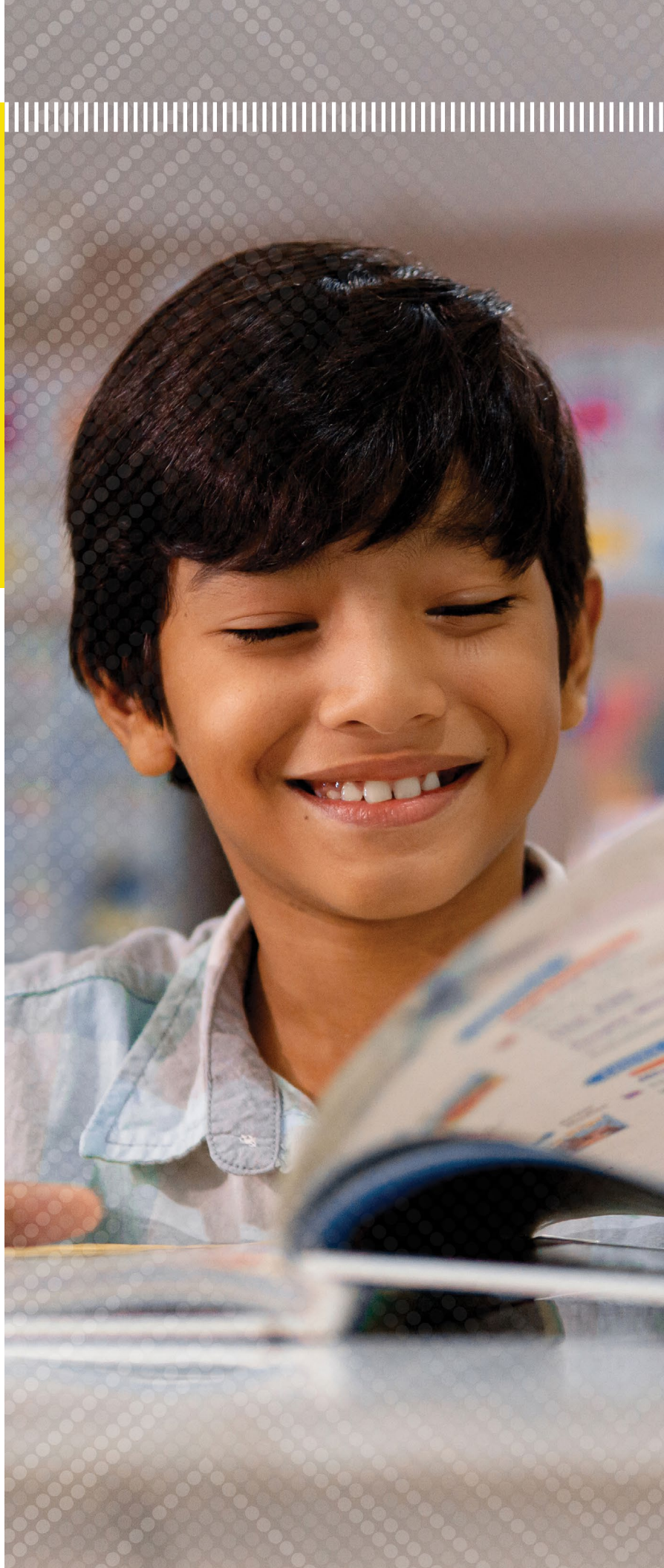


# CASE STUDY

## THE EAGLE BOOKS

Responding to the diabetes health risk posed within Native communities and the dearth of culturally relevant prevention materials for children, the Eagle Books exemplify Indigenous values by infusing traditional wisdom into narratives that resonate with young readers. The series, comprising four books for K-4 readers and additional novels for grades 5-8, introduces vibrant characters such as Rain That Dances, who embark on journeys grounded in cultural authenticity. These stories not only entertain but, as research indicates, actively promote healthy eating, physical activity, and diabetes awareness, aligning seamlessly with Indigenous values of holistic wellbeing.

The Eagle Books series originated with the single story, *Through the Eyes of the Eagle*, conceived by Georgia Perez, a community health representative from Nambe Pueblo, as part of the University of New Mexico's Native American Diabetes Project in the late 1990s. She found children engaged more with diabetes prevention through the tale of the eagle and even eagerly shared the information with their families at home. In the early 2000s, the Centers for Disease Control and Prevention (CDC) undertook to support





development of a book series, working with Perez on the K-4 stories and with Terry Lofton on young adult novels. Launched in 2006, the books, curricula, videos, and related applications continue to be a vibrant and effective resource for diabetes prevention. Research finds that after engaging with the Eagle Books curriculum, children were more likely to choose healthy rather than unhealthy food and to choose physical rather than sedentary activity; they also demonstrated increased knowledge about diabetes and how to prevent it.

Ultimately, the Eagle Books demonstrate how Indigenous values, community collaboration, and accessibility can converge to foster wellness among Native American children and youth. (Information about Eagle Books and free resources can be found on the CDC website.)



*Illustrations from The Eagle Books*




## Expand health-related services where Native children and youth are present

**Congress shall fund and the relevant Federal departments shall ensure increased access to mental and physical health care when and where Native children and youth are present so that they are able to obtain services in the easiest and most comfortable settings.**

- **The Departments of Health and Human Services, Interior, and Education shall work together with Tribes and Native organizations to provide more and more accessible mental health, behavioral health, and suicide prevention services for all American Indian, Alaska Native, and Native Hawaiian youth, including LGBTQ+ and 2-Spirit youth, through:**
  - » **the deployment of behavioral health services providers at schools, in community centers, and at organizational hubs**
  - » **expanded support of Indian Health Service, Tribal, urban Indian health clinics, and other relevant agencies**
  - » **various other community- and provider-specific efforts, ranging from accessible transportation to clear confidentiality policies, necessary to reduce barriers and deliver care**
- **The Departments of Health and Human Services, Interior, and Education shall work to enhance the availability of basic physical health services for American Indian, Alaska Native, and Native Hawaiian youth at schools, in community centers, and at organizational hubs by providing Native youth with, at a minimum:**
  - » **dental, vision, and hearing exams and resultant health status information**
  - » **basic follow up services and equipment (for example, a pair of glasses and/or hearing aids)**

Even before the COVID-19 pandemic, mental health outcomes for American Indian, Alaska Native, and Native Hawaiian children and youth were among the worst of all ethnic groups; the pandemic both exacerbated mental and physical health outcomes and exposed previous inequities for Native children and youth. Post-pandemic access to quality mental health services is an even more pressing concern for Native youth, with distinct challenges for LGBTQ+ and 2-Spirit individuals. Native children and youth also are among the least able to access critical basic health care services such as vision, hearing, and dental exams and concomitant care, despite significant needs and some of the highest risk for diabetic eye disease, dental disease and hearing loss.

This recommendation focuses on increasing the opportunities for behavioral and physical health care access and for harm prevention and intervention. In particular, it focuses on delivering services in settings where children and youth spend significant time (in schools, at community centers, at organizational hubs, and at meetings of support groups and affinity groups like the Gay Straight Alliance). School-based care is especially well-studied outside Indigenous settings, and a track record is growing in Native communities (such as the Menominee Nation's integrated school and health programs). On-site care improves physical and mental health outcomes for children and youth and is linked to better educational engagement and downstream cost savings.



**“ We spoke a lot about two-spirit communities and our two-spirit Tribal members. They existed before settler-colonialism..., and we are trying to bring them back to their positions...the medicine women, taking care of the children, the chiefs, the elders..., we wouldn’t survive without everybody involved.”**

 **RYAN OATMAN**  
***Nez Perce Tribe***

**Assistant Secretary-Treasurer, Nez Perce Tribe**

Northwest and Rocky Mountain Regional Hearing, Commission on Native Children

## CASE STUDY

### MENOMINEE SCHOOL-BASED HEALTH CARE

Increasingly, educational attainment has been understood to be a critical factor in overall community health: people who graduate from high school have a greater life expectancy, broader employment opportunities, higher wages, and a lower risk of incarceration. Digging deeper, health also is a factor in educational attainment: children and youth with physical and mental health challenges may struggle more to meet grade-level expectations and are at greater risk of dropping out. Recognizing these relationships, Menominee Indian Tribe of Wisconsin's education and health leaders joined forces and embraced a public health approach to addressing the Menominee Indian School District's achievement gap.

The initial focus of this collaboration was establishing a unified response to adverse childhood experiences, in which the school district began integrating trauma-informed, resilience-building approaches across all student interactions. The school health center counselor and social worker are trauma-trained, school schedules and physical spaces are designed to support positive behavioral health, and the "Grandfather Teachings" (concerning humility, respect, truth, love, wisdom, courage, and honesty) are woven into daily lessons. In 2015, the school district joined forces with Tribal health partners to launch a Student Health Center, addressing previously unmet mental health needs.



“ Having a collaborative partnership with MISD has given us hope that we are on the right track in our healing journey with our children.”

**JERRY WAUKAU**  
*Menominee Indian Tribe*  
Health Administrator,  
Menominee Tribal Clinic



This collaboration resulted in a rise in student behavioral health visits and a decline in school suspension rates. Over the period 2008 to 2021, the annual birth rate to girls aged 15-17 dropped from 20 births to three; students' use of alcohol, cigarettes, and marijuana fell by at least 30%; and graduation rates improved from 60% to 94%.

The second component of the collaboration was to identify gaps in student medical care—and oral health care emerged as a priority. In response, the school district and the Menominee Tribal Clinic brought dental hygienists and oral health care services into the schools, and integrated preventive dental care into the Tribe's Head Start and Special Supplemental Nutrition Program for Women, Infants, and Children (WIC). As a result, active tooth decay among Menominee children has declined and the percentage of children with no history of tooth decay has increased.

The Menominee Tribe's vision statement reads, "We envision the Omaaenomenewak (People of the Wild Rice) as a strong, healthy and proud nation living in accordance with its culture and beliefs, and possessing the resources necessary to be successful in achieving our goals." Through their joint school-based health care, the Menominee Indian School District and Menominee Tribal Clinic are making this vision a reality. "It started with the paradigm shift of doing business differently," said Wendell Waukau, Superintendent of the Menominee Indian School District. "You have to learn and understand the health needs of your community and how they are reflected in your school system. ...Don't wait for the community to come to you. You have to go to them."



## 20

### Improve Native student access to education and services that address the linkages among trauma exposure, suicide, and substance misuse

The Departments of Education, Health and Human Services, and the Interior shall provide funding to public and Bureau of Indian Education schools and to youth community centers to ensure that Native youth have access onsite to education about the relationship between trauma exposure and substance misuse, to family counseling services, and to treatment. The services to which students are referred shall:

- provide help without penalties
- be culturally relevant
- address the issues of suicide and availability of illicit drugs in Tribal communities
- support suicide awareness training and provide resources to combat accidental deaths and suicidal ideation
- provide trauma-informed safety measures and long-term follow-up for youth and their families

The recommendation seeks to address a critical aspect of Native youth wellbeing: the relationship between historical, intergenerational, and personal trauma exposure and substance use and abuse. Especially given the constant presence of street drugs in Native communities and the risks they pose to individuals prone to suicidal ideation, education about these connections, and access to resources can be lifesaving. Several agencies have developed trauma screening tools, and the Commission noted that these should be coordinated across all Federal departments and that their various agencies should take steps to require that the tools are utilized for prevention in settings where youth meet providers. The Commission further noted that fentanyl is a current drug of choice, and

that the resources provided should include appropriate treatment modalities (for example, Narcan). However, the recommendation is general in order to anticipate future drug threats, with the understanding that drugs that pose risks to Native community populations are constantly changing, and intervention resources should keep pace with those changes.

The inclusion of family counseling services and access to treatment are essential additional interventions, necessary for mending the family unit, strengthening protective factors, and reducing relapse. The focus on funding programs at schools and youth community centers follows Recommendation 19 to ensure access to these vital services and reflects current research that behavioral health treatment in context is most effective with Native children and youth.



**“ Our schools often have policies that let down kids who genuinely need support and a place to learn. I’m thankful to be in a position where I can break cycles within my own family and help my peers along the way. As the first child of my mother and father to break the cycle of growing up in a household with alcoholism, I appreciate that my parents chose to raise us in a healthy environment, free from drugs and alcohol. I plan to continue living this healthy lifestyle and advocating for it for my future children as well.”**



**SOA'ALI'I MOLIGA**

***Nez Perce and Samoan***

**Youth Panelist**

Northwest and Rocky Mountain Regional Hearing, Commission on Native Children

# CASE STUDY

## GOOD ROAD RECOVERY CENTER

In 2018, the Mandan, Hidatsa, and Arikara Nation (MHA) opened the Good Road Recovery Center in Bismarck, North Dakota, a facility dedicated to the philosophy that “together we work toward providing a greater understanding for the healing capacity of our culture. We achieve this by instilling in our people the knowledge and desire to live in balance with themselves and the world around them.” (See the Good Road website.) Three years in the making, the recovery center was an intentional and strategic response to the Bakken oil boom and the consequent increase in substance abuse. Before Good Road opened, MHA citizens had to travel as far away as Arizona to receive help with recovery. Now, MHA is able to serve its citizens close to home.

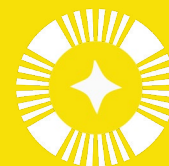
Providing residential services, a variety of outpatient services, and intensive case management, the Center imbues all of its services with a cultural frame, while also providing substance abuse treatment that conforms with the American Society of





Addiction Medicine (ASAM) levels of care. The Center itself exemplifies a sense of community and culture through the layout and architectural design of its residential and treatment spaces. The Center's individualized client plans span as long as 18 months and center cultural teachings and family and community engagement in prevention activities. Case management ensures connection between treatment and other community services. After treatment, supported sober living in the community is a key component of the Good Road's comprehensive recovery approach.

The Good Road Recovery Center demonstrates what Tribes and Tribal organizations can accomplish to support the health and wellbeing of families when they are able to direct and define behavioral health treatment systems of care.



21

**Establish and enhance disability services for Native children and youth and reduce barriers to access**

**Congress shall fund, and the Departments of Health and Human Services and the Interior shall enhance and create, across all their bureaus and agencies that serve American Indian, Alaska Native, and Native Hawaiian children, programming to address the disability-related needs of Native children and youth. Such programming shall address all types of disabilities defined by the Centers for Disease Control and Americans with Disabilities Act that impair, limit, and/or restrict a person’s daily life.**

A disability is defined as a problem with seeing, hearing, thinking, walking, or other aspects of daily living. In turn, disabilities can affect a child’s socialization, education and employment opportunities, and long-term wellbeing. Statistics show that a disparate number of Native children and youth live with disabilities. In part, this outcome is related to the high incidence of unintentional injury, of fetal alcohol spectrum disorders, and of toxin exposure in Native populations. Given this context, the recommendation centers on the imperative of ensuring adequate funding for disability services for American Indian, Alaska Native, and Native Hawaiian children, with the goal of removing barriers to access, remediating health impacts, and providing infrastructure that helps differently abled Native children and youth realize their best selves now and in the future.

22

**Fund Native sexual health organizations and sexual health programs**

**Any Federal department or agency (including but not limited to those within the Departments of Health and Human Services, Education, and the Interior) with funding streams that support health education for Native youth shall ensure that such funding is available to Native sexual health networks, organizations, and programs whose educational services include:**

- **Culturally relevant lessons for all Native youth that address healthy relationship habits (including topics of consent, harassment, the cycle of violence, and protective factors), teach how to prevent pregnancy and sexually transmitted infections (STIs), and help build resilience to trauma**
- **Culturally relevant resources that offer information to Native youth about how they can reach out for help and where they can receive STI tests, pregnancy tests, birth control, and condoms**

The Commission recognizes that many Native youth lack access to information and education concerning healthy relationships, pregnancy prevention, and STI prevention. The Commission also recognizes that there is an intersection between trauma exposure and healthy sexual choices for Native children and youth. Therefore, the recommendation prioritizes the availability of information and resources about prevention, treatment, and the link between trauma exposure and healthy sexual choices.

This recommendation supports existing sexual health education programs and organizations that research and community-based evidence have proven successful. It also emphasizes that these programs and organizations need predictable and sustained funding to continue to deliver health education for Native youth that is inclusive, accessible, and impactful.

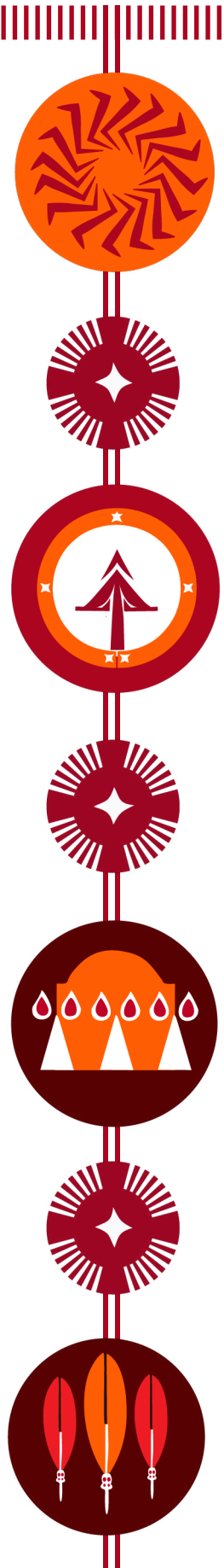
23

### Require environmental impact health assessments to reduce risks to Native children and youth

The Department of Health and Human Services, Department of the Interior, and Environmental Protection Agency shall ensure that locations in Native communities frequented by children and youth are screened, assessed, monitored, and evaluated for risk of exposure to environmental toxins and that such information is shared with relevant health providers. Health providers serving Native communities shall provide an environmental impact health assessment upon request of the patient or parent, with follow-up to determine:

- The type of environmental exposure (lead, mercury, chemical spill, etc.)
- Health impact to the child
- Strategies to mitigate health impact
- A developmental plan that follows a lifecourse model that maps out the trajectory for the healthiest lifestyle for that child (at the time of assessment)

Native community residents are disproportionately exposed to environmental contaminants for a variety of reasons, including: 1) where they live (Native communities sometimes are located in areas undesirable to the majority population or where significant industrial pollution occurs, often as a result of natural resource extraction, such as fracking); 2) Federal and state laws that make it easier for polluting enterprises to access Native lands; and 3) their participation in cultural activities that may put Native children and youth in close contact with toxic environments. These exposures can be linked in part to land and asset expropriation, which has increased the probability that a child grows up in an unsafe environment. There is a critical need to protect the health of Native children and youth who live, study, and play in locations heavily impacted by environmental toxins, a need that should be met by the Federal trust responsibility and the duty of Federal agencies such as the Indian Health Service, Bureau of Indian Affairs, Department of the Interior, and Environmental Protection Agency to ensure the safety of Native communities. By requiring health providers to offer environmental impact health assessments and treatment plans, the recommendation promotes proactive health and risk mitigation.



## 24

### Fund short-term investments to support Native entities' capacities to bill for health care services

**The Department of Health and Human Services shall support a five-year program to facilitate Tribes' exit from Indian Health Service (IHS) direct service, and as a key part of that program, increasing use of third-party billing (i.e., the ability to bill Medicaid, Medicare, and private insurers) in Native communities where the entities providing services to American Indian, Alaska Native, and Native Hawaiian community members currently do not have the capacity to support robust third-party billing. In particular, IHS shall provide any Native community that produces a business plan for greater self-sufficiency in health care funding with capacity grants to support the transition from IHS direct service to P.L. 93-638 contracts or compacts; the installation of technologies (hardware and software) for robust third-party billing; the development of policies, procedures, and training necessary to make third-party billing a success; assessment of the potential of Tribal insurance to improve community and individual financial and health care outcomes; and other capacity development activities.**

limited appropriations. Therefore, this recommendation supports Tribal sovereignty by incentivizing Native communities to pursue P.L. 93-638 contracts and compacts, design billing systems that allow them to implement more comprehensive health services, develop greater self-sufficiency in health care finance, and realize the benefits of a more businesslike mindset in health care provision. In particular, it proposes a five-year program to support Tribes and Tribal organizations seeking to move toward greater self-determination over health care. Similarly, a more robust and expansive billing process for Native Hawaiian health entities should be implemented.

An essential component of the trust responsibility, health care is a critical service in all Tribal communities, yet Federal funding for the Indian Health Service is far from adequate to meet most of the health care needs of Native people. In fact, Congress makes appropriations for IHS service provision to Tribes at as little as one-seventh of demonstrated need. While "third-party payers" (including the Federal government's health care programs for senior, disabled, and low-income citizens, Medicare and Medicaid) can be billed for services provided at IHS-funded facilities, this does not necessarily occur. Billing remains elusive for a number of Tribes, and is especially a problem for IHS direct service provision. The Commission heard testimony in Alaska and North Dakota about how effective Tribal control over health care is in transforming these critical services, especially for behavioral health care and other health care needs not covered by



## Cross-Systems Issues



**With regard to cross-systems issues, the Commission received evidence about the importance of multidisciplinary flexibility in program and funding streams, of more and more highly qualified professional Native and non-Native staff across all sectors, of more consistent funding through set-asides and noncompetitive grant processes, and of incentivizing programs that deliver success.**

25

**Create and expand mechanisms that allow Native entities to integrate and/or consolidate funding streams to support more multidisciplinary programs for Native children and youth**

Congress and executive branch agencies responsible for addressing the needs of Native children and youth shall develop a strategy that a) supports the creation of locally driven, cross-systems, integrated responses to the needs of Native children and youth, and b) funds such approaches with flexible, noncompetitive, and sustained funding streams that are directly accessible by Native communities. The strategy shall allow the creation of programs that are Native-community driven; engage local stakeholders and rightsholders; allow integration of local Native communities' unique cultures and healing traditions; serve both Native children and their families; and comprehensively address prevention, intervention, and treatment needs. Further, to support this strategy:

- Congress shall increase the total funding dedicated to creating, assessing, bringing to scale, and maintaining former and new solution- and prevention-focused pilot, demonstration, and permanent projects, including projects that create opportunities for Tribes and local entities to

consolidate all funding streams dedicated to children and youth (for example, child welfare/IV-E, truancy, public health, child wellbeing, early childhood, Head Start, education, and juvenile justice funding) and thereby create new and innovative community-specific approaches to family and community wellbeing regardless of the source of Federal funding.

- Congress and all executive branch departments and agencies shall expand P.L. 102-477 and P.L. 93-638 contracting and compacting to include all programs that serve Native children and youth and eliminate barriers to combining funds across agencies and Federal departments to better support holistic approaches to Native child and youth wellbeing through consolidated funding, braided services, and maximum flexibility.
- All executive branch agencies shall mandate the creation of multidisciplinary, interagency, cross-departmental, and cross-agency teams to address issues such as (but not limited to) child welfare, mental and behavioral health, cultural awareness, and traditional medicine to facilitate greater consolidated funding, braided services, and maximum flexibility, and these teams shall include representatives of Tribal Advisory Committees.

While Federal funding to support Native children and youth flows from multiple Federal agencies—including the Departments of the Interior, Education, Health and Human Services, and Justice—Tribes and Tribal organizations do their best to serve families, children, and youth holistically, utilizing resources from the various departments and agencies to create wraparound services that integrate complementary programs.

Such integration is easier where Federal rules support integration, collaboration, and single reports. For example,

P.L. 102-477 allows a Tribe or Tribal organization to combine certain Federal funds made available for employment, training, and related services programs into one holistic employment and training P.L. 477 Plan designed and carried out by the Tribe, which allows for a consolidated strategy, budget, and report. Tribes and Tribal organizations using P.L. 477 have successfully eliminated silos to maximize their Federal funds, realize greater programmatic self-determination, and drive client success. Similarly, Self-Governance compacting allows Tribes and Tribal organizations to reallocate scarce funds to meet the most crucial needs of



their people. Effective use of P.L. 93-638 Self-Determination contracting can generate similar results. In fact, these arrangements align with a large body of research pointing to greater Tribal economic, social, environmental success and greater community wellbeing when Native nations are put in the decisionmaking and financial “driver’s seat.”

However, barriers remain to realize the full potential of a comprehensive, integrated approach. The P.L. 477, Self-Governance compacting, and Self-Determination contracting are limited in scope and should be expanded to include all Federal child welfare, education, and juvenile justice funds. Many other funding streams that have the potential to

improve Native children’s lives are not even included in these opportunities. For example, while the Bureau of Indian Affairs distributes some funding for roads to Native communities, the bulk of Federal infrastructure dollars are under the jurisdiction of the Department of Transportation. The ability to combine Department of Transportation funding with education program and infrastructure dollars could make a real difference in facilitating increased school attendance in remote areas, including Alaska Native villages and rural areas of the lower 48 states. Such fully integrated funding most effectively supports efforts to improve outcomes for Native children and youth.

**“ We know that there are multiple factors that contribute to the challenges that our families are facing. We know that the problems as well as the solutions are multifaceted.”**



**JERILYN CHURCH**  
*Mniconjou Lakota*

**Chief Executive Officer, Great Plains Tribal Leaders’ Health Board**

Great Plains/Midwest Regional Hearing, Commission on Native Children

# CASE STUDY

## COOK INLET TRIBAL COUNCIL:

## INNOVATING AND IMPLEMENTING PUBLIC LAW 102-477

Public Law 102-477, as amended, allows a Tribe or Tribal organization to combine Federal employment, training, and related services funds from 12 departments into one all-inclusive contract or compact with the Department of the Interior. Through P.L. 102-477, Tribes and Tribal organizations can address workforce and supportive services comprehensively and holistically—and because it allows for one plan, one budget, and report, they also can offer these services with maximum operational flexibility and minimum administrative burden.

Cook Inlet Tribal Council (CITC) has operated a 477 Plan since 1994. With a focus on the workforce challenges and supportive services priorities of the Native community it serves, CITC has streamlined processes, eliminated redundancies, and provided more and better benefits through a holistic, wraparound approach. A key component is the improved coordination offered by its “one-stop shop”—while always valuable to clients, this model has proven vital when the community faces economic and environmental challenges.



Data bear out CITC 477's success. Under CITC's 477 Plan (now integrating 15 programs), Federal TANF, Child Care and Development Fund, Community Services Block Grant, Workforce Development and Native American Training and Career monies combine with Alaska Native Education program funds (and others) to provide better coordination across family support programs, reduce poverty, and make homes safer for children and youth. In 2022, for example, CITC 477 clients realized an average hourly wage gain of more than \$10 per hour. Over the last five years, combined Federal vocational training grants assisted more than 40 students in earning General Education Development (GED) degrees and offered more than 430 youth summer and afterschool employment opportunities that fostered life skills, employability, and career development.

In the words of one young person whose journey through high school and into employment was aided by CITC's consolidated education, employment, and training services, "People who are living along the poverty line, they're just trying to make it—and that's really hard. And it'd be ten times harder without CITC." Where there is a need to do more for Native children and youth as effectively as possible with limited resources, CITC's 477 Program is a valuable model.



26

**Create more Tribal set-asides, to be distributed as noncompetitive formula funds**

Wherever states and localities receive Federal formula funding for a social service, juvenile justice, education or health program, or any other program that could serve Native children and youth, and Tribes and Tribal organizations do not, Congress shall create a Tribal set-aside that is commensurate with need, and the set-aside percentage shall be established as a floor not a ceiling. Congress also shall ensure that urban Indian organizations and Native Hawaiian organizations also have access to set-aside formula funds for Native people.

State and local governments have the benefit of annual formula funding to support their prevention, intervention, and response activities regarding child welfare, juvenile justice, education, and health issues. However, Tribes and

Tribal organizations do not have similar access. Even if Tribal set-asides are available, many programs do not operate by formula, and others, even if operating by formula, do not create parity with states and local governments or meet the disproportionate need in Native communities. These disadvantages will be remedied by sustainable, annual Tribal set-asides administered by formula funding (rather than unpredictable and burdensome grant programs, whether competitive or noncompetitive) and provided at a level of parity based on need as compared to non-Native systems.

Secondly, Tribal set-asides must be a floor, not a ceiling, which will allow Federal agencies the flexibility to increase funding available based on need above the required set-aside. The Child Care Development Fund (CCDF) is instructive here: when the reauthorization passed in 2014, the Tribal set-aside language changed from “not more than 2%” to “not less than 2%.” Because the proportion of Native children eligible for CCDF monies is larger than the proportion of eligible non-Native children, this language has resulted in the Tribal set-aside increasing year by year, commensurate with need, and with quick and effective distribution via formula without a competitive process.

**“ We need not only to have Native teachers, counselors, and social workers, but we also need Native leadership, directors, principals, and superintendents.”**

**JASON DROPIK**  
*Bad River Band of Lake Superior Ojibwe*  
**President, National Indian Education Association**

Southern Plains/Eastern Oklahoma Regional Hearing, Commission on Native Children

## 27

**Create incentives to expand and strengthen the workforce serving Native children and youth**

Across all domains that have an impact on Native children and youth, including child welfare, juvenile justice, early childhood through higher education, and physical, mental, and behavioral health, Congress shall appropriate funds to increase the quantity and quality of professionals who serve Native children and youth, and the executive branch shall create and implement workforce development programs to fulfill this recommendation, coordinating as needed across departments and agencies.

- Congress shall fund all Federal agencies and programs intended to serve Native children and youth, whether through direct service, contracts, or grants, at a level necessary for offering wages, salaries, and benefits that attract and retain an appropriately sized, high-quality workforce.
- Congress shall fund and Federal agencies, working in collaboration with Tribes, Tribal organizations, and Native Hawaiian entities, shall create, strengthen, and expand workforce development initiatives, programs, pipelines, and partnerships intended to attract, train, and retain qualified professionals in these fields of service in Native communities. With regard to the health care workforce serving Native communities in particular:

- » The Indian Health Service, Health Resources and Services Administration, and other Federal agencies with a mandate to improve health care staffing in Native communities and for Native organizations shall identify current and past programs that successfully assisted Tribes and Native organizations to partner with Tribal colleges and universities, nontribal colleges and universities, state government bodies, and others to create training pathways (rotations, internships, postdoc programs, professional development, immersion programs and incentive programs, etc.) and to place health care professionals in Native communities.
- » The Department of Health and Human Services shall improve access to and equity for loan repayment programs for all health care providers serving Native nations, communities, and organizations by identifying the hurdles that limit participation by Tribal health departments, Tribal programs, and Native organizations in loan forgiveness programs and by designing specific approaches to overcome those hurdles so that all health care providers serving Native communities are eligible for Federal loan forgiveness at the same or greater levels as others, such as Veterans Administration, Public Health Service, Department of Defense, etc.

Representatives testifying from every sector during the hearings lamented the lack of adequate funding to attract and retain an appropriately sized, high-quality workforce. One remedy to this problem is well known—increased wages, salaries, and benefits, offered at a level adequate to attract more and more qualified professionals to child welfare, juvenile justice, childcare, early childhood education, K-12 education, and physical, mental, and behavioral health programs serving Native children, youth, and their communities. Other solutions, particularly for workforce development, must be more tailored to the field and local

environment. Health care offers an example and a model for other professions. The Commission stressed the importance of providing trainees with in-community experience and mentoring, career advancement opportunities, and loan forgiveness as a means of growing the workforce and of both developing and attracting quality personnel. Notably, the Commission's recommendation is for loan forgiveness for any health care provider serving a Native community, not only Native health care providers (whose loans also are addressed by Recommendation 16).

# CASE STUDY

## ALASKA NATIVE TRIBAL HEALTH CONSORTIUM TRAINING PROGRAMS

For those living in rural Alaska, visiting a medical professional is rarely easy. Some communities are accessible only by plane or boat, medical needs are significant, and patients' cultural and linguistic backgrounds can affect diagnoses and treatments. The Alaska Native Tribal Health Consortium (ANTHC) responds to these challenges through a set of programs that educates village residents to serve as primary providers.

Alaska's Community Health Aide Training Programs—which are now more than 55 years old—combine intensive education at training hubs with home community-based distance learning and service in a village clinic. The tiered training system leads to certification at different proficiency levels depending on the extent of the education pursued. Certified Community Health Aides receive further guidance through the use of an electronic Community Health Aide Manual, which helps ensure consistent treatment, and through telemedicine consultations with referral physicians in regional centers, which help ensure quality care.



Community Health Aides/Practitioners (CHA/Ps), often the sole fulltime health providers in rural communities, receive comprehensive training that enables them to offer diverse care, from well-child visits and vaccinations to emergency first aid. Over time, ANTHC has expanded the range of health aide services, introducing an oral health care program in 2004. Dental Health Aide Therapists (DHATs) complete a two-year Associate of Dental Health Therapy degree, which equips them to perform routine dental procedures and identify serious dental issues. Next, in 2009, ANTHC in collaboration with other Tribal health organizations initiated a certification program for Behavioral Health Aides (BHAs), training them to provide basic counseling services covering mental health conditions or substance use addictions.

Today, health aide education and the services that all three health aide disciplines provide are a central feature of the statewide, Tribally managed health care system. More than 500 CHA/Ps provide health care to at least 170 villages, serving more than 158,000 Alaska Natives. Seventy-five remote villages utilize DHATs, who provide over 40,000 Alaska Native people access to regular dental care, reducing the need for emergency dental services. And, more than 220 individuals serve as BHAs throughout the state, with the BHA training center enrolling over 100 unique students per quarter. In control of its own health system, ANTHC has created unique and innovative programs to improve access and better serve remote villages across the state.



28

**Incentivize positive progress against indicators of social distress in Native communities**

**Federal grant and/or funding programs shall be designed to incentivize positive progress and prevention, so that Tribes and other Native communities making gains against recidivism in juvenile justice or disproportionality in child welfare, or against other indicators of social distress such as anti-suicide initiatives are not penalized with less frequent grant awards and/or reduced funding due to the very success those funds are designed to achieve.**

Federal agencies often require justifications in grant applications based on deficit or need, an approach that fails to reward successful efforts that can and should be sustained. While Federal funding should respond to the acute needs of Native children and Native communities, protocols and budgets also should be flexible enough to respond to and incentivize success. An approach to funding that can support needs-based or strengths-based programming has the greatest potential to address some of the most intractable issues Native people face. This recommendation argues for across-the-board attention to funding language and for changes to be made to application requirements that focus only on deficits.





## Research & Data



**With regard to research and data, the Commission received evidence about the importance of collaborative research in Native communities that accurately enumerates and addresses Native children and youth, recognizes issues of data sovereignty in Native communities, and is directly responsive to Native aspirations for their children and youth.**

## Create a Federal Office of American Indian, Alaska Native, and Native Hawaiian Data, Evaluation, and Research

Congress shall create an Office of American Indian, Alaska Native, and Native Hawaiian Data, Evaluation, and Research (Office) that shall be the information hub for all data collected and research funded by the U.S. government that is relevant to American Indian, Alaska Native, and Native Hawaiian people and communities and provide funding appropriate to this mission. Within the framework of Indigenous data sovereignty, and with regard to any data collected from Tribes and Tribal organizations or on Native people by the Federal government (and any outside stakeholders collaborating on Federally funded projects), the Office will:

- Work across executive branch agencies to build Tribal research and evaluation capacity, especially through training and technical assistance (TTA) funding decisions, to help ensure that Native community members are able to collect their own data on early childhood development, education, health, justice, food, poverty, family economic health, physical infrastructure, and other relevant community concerns
- Ensure that numeric and anecdotal data collected by the Federal government are appropriately recorded, compiled, made available to, and owned by relevant Native communities, Tribes, and Tribal organizations
- Promote the collection and measurement of data that are useful to Tribes, Tribal organizations, and Native Hawaiians
- Create standard definitions and compatible systems platforms to allow for greater linkage of datasets across Federal agencies
- Support opportunities to link national data that address early childhood development, education, health, justice, food, poverty/economic health, physical infrastructure, and other concerns that affect Native communities
- Assess the appropriateness of existing data categories for comparative purposes
- Promote the inclusion of Native children and youth, families, and adults in longitudinal studies
- Report regularly on the quality of data and measures used by Federal, state, and Tribal programs, such as noting sample sizes and frequency of sampling, and provide advice about how to improve data quality
- Expand the definition of “evidence-based practice” to include practice-based evidence that acknowledges culturally based and community-based solutions
- Ensure that assessments and evaluations of programs that primarily serve Native clients incorporate Indigenous perspectives and Indigenous methodologies
- Provide information about evaluation and assessment methods that have proven useful in measuring outcomes in Native communities
- Disseminate evaluation and assessment results concerning programs and policies that have proven useful for strengthening Native communities, with the intent of identifying “what works” to funding agencies
- Fund analyses, generate summary reports, and disseminate findings on key topics that affect the wellbeing of American Indian, Alaska Native and Native Hawaiian children and youth, including diabetes and other health risk factors, juvenile justice issues, child protection, behavioral health strategies, etc.
- Work to ensure that the efforts of the Office apply not only to future data collection but to data that already has been collected by agencies and departments of the U.S. government.

Data collection and data analysis regarding American Indian, Alaska Native, and Native Hawaiian children and youth are common and extensive activities across multiple Federal departments and agencies. Even within the Department of Health and Human Services, multiple operating units gather data and conduct research on similar topics related to Native children and youth, such as trauma and resilience. Rarely do these various agencies communicate or collaborate regarding data collection and research affecting Native individuals and communities, and valuable opportunities to leverage and scale data and findings are lost. It is little wonder, given this context, that the Native population is often left as an “asterisk” population in key data series. In addition, there is no central repository of data and relevant information regarding American Indian, Alaska Native, and Native Hawaiian children and youth, nor is there a simple means to disseminate this important information back to Tribes and Tribal organizations for their use and application. Finally, data systems do not coordinate, which therefore impedes effective sharing of information across Federal and Tribal systems. This recommendation remedies data gaps and recognizes the importance of Indigenous data sovereignty by creating a high-level office for the consolidation and expansion of data and research efforts.

**“ All of our state systems have to understand that data is proving that their ‘best-practices’ are not working and that their structures are not working.”**




**DR. KALEHUA KRUG**

***Native Hawaiian***

**Principal, Ka Waihona o Ka Na'auao Public  
Charter School**

Hawai'i Regional Hearing, Commission on  
Native Children

**“ Native Hawaiian children still disproportionately suffer from poverty, child abuse, sex trafficking, and violence. I am reminded of the Hawaiian proverb, “Unfolded by the water are the faces of the flowers.” These flowers represent our children, and the fact that flowers thrive where there is water. As a Native Hawaiian mother and grandmother, I can assure you that our children represent our greatest and most precious resources and there is nothing more worthy than examining and improving the conditions of our keiki.”**

 **CARMEN HULU LINDSEY**  
*Native Hawaiian*  
**Chair, Board of Trustees, Office of Hawaiian Affairs**  
Hawai'i Regional Hearing, Commission on Native Children



## Hawai'i



**This report draws not only on rich learning from the experiences of American Indians and Alaska Natives but also on wisdom from the Native Hawaiian community. While Native Hawaiians face distinct challenges, the key themes in the Commission's research and the content of its recommendations resonate with and reflect Native Hawaiian concerns, solutions, and aspirations.**

Pursuant to its charge to include Native Hawaiians in its study, the Commission on Native Children held a regional hearing and conducted site visits in Hawai'i from February 13-17, 2023, hearing from nearly two dozen representatives of Hawaiian communities and organizations, engaging with young people, and learning about both the challenges and successes in creating resilience and wellbeing for Native Hawaiian children and youth.

These interactions reinforced the Commission's understanding that while the situation of Native Hawaiian children and youth is in many ways similar to that of American Indian and Alaska Native children, there are important distinctions that variously differentiate and amplify Native Hawaiians' needs. Three important differences concern the political history of Hawai'i, the ongoing presence of the military in Hawai'i, and the significant revival of Native Hawaiian language, culture, and knowledges.

For most of the 19<sup>th</sup> century (1810-1893), European powers, the United States, and other world nations recognized the Kingdom of Hawai'i as an independent nation-state located in the Hawaiian Islands. In 1893, a coup instigated by American business interests—and supported by U.S. military and diplomatic personnel—deposed Queen Lili'uokalani, ending the monarchy. While the nation briefly organized as a republic, the United States annexed the islands in 1898 and admitted Hawai'i to the union as a state in 1959. In 1993, U.S. Public Law 103-150 (the "Apology Resolution") acknowledged that "the Native Hawaiian people never directly relinquished to the United States their claims to their inherent sovereignty as a people over their national lands, either through the Kingdom of Hawai'i or through a plebiscite or referendum."<sup>22</sup> The forced abdication of their Queen, the loss of territorial sovereignty, and the United States' seizure of the islands were oft-cited events during the Commission's hearings in Honolulu, and witnesses referred to these events as causes of historical and intergenerational trauma that contribute to the challenges facing Native Hawaiian children and youth today.

Certainly, business interests were key drivers of the United States' decision to annex Hawai'i; the islands' geopolitical

importance is another. From the mid-1800s onward, corporate sugar and fruit plantations transformed Hawai'i's agriculture, ecology, and economy. Tourism followed in the 1900s, creating further distortionary effects on local markets. In parallel, based on the claim that Hawai'i offered a strategic location from which the United States could protect the Asia-Pacific region, the U.S. military developed a significant presence in Hawai'i. By 2000, the military controlled nearly a quarter of the island of O'ahu,<sup>23</sup> and by 2021, 10% of the Hawaiian population owed its presence in the state to the U.S. military.<sup>24</sup>

Combined, plantations, tourism, and the military have alienated Native Hawaiians from significant cultural and subsistence resources, both through direct takings of lands and waters and through contamination from toxic waste, unexploded ordinance, and radiation. Further displacement occurs through the lack of affordable housing and the thin economy outside the tourism and military sectors. These factors contribute to high rates of dropout and homeless youth and to brain drain, as individuals and families move to the continental United States in search of economic security. Witnesses at the Hawai'i hearing also spoke to the military's contribution to criminal activity, including human trafficking and sexual abuse of Native Hawaiian children and young adults.

On the other side of the coin, Hawai'i also is an epicenter of cultural resurgence, renewal, and revitalization. From the growing number of language nests and immersion schools to the reclamation of lands for traditional crops and the renaissance of Polynesian voyaging traditions, Hawaiian knowledges and practices have become ascendant among many contemporary island residents. In particular, implementation of Hawaiian language programs at every academic level up to the Ph.D. has demonstrated the possibilities for bilingual education in Native languages. This resurgence affects the daily life of Hawaiians and

23 |K. Kajihira, (2010), Nation under the gun: Militarism and resistance in Hawai'i, *Cultural Survival*, 24, Spring, 28-33. <https://www.culturalsurvival.org/publications/cultural-survival-quarterly/nation-under-gun-militarism-and-resistance-hawaii>.

24 |C. Story, (2021, July 7), Pearl Harbor naval shipyard: An economic pillar for Hawai'i, Defense Visual Information Distribution Service website, <https://www.dvidshub.net/news/400470/pearl-harbor-naval-shipyard-economic-pillar-Hawaii>.

22 |United States Congress, (1993), Joint Resolution to Acknowledge the 100th Anniversary of the Overthrow of the Kingdom of Hawai'i, Public Law No. 103-150, 107 Stat. 1510, [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=103\\_cong\\_bills&docid=f:sj19enr.txt.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=103_cong_bills&docid=f:sj19enr.txt.pdf).

non-Indigenous residents alike and has led to many hopeful improvements in outcomes for Native Hawaiian children.<sup>25</sup>

The Commission was both impressed and moved by what it learned and committed to making recommendations that have the potential to create transformative change for Native Hawaiians; in fact, the Hawaiian regional hearing provided evidence of many excellent and successful models that deserve to be scaled across Native communities, especially related to education, language revitalization, and juvenile justice alternatives. Therefore, the Commission's recommendations are intended to apply not only to American Indians and Alaska Natives and to their Tribes and Tribal Organizations but also to Native Hawaiians and their organizing entities—unless the wording of a recommendation specifically limits it to Tribes.

By way of context, the Commission includes here the proposals made by witnesses at the regional hearing. They offer additional information, inspiration, and guidance to policymakers, funders, and advocates dedicated to the welfare of Native Hawaiian children. Notably, there is significant alignment between the proposals made by witnesses in Hawai'i and the Commission's recommendations.

### Child Welfare

- Implement high fidelity wraparound programs that provide comprehensive support to families and emphasize the importance of supportive relationships and cultural connections
- Encourage support from fathers or father figures as allies, focusing on safety, trust, peer support, collaboration, and giving voice and choice to parents
- Fund culturally based programs and support authentic voices of children and young people in case planning and decisionmaking
- Promote permanency for children, prioritizing relational and cultural permanency and listening to individuals with lived experience

25 | See, for example, S. M. Kana'iaupuni, B. Ledward, 'U. Jensen, (2010), *Culture-based education and its relationship to student outcomes*, Kamehameha Schools Research and Evaluation Division, [https://www.ksbe.edu/assets/research/collection/10\\_0117\\_kanaiaupuni.pdf](https://www.ksbe.edu/assets/research/collection/10_0117_kanaiaupuni.pdf); S. M. Kana'iaupuni, W. M. Kekahio, K. Duarte, & B. C. Ledward (with S. M. Fox & J. T. Caparoso), (2021), *Ka Huaka'i: 2021 Native Hawaiian Educational Assessment*, Kamehameha Publishing, <https://www.ksbe.edu/ka-huakai>.

### Juvenile Justice

- Address the vulnerabilities of youth through prevention, safe homes, and support systems that preserve identity and provide long-term affordable housing
- Transform juvenile detention to offer workforce training, high school classes, and land connections (through farming, for example)
- Provide nurturing trauma-informed connections to ensure ongoing guidance and emotional support for individuals affected by trafficking

### Education and Early Childhood

- Align Native language initiatives with Federal language revitalization programs, such as the White House's 10-year language revitalization initiative
- Incentivize language learning by allowing scores in non-English languages to substitute for English in Federal competitive grants and require private universities receiving Federal grants to provide access to Native American students to study ancestral languages
- Implement mandatory training programs for educators that focus on cultural competence, cultural responsiveness, emotional and social learning, and the recognition of Native Hawaiian speakers and knowledge holders
- Ensure that funding and opportunities are available for experts and elders without formal degrees to share their expertise and knowledge with students
- Invest in facilities that serve as hubs for education, allowing youth to engage with practitioners and programs dedicated to land, language, and cultural traditions
- Allocate funding and resources to community organizations that facilitate programs focused on connecting youth with land, language, and cultural traditions
- Develop initiatives to recruit, train, and retain teachers who are knowledgeable about the cultural history and living practices of the community

## Physical and Mental Health

- Allocate resources to expand school-based health services, including dental, mental, and physical health care, to address the needs of children and families who may have limited access to health care due to time constraints and economic factors
- Invest in training programs that equip mental health practitioners such as in-school counselors with cultural competency, enabling them to better understand and connect with the community they serve
- Develop comprehensive population-based interventions that leverage education and culturally based practices to promote overall health and wellbeing
- Establish funding streams and partnerships to support community-specific grassroots programs and workforce development initiatives that prioritize training Hawaiian health professionals and integrating traditional healing practices
- Ensure that Native Hawaiian health care receives funding equivalent to state and Tribal programs to address unique health challenges and promote equitable access to quality health care services

## Data and Evaluation

- Ground the return to thriving and abundance for Native Hawaiians in traditional strengths and develop new knowledge about wellbeing collaboratively with Hawaiian-serving organizations
- Expand the definition of “evidence-based practice” to include cultural, community-based early intervention strategies (practice-based evidence) and ensure disaggregated data for accurate assessment and funding allocation.
- Utilize cultural measures of success, such as a sense of place, belonging, meaning, and purpose

## Cross Systems

- Focus on prevention strategies, early childhood education, family strengthening, and youth intervention services
- Fund program innovations rooted in culture and ancestral knowledge and mandate cross-system data sharing to increase equity for BIPOC communities
- Promote Indigenous and community-based leadership, partnerships, and solutions
- Emphasize systems innovation as a restoration of Hawaiian culture and ancestral sciences, reframing work from decolonization to Indigenization, and re-establishing agency through metrics-based models



# Appendix A:

## Authorizing Legislation for the Commission on Native Children



PUBLIC LAW 114–244—OCT. 14, 2016

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Public Law 114–244  
114th Congress

### An Act

To establish the Alyce Spotted Bear and Walter Soboleff Commission on Native Children, and for other purposes.

Oct. 14, 2016  
[S. 246]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Alyce Spotted Bear and Walter Soboleff Commission on Native Children Act”.

Alyce Spotted  
Bear and Walter  
Soboleff  
Commission on  
Native Children  
Act.

#### SEC. 2. DEFINITIONS.

In this Act:

(1) COMMISSION.—The term “Commission” means the Alyce Spotted Bear and Walter Soboleff Commission on Native Children established by section 3.

(2) INDIAN.—The term “Indian” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(3) INDIAN TRIBE.—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(4) NATIVE CHILD.—The term “Native child” means—

(A) an Indian child, as that term is defined in section 4 of the Indian Child Welfare Act of 1978 (25 U.S.C. 1903);

(B) an Indian who is between the ages of 18 and 24 years old; and

(C) a Native Hawaiian who is not older than 24 years old.

(5) NATIVE HAWAIIAN.—The term “Native Hawaiian” has the meaning given the term in section 7207 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7517).

(6) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(7) TRIBAL COLLEGE OR UNIVERSITY.—The term “Tribal College or University” has the meaning given the term in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)).

#### SEC. 3. COMMISSION ON NATIVE CHILDREN.

(a) IN GENERAL.—There is established a commission in the Office of Tribal Justice of the Department of Justice, to be known as the “Alyce Spotted Bear and Walter Soboleff Commission on Native Children”.

Establishment.

(b) MEMBERSHIP.—

Consultations.

(1) IN GENERAL.—The Commission shall be composed of 11 members, of whom—

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President.

(A) 3 shall be appointed by the President, in consultation with—

- (i) the Attorney General;
- (ii) the Secretary;
- (iii) the Secretary of Education; and
- (iv) the Secretary of Health and Human Services;

(B) 3 shall be appointed by the Majority Leader of the Senate, in consultation with the Chairperson of the Committee on Indian Affairs of the Senate;

(C) 1 shall be appointed by the Minority Leader of the Senate, in consultation with the Vice Chairperson of the Committee on Indian Affairs of the Senate;

(D) 3 shall be appointed by the Speaker of the House of Representatives, in consultation with the Chairperson of the Committee on Natural Resources of the House of Representatives; and

(E) 1 shall be appointed by the Minority Leader of the House of Representatives, in consultation with the Ranking Member of the Committee on Natural Resources of the House of Representatives.

(2) REQUIREMENTS FOR ELIGIBILITY.—

(A) IN GENERAL.—Subject to subparagraph (B), each member of the Commission shall have significant experience and expertise in—

- (i) Indian affairs; and
- (ii) matters to be studied by the Commission, including—

(I) health care issues facing Native children, including mental health, physical health, and nutrition;

(II) Indian education, including experience with Bureau of Indian Education schools and public schools, tribally operated schools, tribal colleges or universities, early childhood education programs, and the development of extracurricular programs;

(III) juvenile justice programs relating to prevention and reducing incarceration and rates of recidivism; and

(IV) social service programs that are used by Native children and designed to address basic needs, such as food, shelter, and safety, including child protective services, group homes, and shelters.

(B) EXPERTS.—

(i) NATIVE CHILDREN.—1 member of the Commission shall—

(I) meet the requirements of subparagraph (A); and

(II) be responsible for providing the Commission with insight into and input from Native children on the matters studied by the Commission.

(ii) RESEARCH.—1 member of the Commission shall—

(I) meet the requirements of subparagraph (A); and

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- (II) have extensive experience in statistics or social science research.
- (3) TERMS.—
- (A) IN GENERAL.—Each member of the Commission shall be appointed for the life of the Commission.
- (B) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.
- (c) OPERATION.—
- (1) CHAIRPERSON.—Not later than 15 days after the date on which all members of the Commission have been appointed, the Commission shall select 1 member to serve as Chairperson of the Commission. Deadline.
- (2) MEETINGS.—
- (A) IN GENERAL.—The Commission shall meet at the call of the Chairperson.
- (B) INITIAL MEETING.—The initial meeting of the Commission shall take place not later than 30 days after the date described in paragraph (1). Deadline.
- (3) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.
- (4) RULES.—The Commission may establish, by majority vote, any rules for the conduct of Commission business, in accordance with this Act and other applicable law.
- (d) NATIVE ADVISORY COMMITTEE.—
- (1) ESTABLISHMENT.—The Commission shall establish a committee, to be known as the “Native Advisory Committee”.
- (2) MEMBERSHIP.—
- (A) COMPOSITION.—The Native Advisory Committee shall consist of—
- (i) 1 representative of Indian tribes from each region of the Bureau of Indian Affairs who is 25 years of age or older; and
- (ii) 1 Native Hawaiian who is 25 years of age or older.
- (B) QUALIFICATIONS.—Each member of the Native Advisory Committee shall have experience relating to matters to be studied by the Commission.
- (3) DUTIES.—The Native Advisory Committee shall—
- (A) serve as an advisory body to the Commission; and
- (B) provide to the Commission advice and recommendations, submit materials, documents, testimony, and such other information as the Commission determines to be necessary to carry out the duties of the Commission under this section. Recommendations.  
Determination.
- (4) NATIVE CHILDREN SUBCOMMITTEE.—The Native Advisory Committee shall establish a subcommittee that shall consist of at least 1 member from each region of the Bureau of Indian Affairs and 1 Native Hawaiian, each of whom shall be a Native child, and have experience serving on the council of a tribal, regional, or national youth organization. Establishment.
- (e) COMPREHENSIVE STUDY OF NATIVE CHILDREN ISSUES.—
- (1) IN GENERAL.—The Commission shall conduct a comprehensive study of Federal, State, local, and tribal programs that serve Native children, including an evaluation of— Evaluation.

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(A) the impact of concurrent jurisdiction on child welfare systems;

(B) the barriers Indian tribes and Native Hawaiians face in applying, reporting on, and using existing public and private grant resources, including identification of any Federal cost-sharing requirements;

(C) the obstacles to nongovernmental financial support, such as from private foundations and corporate charities, for programs benefitting Native children;

(D) the issues relating to data collection, such as small sample sizes, large margins of error, or other issues related to the validity and statistical significance of data on Native children;

(E) the barriers to the development of sustainable, multidisciplinary programs designed to assist high-risk Native children and families of those high-risk Native children;

(F) cultural or socioeconomic challenges in communities of Native children;

(G) any examples of successful program models and use of best practices in programs that serve children and families;

(H) the barriers to interagency coordination on programs benefitting Native children; and

(I) the use of memoranda of agreement or interagency agreements to facilitate or improve agency coordination, including the effects of existing memoranda or interagency agreements on program service delivery and efficiency.

(2) COORDINATION.—In conducting the study under paragraph (1), the Commission shall, to the maximum extent practicable—

(A) to avoid duplication of efforts, collaborate with other workgroups focused on similar issues, such as the Task Force on American Indian/Alaska Native Children Exposed to Violence of the Attorney General; and

(B) to improve coordination and reduce travel costs, use available technology.

(3) RECOMMENDATIONS.—Taking into consideration the results of the study under paragraph (1) and the analysis of any existing data relating to Native children received from Federal agencies, the Commission shall—

(A) develop recommendations for goals, and plans for achieving those goals, for Federal policy relating to Native children in the short-, mid-, and long-term, which shall be informed by the development of accurate child well-being measures, except that the Commission shall not consider or recommend the recognition or the establishment of a government-to-government relationship with—

(i) any entity not recognized on or before the date of enactment of this Act by the Federal Government through an Act of Congress, Executive action, judicial decree, or any other action; or

(ii) any entity not included in the list authorized pursuant to the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a et seq.);

(B) make recommendations on necessary modifications and improvements to programs that serve Native children

Plans.

at the Federal, State, and tribal levels, on the condition that the recommendations recognize the diversity in cultural values, integrate the cultural strengths of the communities of the Native children, and will result in—

(i) improvements to the child welfare system that—

(I) reduce the disproportionate rate at which Native children enter child protective services and the period of time spent in the foster system;

(II) increase coordination among social workers, police, and foster families assisting Native children while in the foster system to result in the increased safety of Native children while in the foster system;

(III) encourage the hiring and retention of licensed social workers in Native communities;

(IV) address the lack of available foster homes in Native communities; and

(V) reduce truancy and improve the academic proficiency and graduation rates of Native children in the foster system;

(ii) improvements to the mental and physical health of Native children, taking into consideration the rates of suicide, substance abuse, and access to nutrition and health care, including—

(I) an analysis of the increased access of Native children to Medicaid under the Patient Protection and Affordable Care Act (Public Law 111–148) and the effect of that increase on the ability of Indian tribes and Native Hawaiians to develop sustainable health programs; and

(II) an evaluation of the effects of a lack of public sanitation infrastructure, including in-home sewer and water, on the health status of Native children;

(iii) improvements to educational and vocational opportunities for Native children that will lead to—

(I) increased school attendance, performance, and graduation rates for Native children across all educational levels, including early education, post-secondary, and graduate school;

(II) localized strategies developed by educators, tribal and community leaders, and law enforcement to prevent and reduce truancy among Native children;

(III) scholarship opportunities at a Tribal College or University and other public and private postsecondary institutions;

(IV) increased participation of the immediate families of Native children;

(V) coordination among schools and Indian tribes that serve Native children, including in the areas of data sharing and student tracking;

(VI) accurate identification of students as Native children; and

(VII) increased school counseling services, improved access to quality nutrition at school, and safe student transportation;

Analysis.

Evaluation.

(iv) improved policies and practices by local school districts that would result in improved academic proficiency for Native children;

(v) increased access to extracurricular activities for Native children that are designed to increase self-esteem, promote community engagement, and support academic excellence while also serving to prevent unplanned pregnancy, membership in gangs, drug and alcohol abuse, and suicide, including activities that incorporate traditional language and cultural practices of Indians and Native Hawaiians;

(vi) taking into consideration the report of the Indian Law and Order Commission issued pursuant to section 15(f) of the Indian Law Enforcement Reform Act (25 U.S.C. 2812(f)), improvements to Federal, State, and tribal juvenile justice systems and detention programs—

(I) to provide greater access to educational opportunities and social services for incarcerated Native children;

(II) to promote prevention and reduce incarceration and recidivism rates among Native children;

(III) to identify intervention approaches and alternatives to incarceration of Native children;

(IV) to incorporate families and the traditional cultures of Indians and Native Hawaiians in the juvenile justice process, including through the development of a family court for juvenile offenses; and

(V) to prevent unnecessary detentions and identify successful reentry programs;

(vii) expanded access to a continuum of early development and learning services for Native children from prenatal to age 5 that are culturally competent, support Native language preservation, and comprehensively promote the health, well-being, learning, and development of Native children, such as—

(I) high quality early care and learning programs for children starting from birth, including Early Head Start, Head Start, child care, and preschool programs;

(II) programs, including home visiting and family resource and support programs, that increase the capacity of parents to support the learning and development of the children of the parents, beginning prenatally, and connect the parents with necessary resources;

(III) early intervention and preschool services for infants, toddlers, and preschool-aged children with developmental delays or disabilities; and

(IV) professional development opportunities for Native providers of early development and learning services;

(viii) the development of a system that delivers wrap-around services to Native children in a way that is comprehensive and sustainable, including through increased coordination among Indian tribes, schools,

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law enforcement, health care providers, social workers, and families;

(ix) more flexible use of existing Federal programs, such as by—

(I) providing Indians and Native Hawaiians with more flexibility to carry out programs, while maintaining accountability, minimizing administrative time, cost, and expense and reducing the burden of Federal paperwork requirements; and

(II) allowing unexpended Federal funds to be used flexibly to support programs benefitting Native children, while taking into account—

(aa) the Indian Employment, Training and Related Services Demonstration Act of 1992 (25 U.S.C. 3401 note; 106 Stat. 2302);

(bb) the Coordinated Tribal Assistance Solicitation program of the Department of Justice;

(cc) the Federal policy of self-determination; and

(dd) any consolidated grant programs; and

(x) solutions to other issues that, as determined by the Commission, would improve the health, safety, and well-being of Native children;

Determination.

(C) make recommendations for improving data collection methods that consider—

Records.

(i) the adoption of standard definitions and compatible systems platforms to allow for greater linkage of data sets across Federal agencies;

(ii) the appropriateness of existing data categories for comparative purposes;

(iii) the development of quality data and measures, such as by ensuring sufficient sample sizes and frequency of sampling, for Federal, State, and tribal programs that serve Native children;

(iv) the collection and measurement of data that are useful to Indian tribes and Native Hawaiians;

(v) the inclusion of Native children in longitudinal studies; and

(vi) tribal access to data gathered by Federal, State, and local governmental agencies; and

(D) identify models of successful Federal, State, and tribal programs in the areas studied by the Commission.

(f) REPORT.—Not later than 3 years after the date on which all members of the Commission are appointed and amounts are made available to carry out this Act, the Commission shall submit to the President, the Committee on Natural Resources of the House of Representatives, the Committee on Indian Affairs of the Senate, and the Committees on Appropriations of the House of Representatives and the Senate, a report that contains—

(1) a detailed statement of the findings and conclusions of the Commission; and

(2) the recommendations of the Commission for such legislative and administrative actions as the Commission considers to be appropriate.

Recommendations.

(g) POWERS.—

(1) HEARINGS.—

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(A) IN GENERAL.—The Commission may hold such hearings, meet and act at such times and places, take such testimony, and receive such evidence as the Commission considers to be advisable to carry out the duties of the Commission under this section, except that the Commission shall hold not less than 5 hearings in Native communities.

(B) PUBLIC REQUIREMENT.—The hearings of the Commission under this paragraph shall be open to the public.

(2) WITNESS EXPENSES.—

(A) IN GENERAL.—A witness requested to appear before the Commission shall be paid the same fees and allowances as are paid to witnesses under section 1821 of title 28, United States Code.

(B) PER DIEM AND MILEAGE.—The fees and allowances for a witness shall be paid from funds made available to the Commission.

(3) INFORMATION FROM FEDERAL, TRIBAL, AND STATE AGENCIES.—

(A) IN GENERAL.—The Commission may secure directly from a Federal agency such information as the Commission considers to be necessary to carry out this section.

(B) TRIBAL AND STATE AGENCIES.—The Commission may request the head of any tribal or State agency to provide to the Commission such information as the Commission considers to be necessary to carry out this Act.

(4) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(5) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property related to the purpose of the Commission.

(h) COMMISSION PERSONNEL MATTERS.—

(1) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(2) DETAIL OF FEDERAL EMPLOYEES.—

(A) IN GENERAL.—On the affirmative vote of  $\frac{2}{3}$  of the members of the Commission—

(i) the Attorney General, the Secretary, the Secretary of Education, and the Secretary of the Health and Human Services shall each detail, without reimbursement, 1 or more employees of the Department of Justice, the Department of the Interior, the Department of Education, and the Department of Health and Human Services; and

(ii) with the approval of the appropriate Federal agency head, an employee of any other Federal agency may be, without reimbursement, detailed to the Commission.



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(B) EFFECT ON DETAILEES.—Detail under this paragraph shall be without interruption or loss of civil service status, benefits, or privileges.

(3) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—

(A) IN GENERAL.—On request of the Commission, the Attorney General shall provide to the Commission, on a reimbursable basis, reasonable and appropriate office space, supplies, and administrative assistance.

(B) NO REQUIREMENT FOR PHYSICAL FACILITIES.—The Administrator of General Services shall not be required to locate a permanent, physical office space for the operation of the Commission.

(4) MEMBERS NOT FEDERAL EMPLOYEES.—No member of the Commission, the Native Advisory Committee, or the Native Children Subcommittee shall be considered to be a Federal employee.

(i) TERMINATION OF COMMISSION.—The Commission shall terminate 90 days after the date on which the Commission submits the report under subsection (f).

(j) NONAPPLICABILITY OF FACIA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission, the Native Advisory Committee, or the Native Children Subcommittee.

(k) EFFECT.—This Act shall not be construed to recognize or establish a government-to-government relationship with—

(1) any entity not recognized on or before the date of enactment of this Act by the Federal Government through an Act of Congress, Executive action, judicial decree, or any other action; or

(2) any entity not included in the list authorized pursuant to the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a et seq.).

Approved October 14, 2016.

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LEGISLATIVE HISTORY—S. 246:

HOUSE REPORTS: No. 114–722 (Comm. on Natural Resources).

SENATE REPORTS: No. 114–39 (Comm. on Indian Affairs).

CONGRESSIONAL RECORD:

Vol. 161 (2015): June 1, considered and passed Senate.

Vol. 162 (2016): Sept. 12, considered and passed House, amended.

Sept. 29, Senate concurred in House amendment.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2016):

Oct. 14, Presidential statement.





# Appendix B: Biographies



## COMMISSION HONOREES

### ALYCE SPOTTED BEAR

*(December 17, 1945 – August 13, 2013)*

Alyce Spotted Bear was an educator and politician. Born on the Fort Berthold Reservation of the Mandan, Hidatsa, and Arikara Nation, Spotted Bear received her bachelor's degree in education from Dickinson State University in North Dakota in 1970 and served as chairwoman of her nation from 1982 to 1987. Spotted Bear then earned a master's degree in American Indian Leadership from Pennsylvania State University and completed coursework for a doctorate in education at Cornell University before returning home to work at Fort Berthold Community College (now Nueta Hidatsa Sahnish College), where she was an instructor, vice president, and leader in the establishment of degree programs in Native Studies. In 2010, President Barack Obama appointed Spotted Bear to the National Advisory Committee on Indian Education. Upon her death in 2013, her family wrote in her obituary that she "was always good to people and loved the pursuit of learning. She was given the Nueta name of 'Lead Woman' – Numakshi Mihe. She lived up to that name as a beloved teacher, compassionate educator, vibrant mentor, humanitarian, cultural historian, gentle being, astute administrator, kind grandmother, humble woman, wise leader and so much more in all aspects of her life."<sup>26</sup>

### WALTER A. SOBOLEFF

*(November 14, 1908 – May 22, 2011)*

Walter A. Soboleff, whose Tlingit names included T'aaw Chán and Kaajaakwtí, belonged to the Raven moiety, L'eineidi clan (Dog Salmon), and Aanx'aakhittaán house (House in the Middle of Town) in Angoon. Soboleff attended Dubuque University in Dubuque, Iowa, where he earned a bachelor's degree in education and also attended seminary. When he returned to Alaska in 1940, he was offered the pulpit of a small church that grew under his nurturing leadership; later, he ministered to Alaska Native communities through bilingual radio broadcasts and circuit visits on mission boats. He raised money to build an Alaska Native Brotherhood (ANB) hall in Juneau, served the ANB as president for seven terms, and was the first Alaska Native Chairman of the Alaska State Board of Education. When he retired from full-time ministry, Dr. Soboleff created the first Alaska Native studies program at the University of Alaska Fairbanks, in which his classes were often the most popular on campus. Young people, he said, "appreciate to learn who they are."<sup>27</sup> Dr. Soboleff was a spiritual leader who worked tirelessly to advance Native civil rights and helped Native and non-Native people alike at a time when segregation was the norm. Throughout his life, Dr. Soboleff practiced traditional Native values, especially the concept of haa shuká—"honoring our past while preparing a better future for our children's children."

26 | Staffwriter, (2013, August 17), "Alyce Spotted Bear," Bismarck Tribune, <https://www.legacy.com/us/obituaries/bismarcktribune/name/alyce-bear-obituary?id=51885178>.

27 | R Alexander, (2011, May 23), "Remembering Walter Soboleff," KTOO News, <https://www.ktoo.org/2011/05/23/remembering-walter-soboleff/>.

## COMMISSIONERS



### **GLORIA O'NEILL, CHAIR**

**President/CEO Cook Inlet Tribal Council, Inc.**

Originally from Soldotna, Alaska, Ms. O'Neill is of Yup'ik, Sámi, and Irish descent and a member of the Salamatof Tribe. She currently serves as President and Chief Executive Officer (CEO) for Cook Inlet Tribal Council (CITC) and as CEO of CITC Enterprises, Inc. (CEI) Since 1998, she has led the CITC in becoming one of the most effective social service providers in Alaska and the nation, and has led CEI as an innovative model in support of Self-Determination. CITC provides over 50 essential programs serving almost 20,000 Alaska Native and American Indian people each year. Through rigorous attention to community-based results, Ms. O'Neill has established CITC's national reputation as a leading innovator of replicable and effective service models for culturally informed education, workforce development, family preservation, substance dependency, victim services, re-entry services, and childcare/Early Head Start programs.

Ms. O'Neill additionally serves as CEO of the Alaska Native Justice Center (ANJC), which provides social justice, victim advocacy, and re-entry services; CEO of the Clare Swan Early Head Start Center, which provides year-round childcare and Early Head Start programming to working families; and CEO of Get Out The Native Vote, an entity dedicated to increasing Native voice in civic engagement, all of which are part of the CITC family of organizations. She is a director on the ANJC and Alaska Federation of Natives boards, served on the University of Alaska Board of Regents from 2012-2020, and was a 2010 Annie E. Casey Foundation Children and Family Fellow. Ms. O'Neill earned her Master's degree in Business Administration from Alaska Pacific University.



### **TAMI DECOTEAU, VICE CHAIR**

**Lead Psychologist and Owner, DeCoteau Trauma-Informed Care & Practice, PLLC**

Dr. Tami DeCoteau is a member of the Mandan, Hidatsa, Arikara Nation and a descendant of the Turtle Mountain Band of Chippewa. Dr. DeCoteau is a licensed clinical psychologist and a practitioner of Trust-Based Relational Intervention, a therapeutic model that trains caregivers to provide effective support for at-risk children. She also is trained in other trauma treatment modalities, including Eye Movement Desensitization and Reprocessing, somatic processing, attachment intervention, neuro-sequential model of therapeutics, and trauma-focused cognitive behavioral therapy. Dr. DeCoteau has extensive experience working with patients who suffer from complex trauma, neurodevelopmental disorders, grief, anxiety, depression, and suicidal thinking and has worked in a variety of outpatient settings and with a diverse patient population, including Veterans and Native Americans.

In addition to her clinical work, Dr. DeCoteau frequently lectures on the ways trauma impacts attachment and brain development, in-school strategies for working with traumatized children, and historical trauma. She was the 2009 recipient of the Indian Health Service's Health Professional of the Year Award and the 2010 recipient of the American Psychological Foundation's Early Career Award, which commended her efforts to provide culturally competent practice techniques for Native Americans and to develop training programs in rural, underserved areas.

Dr. DeCoteau obtained a Bachelor of Arts degree in Psychology from the University of North Dakota and a Doctorate in Clinical Psychology from the University of Nebraska-Lincoln with a specialization in the cognitive-behavioral treatment of anxiety disorders for adults, adolescents, and children.



## **CARLYLE W. BEGAY**

**Former Arizona State Senator**

*(inactive as of March 2022)*

Carlyle W. Begay, a lifelong resident of Arizona, was born on the Navajo Nation and is Tó tsohnii (Big Water), born for Kinyaa'aanii (Towering House) clans; his maternal grandparents are Tl'izi lani (Many Goats clan), and his paternal grandparents are also of the Tl'izi lani (Many Goats clan). Mr. Begay grew up on the Navajo Nation near Black Mesa and was raised under the teachings of his ancestry, instilling in him the importance of remembering the story of his people and carrying it on to his descendants.

As a State Senator from 2013-2017, he represented the seventh district in the Arizona State Senate, the largest legislative State District in the continental United States. Previously, he served for over eight years as Vice-President and Chief Development Officer for American Indian Health Management and Policy, an American Indian-owned and -operated company specializing in American Indian health care and policy. He also has served as chairman of the Community Advisory Board for the Center for American Indian Resiliency and on the board of directors for the Greater Arizona Development Authority and American Indian Chamber of Commerce of Arizona.

Mr. Begay graduated from the University of Arizona with an Associate of Science degree in Molecular and Cellular Biology and was a student in the Minority Medical Education Program at the University of Arizona College of Medicine. He also attended the Arizona International College's Natural Sciences and Mathematics program in Tucson, Arizona; Johns Hopkins Bloomberg School of Public Health's Winter Institute; and the Harvard School of Public Health's Public Health Studies program.



## **DELORES SUBIA BIGFOOT, PHD**

**Director, Indian Country Child Trauma Center**

Dolores Subia BigFoot is an enrolled member of the Caddo Nation of Oklahoma and is additionally affiliated with the Northern Cheyenne Tribe of Montana, where her children are enrolled. Dr. BigFoot is a Presidential Professor at the University of Oklahoma and director of the Indian Country Child Trauma Center, which is housed in the university's Health Sciences Center within the Center on Child Abuse and Neglect. Since 1994, she has directed Project Making Medicine, a clinical training program for mental health providers in the treatment of child maltreatment using culturally based teachings. With the establishment of the Indian Country Child Trauma Center in 2004, she has been instrumental in the cultural adaptations of evidence-based child treatment protocols.

Dr. BigFoot has served as a principal investigator on 16 federally funded projects and has contributed to numerous journal articles and book chapters. She is a member of the national Trauma-Focused Cognitive Behavioral Therapy Trainer Network, served on the U.S. Attorney General's Advisory Committee on American Indian and Alaska Native Children Exposed to Violence, and has received numerous awards for her contributions to Native and Indigenous psychology, pediatric medicine, and American Indian and Alaska Native mental health.

Dr. BigFoot received her Bachelor of Science in Psychology/Sociology from Southwestern Oklahoma State University and her doctorate in Counseling Psychology from the University of Oklahoma. She also completed a pre-doctoral internship in psychology at the University of California, Irvine and a postdoctoral fellowship at the Department of Pediatrics at the University of Oklahoma Health Sciences Center.



## **STEPHANIE A. BRYAN**

### **Chair and Chief Executive Officer, Poarch Band of Creek Indians**

Stephanie A. Bryan has served as the Tribal Chair and Chief Executive Officer of the Poarch Band of Creek Indians since 2014, when she became the first woman elected to that role. In her dual capacity as Chair and CEO, she oversees all aspects of Tribal government as well as the Tribe's diversified business interests. These interests include Wind Creek Hospitality, Creek Indian Enterprises Development Authority, and Poarch Creek Indians Federal Services.

A life-long member of the Poarch community, Ms. Bryan is committed to inspiring and equipping future generations to seize opportunities that will improve their chances for a successful future and increase their quality of life. As Chair, she championed formation of the Tribe's Boys and Girls Club, as well as afterschool and summer programs at the Poarch Creek Community Center. She also was an early and avid supporter of establishing Tribal Pre-K programs that include cultural education and Creek language instruction. During her tenure as Vice Chair, she served on the Tribe's Education, Labor, and Legislative Committee and worked with both the committee and the Tribe's education department to develop an on-going program to ensure that every Tribal member and first-generation descendant has access to education dollars through a noncompetitive process.

Ms. Bryan also has devoted her time to the wider community of Indian Country, where she has worked with the National Indian Gaming Commission (NIGC). She has been active in the National Indian Gaming Association (NIGA) and has long been involved with the United South and Eastern Tribes (USET).



## **JESSE DELMAR**

### **Former Director, Navajo Nation Division of Public Safety**

Delmar, a citizen of the Navajo Nation, is the former Director of the Navajo Nation Division of Public Safety. Prior to that role, Mr. Delmar served as Chief of the Fort McDowell Yavapai Nation Police Department and in several positions with the Navajo Nation Division of Public Safety. Based on his significant experience and expertise in public safety, he is also a past Vice-Chair for the International Association of Chiefs of Police (IACP) Indian Country Law Enforcement Section and was recognized as 2017 Public Safety Director of the Year by the National Native American Law Enforcement Association, an award presented annually to a public safety director who has made positive strides in their community.

Mr. Delmar received his Bachelor of Science degree in Administration of Criminal Justice with a minor in Psychology from Northern Arizona University. He is also a graduate of the Federal Bureau of Investigation National Academy and of the Federal Law Enforcement Training Academy.



## **ANITA FINEDAY**

### **Children's Court Judge, White Earth Nation**

Anita Fineday currently serves as the Children's Court Judge for the White Earth Nation. She is an enrolled member of the White Earth Nation and is eligible for membership with the Sisseton Wahpeton Oyate. She previously served for 14 years as the Chief Judge for the White Earth Nation, as an associate judge for the Leech Lake Band of Ojibwe and the Grand Portage Band of Chippewa, as the Solicitor General for the Mille Lacs Band of Ojibwe, and as Executive Director of the Indian Child Welfare Law Center.

Ms. Fineday was the first Native American woman to argue in the Minnesota Supreme Court. She has taught Federal Indian law and policy at the Tribal college, university, and law school levels and has served on a variety of boards, including service as the chair of the board of directors for the Regional Native Public Defense Corporation and as secretary for the board of Anishinabe Legal Services. Ms. Fineday received her Bachelor of Arts degree in English from Indiana University, a master's degree in Public Administration from Harvard University's Kennedy School of Government, and a Juris Doctorate from the University of Colorado School of Law.



## **DON GRAY/ATQAQSAQ KIOUS**

### **Director, Ukpeagvik Inupiat Corporation Oil & Gas, Alaska**

Don Gray/Atqaqsaq Kious is director of Ukpeagvik Inupiat Corporation (UIC) Oil & Gas and a descendent shareholder for Arctic Slope Regional Corporation, Ukpeagvik Inupiat Corporation, and Kuukpik Corporation. He previously served as a board member for UIC and as UIC's Senior Director of Quality, Health, Safety, Environmental and Training (QHSET), where he was responsible for the administration of all QHSET programs within the corporation. Prior to joining UIC, Mr. Gray served as Vice President of QHSET for Arctic Slope Regional Corporation Energy Services and led operating units within the Alaska Native Tribal Health Consortium and Native Village of Barrow. Mr. Gray also has served as the chair of the Occupational Safety and Health Industry Advisory Board at the University of Alaska, as a management representative on the Alaska Workers' Compensation Board, and on the board of directors for Volunteers of America.

Mr. Gray received both an associate's degree in Applied Science Emergency Medical Services, through which he qualified as a paramedic, and a Bachelor's degree in Health Care Administration from Davenport College (now Davenport University) in Grand Rapids, Michigan. He holds a master's degree in leadership from City University of Seattle. He also has completed the Harvard Business School Program for Leadership.



**LEANDER R. MCDONALD, PHD**  
**President, United Tribes Technical College**

Leander R. McDonald, PhD, is an enrolled member of the Spirit Lake Dakota Nation and a proud descendant of the Sahnish, Hidatsa, and Hunkpapa Nations. Dr. McDonald is President of United Tribes Technical College and concurrently serves as Chairman for the American Indian College Fund Board and Secretary for the American Indian Higher Education Consortium. Past positions include service as Chairman of the Spirit Lake Nation, Vice President of Academic Affairs at Cankdeska Cikana Community College, and Assistant Professor at the University of North Dakota School of Medicine and Health Sciences Center for Rural Health.

Much of Dr. McDonald’s published research focuses on Native elders’ health risks and disparities, American Indian veterans’ access to health care, and American Indians’ behavioral risk factors. During his tenure as the Spirit Lake Chairman, he provided three national testimonies in support of child protection legislation, disparities, and the resources necessary to bring parity to Tribal systems.

Dr. McDonald earned an associate degree in liberal arts from Cankdeska Cikana Community College in 1993; an associate degree in business administration from the University of North Dakota-Lake Region in 1997; a bachelors and master’s in sociology from University of North Dakota in 1998 and 2000, respectively; and a PhD in educational foundations and research in 2003, also from the University of North Dakota.



**ELIZABETH MORRIS**  
**Administrator, Christian Alliance for Indian Child Welfare**

Elizabeth Morris, a Registered Nurse, is the administrator of the Christian Alliance for Indian Child Welfare, a national nonprofit that she founded with her husband, a member of the Minnesota Chippewa Tribe, in 2004. Ms. Morris has been writing, lobbying, and advocating on issues related to Federal Indian policy since 1995 and is author of the book *Dying in Indian Country*.

Ms. Morris holds a Diploma of Bible & Missions, an Associate of Science degree in nursing, and a Bachelor of Arts in Christian Ministries. More recently, she earned a Bachelor of Science (magna cum laude) in Interdisciplinary Studies: Government and Policy, Communication, and Health Science (2016) and a Master of Arts (with distinction) in Public Policy (2019), both from Liberty University; the title of her Master’s thesis was “The Philosophical Underpinnings and Negative Consequences of the Indian Child Welfare Act.” Ms. Morris is a current PhD candidate in Public Policy and Social Policy at Liberty University.





## **MELODY STAEBNER**

### **Indian Education Coordinator, Fargo and West Fargo Public Schools**

Melody Staebner, an enrolled member of the Turtle Mountain Band of Chippewa, has served as the Native American Education Coordinator of the Fargo and West Fargo Public Schools for the past 20 years. In this role, she has provided support to students to address school attendance and challenges to academic success, and has strengthened families through available resources. Ms. Staebner received the YWCA Woman of the Year Award in 2008 for “Advocating for Youth.” She received the Gladys Shingobe Ray Award in 2020 in recognition of her devotion and extraordinary service to the Native American community.

Ms. Staebner also serves on the North Dakota Indian Education Advisory Council, the North Dakota Every Student Succeeds Act Tribal Stakeholder Committee, the North Dakota Native American Essential Understandings Committee, Youth Works Board, and Woodlands and High Plains Powwow Committee. She has extensive training in the areas of at-risk youth, homeless populations, dropout prevention, mental health, suicide prevention, Native leadership, trauma, and cultural competency. She is currently enrolled at the University of North Dakota, and will complete her bachelor of social work degree in May 2024.

# Appendix C: Native Advisory Committee



The Native Advisory Committee (NAC) to the Commission on Native Children consisted of representatives from diverse Native communities and nations. The Commission relied on the Bureau of Indian Affairs' designated service regions as a general guide in the appointment of candidates and added a representative from Hawai'i in accordance with the Commission's authorizing legislation.

## EASTERN REGION

**Sheena Kanott Lambert**  
*Eastern Band of Cherokee Indians*

Public Health Director, Eastern Band of Cherokee Indians

## NORTHWEST REGION

**Lynette Jordan**  
*Confederated Tribes of the Colville Reservation  
and Leech Lake Band of Ojibwe*

Social Service Program Manager, United Indians of All Tribes Foundation

## GREAT PLAINS REGION

**Julie Smith-Yliniemi**  
*White Earth Nation descendant*

Director of Community Engagement and Outreach,  
Indigenous Trauma and Resilience Research Center and  
DaCCoTA Research Center, University of North Dakota

## PACIFIC REGION

**Abby Abinanti**  
*Yurok Tribe*

Chief Judge, Yurok Tribal Court

## HAWAI'I REGION

**Delia L. Ulima**  
*Native Hawaiian*

Manager, HI HOPES Initiative, EPIC 'Ohana, Inc.

## ROCKY MOUNTAIN REGION

**Marilyn Zimmerman**  
*Fort Peck Assiniboine and Sioux Tribes*

Director, National Native Children's Trauma Center

## MIDWEST REGION

**Wendel Waukau**  
*Menominee Indian Tribe*

Superintendent, Menominee Indian School District

## WESTERN REGION

**Leolani Ah Quin**  
*Native Hawaiian and Tongan*

Clinical Director, San Carlos Apache Tribe Wellness Center

The Commission also thanks Donald Warne (Oglala Lakota Nation), who transitioned off the Native Advisory Committee upon his appointment as Co-Director of the Johns Hopkins Center for Indigenous Health, and Monte Fox (Mandan, Hidatsa, and Arikara Nation), who transitioned off the Native Advisory Commission upon his retirement from Casey Family Programs.

# Appendix D:

## Recommendation Analysis



### Recommendation 1. Enhance the capacity of Tribal social services and Tribal courts

The Federal government shall provide sufficient funds and design appropriate processes for distributing those funds so that all Tribal social services and Tribal courts are funded adequately to address child welfare. Tribes should receive full financial support from all relevant Federal sources from which states receive financial support, at levels that are proportionate to their populations and community needs and that create equity with state funding. Thus, Congress, the Bureau of Indian Affairs, the Department of Justice, and the Department of Health and Human Services shall fund, pursue, and implement:

- An amended process for Tribal access to Social Security Act Title IV-E funds and Family First Prevention Services Act funds, including:
  - » Streamlined Tribal IV-E applications and reporting requirements, as distinguished from those required for states, appropriate to Tribes' child welfare systems and smaller populations
  - » Provision for Title IV-E agreements with states that allow Tribes discretion to decide which Title IV-E program components to be funded to operate
  - » Waivers for Tribes and Tribal organizations of requirements in state Title IV-E plans that exceed minimum Federal requirements
- Changes in legislation related to state foster care and other supportive funding, if required, so that Tribes and Tribal organizations are able to bill states for maintenance, services, and administrative case management costs when a Native child's case is transferred from state to Tribal court, including but not limited to provisions that:
  - » Allow Title IV-E funding provided by states for foster care, kinship guardianship, or Adoption Assistance services for a Native child under state jurisdiction to follow the child if their case is transferred from state to Tribal jurisdiction.
  - » Provide funding for special education and other social services/behavioral health resources that a Native child in care may require
  - » Include funding for Extended Foster Care for youth aging out of foster care at 18 if the state includes Extended Foster Care in its child welfare program
- Legislative or regulatory changes if necessary to allow for Title IV-E and other Federal child welfare programs to be combined into P.L. 102-477 plans, P.L. 93-638 Self-Determination contracts, and Self-Governance compacts so that Tribes and Tribal organizations are able to use resources in the most flexible, effective, and cost efficient ways possible
- Legislative changes to create a Tribal set-aside and formula-driven, noncompetitive distribution of funds to Tribes from the Social Services Block Grant (SSBG) and a Tribal specific, and larger, set-aside for monies distributed to Tribes under the Child Abuse Prevention and Treatment Act (CAPTA) Community-Based Child Abuse Prevention grant program. The overall funding for CAPTA also should be increased to ensure that all Tribes have the capacity to operate a basic child abuse prevention program as states currently have with these funds
- Fully funded Tribal courts, including in P.L. 83-280 states, at documented need, which is annually reported by the Department of the Interior to Congress pursuant to the Tribal Law and Order Act, and expanded funding and scope for Tribal Court Improvement Program funds under Title IV-B
- Appropriations for the creation of appeals processes for Tribal court decisions regarding child welfare in Tribal courts
- Passage of the Tribal Family Fairness Act, which has been introduced in two Congresses—first in the 117<sup>th</sup> Congress in 2021 and again in the 118<sup>th</sup> Congress in 2023 as HR 2762

## Analysis

A clear theme emerging from the Commission's regional hearings and virtual panels concerning child welfare was that Tribally led child protection processes have transformed outcomes for Native children and families. These processes deserve to be expanded. The Commission's detailed recommendation is intended to bolster Tribal capacity for the provision of child welfare services and generate greater resource equity as compared to state and local government social service agencies and courts. Additionally, the recommendation will assist Tribal governments, courts, and social services systems to strengthen American Indian and Alaska Native (AIAN) families, protect AIAN children and youth, and ensure that AIAN children and youth have and maintain familial and cultural connections with their Tribes and extended families (as defined at 25 U.S.C. §5304). Many of the components of the Commission's recommendation already are incorporated in the Tribal Family Fairness Act, which Congress should pass and appropriate adequate funds to implement. The proposed legislation increases flexible funding for Tribes for child welfare services so that all Tribes may receive Title IV-B funding. It also expands the Tribal Court Improvement Program, while streamlining program reporting requirements to align with smaller grant amounts that many Tribes receive.

Titles IV-B and IV-E of the Social Security Act provide core funding for state child welfare systems and make Federal funding contingent on the inclusion of certain requirements in state statutes. Titles IV-B and IV-E are intended to operate in tandem to prevent the need for out-of-home placement of children, and where such placement cannot be avoided, to provide alternative permanent placements for children who cannot be returned home. Together, Titles IV-B and Title IV-E are the basis for the organization and operation of most nontribal child welfare systems across the United States. Title IV-E also requires the collection of foster care and adoption data which has been implemented through the Adoption and Foster Care Analysis and Reporting System (AFCARS).

Tribes also may receive direct funding from the Department of Health and Human Services (HHS) under Title IV-B; an "Indian Tribal organization" may receive direct Title IV-B, Part 1 funds if it has a plan for child welfare services approved under the subpart. In fiscal year 2016, for example, 179 eligible Tribal entities received a total of \$6,437,417 in Title

IV-B, Subpart 1 funding; the amounts distributed ranged from a low of \$651 per Tribe/Tribal organization to a high of \$930,302. In the same year, 130 eligible entities received a total of \$10,320,750 in Title IV-B, Subpart 2 funding, and the per Tribe/Tribal organization distributions ranged from a low of \$10,225 to a high of \$1,546,523. As with states, HHS has promulgated specific regulations with which Tribes, Tribal organizations, and Tribal consortia must comply to receive IV-B funds. Receipt of IV-B monies is also a requirement before Tribal entities can participate in some other child welfare funding and training opportunities available through HHS. The Commission notes that there is scope for both increased and more flexible funding for Tribal entities through Social Security Act Title IV-B and much more Tribal participation in the funding opportunity.

Tribal entities' experience with Title IV-E is even less positive. While Title IV-E was created in 1980, Tribes, Tribal organizations, and Tribal consortia did not have the option until 2008 to apply directly to HHS to administer the Title IV-E foster care and adoption assistance entitlement programs and receive direct funding from HHS.<sup>1</sup> Except in limited circumstances, however, Tribal plans for administration of a Title IV-E program must fulfill requirements similar to those that the statute specifies for state plans.<sup>2</sup> These heavy administrative burdens, while appropriate for states with large populations and governmental infrastructure, are not always appropriate for Tribal entities, and only 14 out of 574 Tribes currently operate direct IV-E programs (six additional Tribes with approved plans have decided not to move forward with direct implementation).<sup>3</sup>

For this reason, the Commission strongly recommends a more streamlined process for direct funding for Tribes.<sup>4</sup> In addition, Tribes may be ready and willing to take on some portions of IV-E but not others; therefore, partial IV-E agreements should be permitted and encouraged. Tribal-state agreements are an alternative to direct funding from HHS. When a Tribe requests to enter into a IV-E agreement with a state, the state is required to negotiate with the Tribe in good faith.<sup>5</sup> When states go beyond the minimum Federal requirements under their Title IV-E plans, under no circumstances should Tribes be required to meet these state requirements in order to receive Title IV-E funds through an agreement with a state. Therefore, the recommendation requires that Tribes and Tribal organizations in Title IV-E agreements with states be afforded the same flexibility as Tribes and Tribal organizations

that operate Title IV-E directly through the Federal government, in terms of discretion to define evidence-based services, trauma, and other relevant terms under the statute. Finally, to better align with Tribes' economic realities, this recommendation provides the Secretary of HHS with the authority to waive or modify non-Federal match requirements for Tribes and Tribal organizations that operate the Title IV-E program.

Significantly, ICWA contains two statutory provisions that would provide additional resources to Tribes and Tribal organizations to operate their own child welfare systems: 1) a section that permits HHS to enter into agreements with Interior to make funds available for Indian child and family service programs (25 h §1933(a)), and 2) a section that authorizes ICWA funds to be used as match for programs under the jurisdiction of HHS, including Title IV-B and Title XX (the Social Services Block Grant) (25 U.S.C. §1931(b)). At minimum, these statutes highlight an opportunity for cross-agency work: they indicate that HHS and the Bureau of Indian Affairs, which also provides funding for Tribal child welfare and social services programs, should coordinate to promote stronger Tribe and Tribal organization child welfare programs to benefit Native children youth, and families. HHS also could act on these provisions to support implementation of many aspects of the Commission's recommendation.

Furthermore, state governments have access to Federal and state resources that Tribes do not have but that would be helpful in fortifying Tribal child welfare and court systems. These include Federal funds that Tribes are not eligible to receive directly from the Federal government (the Social Services Block Grant, for example), and state general-fund-supported child welfare services. Some of the Federal and state funding sources that Tribes do not receive also support specialized services, such as medical resources for high risk foster and adoptive children, which are vital to keeping children in their homes and Tribal communities. When a Tribal child is transferred from state court, those resources should follow the child via contracts between the Tribal and state governments. (States could further support the effective transfer of cases to Tribal court by making other funds, such as state non-Federal match monies, available to follow a child after transfer.)

CAPTA and SSBG, important sources for state child welfare, are only minimally available to Tribes and Tribal organizations,

and only by competitive grant funding. Because the Commission recommends that both CAPTA and SSBG be made available by stable formula funding—and because CAPTA already is significantly underfunded—a large increase in the CAPTA appropriation for both states and Tribes is imperative. In addition, child welfare is an essential component of healthy Native communities; therefore, Title IV-B and IV-E funds as well as foster and adoptive support funds should be eligible for inclusion in Self-Determination Act contracts and Self-Governance compacts under both P.L. 93-638 (as amended) or P.L. 102-477 (as amended). This administrative tool will allow Tribes and Tribal organizations to utilize funds in the most efficient and effective way to ensure child and family wellbeing.

Even if Tribes receive adequate funding for social services programming, however, limited Tribal court capacities can hinder efforts to ensure child safety and wellbeing. Tribal courts have never been funded at the stated need, and many Tribes do not have an appellate process in place for redress of Tribal court decisions. As was recommended by the Not Invisible Act Commission, Tribal courts must be fully funded, even in P.L. 280 states, with an additional allocation for the development and support of appellate courts.<sup>6</sup>

Tribes and Tribal organizations that are able to assemble adequate funds to transform their child welfare systems by imbuing cultural values and traditions in all their services have demonstrated success. The Tiwahe Initiative within the Bureau of Indian Affairs is one option Tribes have to accomplish this change. Through Tiwahe, Tribes and Tribal organizations have the flexibility to combine certain Bureau funds related to child welfare, including social services, job training and placement, housing, anti-recidivism, law enforcement, and Tribal justice into a consolidated, multiyear program to effectuate meaningful change for Native children and families. Red Lake Nation, Pascua Yaqui Tribe, Association of Village Council Presidents, and Ute Mountain Ute Tribe, among 65 others, have all shown significant improvements in their comprehensive Tribal child welfare and justice systems utilizing this innovative initiative.<sup>7</sup>

For example, Red Lake Nation created a new system for child welfare, using language that clearly expresses a different way to support families in crisis. *Ombimindwaa Gidinawemaaganinaadog* (Uplifting all of our Relatives) focuses on relationships; uses the Ojibwe Grandfather

teachings (love, respect, courage/bravery, honesty, wisdom, humility, and truth); and refers to clients as “relatives,” staff as “community service providers,” foster homes as “relative care community service providers,” and investigation as “response.”<sup>8</sup> The Nation’s culturally aligned system design and whole family approach support and sustain adult recovery and have led to a 63% reduction in the number of children in out of home placement from 2017 to present.

Inaja-Cosmit Band of Indians, La Jolla Band of Luiseño Mission Indians, Los Coyotes Band of Cahuilla & Cupeño Indians, Mesa Grande Band of Mission Indians, Pauma Band of Luiseño Indians, Rincon Band of Luiseño Indians, and San Pasqual Band of Mission Indians have taken a different approach, relying on pooled resources and effort and collaboration with the state to achieve their goal. Working through the Tribal Family Services Department of the Indian Health Council in San Diego County, the seven Tribes have engaged in an intensive 20-year collaboration with county social services programs to respond to child abuse and neglect referrals. Their comprehensive, wraparound approach has reduced the number of Tribal children in state custody from over 400 to four (as of August 2022).<sup>9</sup> The key to achieving this outstanding result was the Tribes’ ability to concentrate their efforts on prevention—a focus that was supported by effective coordination with the county and by an increased allocation of county funds to the Tribe’s social services department.<sup>10</sup>

- 5 | K. Fort, (2023).
- 6 | Not Invisible Act Commission, (2023), *Not one more: Findings and recommendations of the Not Invisible Act Commission*, [https://www.justice.gov/d9/2023-11/34%20NIAC%20Final%20Report\\_version%2011.1.23\\_FINAL.pdf](https://www.justice.gov/d9/2023-11/34%20NIAC%20Final%20Report_version%2011.1.23_FINAL.pdf) (see Chapter 6, Recommendation B1); C. Williams, (2022, August 25), *The juvenile justice system for Native children: Building Tribal justice responses and capacity* [Testimony], Panel on Child Welfare, Juvenile Justice, and Violence, Alyce Spotted Bear and Walter Soboleff Commission on Native Children.
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- 8 | C. Goodwin, (2022, September 16).
- 9 | K. Kolb, (2022, August 25), *Presentation* [Testimony], Panel on Child Welfare, Juvenile Justice, and Violence, Pacific Regional Hearing, Alyce Spotted Bear and Walter Soboleff Commission on Native Children.
- 10 | W. Thorne & K. D. Kolb, (2022), A better way needed: A different path for child welfare, *Family Integrity & Justice Quarterly*, 1(2), 144-155, <https://publications.pubknow.com/view/1055841541/144/>; D. L. Lomayesva, (2022, August 25), *Intertribal Court of Southern California (ICSC): An overview of ICSC services to Native children and families*, [Testimony], Panel on Systems Innovations and Best Practices in Native Communities, Pacific Regional Hearing, Alyce Spotted Bear and Walter Soboleff Commission on Native Children.

## Notes

- 1 | N. F. M. Sayer, (2012), *Timeline of major child welfare legislation*, Child Welfare League of America, <https://www.cwla.org/wp-content/uploads/2014/05/TimelineOfMajorChildWelfareLegislation.pdf>; L. Marcynyszyn, H. Ayer, & P. Pecora, (2012), *American Indian Title IV-E application planning process: Tribal progress, challenges, and recommendations*, Casey Family Foundation, <https://www.casey.org/media/AmericanIndianTitleIve.pdf>; K. A. Cluff & M. Castagne, (2022, August 25), *California Tribal Families Coalition* [Testimony], Panel on Child Welfare, Juvenile Justice, and Violence, Pacific Regional Hearing, Alyce Spotted Bear and Walter Soboleff Commission on Native Children.
- 2 | C. Emig, (2021), *Child Trends comments on improving and strengthening the Title IV-E Prevention Services Clearinghouse*, Child Trends, <https://www.childtrends.org/publications/child-trends-comments-on-improving-and-strengthening-the-title-iv-e-prevention-services-clearinghouse>.
- 3 | Children’s Bureau, (2023), *Tribes with approved Title IV-E plans*, Department of Health and Human Services, Administration for Children and Families, <https://www.acf.hhs.gov/cb/grant-funding/tribes-approved-title-iv-e-plans>.
- 4 | K. Fort, (2023), After Brackeen: Funding Tribal systems, *Family Law Quarterly*, 56(2&3), 191-230, <https://ssrn.com/abstract=4404078>.

## Recommendation 2: Ensure compliance with the Indian Child Welfare Act

Federal and state government agencies shall be required to adopt and implement policies and procedures that promote greater state compliance with the Indian Child Welfare Act (ICWA), long considered the gold standard for child welfare practice, to better ensure Indian child and family wellbeing and limited removal of children from their families and/or communities. Such policies and procedures shall include:

- Efforts to support the inherent authority of Tribal courts to make decisions about their children, such as removing barriers to transfer to Tribal court
- Training and technical assistance on ICWA requirements and best practices for state child welfare agencies and courts, developed and delivered by Native professionals with appropriate content area and local community expertise
- A requirement that the U.S. Department of Health and Human Services (HHS) collect data from the states on their implementation of ICWA, utilizing, without exclusion, the Adoption and Foster Care Analysis and Reporting System (AFCARS) and Child and Family Services Review as vehicles for new data collection. The data collected should be used to measure state ICWA compliance, performance improvement plans, and demonstrate progress on improvement, including, but not limited to, diligent inquiry, notice, Tribal intervention, active efforts, placements, transfer of jurisdiction, and permanency
- A requirement that HHS assess states' progress in ICWA compliance improvements and make achieving benchmarks in improvement plans either a condition of receiving IV-E or other Federal child welfare funding or a condition of receiving additional funds as an incentive for improved compliance
- A requirement that in cases where a Native child is adopted by a non-Native family, state court orders shall include an enforceable provision (for example, a Post-Adoption Contact Agreement and Culture Plan), to preserve connection to the child's Native community
- A requirement for diligent and documented inquiry before a court makes a finding that a child is not eligible for membership and therefore ICWA does not apply based on current information
- Implementation of Administration for Children and Families (ACF) Policy Manual Question 31, which ensures that states may subaward IV-E funds to Tribes to pay for attorneys to represent Tribes in state child welfare cases
- Funding and resources to create specialized ICWA courts and to lower attorney and social worker caseloads in those jurisdictions with higher Native caseloads
- Funding and resources to create Tribal-state joint jurisdiction wellness and child welfare courts
- Technical and financial support so that Tribes and Tribal organizations have stable infrastructure and capacity to identify and maintain access to ICWA compliant homes, thus providing an incentive to states to use such homes for out-of-home care
- Adherence to the provisions of ICWA related to parents' wishes

### Analysis

Nearly 50 years after passage of ICWA and in the wake of the Supreme Court's decision in *Brackeen v. Haaland*, the time has come for Federal and state governments to fully support ICWA implementation. Because ICWA focuses on how state courts and social service agencies implement Federal and state rules concerning child welfare cases involving Native children, the Commission's recommendation addresses both current gaps in Federal and state systems and opportunities to scale effective practices.

First and foremost, the recommendation seeks to remove barriers to transferring Indian child welfare cases to Tribal courts. The primary barrier for Tribes is lack of resources, an issue the Commission addresses in Recommendation 1. A major barrier for states is limited capacity: they are better able to implement ICWA when staff members are knowledgeable and when systems are designed to support Tribal sovereignty. A key need for states, therefore, is more and better training and technical assistance (TTA) for staff of state child welfare agencies and state courts. TTA should address ICWA requirements, the political status of Native people as members or citizens of sovereign nations, Tribes'

relationship with the Federal government, and principles of effective Tribal-state relationships; it also must assist non-Native staff in understanding that connections to Native culture and to extended family/Tribe are vital to the “best interests of the child.” Special state-level ICWA certifications may be one way to incentivize and realize greater ICWA implementation capacity among social workers and other child welfare staff.<sup>1</sup>

The need for TTA signals another barrier: states do not adequately comply with ICWA.<sup>2</sup> Several mechanisms exist by which HHS could enforce better compliance: 1) Two child welfare provisions of the Social Security Act, and 2) various auditing functions such as the Adoption and Foster Care Analysis and Reporting System (AFCARS), state IV-B plans, Annual Progress and Services Reviews, and Child and Family Services Reviews. To date, HHS has not used these mechanisms; considerations for how it could do so follow.

The child welfare components of the Social Security Act contain important provisions that relate to ICWA compliance and confirm that HHS should be actively advocating for and leading coordination between states and Tribes/Tribal organizations. The most direct reference to ICWA is a requirement that Title IV-B state plans “contain a description, developed after consultation with Tribal organizations... in the State, of the specific measures taken by the State to comply with the Indian Child Welfare Act” (42 U.S.C. §622(b) (9)). Other provisions mandate Tribal-state collaboration, including the Title IV-B requirement that recipients of Court Improvement Project funds meaningfully collaborate with Tribes (“where applicable”) and a requirement that states negotiate Tribal-state Title IV-E agreements with Tribes when requested to do so.<sup>3</sup> These provisions directly contribute to improving ICWA implementation, yet states rarely comply with them.

In 2016, HHS proposed new AFCARS data measures that required ACF to collect key ICWA-related data. While these regulatory changes were part of a final rule published in December of 2016, ACF promulgated another final rule in 2020 that eliminated all but a few of the new 2016 AFCARS data elements related to AIAN children in state care. These data points must be reinstated in AFCARS, so that HHS can collect information about state compliance with ICWA. In the spirit that “what gets measured gets done,” the measurements are critical means through which Native

children and families can gain better state court and agency cooperation. And, to the extent that states are not compliant, merely establishing a plan to achieve compliance is not enough; HHS must require action plans and demonstrated progress regarding key components of the law, such as diligent inquiry, notice, Tribal intervention, active efforts, and placement preferences. Furthermore, as an enforcement measure, HHS must make achieving benchmarks for compliance either a condition of receiving IV-E or other child welfare funds, or a condition of receiving additional IV-E funds. Congress must appropriate sufficient funds for this purpose.

Utilizing an expanded AFCARS and other regular information gathering tools (such as the State Automated Child Welfare Information System, Child and Family Services Reviews, and Annual Progress and Service Reviews), ACF should collaborate with Tribes to focus data analysis on improving AIAN children and families’ health and wellbeing. Such efforts better position ACF to assist Tribes in meeting established Tribal priorities for child protection, family preservation, and community thriving.<sup>4</sup>

In order to better ensure a Native child’s connection to community, the recommendation includes a requirement that if a Native child is adopted by a non-Native family, the court shall issue an enforceable order that the child must maintain contact with its Native community.<sup>5</sup> One such example is found in the California Post-Adoption Contact Agreement and Culture Plan, which should be used as a model for other states.<sup>6</sup>

The recommendation additionally requires implementation of ACF Policy Manual Question 31, which allows states to use Social Security Act Title IV-E funds to make subawards to Tribes to cover the cost of Tribal attorneys in ICWA cases.<sup>7</sup> A Tribal attorney present from the beginning of the case assists in ensuring that ICWA is honored.<sup>8</sup> In part this is because a Tribal attorney is well positioned to facilitate better coordination between state or county and Tribal child welfare systems and courts, including assisting them to find services and placements that support Native child success, which has been shown to improve outcomes for Native families.<sup>9</sup> A recent Notice of Public Rule Making will provide regulatory structure to this important resource.<sup>10</sup>

In high-volume ICWA case jurisdictions (such as Denver, Minneapolis, Detroit, Los Angeles, and Phoenix), specialized



ICWA courts have greatly improved outcomes for Native families.<sup>11</sup> These courts allow judges, attorneys, and social workers to develop expertise in ICWA cases and better coordinate with Tribes and Tribal organizations.<sup>12</sup> By convening in designated locations and on designated days of the week, and by investing in robust remote appearance capabilities, this court model also makes it easier for Tribes to participate. It should be scaled to all jurisdictions with larger Native child caseloads.<sup>13</sup>

Similarly, the recommendation urges increased funding and resources (including training and technical assistance) for Tribal-state joint jurisdiction wellness and child welfare courts and for Tribes and states to work together to identify ICWA-compliant Native foster homes. Although currently rare, joint jurisdiction courts facilitate better communication among state and Tribal social service agencies, create more opportunities to be proactive and flexible, and provide increased resources to at-risk families.<sup>14</sup>

Finally, the recommendation recognizes that ICWA's many provisions protect parents' wishes with regard to placement, transfer to Tribal court, and opportunity to be heard.

## Notes

- 1 | See, for example, 1) the ICWA Specialist Program, a continuing and professional education offered by the University of California, Davis (UC Davis) Resource Center for Family-Focused Practice in partnership with the California Tribal Families Coalition and the California Department of Social Services, <https://humanservices.ucdavis.edu/icwa-specialist-program>; and 2) the foundational and advanced ICWA Training offered through the Tribal Training and Certification Partnership, a collaboration of the Minnesota ICWA Advisory Council and Tribes that share geography with the state of Minnesota, <https://mntribaltraining.com/training/>.
- 2 | J. R. Williams, E. J. Maher, J. Tompkins, L. F. Killos, J. W. Amell, J. E. Rosen, C. Mueller, A. Summers, S. M. Cain, M. Moon, G. McCauley, & L. Harris, (2015), *A research and practice brief: Measuring compliance with the Indian Child Welfare Act*, Casey Family Programs, <https://www.casey.org/media/measuring-compliance-icwa.pdf>.
- 3 | M. L. M. Fletcher, (2022, August 5), *Indian child welfare jurisdictional provisions* [Testimony], Virtual Topic-Specific Hearing on Overview of Jurisdiction and State/Tribal/Local/Federal Collaboration to Protect Native Children, Alyce Spotted Bear and Walter Soboleff Commission on Native Children.
- 4 | Williams et al. (2015); see Recommendation III.
- 5 | C. Tso, (2022, April 22), *Navajo Indian Child Welfare Act Program* [Testimony], Panel on Child Welfare, Juvenile Justice, and Violence, Navajo Regional Hearing, Alyce Spotted Bear and Walter Soboleff Commission on Native Children.
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- 11 | M. L. M. Fletcher, (2022, August 5).
- 12 | A. Korthase, S. I. Gatowski, & M. Erickson, (2021), *Indian Child Welfare Act (ICWA) courts: A tool for improving outcomes for American Indian Children and families*, National Council of Juvenile and Family Court Judges, [https://www.ncjfcj.org/wp-content/uploads/2021/04/NCJFCJ\\_ICWA\\_Tool\\_UMD\\_Final.pdf](https://www.ncjfcj.org/wp-content/uploads/2021/04/NCJFCJ_ICWA_Tool_UMD_Final.pdf).
- 13 | C. Tso, (2022, April 22).
- 14 | K. Wahwassuck & A. Abinanti, (2023), *Intergovernmental collaborations to heal, protect and find solutions: Joint jurisdiction courts 101*, Tribal Law and Policy Institute, [http://walkingoncommonground.org/files/Joint%20Jurisdiction%20101%20FINAL11\\_3\\_2023.pdf](http://walkingoncommonground.org/files/Joint%20Jurisdiction%20101%20FINAL11_3_2023.pdf).



### Recommendation 3: Strengthen advocacy for Native children and youth in child welfare cases

Because children in child welfare cases are the only parties not appointed counsel at public expense, Congress shall fund and state and Tribal governments shall improve the advocacy resources available to Native children and youth by appointing advocates, which shall be a guardian ad litem (GAL) and a separate attorney for every American Indian, Alaska Native, and Native Hawaiian child involved in a state or Tribal welfare system. To be effective, these advocates must have knowledge of and receive specialized training in cultural intelligence, the Indian Child Welfare Act (ICWA), Native family connections and relationships, and be familiar with the customs and traditions of the Tribe where the child is enrolled/enrollable and/or of the Native community where the child lives.

- In all child welfare cases under state jurisdiction that involve an American Indian, Alaska Native, or Native Hawaiian child, judges shall appoint 1) a GAL for the child, who will serve at public expense and whose responsibility is to recommend to the court what is in the best interest of the child; and 2) an attorney for the child, who will serve at public expense and whose responsibility is to convey the child's wishes to the court, including where the child would like to live and other vital matters. Compliance with this mandate shall be a condition of the receipt of ongoing state Title IV-E funding.
- In all child welfare cases under Tribal jurisdiction, Tribal court judges shall appoint and Congress shall appropriate funds for 1) a GAL for each child, who will serve at public expense and whose responsibility is to recommend what is in the best interest of the child; and 2) an attorney for the child, who will serve at public expense and whose responsibility is to convey the child's wishes to the court, including where the child would like to live. Congress shall appropriate sufficient funding to cover the costs of attorney and non-attorney Tribal GALs and separate attorneys for children and youth as part of Title IV-E or provide a noncompetitive grant program for Tribes to cover these costs, if such representation is appropriate in the context of the child's case and the Tribe's chosen method of addressing such cases.

#### Analysis

Child welfare cases include a multitude of parties, and many are provided with legal representation at state expense. Importantly, children themselves are not included in this group. Therefore, it is imperative that Congress allocates funding and Federal, Tribal, and state governments take steps to enhance advocacy resources for Native children and youth. This is particularly crucial given their overrepresentation in state court child welfare cases.

The Child Abuse Protection and Treatment Act (CAPTA) of 1974 laid the foundation for state child welfare practices, requiring the appointment of GALs to represent the best interests of children who are victims of abuse and neglect.<sup>1</sup> This recommendation augments CAPTA by ensuring that American Indian, Alaska Native, and Native Hawaiian children receive comprehensive and culturally sensitive GAL services. It also recognizes that the CAPTA grant program as a whole is significantly underfunded and has heavy administrative burdens, which must be addressed with much greater appropriations, improved access to funding, and streamlined reporting requirements to make it a feasible funding stream for Tribes and Tribal organizations.

Research documents the need for legal representation of children in state child welfare courts, especially those who are aging out of care.<sup>2</sup> Findings from this research are reflected in a variety of practice models, policy guidelines, and training materials.<sup>3</sup> For example, in its *Enhanced Resource Guidelines*, the National Council of Juvenile and Family Court Judges (NCJFCJ) observes:

Because fundamental rights of the child—as well as the parents—are at stake in these proceedings, best practice calls for the appointment of an attorney who will advocate the child's position from the very beginning of the case.

The *Key Principles for Permanency Planning* also state that children should be parties to their cases and are “entitled to representation by attorneys and Guardians ad litem and that judges must ensure the child's wishes are presented to and considered by the court.”<sup>4</sup>

The NCJFCJ discussion goes on to clarify the distinction between attorneys who advocate for the wishes of the child

and guardians ad litem who argue for the best interests of the child. While GALs represent the child's best interests, attorneys advocate for children's wishes.

Both types of advocates for Native children and youth must have extensive understanding of and appreciation for cultural connections, the applicability of ICWA, and the principle that the best interests of the Native child include connection to culture and to extended family/Tribe.<sup>5</sup> This includes foundational knowledge of the Tribal relationship with the Federal government, the political status of Native people as members or citizens of sovereign nations, and principles of effective Tribal-state relationships. For state GAL programs, the Commission recommends that cultural knowledge be a condition of receiving IV-E funding or, in the alternative, of receiving additional IV-E funding as an incentive such that HHS is authorized to enforce this provision.

This recommendation for GALs and attorneys who advocate for the wishes of the child applies to both state and Tribal courts, but because the resources and systems differ, it takes into consideration and addresses those differences. For example, while states have access to resources to appoint GALs and attorneys at state expense, Tribes do not. This is in part due to the limitations of IV-E funding, which require that GALs be attorneys, and in part because Tribal courts are drastically underfunded (see Recommendation 1). The Commission notes, however, that a new Notice of Proposed Rulemaking will allow states to use Title IV-E funding for court-appointed counsel for children in child welfare cases.<sup>6</sup>

States can use other funding to support the appointment of GALs and attorneys, but Tribes do not have resources outside of IV-E (which few Tribes receive) for this purpose. The Commission therefore recommends that the requirement for GALs to be attorneys be removed from IV-E in both state and Tribal courts, a change already authorized under CAPTA. This change will expand opportunities for effective GALs in both state and Tribal courts and will allow for more community member participation as GALs in both systems. Furthermore, supplemental funding is needed to cover the costs of GALs and children's attorneys in Tribal courts. Because so few Tribes have engaged in direct IV-E and the process has been so burdensome, the Commission does not recommend that IV-E funding be withheld as an enforcement tool for Tribes.

Finally, a significant aspect of this recommendation is the emphasis on involving Tribal members in advocacy roles.<sup>7</sup> These advocates, who may or may not be attorneys, are more likely to have knowledge of community customs and

traditions, which supports the provision of culturally sensitive and competent representation. Like non-community member advocates, they should be well trained in the applicability of ICWA and be provided with opportunities to deepen their capacities for cultural responsiveness. This also aligns with the fact that many Tribes have alternate court structures, such as Peacemaking or Circle Courts, that include advocates for the child that might match neither the GAL nor attorney descriptions.<sup>8</sup> These alternate systems should be supported and not disqualified based on this recommendation, provided that advocates for the child are part of the alternate structure.

## Notes

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## Recommendation 4: Follow local community standards for Native foster and kinship placements

State government licensing agencies shall ensure that local American Indian, Alaska Native, and Native Hawaiian community standards are used in the licensing of Native foster or kinship homes by, for example, incorporating local community standards in licensing rules and regulations and making liberal use of waivers.

### Analysis

One of the major obstacles to Indian Child Welfare Act (ICWA) compliance in state courts is the lack of ICWA-compliant foster placements. To ensure that states and local agencies do not inadvertently apply standards that create barriers to approving Native foster home placements, it is important to utilize the standards of the communities in which the children and families live. By requiring state government licensing agencies to apply local American Indian, Alaska Native, and Native Hawaiian (AIANNH) community standards when licensing Native foster homes, the recommendation reduces the potential for discrimination when state agencies and courts make decisions on behalf of Native children and families.<sup>1</sup> It also has the benefit of connecting Native children to their communities and cultural identities—a key principle of ICWA—and of supporting other positive outcomes for Native children, such as improved mental health. In Alaska, for example, the Office of Children’s Services long has waived window or bed requirements in off-the-road-system villages as a way to keep children in their communities, with the understanding that village housing conditions do not always lend themselves to non-village or urban standards.

Child welfare in general and child safety efforts involving Native children in particular have increasingly turned toward kinship care (foster placement with relatives or individuals otherwise considered kin).<sup>2</sup> Research shows that these placements generate numerous benefits and better outcomes as compared to peers in non-kinship placements.<sup>3</sup> For any child, these include: 1) lessened removal trauma and a sense of belonging;<sup>4</sup> 2) better educational outcomes and educational stability;<sup>5</sup> 3) fewer behavioral problems and improved mental health;<sup>6</sup> and 4) greater placement stability.<sup>7</sup> For Native children, relative and kinship care better maintains the child’s connection to culture, heritage, and traditions and builds relationships that can continue throughout the child’s lifetime.<sup>8</sup> Thus, placement with relatives and kin when safely

possible also is consistent with ICWA, which emphasizes the importance of the extended family in Native American cultures and of the importance to children of sustaining family, community, and cultural ties.

In 2008, the Fostering Connections to Success and Promoting Adoptions Act (P.L. 110-351) authorized the waiver of non-safety licensing standards by states and Tribes for relative foster family homes. In September 2023, the Administration for Children and Families, which oversees Federal funding for foster care, issued regulations that allow states and Tribes to establish separate licensing standards for relative and kinship foster family homes.<sup>9</sup> This new rule reduces states’ barriers to Native children’s kinship care by making it easier for them to tailor foster home standards and requirements, and it reduces barriers for Native kin families by enabling fair reimbursements for foster care provision and by reducing training burdens. The rule also opens the door to increased state-Tribal collaboration in the creation of culturally appropriate standards and training protocols.<sup>10</sup> For example, the Port Gamble S’Klallam Tribe worked with the State of Washington to expand the definition of “family” used in determining placements to include the Tribe itself, thus expanding opportunities for kinship care.

By providing flexibility without impeding safety, the new regulation upholds the Commission’s stated principle, that it is best to utilize the standards of the communities in which the children and families live. The further step taken by the Commission in its recommendation, however, is to *require* states to adopt such standards and to do so for *all* Native foster homes—moving beyond optional differential licensing standards for homes that formally are identified by state social service agencies and courts as kinship placements. These ideas recognize and extend the benefits of kinship placement and ensure that wherever possible, Native children, regardless of their Tribal affiliation, are afforded the opportunity to live in homes that value and support their Indigenous identities.

To the extent that states are concerned about the difficulty of a flexible approach that is responsive to Native community needs, policy advocates and technical assistance organizations have provided guidance.<sup>11</sup> For example, the seminal 2015 report from the Center for the Study of Social Policy describes a step-by-step approach to meeting the goal:

**Community Collaboration.** Licensing boards should establish collaborative relationships with AIANNH communities. These collaborations should empower these communities to actively contribute to the development, oversight, and enforcement of standards aligned with their cultural traditions and values.

**Cultural Competency Training.** Licensing boards and child welfare professionals should undergo comprehensive cultural competency training. Training must equip them with in-depth knowledge about the diverse cultural practices and expectations within AIANNH communities, enabling culturally sensitive assessments.

**Local Oversight Committees.** Forming local oversight committees composed of community leaders, elders, and cultural experts is essential. These committees will provide guidance, recommendations, and oversight for licensing decisions to ensure adherence to local community standards and the preservation of cultural practices.

**Regular Reviews and Adaptations.** Licensing boards should periodically review and update licensing rules and regulations to incorporate and reflect local community standards. The process of assessment should be inclusive of AIANNH communities' input and account for their unique cultural contexts.

**Flexible Use of Waivers.** Licensing agencies should judiciously employ waivers to introduce flexibility in applying standards. This approach enables the accommodation of cultural variations in licensing decisions while keeping child safety as the foremost priority.

**Culturally Informed Assessments.** Licensing boards should devise assessment tools that consider the unique needs and expectations of AIANNH children and their communities. These assessments should prioritize the preservation of cultural connections and emotional wellbeing.

**Data Collection and Reporting.** Licensing agencies should systematically collect data on placements and outcomes for AIANNH children and youth. Regular reporting and analysis of data are crucial for monitoring the effectiveness of the policy and making necessary adjustments.

In sum, this recommendation is intended to ensure that, when necessary, AIANNH children are placed in foster homes and kinship placements that respect and preserve their cultural connections. In so doing, it promotes child welfare practices that prioritize the best interests of the child and better aligns state and county systems with key principles of ICWA.

## Notes

- 1 | American Indian, Alaska Native, and Native Hawaiian (AIANNH) children within state and county child welfare systems often experience multiple and interconnected forms of discrimination and disadvantage, arising from factors such as race, ethnicity, class, sexual orientation, gender identity, disability, and immigration status; see M. Martin & D. D. Connelly, (2015), *Achieving racial equity: Child welfare policy strategies to improve outcomes for children of color*, Center for the Study of Social Policy, <https://eric.ed.gov/?id=ED582913>.
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- 3 | American Bar Association, (2022), *Benefits of kinship placement*, [https://www.americanbar.org/content/dam/aba/publications/litigation\\_committees/childrights/kinship-placement/memo-re-benefits-of-kinship-placement-adoption.pdf](https://www.americanbar.org/content/dam/aba/publications/litigation_committees/childrights/kinship-placement/memo-re-benefits-of-kinship-placement-adoption.pdf).
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- 7 | E. Koh & M. F. Testa, (2011), Children discharged from kin and non-kin foster homes: Do the risks of foster care re-entry differ?, *Children and Youth Services Review*, 33(9), <https://doi.org/10.1016/j.childyouth.2011.03.009>; M. A. Winokur, G. A. Crawford, R. C. Longobardi, & D. P. Valentine, (2018), Matched comparison of children in kinship care and foster care on child welfare outcomes, *Families in Society*, 89(3), 338-346, <https://doi.org/10.1606/1044-3894.3759>.
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[research-brief.pdf](#).

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- 11 | See, among others: Casey Family Programs, (2020), Information packet: *Strong families—How can we prioritize kin in the home study and licensure process, and make placement with relatives the norm?*, <https://www.casey.org/adapting-home-studies-for-kin/>; Children's Bureau Child Welfare Information Gateway, (2022), Placement of children with relatives, Department of Health and Human Services Administration for Children and Families, <https://www.childwelfare.gov/topics/systemwide/laws-policies/statutes/placement/>; and M. Martin & D. D. Connelly, (2015).



## Recommendation 5: Promote family dependency treatment courts

**Congress shall appropriate sufficient funds to state and Tribal courts on a noncompetitive basis through the Departments of Justice, Interior, and Health and Human Services for the ongoing and expanded use of family dependency treatment courts (also sometimes called family drug courts, healing to wellness courts, peacemaking circles, or other similar names) or other courts to address child welfare as the Tribes so choose for American Indian, Alaska Native, and Native Hawaiian communities.**

### Analysis

Because a significant percentage of child welfare cases involve substance abuse and/or mental health issues—such that parental fitness is actually a function of parental wellness—a less adversarial and more holistic approach to those cases can result in improved access to treatment resources, more focus on healing, and better long-term results for children and families.<sup>1</sup> Generally known as “family dependency treatment courts” (FDTCs), the approach is inclusive of healing to wellness courts, family drug courts, family group conferencing, and circle peacemaking. In Native communities, FDTCs often involve a return to traditional Indigenous forms of conflict resolution, a shift that offers the additional advantages of connecting families to culture, engaging culturally appropriate strategies for healing, and advancing broader approaches to family preservation.<sup>2</sup> Over the last 30 years, researchers have produced a large body of work that supports the efficacy of treatment courts, especially where substance abuse is a primary issue,<sup>3</sup> and in Indigenous settings, where they help restore the fabric of the community.<sup>4</sup>

Writ large, FDTCs are court-centered treatment collaborations founded in therapeutic jurisprudence<sup>5</sup> in which a judge-led interdisciplinary team engages directly with parents, children, and other stakeholders to support readiness for change and forestall family separation. Using a therapeutic rather than a legalistic approach shifts the dynamics of the case. Positive reinforcements contribute to parental success, while deep involvement by treatment and other social service providers allows for real-time accountability with the judge and child welfare staff. The process is intended to provide the parent(s) with the support needed to address the underlying and often complex causes of their family-disruptive behavior. Tribal courts and social services also work closely together to create wraparound plans for the whole family, so that children and

other family members also receive the support they need in the healing process.

Advantages of a FDTC include:

- A non-adversarial judicial milieu in which parents receive intensive monitoring and services
- A collaborating team with representatives from the judicial, child welfare, health care (especially treatment and mental health care), social services, and related agencies that also may include key community or extended family members
- Guaranteed rapid entry into substance abuse treatment as needed
- Close communication among treatment providers, child welfare caseworkers, and the judicial system to monitor the participants’ progress
- Incentive-based encouragement (consequence-driven rewards, such as more frequent family visits given positive parental progress)
- Swift, non-punitive intervention should relapse occur

The Commission identified this model as an alternative that provides better outcomes for American Indian, Alaska Native, and Native Hawaiian children and families in state and Tribal courts than standard approaches to child welfare proceedings and recommends that more FDTCs be developed. Yet the Commission also observed that current Federal funding is scarce and uncertain. In Federal fiscal year 2021, for example, the U.S. Department of Justice Bureau of Justice Assistance (BJA) awarded only \$13.8 million to states and Tribes for family drug treatment courts;<sup>6</sup> BJA awarded only \$61.6 million in fiscal year 2021 to drug courts overall.<sup>7</sup> All of these funds were awarded through competitive grantmaking processes. Thus, scaling will require not only more funding but also a different funding approach. As emphasized in other recommendations, and especially Recommendation 26, the Commission’s preferred approach to resourcing critical programs and services is formula funding with Tribal set asides. With regard to FDTCs, the Commission recommends formula funding for both Tribes and states, with a Tribal set-aside to guarantee Tribes and Tribal organizations an appropriate proportion of the total funds.

## Notes

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- 5 | L D. B. Wexler, (2014); J. W. Zion (2015).
- 6 | Office of Juvenile Justice and Delinquency Prevention, (2021, May 25), *Family treatment court program*, U.S. Department of Justice, <https://ojjdp.ojp.gov/programs/family-treatment-court-program>.
- 7 | Office of Justice Programs, (2023, May 16), *Drug courts*, U.S. Department of Justice, <https://www.ojp.gov/feature/drug-courts/overview>.

## **Recommendation 6: Redesign Federal programming and funding for Tribal juvenile justice to maximize trauma-informed, community-based care**

Native youth who come into contact with Federal, state, local, or Tribal juvenile justice systems or who are at risk of doing so (whether delinquent, runaway, homeless, or truant) shall be placed, to the extent possible, in community care and under community supervision, including in diversion programs and in family-centered, community-based alternatives rather than in secure juvenile detention centers or other secure facilities, which should be utilized as the last resort and not as a general or permanent placement.

To do so:

- Congress and executive branch agencies shall revise statutes, regulations, and policies that prevent Tribes from flexibly using funds currently devoted to detaining juveniles—whether provided by Department of Justice (DOJ), Department of the Interior (DOI), or Department of Health and Human Services (HHS)—for more demonstrably beneficial programs, such as trauma-informed treatment and greater coordination between Tribal child welfare and juvenile justice agencies; new rules shall permit alternative uses for Federally funded secure detention facilities, including their use for prevention, reentry services, treatment, rehabilitation, and shelter care, but with residential placements used always as a last resort to community-based placements.
- Congress shall appropriate funding for Tribes, Tribal organizations, and Native Hawaiian entities to:
  - » Widely utilize and, if necessary, create Native community-based outpatient care programming that includes culturally relevant trauma-informed care for all affected parties (youth, victims, and their families), so that recovery can occur in the least restrictive setting appropriate to the circumstances of each case
  - » Construct and create treatment and rehabilitation facilities that serve American Indian, Alaska Native, and Native Hawaiian children and youth who experience trauma (personal, intergenerational, and/or historical), including but not limited to facilities for service provision, shelter and respite, and constructive youth activities
  - » Construct and establish safe homes, group homes, shelters, day and evening reporting centers, and drop-in centers for Native youth who commit non-violent offenses, who go missing voluntarily for whatever reason, and/or who are habitually absent from school without permission, as alternatives to their placement in secure juvenile detention centers, but only for the shortest possible placement periods.
  - » Construct and create cultural facilities, recreational facilities, theaters, sports centers, and other options that create positive environments for youth and promote resilience
- Federal, State, and local law enforcement and juvenile justice agencies shall coordinate with relevant Tribes, Tribal organizations, or Native community entities to expand programs and to ensure placement of Native youth in appropriate community-based supervision and treatment settings, whether Tribal or nontribal.
- Status offenses shall not be handled in delinquency court but shall be handled in child welfare court to the extent they are in court at all.
- Congress shall fund creation of a comprehensive education and training program for Tribal, Federal, state, and local law enforcement officers, judges, court staff, prosecutors, probation officers, and service providers who work with Native youth that addresses the evidence-based preference for community-based supervision and treatment of Native youth who come into contact with the legal system or who are at risk of doing so.

### **Analysis**

This recommendation recognizes the need for a profound shift in the way legal systems respond to Native youth who engage in prohibited activities. To the extent possible given the circumstances, Native juveniles' actions and behavior—whether status offenses, common criminal violations, or inappropriate sexual behavior—must be addressed through comprehensive, non-residential, treatment-focused, culture-based programs that keep youth connected to the community, offer alternatives to drugs and alcohol, and contribute to protective factors such as positive identity formation.

First and foremost, this recommendation responds to the extensive body of research that demonstrates the benefits of rehabilitation and community-centered programs for all Native youth as compared to secure detention.<sup>1</sup> Secure detention often reinforces the cycle of offending.<sup>2</sup> The alternative—building diversion programs and other forms of community care that can be tailored to the nature of the offense—offers promising avenues to prevent re-offending.<sup>3</sup> Recognizing that many offenders, runaways, or addicts have experienced trauma, the Commission also urges increased trauma-informed approaches in community-based care, aligning with recent DOJ Tribal consultations that prioritized treating children within their homes and communities while recognizing that barriers to their success exist within the system.<sup>4</sup> Native communities are ready, willing, and able to implement a wide range of programs beyond secure detention to provide prevention, intervention, and response services, including through treatment or diversion programs.<sup>5</sup> The focus of the recommendation is rooted in the principle that youth should not be incarcerated merely due to a lack of alternative placements. The “Where else are you going to go?” predicament should never serve as a justification for locking up a Native youth.

Second, the recommendation’s emphasis on community care also responds to the troubling reality of disproportionate police contact, arrest, and severe punishment rates among Native youth. These disparities have been evident for many years.<sup>6</sup> While all other ethnic groups have demonstrated a large decline in arrests over the last decade, American Indian and Alaska Native youth have experienced more of a leveling off.<sup>7</sup> Fueled by high arrest rates, the AIAN confinement rate remains high<sup>8</sup>: in 2020, AIAN youth were more than three times as likely as White youth to be placed in a juvenile detention center, residential treatment center, group home, or youth prison.<sup>9</sup>

The Commission intends this recommendation to apply to all parties—that is, to Federal, state, local, and Tribal government law enforcement and judicial systems—that would have the opportunity to choose between placing a Native youth in a secure detention facility or in community care under the collaborative supervision of a Native community (Tribe, Tribal organization, urban Indian organization, or Native Hawaiian entity). Of course, both non-Native systems and, especially, Native systems will need significant capacity to address the multifaceted needs of troubled Native youth.

One form of necessary capacity development is the focus of Recommendation 7, which requires notice and intervention

opportunities when AIANNH children/youth are taken into custody for delinquent behaviors. Without workable systems through which local, state, and Federal governments can inform relevant Native communities concerning the involvement of a Native juvenile with that local, state, or Federal legal system, it will be difficult for Native communities to assist in diverting truant or delinquent youth from secure detention centers or other forms of state or Federal incarceration.

For Tribes, physical infrastructure is a significant capacity concern. It is the understanding of the Commission that arbitrary appropriation restrictions create barriers to using existing detention facilities in Native communities for rehabilitation and positive youth programming.<sup>10</sup> Legislation in the late 1990s prohibited Tribes and Tribal organizations from using their public safety and justice funds for mental health and substance abuse treatment by requiring such programs to be funded through SAMHSA or IHS; therefore, rather than being able to use detention facilities for a wide variety of interventions, Tribes have been forced to staff them as secure detention with correctional officers.<sup>11</sup>

The Commission recommends and requests that Congress remove any legislative barriers, and that DOI, DOJ, and HHS remove any programmatic barriers, so that secure detention facilities can be staffed primarily as sites for positive youth programming (rather than for secure detention) and so that detention becomes a true last resort for youth who come into contact with Tribal justice and social services systems. In order to do so, Tribes and Tribal organizations should be able to combine and consolidate funds from DOI, DOJ, HHS, and other departments for the creation of comprehensive mental and behavioral health programming aimed at achieving the best outcomes for delinquent children and youth.<sup>12</sup> For example, wherever funding is authorized or appropriated for probation officers, it should be permissible to be used for counselors, coaches, etc. In other words, funds from any source, regardless of origin, should be able to be used in the manner determined to be most effective for the community in which the youth live; this change may require new authorizing and appropriations language as well as reformed departmental policy and actions (see Recommendation 25).

Beyond the transformation of existing secure detention centers into places capable of more strength-based, trauma-informed programming, system transformation relies on Native communities’ ability to provide needed services. They may need to bolster community-based, trauma-

informed outpatient care and construct additional treatment and rehabilitation facilities. Additionally, funding is needed for safe homes, group homes, temporary shelters (including separate shelters for status offenders), day and evening reporting centers, drop-in facilities, and respite centers. For all youth, there is a need for additional cultural, recreational, and arts facilities to prevent misbehavior and for culturally responsive support programs to address misbehavior when it occurs. The new programs and services will allow for greater coordination between Tribes and Tribal organizations with Federal, state, and local law enforcement and juvenile justice agencies in order to connect youth with community-based supervision and minimize risk factors. Again, interagency collaboration is vital to overcoming funding limitations and ensuring the flexibility to allocate resources based on the specific needs of Native youth in their communities.

While the Juvenile Justice and Delinquency Prevention Act (JJDP) provides that status offenses must be handled in child welfare court or other alternative venues rather than delinquency courts, all too often these cases end up in delinquency court. Native children are over-represented among children who are confined for status offenses; therefore, the Commission urges compliance with JJDP so that status offenses are handled in child welfare or other specialized courts such as truancy court. This protocol can further interrupt the school-to-prison pipeline.<sup>13</sup> At their site visit to Shingle Springs Rancheria in Northern California, the Commissioners were shown an example of a partnership between state and Tribal entities, which resulted in Tribal social services assisting in truancy prevention. Through cooperation, the school, the Tribe, and county agencies are able to ensure that notice and an appropriate response occur when Native children and youth begin to slide—reducing status offenses and enabling therapeutic Tribal action over punitive state action.

This example also points to the benefits of cross-fertilization and understanding between Tribal and state legal systems; more importantly, none of these solutions will achieve their goal unless state and local law enforcement, courts and corrections, social workers, educators, and other service providers understand the research basis and successful track records for community-based programs for both status and delinquent offenders. The recommendation recognizes this need and includes extensive training and professional development to support these efforts.

In short, the recommendation urges a paradigm shift, from a focus on punishment and secure detention to a focus on

healing and holistic wellbeing and, thus, on responses to inappropriate youth behavior that are community-based, culturally sensitive, and trauma-informed. At the same time, the Commission recognizes—and reminds Congress and the President—that this recommendation is not new. It tracks recommendations made a decade ago by the Indian Law and Order Commission and by the Attorney General’s Advisory Committee on Violence Against American Indian and Alaska Native Children. Like those entities, the Commission on Native Children seeks to address the systemic issues that contribute to disparities in Native youth involvement with justice systems via a multifaceted approach that reflects Native values and protects Native youth and communities.

## Notes

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- 2 | P. McCarthy, V. N. Schiraldi, & M. Shark, (2016), *The future of youth justice: A community based alternative to the youth prison model* (New Thinking in Community Corrections, no. 2), Harvard Kennedy School Program in Criminal Justice Policy and Management, <https://doi.org/10.7916/d8-m33x-jk51>.
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## Recommendation 7: Keep track of Native youth in Federal, state, and local juvenile justice systems

Federal, state, and local juvenile justice systems shall be required to maintain complete records concerning Native youth who have come into contact with those systems, including their American Indian, Alaska Native, or Native Hawaiian affiliations. If Federal, state, and local systems are uncertain whether a juvenile is Native, they shall be required to verify with the relevant Native entity and make a finding as to whether a youth is affiliated with a Tribe, Alaska Native entity, or the Native Hawaiian community.

For those children and youth in these systems who are verified to be affiliated with an American Indian Tribe or Alaska Native entity or with the Native Hawaiian community:

- Federal, state, and local governments shall create mechanisms to report back to juveniles' Native communities and guardians as to their placement, location, and status on a regular basis, but in no case less than annually.
- State courts shall provide notice, as required by the Indian Child Welfare Act, about all status offenses committed by Indian children, with regular reporting back to the Tribe or Tribal organization and guardians, and Tribes or Tribal organizations shall be offered the opportunity to intervene and provide services; furthermore, the same notice and opportunity to intervene and provide services shall be provided to Native Hawaiian entities, although not required by ICWA.
- In all other state and Federal juvenile cases (i.e., non-status offenses), notice shall be provided, and Tribes, Tribal organizations, and Native Hawaiian entities shall be offered the opportunity to intervene and provide services.
- If Federal court takes jurisdiction over a juvenile case that occurred on Tribal land, the U.S. Attorney must use the same certification process with the Tribe that they use with states as required under 18 U.S.C. §5032, which provides that proceedings cannot be initiated against a juvenile in any court of the United States unless the Attorney General, after investigation, certifies to the appropriate U.S. District Court that (1) the juvenile court or other appropriate court of a State does not

have jurisdiction or refuses to assume jurisdiction over the juvenile with respect to the alleged act of juvenile delinquency; or (2) the state does not have available programs and services adequate for the needs of juveniles; or (3) the offense charged is a crime of violence that is a felony or an offense described in section 401 of the Controlled Substances Act (21 U.S.C. §841), or section 1002(a), 1003, 1005, 1009, or 1010(b) (1), (2), or (3) of the Controlled Substances Import and Export Act (21 U.S.C. §952(a), 953, 955, 959, 960(b) (1), (2), (3)), section 922(x) or section 924(b), (g), or (h) of this title, and there is a substantial Federal interest in the case or the offense to warrant the exercise of Federal jurisdiction.

### Analysis

The Commission heard concern from Tribes and Tribal organizations about Native youth lost in state and Federal justice systems.<sup>1</sup> While evidence from the Department of Justice indicates that there are fewer than fifteen American Indian, Alaska Native, and Native Hawaiian juvenile offenders in Federal prison,<sup>2</sup> state and local courts supervise and detain AIANNH youth in numbers disproportionate to their population in the community.<sup>3</sup> In fact, while all other ethnic groups have demonstrated a large decline in arrests over the last several years, American Indian youth have experienced more of a leveling off.<sup>4</sup>

Although the Commission recognizes that collection and storage of juvenile justice data varies greatly from government to government, it also recognizes the importance of a systematic method that ensures that American Indian, Alaska Native, and Native Hawaiian youth do not get lost in Federal, state, and local justice systems—and that Native communities have a right to be notified of their children's and youths' presence in those systems. It also identified the lack of notice and reporting as an additional affront, one that echoes the information vacuum Native families and communities experienced following child removals to boarding schools and through nonconsensual adoptions in the 19<sup>th</sup> and 20<sup>th</sup> centuries. The Commission further observed that American Indian, Alaska Native, and Native Hawaiian entities and organizations often are best positioned to assist

in assessment, rehabilitation, treatment, and prevention efforts and in identifying alternatives to detention. Thus, to ensure that Native communities are afforded opportunities to intervene and assist, this recommendation requires notice to relevant Native entities when an American Indian, Alaska Native, or Native Hawaiian child or youth enters a nontribal justice system and, at very least, annual reporting concerning the placement, location, and status of Native children and youth who remain under Federal, state, and local juvenile justice systems' supervision and care.<sup>5</sup>

Such notice, the opportunity to intervene, and collaboration in the provision of services in community settings will greatly improve outcomes for Native youth offenders.<sup>6</sup> Native status offenders are one key subgroup that stands to benefit. As described in the discussion of Recommendation 6, states generally do not adequately follow ICWA's provisions regarding status offenders, which include a requirement to provide notice to Tribes. While beneficial to all youthful Native offenders, Tribal intervention and culturally centered solutions-focused engagement can be especially impactful for status offenders:<sup>7</sup> the correlation between status offending and later juvenile delinquency emphasizes these youths' vulnerability and the need for Native community-led efforts to keep them on a positive life path. The Yurok Youth Diversion program provides an instructive example of how such community collaboration can occur. Having identified truancy as a problem among Yurok youth enrolled in local public schools, the county court joined with the Yurok Tribal Court to establish alternative responses to truancy. A Joint Powers Agreement between the two courts articulates information flow and cooperation guidelines to achieve the best outcomes for Tribal youth.

The creation of opportunities for increased collaboration across Native and non-Native systems utilizing notice and reporting mechanisms also will improve outcomes for Native juveniles at risk of incarceration or institutionalization by state courts. Recommendation 6 focuses on substituting diversion and community-based responses for detention-based solutions to juvenile delinquency both on and off Tribal land, an approach that supports the imperative for notice and intervention. Tribes, Tribal organizations, and Native Hawaiian entities need to know when their youth are detained by Federal, state, or local juvenile justice systems in order to intervene and offer culturally appropriate community-based care and rehabilitation options.<sup>8</sup> The intent of this recommendation is to require states and localities to inform

Tribes, Tribal organizations, and Native entities about the juvenile justice interactions they have with Native community members, thus mimicking their responsibilities under ICWA. Developing processes for notice will be a key component of implementing this recommendation.

Of note, 18 U.S.C. §5032, the process that governs when a U.S. Attorney seeks Federal jurisdiction over a juvenile offender from a state or local jurisdiction, is instructive. The Commission recommends that Federal courts use the same process when U.S. Attorneys seek Federal jurisdiction over juvenile offenders from Tribal jurisdictions—and that state courts develop processes for notifying Tribes that are similar.<sup>9</sup> This model can be applied easily in Federal court; in state courts, the model would substitute “State Attorney General or County District Attorney” for U.S. Attorney. Rules and processes of this sort allow Native communities to track their youth, assist with placement and programs, and offer opportunities to create better results for Native justice system-involved youth.

## Notes

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## Recommendation 8: Expand access to the Maternal, Infant, and Early Childhood Home Visiting Program

With the aims of decreasing infant mortality and of improving health and child welfare outcomes for American Indian, Alaska Native, and Native Hawaiian mothers and children, Congress and the Department of Health and Human Services shall expand access to the Maternal, Infant, and Early Childhood Home Visiting (MIECHV) Program. To do so:

- Congress shall amend the Native Hawaiian Health Care Improvement Act or enact new legislation authorizing the Department of Health and Human Services to expand the Tribal MIECHV program eligibility to include Native Hawaiians.
- The Department of Health and Human Services shall end competitive grantmaking for Tribal and Native-entity MIECHV and develop formulas for the distribution of Tribal and Native-entity MIECHV Program Development and Implementation funds and for Tribal and Native-entity MIECHV Program Implementation and Expansion funds that are inclusive of Native Hawaiian entities and provide for minimum allocations so that smaller programs are not disadvantaged; distributions above the minimum shall be based on the total funding authorized by Congress and the total number of Tribal and Native applicants.
- Congress shall expand overall funding for Tribal and Native-entity MIECHV, to appropriately support Native Hawaiian-entity MIECHV and to accommodate the redesign of Tribal and Native-entity MIECHV as a formula funded, noncompetitive program with sufficient funds for meaningful program delivery.

### Analysis

The Federal Maternal, Infant, and Early Childhood Home Visiting (MIECHV) program supports visits from a nurse, social worker, or other early childhood professional to expectant families and families with young children. Created through the Affordable Care Act in 2010, the program builds on evidence that early childhood experiences influence whether a person has a promising start in life<sup>1</sup> and that home visits in the first years of life can improve outcomes for children.<sup>2</sup> Where implemented, MIECHV has become a vital resource for families in Tribal communities.<sup>3</sup> Yet many Tribes face

significant barriers to program participation, and Native Hawaiian entities lack access to set-aside funding. The three-prong solution identified by the Commission is for Congress 1) to substantially increase the total appropriation for MIECHV so that all Tribes, Tribal organizations, and Native Hawaiian entities that choose to participate are able to do so; 2) to expand eligibility for MIECHV to include Native Hawaiian entities; 3) to authorize the provision of MIECHV funding via formula rather than competitive grants.

Over the course of the last two centuries, U.S. Federal and state policies have imperiled Native families. Forced removal from homelands dispersed families; forced attendance at boarding schools separated children from parents and kin; relocation incentives exacerbated family diaspora; and “child protection” surveillance broke up families through foster care and adoption arrangements. In this setting, parents lost opportunities to parent, and children lost opportunities to be parented. For many Native families, opportunities to regain, relearn, and practice these critical skills are sorely needed.

The need for improved support for young AIANNH Native children and their parents/caregivers is heightened further by socioeconomic disproportionalities, including lower educational attainment, higher unemployment, and higher poverty rates in the Native population than in the U.S. population overall.<sup>4</sup> There are higher rates of adolescent childbearing among AIANNH girls, a higher percentage use illegal substances during pregnancy as compared to other youthful mothers, and many drop out of school.<sup>5</sup> Many AIANNH teen mothers lack the parenting knowledge necessary to create safe and healthy homes for their children, in part because they are still in need of parenting themselves. As a result of this complex of risk factors, AIAN children begin to fall behind in tests for specific cognitive skills, listening comprehension, matching, and counting as early as age two.<sup>6</sup> These data point to a need for improved support and care for the youngest Native children, and improved support and care for their first teachers—their parents.

Home visiting can provide resources and support to Native mothers, children, and their families, thereby mitigating risks borne of intergenerational trauma, socioeconomic disparities, and limited parenting knowledge—and thus give very young Native children a more promising start in life. Through Tribal MIECHV, a nurse, a social worker, or an early childhood educator meets regularly with each participating

family to discuss nutrition, injury prevention, early language development, and positive parenting. Home visitors help parents/caregivers set goals, pursue further education, gain employment, and find childcare options. Significantly, they also assist parents and children in preparing for school success through program-specific school readiness activities. While communities can choose among various models based on their particular needs, each approved MIECHV program fosters child success, beginning as early as the prenatal period.<sup>7</sup> Tribal grantees have the option to use either a non-Indigenous evidence-based model in their MIECHV program or the single approved Indigenous model, Family Spirit.<sup>8</sup>

MIECHV has demonstrated success in the Tribal context. Evidence-based programs, such as Family Spirit, have been proven effective in improving parenting and infant outcomes for AIAN families.<sup>9</sup> By implementing culturally sensitive practices, home visiting programs also promote and strengthen American Indian, Alaska Native, and Native Hawaiian traditions, values, and holistic healing practices.<sup>10</sup> A 2015 report to Congress showed that among the Tribal MIECHV programs:<sup>11</sup>

- 85% reduced child injuries, child abuse, neglect, or maltreatment and emergency department visits
- 77% experienced decreased crime or domestic violence
- 77% indicated increased family economic self-sufficiency
- 69% reported improved child school readiness and achievement
- 62% improved maternal and newborn health outcomes

Other results included:

- Greater parenting knowledge and healthier parent-child relationships
- Increased child screening rates in key developmental domains (communication, cognitive, physical health, positive approaches to learning and social and emotional wellbeing)
- Increased family referrals when needed for domestic violence
- Improvements in family economic self-sufficiency (health insurance, household income and employment or education of adults)
- Fewer externalizing behaviors (behaviors that harm others) among mothers and children

The Federal MIECHV program is administered by the Health Resources and Services Administration (HRSA) in collaboration with the Administration for Children and Families, two agencies in the Department of Health and Human Services. Congress originally authorized a 3% set-aside within the Federal MIECHV program for eligible Indian Tribes, Tribal consortia, Tribal organizations, and urban Indian organizations; it increased this set-aside to 6% in fiscal year 2023, resulting in a total Tribal MIECHV budget of \$24.5 million.<sup>12</sup> Awards are competitive and structured as five-year cooperative agreements, requiring significant data and reporting for accountability and impact assessment purposes. Including the new grants made in fiscal year 2023, HRSA reported in September 2023 that its then-current roster included 41 grants serving 68 Tribal and 17 urban Native communities.<sup>13</sup>

These numbers are a glass half full and a glass half empty. The positive takeaways are that funding is increasing, numerous Tribes have participated (individually or through consortia), and urban Indian organization awardees have been funded at levels comparable to many Tribal entities. Further, the budget set-aside means that Indian Tribes, consortia of Tribes, Tribal organizations, and urban Indian organizations have access to a stable—and now larger—allocation of MIECHV funds.

But significant challenges remain. A large number of Tribes and urban Indian organizations have not yet been able to participate, which results in very low participation by Native children themselves. Estimates suggest that less than one percent of eligible American Indian and Alaska Native children (3,000 out of 438,800) received “evidence-based home visits” in 2021.<sup>14</sup> This low participation rate arises from a variety of factors, including Native communities’ preference for Indigenous-knowledge based (rather than approved evidence-based) programs, difficulties applying for competitive grants, lack of capacity (at the Federal and Tribal levels), burdensome application and reporting requirements, and limited resources. Several of these issues merit additional discussion.

First, while there are many evidence-based practices on the Federal government’s list of approved models, Family Spirit is the only one designed specifically for Native communities that also meets the evidence-based standard—which in turn makes implementers eligible for MIECHV financial preference and full funding.<sup>15</sup> Despite their understood value to practitioners in Native communities, other Indigenous knowledge-based programs have not qualified in sufficient numbers for MIECHV home visiting funding.<sup>16</sup> This bias unfairly limits Native solutions in program practice, policy, rules, regulations, and statutes, and points to the need for new thinking to qualify

practice-based evidence approaches for various Federal funding opportunities that currently require evidence-based practices. (For Tribal MIECHV, this would require a change to the authorizing language; also see Recommendation 29.) Nevertheless, programs like the Family Spirit model or other approved models used within AIAN communities could be implemented more extensively (also see Recommendation 17).

Second, Tribal entities' participation in MIECHV requires additional resources. At present, even with the increase in the set-aside percentage for Tribal MIECHV, there is not enough money to support the level of participation that could really move the needle for the Native population as a whole. MIECHV's budget should be sufficient to support any Tribe, Tribal organization, or urban Indian organization as defined in the Indian Health Care Improvement Act to operate a Federally funded home visiting program. Further, budget authority should be sufficient to support the participation of Native Hawaiian entities in Tribal MIECHV. As documented at the Commission's Hawai'i regional hearing (and in the research cited within this analysis), Native Hawaiians have similar needs to the American Indian and Alaska Native population. Nonetheless, they must apply through the national program—or rely on the state of Hawai'i to provide pass-through funding—to access the benefits of the Federal MIECHV program.

The Commission further recommends that funding occur via formula, an option already available for states and territories.<sup>17</sup> Formula funding distributes Federal appropriations based on specific criteria; in the case of Tribal MIECHV, these could be population and need. Formula funding has numerous advantages (also see Recommendation 26). It treats Tribes in a similar fashion to states and territories, creating parity and honoring sovereignty. It requires fewer resources on a per grant basis for Native entities and for HRSA, thus allowing programs to focus on service delivery and HRSA on program expansion. Most important, amending legislation will increase Tribal MIECHV participation rates and home visits.

Despite its proven benefits, including increased early childhood screening for cognition and communication and documented success in improving school readiness, too few Native families have the opportunity to experience the positive effects of MIECHV. By recommending its expansion, the Commission looks to a future in which high-quality community-based home visiting programs support Native parents in creating stable, healthy, and education-rich homes for their children, starting at birth.

## Notes

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## Recommendation 9: Support Native culture and language learners in early childhood programs and K-12 schools

Congress and the Department of Education, Bureau of Indian Education, Administration for Children and Families, and other Federal departments and agencies that fund and support the education of American Indian, Alaska Native, and Native Hawaiian students shall make every effort to provide, maintain, and sustain American Indian, Alaska Native, and Native Hawaiian culture and language learning (and especially language immersion) in early childhood education programs and in K-12 schools. To do so:

- Congress and relevant executive branch agencies shall provide funding and programmatic support to Tribal and public schools for:
  - » Culture- and community-specific curricula that teach local Indigenous languages and embrace community-specific ways of knowing and doing
  - » Language- and community-specific teacher recruitment strategies, including appropriate remuneration and flexible certification, that consider the different stages of Native language revitalization
  - » Outdoor, field, and place-based education attuned to seasonal life and to familial cultural practices and knowledges
  - » Native culture- and language-appropriate placement-related assessments, particularly in the transition from Native community-centered preschool programs to mainstream kindergartens, so that receiving schools are able to recognize and use cultural strengths as a component of readiness assessment and of placement decisions
- Congress and relevant executive branch agencies shall provide funding and technical assistance for Tribes, Tribal organizations, and Native Hawaiian entities to build or improve Tribal/Native schools, assist them in taking over management of Federal and public schools, and/or start their own schools.
- Where state standards require graduates from publicly funded secondary schools to meet an art, history, or language requirement, state boards of education shall ensure that Native classes or requisites, designed in conjunction with local Tribes and Native communities, are available to students in publicly funded schools

that serve an appropriate number of Native students (where “an appropriate number” is defined by in the same manner as in the Title VI Indian Education Formula Grant program, with the caveat that a school is obligated to provide classes even if it does not receive such Title VI monies), and that these classes are eligible to satisfy graduation requirements.

- Tribal Colleges and Universities (TCUs) and Native American-Serving Nontribal Institutions (NASNTI) shall offer teacher training and training in curriculum development as well as other programming appropriate for supporting this recommendation.

### Analysis

Tribal schools are now increasingly common—in many forms. The Bureau of Indian Education (BIE) funds 183 elementary and secondary schools and residential facilities. Of these, only 55 are BIE-operated while 128 are Tribally controlled. In the state and local public school sector, Tribes and Tribal organizations are utilizing charter schools as an option for Tribal control over education. The increased use of charter schools is a result of advantageous changes in state law and in a new specific Federal funding priority for charter schools that target Native students.<sup>1</sup>

In both Federally funded and state-funded school systems, then, Tribes and Tribal organizations are embracing Educational Sovereignty.<sup>2</sup> For example, in *Yazzie/Martinez v. State of New Mexico*, the state courts ruled that New Mexico had violated Native students’ constitutional right to a sufficient and equitable education. The ruling resulted in a major settlement and new commitments from the state to be better partners with Tribes on behalf of Native children. In New Mexico, this marks a new era in which Tribes will be able to build out schools in ways that make sense to them and will better serve their children and youth (see the Jemez case study).

Ultimately, addressing students’ needs requires two paths: 1) more and better Tribal schools that strengthen student achievement and Tribal identity; and 2) state/local public schools (whether traditional neighborhood schools, charter, or magnet schools) that are better prepared to embrace Native students, their different learning styles, and their different curricular needs. The significant disconnect

between Native ways of knowing and public—and even Tribal—school curricula may be a contributing factor to lower academic achievement, higher dropout rates, and diminished cultural self-esteem among Native students.<sup>3</sup> As a means of improving Native students’ academic success and their social and emotional wellbeing, this recommendation supports both increased Native language immersion programs from early childhood through higher education in *Tribally* controlled early childhood programs and K-12 schools, and increased incorporation of Native language and culture into *public* K-12 curricula.

The first path, for more and better Tribally managed schools, requires both authority and resources. Maintaining and supporting students’ culture and language may be more attainable with Tribally controlled schools funded by the Bureau of Indian Education, schools subject to the Department of Education’s STEP program with Tribal Education Departments, and public and charter schools located on reservations than it is in urban public schools. The former allows for the development of cultural knowledge and language curriculum by community leaders with close connections to the schools. Therefore, the recommendation urges Tribes and Tribal organizations to take control of their schools where feasible, including converting or building new schools as needed.

The second path, for more Native content to be available to Native students in public schools, reflects the Commission’s intent for Native students who are already engaged in their cultures and learning their languages, or who wish to be, to be supported regardless of their school choice. In other words, this recommendation is directed at *all* schools where Native students learn. Unlike recommendation 10, where the target audience for “Indian Education for All” is all students in public schools, the target audience for Native-content programming in public schools is Native students themselves (though non-Native students also would be welcome). While these efforts will require funding, they are essential to fulfilling the Federal trust responsibility in Tribal, Federal, and state schools and to creating success for Native students.

Certainly, many Native communities and some states already are involved in this work to varying extents; this recommendation seeks to augment and amplify such efforts. Implementation requires several key components:

- Indigenous curricula appropriate for the region
- Teacher recruitment strategies that can flexibly include Native language speakers, culture bearers, and elders who may not have state teaching certifications

- Experiential and place-based pedagogy
- Culturally appropriate placement assessments (i.e., that acknowledge Native language and cultural perspectives) for Native language speakers transitioning to mainstream schools; building and/or improving Native schools and encouraging increased Tribal control of public schools serving Native children
- Allowing Native arts, sports, and language courses to fulfill high school graduation requirements

A long history underlies this recommendation to transform education for Native children. In spite of the United States government’s historical efforts to destroy Native American language and culture, Native nations have continued to dedicate time and resources to maintaining their languages and cultures in their children’s education.<sup>4</sup> For almost 100 years, policymakers have recognized the importance of preserving language and culture; as early as the 1928 Meriam Report, even non-Native experts highly recommended the inclusion of culture and language into Native children’s education as a strategy for increasing academic achievement.<sup>5</sup> Extensive research finds that academic engagement in Native languages increases academic achievement overall, and similarly, that loss of language contributes to the historical trauma that often undermines achievement.<sup>6</sup> Reflecting this research, both Federal legislation and policy support more robust Native language immersion and dissemination nationally. Although the value of Native language and culture in Native student education has been recognized in legislative actions and Executive Orders since 1972, the reality has fallen short.

In the K-12 years, both immersive language and pedagogy that includes Native ways of knowing are important components to improving educational outcomes for Native children and youth. Developing Indigenous curriculum that reflects ways of knowing requires collaboration between the community’s Indigenous leaders, researchers, and teachers to produce meaningful, impactful curriculum for Native students.<sup>7</sup> Testimony before the Commission pointed to the positive impact of outdoor, place-based education, which increases student engagement with rigorous learning objectives.<sup>8</sup> Furthermore, these strategies contribute to student wellbeing, academic achievement, and better graduation rates.

The Commission prioritized culture-bearers and elders as providers of Native language instruction. Because Native

languages vary in usage and revitalization, culture bearers/ language teachers may not have or be eligible to attain state teaching certifications. In addition, the Commission stressed the value of the presence of elders in the classroom in contributing to both language and culture transmission. Therefore, liberal use of waivers is needed until all Native languages have reached the master's level so that Native language instruction can occur from early childhood language nests through twelfth grade.

Native children's assessments for readiness to transition to an English-language based school must consider each student's cultural and language norms and experience. Assessing students in the language in which they were taught, whether it be English and/or an Indigenous language, increases the cultural validity of tests results for Native students.<sup>9</sup> Therefore, when children transition from early childhood language immersion programs to public kindergartens that do not offer immersion, assessment must occur in the Native language to appropriately place them. Proper placement also requires support for early childhood immersion programs, (such as Head Start language nests), to work with receiving kindergarten schools so that: 1) they are able to recognize how to better assess incoming Native students to prevent incorrect placement levels based on a lack of awareness of cultural norms; 2) they are able to ensure that cultural strengths are utilized to indicate readiness for kindergarten; and 3) receiving kindergarten schools acknowledge those cultural strengths as part of their transition process. Similarly, later testing procedures need to ensure that older Native language speakers are appropriately assessed in Native language so that schools do not make mistakes with important placement decisions.<sup>10</sup>

The recommendation also addresses the Commission's concern that Native sports, arts, and language are marginalized, even where made available, and cannot be used to fulfill high school graduation requirements in those areas. The recommendation rectifies this gap by requiring that these classes be offered and, when offered, counted toward graduation. Thus, language and other cultural coursework will build on the core social studies courses that are supported by recommendation 10; this recommendation will ensure that students can use these courses for high school completion as they would baseball, drawing, or French classes.

Tribal Colleges and Universities (TCUs) as well as the Native American-Serving Non-Tribal Institutions (NASNTIs), are logical resources and sources of expertise for Native language, history, and arts curriculum development and for teacher

training and can be key partners for Native communities and states. Building strong partnerships to develop language program and teacher education with TCUs, NASNTIs, and the local Native community will ensure fidelity and accuracy to local language and culture. An instructive statewide process can be found in the *New Mexico Report on Indian Education in New Mexico 2025* (2010). Other models include the Hawaiian language immersion schools, which have a long history of successfully integrating pedagogy and language in kindergarten through eighth grade.<sup>11</sup> Hawai'i's first immersion programs began in 1987 in two elementary schools; today, K-12 Native Hawaiian language is available to all students in Hawai'i. And many TCUs and NASNTIs offer degrees or certificates in Native language or history, such as Cankdeska Cikana Community College, Queen's University at Kingston, Western Carolina, University of Eau-Claire, University of Minnesota, Turtle Mountain Community College, Oglala Lakota College, University of Hawai'i at Hilo, and many more.

As a whole, this recommendation will support Native student achievement while increasing fluency in Native languages and decreasing the precipitous loss of Native language that occurs with each elder's passing. Hawai'i's experience has proved that language immersion from early childhood nests through university can restore and revitalize Native language and restore Native Hawaiian love of learning.<sup>12</sup> As Secretary Haaland said at the signing of the MOU in support of the Multi-Agency Initiative to Preserve and Protect Native Language,

The cornerstone of any culture or community is its language. Languages are where oral histories are passed down, knowledge is shared, and bonds are formed. As part of our commitment to strengthening and supporting Indigenous communities, the Interior Department is resolute in its efforts to ensuring Native languages are preserved and protected.

## Notes

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- 12| S. Kana'iaupuni, B. Ledward, 'U. Jensen, (2010).

## Recommendation 10: Expand primary and secondary education to include Native Peoples' histories and cultures

The Federal, state, and Tribal governments shall leverage all opportunities available to assure that elementary and secondary schools within their jurisdictions acknowledge the United States' Indigenous people and incorporate lessons on place-based history and culture written by relevant Native communities into school curricula and programming; no schools that receive public (Federal and state) funds are exempt from this recommendation, regardless of the percentage of enrolled Native students. Therefore, Congress shall provide funding for the following:

- Curriculum and planning staff at state and local levels to consult and collaborate with the Native communities whose geography they share to develop educational approaches that recognize the history and ongoing presence of Native Peoples in the United States.
- Native communities to develop self-determined content, standards, and metrics that hold schools (and themselves) accountable for implementing this recommendation.
- Tribal Colleges and Universities (TCUs) and Native American-Serving Nontribal Institutions (NASNTI) to offer teacher training and training in curriculum development as well as other programming appropriate for supporting this recommendation.
- State and Federal licensing agencies for primary and secondary school teachers to require current and future educators to demonstrate knowledge of the Native Peoples located in the geographies they serve through proof of completion of a course—designed or approved by relevant Native communities—that addresses American Indian, Native Hawaiian, and Alaska Native topics including but not limited to local Native Peoples' histories, state and Federal relations, and Native culture, values, and traditional knowledge, utilizing curricula that either are designed by relevant Native communities or have the express approval of those communities.

### Analysis

Where Recommendation 9 addresses the need to support Native language and culture learners in Tribal and publicly schools, this recommendation addresses the curricula that are available to *all* students in public schools. Teaching Indigenous history, culture, and language strengthens Native children and youth's resilience through positive reinforcement of their identities and sense of belonging, which ultimately supports school attendance, grade completion, and closure of the achievement gap. For non-Native students, education about Indigenous contributions to civics, math, science, and the arts not only expands learning but also promotes social and emotional development and cross-cultural understanding.

For all students, understanding U.S. history requires a fundamental knowledge of Native cultures and experience—and the National Museum of the American Indian has developed general curricula to assist in achieving this goal. Its Native Knowledge 360<sup>o</sup> (NK360<sup>o</sup>) provides educators and students with new perspectives on Native America. Building on the National Council for the Social Studies' ten themes<sup>2</sup> for social studies programs, NK360<sup>o</sup> outlines ten "essential understandings"<sup>3</sup> covering topic areas such as history, geography, civics, economics, science, engineering, and other subject areas. NK360<sup>o</sup>'s educational materials, virtual student programs, and teacher training utilize Native narratives to supply more comprehensive information about the United States' past and to support a different approach to teaching about Native America. "NK360<sup>o</sup> challenges common assumptions about Native peoples and offers a view that includes not only the past but also the vibrancy of Native peoples and cultures today."<sup>4</sup>

Some states have provided state-specific curricula to supplement the general curricular foundation offered by NK360<sup>o</sup>. For example, Hawai'i requires a course entitled "Ancient Hawaiian Civilization" in fourth grade, "Hawaiian Monarchy" in 7th grade, and "Modern Hawaiian History" in ninth and eleventh grade. Additional elective courses in Hawaiian language and culture are offered at the secondary school level. Most such geography-specific educational programs have been developed—as they should be—in coordination with local Native communities to ensure that they reflect Native values.

To date, more than a dozen states have recognized the need for adding Native American history and culture into their social studies curricula, either in their constitutions (Hawai'i and Montana), in state legislation (Arizona, California, Connecticut, Maine, Minnesota, Montana, New Mexico, North Dakota, Oregon, South Dakota, Washington, Wisconsin, and Wyoming) or state school board regulation (Hawai'i and Michigan).<sup>5</sup>

It is easy, however, for implementation to fall behind constitutional, statutory, and regulatory action. For example, although Montana recognized “the distinct and unique cultural heritage of the American Indians” when it ratified its current state constitution in 1972—and committed state educational goals to the “preservation of their cultural integrity” (Article X §1(2))<sup>6</sup>—weak policy implementation precluded teacher training and curriculum development. Next, Montana passed House Bill 528, “Indian Education for All Act” (IEFA) in 1999, to acknowledge the previous failure to implement Article X §1(2) and to require that all students, both Native and non-Native, have an understanding of the history, culture, and contemporary contributions of Montana’s Indian people.<sup>7</sup> Finally, after a lawsuit in 2004, the state dedicated funding to the effort, and Montana school districts soon received the necessary support to create curricula, assemble classroom materials, deliver professional development, connect K-12 schools with Tribal educators, and fund IEFA implementation grants.<sup>8</sup>

While experts believe the \$10 million allocated for the entire statewide implementation is inadequate, Montana’s Office of Public Instruction reports positive outcomes for Montana’s Native students, who feel more heard and represented within their schools.<sup>9</sup> Importantly, Montana’s IEFA benefits all students and educators. To mitigate the lack of knowledge of non-Indigenous educators, the State of Montana’s education department created a group of representatives to define the Essential Understandings Regarding Montana Indians.<sup>10</sup> Educators gain cultural intelligence while fostering classrooms where all students thrive.<sup>11</sup> Students, both Indigenous and non-Indigenous, learn about their state’s history while also gaining information about Indigenous Peoples’ history, present circumstances, and perspectives.<sup>12</sup>

Other states also have taken steps to hasten the implementation of Native history and culture in public school curricula. Oregon provides funding for the Federally recognized Tribes within the state to produce individual place-based curricula,<sup>13</sup> which the state Department of Education then disseminates through its website for implementation in all school districts.<sup>14</sup> In Washington, the state Office of

Superintendent of Public Instruction (OSPI) worked with Tribes to create the “Since Time Immemorial” curriculum, which is free of charge but mandatory for use by schools.<sup>15</sup> OSPI’s materials are location-specific, grade-level relevant, and allow for various intensities of use (i.e., a short versus a longer unit). Most recently, the state and Tribes are working to adapt teacher certification standards to include competency in the Since Time Immemorial curriculum,<sup>16</sup> which is filtering into the training that prospective teachers in the state receive.<sup>17</sup> Despite barriers (including funding and some districts’ need for reminders about the curriculum mandate), Washington public schools see progress.<sup>18</sup>

These cases demonstrate significant progress in adding relevant Indigenous history and culture curricula to public school programs, but much remains to be done—which underscores that states vary in their financial and systemic commitments to making Indian Education for All a reality and points to the necessity of greater Federal commitment and support. Much more also needs to be done in *other* states. *The Commission’s recommendation is for all public schools, in all states, to teach about Indigenous history and culture.* This will require all Federal, state, and Tribal governments to collaborate to incorporate lessons on place-based history and culture written by relevant Native communities into school curricula and programming. State and local school systems will need to update curricula and invest in program development and teacher training. Tribes will need to develop their capacities to engage with nontribal school systems and assist in standard setting and accountability. TCUs and NASNTIs will need to develop curricula appropriate for undergraduate, graduate, and professional development programming, especially if they are to support teachers not only at Tribally controlled schools but also at public and other mainstream schools. Schools and school districts that already have adopted “Indian education for all” can provide guidance and lessons learned to others.

State legislation requiring the incorporation of Native culture and history into public education, combined with Federal, state, and Tribal action on education policy, funding, curriculum development, and teacher training, is beneficial to both Native and non-Native children and youth alike: it creates educational environments in which cross-cultural exchange and understanding can occur, expanding all students’ knowledge and perspectives regarding Native heritage, the history of the United States, and contemporary Native people. Increasing Federal funding to support these efforts and requiring such curricula as a condition of receiving Federal education funding helps assure this outcome.

## Notes

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## Recommendation 11: Ensure Native students' access to educational services through appropriate enumeration of Native children and youth

**Congress shall amend the Indian Education Formula Grants to Local Educational Agencies (LEAs) program, as authorized under Title VI, Part A, of the Elementary and Secondary Education Act of 1965 (ESEA) and reauthorized under the Every Student Succeeds Act of 2015 (ESSA), to require school districts and states to count Native children and youth in the most expansive way possible. In the executive branch, the Office of Management and Budget shall revise its guidance to the Department of Education and any other executive branch department or agency that provides educational services to Native children and youth on how to count American Indians, Alaska Natives, and Native Hawaiians to include multiracial individuals.**

### Analysis

Part of a long history of discounting Native heritage, the current method by which the Department of Education (ED) counts Native students for purposes of the special programs to which they are entitled has resulted in serious undercounts, often by 50% or more. Title VI formula grants to Local Education Agencies from the Department of Education, which are the primary means by which schools address the unique needs of Native students, depend on accurate enumeration of the Native students in each school. The National Advisory Council on Indian Education reports that accurate enumeration of American Indian/Alaska Native students remains an issue that must be remedied.<sup>1</sup> While ED's collection of race and ethnicity allows individuals to reflect the diversity of their ancestry, its reporting and tabulation does not because it treats ethnicity and race as mutually exclusive categories and aggregates individuals selecting more than a single identity category as either Hispanic or "two or more races."<sup>2</sup>

In part, this policy is the result of a 1997 Office of Management and Budget (OMB) instruction to Federal agencies to count as AIAN only those who indicate AIAN alone, but not in combination or with Hispanic/Latino identification. Instead, any individual who identifies as multiracial is counted in a separate "multiracial" category. Similarly, any individual who identifies as "Hispanic or Latino" is removed from their self-identified racial category and counted in the "Hispanic or Latino" ethnic group.

Because American Indians and Alaska Natives identify as multiracial more than any other group,<sup>3</sup> this "data convenience" for OMB has an out-sized effect on their population numbers when the rule is applied. Once ED implemented OMB's policy in 2010, the number of Native students immediately decreased in local school districts—in some cases by 50% or more.<sup>4</sup> Thus, the way that American Indians and Alaska Natives are counted and aggregated hides the true number of self-identifying Native American students, affecting funding streams and the availability of culturally appropriate services to AIAN students<sup>5</sup>.

For example, the Minnesota Department of Education recently identified this issue and enacted new guidelines for counting Native students: the change codifies that the more accurate state count of American Indian students must be used to formulate American Indian Education Aid.<sup>6</sup> For Minnesota, the difference is a count of 28,373 AIAN students versus 15,551 under the Federal guidelines. Other school districts noticed similar discrepancies when comparing AIAN students alone or in combination (or with Hispanic/Latino). In Oregon, of 61,000 AIAN students, only 8,000 counted under the Federal definition, while 41,000 were counted as Hispanic/Latino and 11,000 as multiracial.<sup>7</sup> This constitutes yet another effective erasure of Native students and contributes to the fiction of the vanishing Indian.

As a result, Title VI Indian Education programs often serve many more students than the "count;" even worse, as reported in *Education Week* on September 5, 2023, many schools fail to make sufficient efforts to count their students at all, which artificially limits Title VI funding streams that would address the particular needs of AIAN students. Though not the focus of this recommendation, underlying this discussion are the various ways in which Native people identify—heritage, descentance, Tribal membership, etc., and the sovereign rights of Tribes to define their own members—all of which have an impact on the student count.<sup>8</sup> However, the emphasis here is on the importance of counting *all* Native students, whether alone or in combination, at least as a first step in ensuring appropriate funding and programming in the public schools that serve over 90% of Native students nationally.<sup>9</sup>

There is a critical need for accurate counts of Native students, not only because it dramatically affects funding allocations and program delivery, but because it is necessary to collect

reliable data on program effectiveness, challenges, and successes.<sup>10</sup> Accurate enumeration of Native students ensures respectful attention to the presence of Native students in K-12 schools, appropriate funding levels, and ability to provide needed services.

## Notes

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## Recommendation 12: Ensure state government accountability for funding for Native students

**Congress shall require every state that receives Federal funding for American Indian, Alaska, Native, and Native Hawaiian students in primary and secondary education systems through any title of the Elementary and Secondary Education Act, as amended, or the Johnson O'Malley Act to ensure that Federal educational funds received pursuant to these Acts and intended to support Native students are spent on American Indian, Alaska Native, and Native Hawaiian students.**

### Analysis

This recommendation is an essential follow-up to the Committee's previous one, *Ensure Native children's access to educational services through appropriate enumeration*. States must be accountable for distributing Title VI and Impact Aid funds appropriately for the benefit of Native students. The Department of Education (ED) does not require coordinated reporting regarding the use of Title VI funds or have an enforcement mechanism to ensure that schools use the resources for AIAN students. ED should therefore implement fiscal accountability regulations to ensure accurate distribution of Title VI and Impact Aid funds to schools while confirming that schools properly focus that funding on their Native students. The JOM program operates by contract with the Bureau of Indian Affairs, with Tribes, Tribal organizations, and school districts, and by virtue of those contracts is able to account for the use of the funds.<sup>1</sup>

Title VI funds are used at the discretion of a grantee on the advice of a Parent Committee. A 2019 Report commissioned by ED on Title VI indicated that the majority of school districts use the funding for improving academic achievement, strengthening knowledge of cultural identity, and increasing attendance.<sup>2</sup> Other uses include increasing graduation, dropout prevention, school readiness, and parental involvement, among others. Impact Aid funds are provided to schools on a Native student per capita basis where there is no taxpayer base because of military bases or American Indian reservations and are meant to fill the property tax gap those schools suffer.

Several Federal, state, and local programs also share the goal of improving academic outcomes for disadvantaged students, including Title I, Homeless Children and Youth, Migrant Education, and Individuals with Disabilities Education

Act (IDEA). While these programs often serve many of the same students, Title VI grants are required by law to be *supplemental* to those programs and focused on Native students; thus, grantees must coordinate with other Federal programs at the same school so that funds from those other programs are not supplanted by Title VI funds for AIAN students. This is a real issue: the 2019 Report on Title VI revealed that 89% of grantees coordinated their Title VI-funded services with at least one other program. Sixty-seven percent coordinated with Title I, Part A programs; 45% coordinated with Johnson-O'Malley programs; 43% coordinated with Education for Homeless Children and Youth programs; 35% coordinated with local social service programs; and 34% with Impact Aid.<sup>3</sup>

As noted above, Title VI, Impact Aid, and JOM funding are meant to supplement other funding available to Native students through programs such as Title I, Migrant Education, and IDEA. Yet school districts must not dilute Native student services, and Native students must have access to the other funds for which they are also eligible. Without a formal reporting requirement and mechanism, ED cannot ensure fiscal accountability. In fact, the *Yazzie/Martinez v. State of New Mexico* court decision included a finding that the state failed to appropriately utilize Impact Aid funds for Native students.<sup>4</sup> Congressional intent, as expressed in the Every Student Succeeds Act (ESSA), and its subsequent appropriations under that authorizing legislation are for Title VI and Impact Aid funds to be used for Native student supplemental education services. Based on the New Mexico decision, the potential for redirection of funds is more than a speculation; all states must be held accountable for the use of Impact Aid and Title VI funds to support Native students by reporting financial expenditures to the Federal government.

In short, three major sources of supplemental Federal funding for Native students, Title VI, Impact Aid, and Johnson O'Malley provide much needed support for Native students in state and local school districts. The Department of Education must implement reporting and enforcement mechanisms to ensure that the funds are in fact used for Native students and remain distinct from other programs not specifically dedicated to Native students. In addition, funds must be used in alignment with the Commission's other recommendations that place-based, experiential, and culturally grounded programs result in the best outcomes for Native students. (Also see Recommendation 9.)

## Notes

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## Recommendation 13: Strengthen school, family, and community partnerships

**Tribal, state, and Federal education agencies shall collaborate to identify, disseminate, and fund community-school partnership models that can be implemented in Tribal, public, and charter school settings, engage multiple levels of community and school leadership, and employ a continual process of review, assessment, and recalibration by school leadership to promote Native student academic success and graduation. Efforts shall be particularly focused on school completion strategies, dropout prevention, and closing the achievement gap through the scaling of demonstrated models of success within and outside Native communities.**

### Analysis

Because more than 90% of American Indian, Alaska Native, and Native Hawaiian students are educated in nontribal public schools,<sup>1</sup> Native student success programming must extend beyond educational environments controlled by Tribes, Tribal organizations, and Native Hawaiian entities. School-community partnerships are a key target for such planning. Research long has shown a connection between family involvement in schools and student success,<sup>2</sup> and community-school partnerships are a natural extension of this idea, with engagement developing outward from the school or district to families and then to community partners, strategically enlarging the team working toward students' academic and vocational goals.<sup>3</sup> In the context of supporting American Indian, Alaska Native, and Native Hawaiian students, Tribes, Tribal organizations, Native Hawaiian entities, and urban Indian organizations are crucial partners in these community and school collaborations.

For all children—and along the entire continuum from early childhood education, through grade school, until graduation from high school—academic success depends on more than what happens within the walls of the school, a reality that necessitates more wide-ranging approaches to student achievement. A robust support system within schools (including teachers, counselors, and other personnel) and beyond schools (including social services agencies, workforce development partners, churches, service organizations) can provide students—and their families—with diverse support and help mitigate the risks that lead to truancy, poor achievement, and dropping out. Evidence suggests that

successful “inside-outside” strategies work best when they engage school leadership—from teachers to administrators to school boards—engage parents and family, and foster real connections between students and the broader community.<sup>4</sup> For Native students, this holistic approach also involves leveraging the cultural wealth of their communities, as connections to culture can motivate students to stay in school and guide them on vocational or college pathways.<sup>5</sup>

“Inside” schools, student success efforts involve layers of leadership (teachers, principals, superintendents, and school boards) utilizing multiple strategies to incentivize school attendance and grade-level progress. These may involve ongoing monitoring to ensure grade-level achievement, regular evaluations for at-risk students, and the use of online certified learning platforms such as Grade Results for enrichment activities, remediation, and credit recovery. Some schools have implemented restorative justice practices to address concerns and complement their dropout prevention efforts, an approach with demonstrated positive impacts on discipline, behavior, and relationships.<sup>6</sup>

“Outside” of schools, cultivated community partnerships synergistically enhance and amplify school-based supports for student success. Here, a multipronged prevention strategy may include internships, apprenticeships, job placements, service work—or any other activity available through the community partnerships that provides practical relevance for academic programs. For Native students, culturally appropriate versions of these activities—visiting elders, engaging in resource management, learning language, and so on—may have even more traction. Such initiatives not only foster students' interest in high school completion and pursuing higher education but also assist them in maintaining healthy relationships, developing strong work habits, and building self-esteem.

By linking the “inside” to the “outside,” schools and communities create comprehensive and capable models in support of school success. The Commission was inspired by two school-and community partnerships and partnership opportunities it learned about through its hearings and other research.

Communities in Schools (CIS) is an evidence-based model of school and community partnerships that connects students

to caring adults and needed services. CIS tailors its work to individual schools, identifying needs, available resources, and gaps in service and designs a service plan for the whole school (“integrated student supports”). It also provides more intensive support to at-risk students, assisting students to achieve consistent attendance, learning readiness, and ultimately graduation success. To date, CIS has served more than 1.8 million students who not only have received needed resources but also have made progress or met their goals in academics, behavior, and attendance.<sup>7</sup> In addition to Title VI funds for Native students, CIS recommends that schools leverage Title I, II, and IV of ESSA to fund integrated student support models, wraparound services, and social-emotional programming; to prepare, train, and recruit high-quality teachers, principals, or other school leaders; and to develop other programs that support students and provide opportunities for academic enrichment.

In some areas near Tribal communities, school districts have been collaborating with Tribal Education Departments (TEDs). TEDs are primarily funded by Tribes with limited Federal funds and utilize cooperative agreements to foster relationships between Tribes and state school systems.<sup>8</sup> TEDs’ partnerships with Local Education Agencies (LEAs) have yielded positive outcomes for students, including improved academic achievement and graduation rates, as well as reduced truancy and dropout rates.<sup>9</sup> Moreover, these partnerships have enabled Tribes to develop curriculum to support teachers in understanding and embracing students’ cultural backgrounds. In some cases, TEDs also provided language revitalization curricula to the LEAs. (See recommendations 9 and 10). The value of Tribes, Tribal organizations and Native Hawaiian entities as trusted community intermediaries cannot be overstated in contributing to Native student success.

By combining these approaches, the outlined initiatives in the recommendation not only support individual Native student success but also create stronger connections among students, schools, and their communities.

## Notes

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## Recommendation 14: Expand afterschool programming for Native children and youth

**In consultation with Tribes and Tribal organizations, Congress shall fund and relevant executive branch agencies shall enhance Native children’s overall learning readiness by expanding, developing, and promoting robust afterschool programs for Native youth. Such programs must be culturally based and trauma-informed, partner with parents/caregivers, and as needed, provide referrals to trauma-informed behavioral health providers; where appropriate, local capacity also shall be expanded through community partnerships.**

### Analysis

Afterschool Alliance, which conducts the United States’ most comprehensive survey on afterschool program demand and supply, reports that in 2020, only 14% of Native children participated in an afterschool program, less than their peers in other communities.<sup>1</sup> Among surveyed Native families, 69% prioritized afterschool programs that shared their family’s values, yet 41% said their child’s program did not include cultural programming. The data also show significant unmet demand. Parents and caregivers reported that 45% of Native children who did not participate in formal afterschool programming would have enrolled if programs were available, and that in addition to access, convenience and cost were enrollment barriers. Unmet demand also aligns with the feedback that Native students and their families highly value afterschool programs for the tutoring, physical activity, STEM experiences, life skills lessons, and peer engagement that they offer.

Research suggests that greater participation in afterschool programming could make a significant difference in Native students’ lives. Quality afterschool programs—those that include structured and supervised components—positively affect students’ academic, social, and behavioral outcomes.<sup>2</sup> Participation improves school grades, performance on achievement tests and standardized math tests, and self-reported work habits.<sup>3</sup> Equally important, afterschool programs reduce problem behaviors (such as aggression, conduct problems, and drug use), increase positive social behaviors (such as cooperation and leadership), and improve young people’s feelings of self-confidence and self-esteem.<sup>4</sup> Evidence also points to the specific success of afterschool programs for American Indian, Alaska Native, and Native Hawaiian students. Two well-evaluated Native-focused

programs, Native SPIRIT and American Youth Enrichment, show improved conduct, work habits, self-esteem, and health among their elementary and middle school Indigenous youth participants.<sup>5</sup>

American Indian, Alaska Native, and Native Hawaiian children and youth can gain still other benefits from Native-focused and Native-content afterschool programs: participation can strengthen cultural identity and community wellbeing. Native sports and arts activities contribute to holistic learning and reinforce positive Native identity formation. Opportunities to engage in traditional food gathering and ceremony with elders reinforce community ties and the intergenerational transfer of Indigenous knowledge.<sup>6</sup> Culturally informed and trauma-informed programming provides opportunities to address mental health issues as they arise. In other words, a Native focus and Native content can address the specific and differential needs of Native children and youth, thereby building their resilience and promoting whole community wellbeing.

Afterschool programs are also natural community hubs, providing nutritious meals, mentoring, and health and wellness check-ups, including referrals to behavioral health as needed.<sup>7</sup> In addition, afterschool programs can bring the community together through parent participation in events, and they can support working parents by providing safe, supervised care for children and youth during the workday.

While afterschool programs often take place at schools, there can be value in locating them elsewhere—in community centers or in facilities operated by trusted community intermediaries, for example, provided that transportation hurdles are addressed, such as offering a school-to-site shuttle (also see Recommendation 13). A closer physical location to Native lands or Tribal facilities can increase interaction with key community members (elders, younger children, social services staff, needed volunteers, among others) and leverage scarce resources. For example, AmeriCorps volunteers can supplement staffing in afterschool programs; sports leagues can subsidize athletic teams with uniforms and volunteer coaches; Tribal workforce development staff can provide life skills preparation; culture bearers can share traditional activities such as weaving, drumming, dancing, beading, tracking, and resource management; early childhood language classes can be co-taught to include older children; and so on. Students in

afterschool programs also can learn by doing—and locations might be chosen to maximize opportunities for students to participate in internships, mentoring arrangements, and in independent activities such as STEM labs.

In sum, there are many benefits to quality afterschool programs—programs that, as described above, include structured extra-curricular activities, tutoring, and community connections—and Native children and youth need many more opportunities to participate in them. As the Commission’s recommendation stresses, additional Federal funding is necessary to support this expansion and to stimulate partnerships among public, private, philanthropic, and non-profit entities for the creation and promotion of afterschool programs. Such partnerships have the added advantages of reducing the cost to the Federal government and of linking education, engagement, and economic opportunities for Native students—a combination that can scaffold their future success.

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## Notes

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## Recommendation 15: Expand opportunities in higher education for Native students

Congress, the Department of Education, and state governments shall increase American Indian, Alaska Native, and Native Hawaiian students' access to higher education (where "higher education" is understood to include a recognized postsecondary credential consisting of an industry-recognized certificate or certification, a certificate of completion of an apprenticeship, a license recognized by the state involved or Federal government, or an associate or baccalaureate degree) through increased funding and by creating and modifying relevant programs and regulations. In particular, Congress, the Department of Education, and state governments shall ensure that:

- Native students who are admitted to qualifying programs receive tuition, room, and board at no cost for a student's first degree, license, or certificate/certification
- The Pell Grant Program and other forms of Federal financial aid are modified to include assistance to Native students pursuing technical education or other short-term training or certificate programs (see H.R. 6585, *The Bipartisan Workforce Pell Act*, introduced December 5, 2023)
- Accredited institutions develop Native American student support services that help students maintain satisfactory academic progress (for example, staying on track to graduate within 150% of their program length) and mitigate their risks of dropping out prior to graduation/completion

### Analysis

Calling upon the Federal government to uphold the spirit and intent of the Federal trust responsibility, the Commission recommends that Native students who are admitted to qualifying higher education programs receive tuition, room, and board at no cost for a student's first degree, license, or certificate/certification (using the definition of higher education from the Workforce Investment and Opportunity Act of 2014).

This recommendation addresses the Commission's concern that Native American students have long been underrepresented in postsecondary education and training. American Indian and Alaska Native students combined constitute less than one percent of college students in

the United States.<sup>1</sup> Studies indicate that Native American (American Indian, Alaska Native, and Native Hawaiian) students and Black students have the lowest levels of college attainment among all Americans, with approximately one in four earning a college degree at the associate's level or higher.<sup>2</sup>

Affordability is one of the barriers encountered by Native students pursuing higher education. Sixty-four percent of college-enrolled American Indian and Alaska Native students received Federal financial aid in academic year 2017-2018<sup>3</sup>—a figure that does not reflect the full population in need, as many students do not enroll because they perceive higher education to be unaffordable. Total tuition and non-tuition expenses at four-year postsecondary institutions average of \$36,000/year, and financial aid typically supports only a portion of that amount.<sup>4</sup> In both Indigenous ethnic groups tracked by the U.S. Census ("American Indian or Alaska Native" and "Native Hawaiian or Pacific Islander"), 78% of students have unmet financial need, which is the second highest compared to other races.<sup>5</sup> On average, there is a nearly \$5,500 gap between one year of college expenses and the amount an AIANNH student can afford to pay through grants and family resources, a gap that, as noted, reduces the likelihood of AIANNH students enrolling or succeeding in higher education.<sup>6</sup>

Fifty-three percent of Native Americans received a Pell Grant in academic year 2017-2018, compared to 44% of all students.<sup>7</sup> Yet as useful as Pell Grants are to Native students, they also are inadequate. Grants are not large enough to cover student need, and research supports the expansion of Pell Grant amounts to accommodate low-income students by doubling the amount awarded.<sup>8</sup>

Another insufficiency is that too few postsecondary programs are Pell Grant-eligible, including many short-term technical licensing and certificate programs. Current Pell Grant requirements support non-college-credit career and technical education (CTE) only if it involves a minimum of 600 clock hours over a 15-week period. Nonetheless, the returns on high-quality short-term credentialing programs suggest they are worthy of greater Federal support: they cost students less than two- to four-year degrees while setting graduates on career paths that can generate wages or salaries equal to or greater than those earned by baccalaureate degree recipients.<sup>9</sup> In 2017, Congress introduced but failed to pass

the Jumpstart Our Businesses by Supporting Students (JOBS) Act that would lower this requirement to 150 hours over an eight-week period.<sup>10</sup> Similar bills were introduced under the same name in 2021, 2022, and 2023 but have failed to pass thus far.<sup>11</sup>

Beyond the Pell Grant program, the Federal government supports CTE in other ways, including through Department of Education programs such as the Native American Career and Technical Education Program (NACTEP), which offers Native young adults the opportunity to pursue technical training with some additional support for living expenses. However, NACTEP is designed as a competitive grant program for Tribes, Tribal organizations, Alaska Native entities, and eligible Bureau of Indian Affairs institutions, which design opportunities for students in turn. These considerations limit both the number of students who are eligible and the number of students that the grants can support.

For a Native student's first degree, license, or certificate/certification, the Commission's recommendation works to overcome these challenges by mandating full support for tuition and fees. Some progress toward this goal already has been made. In approximately half of all U.S. states, eligible students are able to attend community colleges tuition-free.<sup>12</sup> (These free tuition programs are sometimes referred to as "Promise" programs.) A smaller number of states offer members of Federally recognized Tribes free tuition at state colleges and universities—examples that provide models for implementing this recommendation.<sup>13</sup>

Because free tuition for Native students is a recent trend, comprehensive data on key measures such as retention and graduation rates are not yet available. However, colleges and universities have seen an increase in enrollment rates for minority students when free tuition is available.<sup>14</sup> Native Hawaiians' experience over the last 30 years is also informative. At the University of Hawai'i at Mānoa, for example, tuition waivers for Native Hawaiian students have been a cornerstone of efforts to recruit, retain, and support students since at least 1993.<sup>15</sup> Enrollment of Native Hawaiian students has risen steadily over time, and graduation rates of Native Hawaiian students have soared: the four-year graduation rate for first year students attempting their first degree rose from 10.3% in 2010 to 32.3% in 2018.<sup>16</sup>

As promising as these programs are for citizens of Federally recognized Tribes, they do not adequately address the needs of citizens of state-recognized or non-Federally recognized Tribes, nor do they serve Native students who are not Tribal citizens. Testimony before the Commission at the Pacific

Region hearing described the University of California system's UC Native American Opportunity Plan (UCNAOP), in which tuition and student fees are fully covered for California students who are also enrolled in Federally recognized American Indian and Alaska Native Tribes. But witnesses also described how the exclusion of non-Federally recognized Tribes and non-Tribal members from the UCNAOP is one of many circumstances that causes this population to feel invisible and erased.<sup>17</sup> To address the issue, the UCNAOP should be available to support young urban Indians who may not be members of Federally recognized Tribes but deserve the opportunity to have access to quality education to address systemic issues facing their communities. As was indicated in testimony, these urban and unaffiliated youth are in their situation because of previous termination and relocation policies of the Federal government designed to undermine Tribal connections; disallowing participation in programs designed to redress and address academic achievement further compounds the historical trauma of these prior efforts.<sup>18</sup>

Commissioners also heard ample evidence that once Native students are admitted to institutions of higher education, academic and personal success remain challenging for many. A number of steps are needed to effectively address retention issues. Student services to support continuing academic progress should include place-based and culturally grounded strategies for closing learning gaps, progress monitoring, dropout prevention programming, and regular post-intervention assessments of at-risk students to ensure effectiveness. Success in these efforts may depend on program collaborations among multiple partners across student and academic affairs units.<sup>19</sup>

Tribal Colleges and Universities (TCUs) and Native American-Serving Nontribal Institutions (NASNTIs) both have experience in student retention and are important resources on how to build effective retention programs in higher education, but both need strengthening.

TCUs fill a major gap in the higher educational system, serving Tribal communities with accessible, local programs. Among their contributions, they play a vital role in maintaining and preserving irreplaceable Native languages and cultural traditions; in offering students a familiar and accessible entry point to higher education; in promoting excellence in Native American education throughout students' careers; in providing strong technical and trade school opportunities, job training, and other career-building programs; and in supporting Tribal economic development efforts by building

and strengthening a skilled Native American workforce. They often are the only postsecondary institutions within some of the most economically disadvantaged and rural areas in the country. As a result, TCUs provide crucial employment and training opportunities and related services in Native communities. They also have extensive experience in addressing retention issues facing Native students. Investments in TCUs have multiple potential payoffs with respect to the overarching goals of this recommendation.

NASNTIs are higher education institutions with an enrollment of not less than 10% Native American undergraduates. To best serve Native students, Congress should increase funding for NASNTI Title III, Parts A and F. Grants under this title assist in planning, developing, undertaking, and carrying out activities to improve and expand NASNTI institutions' capacity to serve Native American students through facilities improvements, curriculum development, and educational materials.

Finally, the Commission observed that some critics may feel that the recommendation, while justified via treaty and trust responsibilities, is too challenging an ask for Congress and the executive branch. Here, the John H. Chafee Foster Care Program for Successful Transition to Adulthood is instructive. Established by Congress in 1999 to succeed a similar program established in 1985 and amended in 2002 to include the Chafee Education and Training voucher program, the Chafee program provides funds to states to assist young people exiting foster care with educational assistance, career exploration, mentoring, and housing support (including housing at an institution of higher education). States submit plans to the Federal government that describe how they would operate the program, and funds are allocated based on a state's relative share of children in foster care. Typically, eligible students submit applications to the state agency or organizational designee that manages the Chafee program, providing proof of acceptance at an accredited college, university, vocational school, or certified training program; a copy of their Free Application for Federal Student Aid (FAFSA) or documentation from their chosen school detailing all other financial aid awarded; and, if already enrolled, proof of adequate academic progress. Current Chafee grants can be layered on top of other forms of financial aid, including state free tuition programs, Pell Grants, Federal work-study wages, and CTE tuition awards. Students may receive funding for up to five years through annual applications. The Commission proposes something similar for all Native students.<sup>20</sup>

By defraying the costs of first degrees, licenses, and certificates/certifications, this recommendation starts Native students more solidly on the path toward thriving in adulthood. After a student's first degree, license, or certificate/certification, other mechanisms can assist Native students to obtain further credentials, including the loan forgiveness described in Recommendation 16.

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## Recommendation 16: Expand loan forgiveness for Native students

**The Federal government shall forgive the Federal student loans of any American Indian, Alaska Native, and Native Hawaiian graduate who works for five consecutive years in any sector of public service or for any Native entity or entities; the Commission defines a “Native entity” as any organization owned or controlled by a Tribe or Tribal organization as defined in 25 U.S.C. §5304(e); any Native-serving entity receiving funds through programs of the Departments of the Interior, Health and Human Services, Justice, or Education; or any Federal or state government agency that serves Native communities.**

### Analysis

Federal loans are a key instrument for improving access to higher education, but at the same time, loans can create enormous burdens for graduates as they embark on new careers. The National Center for Education Statistics reports that among students with Federal student loans who completed bachelor’s degrees in the 2015-2016 academic year, American Indians and Alaska Natives graduated with an average debt burden of \$33,700; four years later, they had paid, on average, only 13% of the total borrowed. Among Native Hawaiians and Other Pacific Islanders, parallel figures were \$42,200 and 18%.<sup>1</sup> Federal loan forgiveness for American Indian, Alaska Native, and Native Hawaiian graduates who use their educations to serve their Native communities or the general public would provide meaningful relief from these burdens. Expanding loan forgiveness also honors Federal trust responsibility for education.

Although other loan forgiveness or repayment programs exist—including the Public Service Loan Forgiveness (PSLF), National Health Service Corps Loan Repayment Program, Teacher Loan Forgiveness, and the Attorney Student Loan Repayment Program—borrower eligibility criteria are narrow and approval rates are often low. For example, any loan received under the William D. Ford Federal Direct Loan Program<sup>2</sup> qualifies for PSLF, but only 3.3% of PSLF applications had been approved since the program’s inception.<sup>3</sup>

On the one hand, this figure reflects the program’s youth: more loans are expected to meet program criteria in just a few years.<sup>4</sup> On the other hand, it reflects eligibility problems: a common reason for denial is that the applicant works for an ineligible employer.<sup>5</sup> PSLF-approved employers are limited to

those in the public service sector, which includes any Federal, state, local, or Tribal government employer; nonprofit entities with 501(c)(3) status; and some nonprofit entities without 501(c)(3) status but that primarily are involved in the provision of qualifying public services.<sup>6</sup> Eligible employers do not include private sector entities. Thus, a borrower is ineligible for PSLF even if employed by a for-profit company that serves the same purpose as a government or nonprofit entity—a description that includes a number of Tribal businesses, Native entities, and service-provision companies that contract with Federal and state agencies.

This recommendation expands forgiveness opportunities for AIANNHs who hold or acquire Federal student loan debt by increasing the universe of eligible employers. In addition to public sector employers as defined in the PSLF program, the Commission directs the Federal government to include all Native entities as eligible employers for purposes of AIANNH Federal student loan forgiveness. The Commission defines a “Native entity” as any organization owned or controlled by a Tribe or Tribal organization as defined in 25 U.S.C. §5304(e); any Native-serving entity receiving funds through programs of the Departments of the Interior, Health and Human Services, Justice, or Education; or any Federal or state government agency that serves Native communities. The Commission additionally noted that expanding the pool of eligible employers automatically strengthens the benefit of portability (the opportunity to change employers and advance careers while continuing to accrue credit toward loan forgiveness<sup>7</sup>).

This recommendation has multiple benefits. It supports Native youth in pursuing higher education, finding meaningful employment after graduation, developing as capable professionals, and advancing their careers. It supports Tribal sovereignty by acknowledging the many ways Native communities organize their governing systems, economies, and service provision. It offers a means by which Native communities can encourage well-educated community members to return home.<sup>8</sup> It increases the pool of AIANNH applicants to open positions in Native-serving entities. And, it eliminates the inequities in loan forgiveness programs that have disadvantaged Native providers and Native-serving entities.<sup>9</sup>

Other Commission recommendations address the need to remove financial obstacles to Native student postsecondary attainment (Recommendation 15) and to increase the number

of qualified professionals working in Native youth-serving occupations (Recommendation 27). This recommendation builds on Recommendation 15 and complements Recommendation 27 by incentivizing continued education: after a first degree, license, or certificate/certification, if a Native student seeks to pursue a further degree or qualification, debt relief would be more readily available. In combination, Recommendations 15, 16, and 27 encourage Native students to pursue careers that improve outcomes for their Peoples, grow the number and quality of professionals serving Native communities, and increase effective service provision to Native children and youth both in and outside of Native communities.

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- 8 | The Indian Health Services (IHS) Loan Repayment program (LRP), which supports health professionals who serve in Indigenous communities, offers some evidence of this benefit. The program forgives loan debt to medical doctors, nurses, and health aides and has been successful in retaining talented individuals to serve in designated Health Professional Shortage Areas. Significantly, 81% of IHS LRP participants—Native and non-Native—stay in their initially assigned communities at least one year after the period of obligation ends, and 50% remain four years later. Anecdotal evidence suggests that many sign up for the LRP because of the financial incentive but stay because they become immersed in culture and community. See S. Negrusa, P. Hogan, L. Watkins, & M. Zhou, (2017), *Indian Health Service programs—A retention analysis, final report*, Lewin Group, Inc., <https://aspe.hhs.gov/sites/default/files/private/pdf/258846/IndianHealthServiceProgramsARetentionAnalysis.pdf>.

## Recommendation 17: Provide comprehensive prenatal health education and related services to Native mothers and families

The Departments of Health and Human Services, Interior, and Education shall implement multiple strategies to provide comprehensive maternal health education for American Indian, Alaska Native, and Native Hawaiian mothers and families. To implement the recommendation, these executive branch agencies shall:

- Widely disseminate, resource, and implement culturally tailored positive pregnancy messages, including how healthy maternal behaviors support healthy births and healthy babies
- Widely disseminate, resource, and implement culturally tailored preconception counseling and diabetes risk reduction programs
- Provide counseling services pre- and post-conception and provide additional support and services for postpartum mothers
- Beginning early in their pregnancies, screen American Indian, Alaska Native, and Native Hawaiian women for pregestational or gestational diabetes, obesity, excessive weight gain, multiple pregnancies, prior fetal macrosomia, family history of fetal macrosomia, and possible exposures to environmental toxins
- Provide intensive dietary instruction and home glucose monitoring to high-risk pregnant American Indian, Alaska Native, and Native Hawaiian women
- Screen for and identify American Indian, Alaska Native, and Native Hawaiian women early in pregnancy who are at risk of using alcohol and other addictive substances during pregnancy, and provide resources and support for those mothers, and families
- Provide education on alcohol and substance abuse and its effects on fetal development
- Provide family nutrition courses and education on food and its effects on fetal and child development, including encouraging breastfeeding

### Analysis

What happens to the fetus in utero has consequences for life outside the womb. For many Indigenous women, existing health disparities play a large role in fetal health during pregnancy and in the wellbeing of infants in the early life stages following birth.<sup>1</sup> These health disparities also explain, at least in part, American Indian, Alaska Native, and Native Hawaiian women's disproportionately poor maternal health outcomes.<sup>2</sup>

For example:

- AIAN women are 2.3 times more likely than women in the U.S. population at large to die from pregnancy-related causes<sup>3</sup>
- AIANNH suffer gestational diabetes at rates at least 1.4 times the national average<sup>4</sup>
- AIANNH women experience rates of teen pregnancy that are at least double the rate for White teens, and in some recent years have experienced the highest rates of all racial and ethnic groups<sup>5</sup>

Data analyses also reveal significant disparities in postpartum hemorrhage, anesthesia complications, and maternal deaths attributable to homicide and suicide among AIAN women.<sup>6</sup> The final item draws attention to the linkages between maternal health and intimate partner violence (IPV), for which Indigenous women are at heightened risk: over 50% of AIAN women experience IPV,<sup>7</sup> and Native Hawaiian women are 2.5 times more likely to suffer IPV before and during pregnancy than White women.<sup>8</sup> IPV rates also increased the most in the AIAN and NH populations as compared to other populations after the declaration of the COVID-19 pandemic, which puts pregnant Indigenous women at even greater risk.<sup>9</sup>

Taken together, these data reinforce the urgency of comprehensive maternal health education and related services tailored to American Indian, Alaska Native, and Native Hawaiian women's cultural contexts. Given the higher rates of teen pregnancy, diabetes, and substance abuse in these populations, a concerted focus on prevention education and screening are essential to mitigate pregnancy and early childhood development risk factors.

Central to addressing these disparities are the various maternal health education strategies contained in the recommendation, including disseminating culturally tailored pregnancy messages, providing counseling services, implementing diabetes risk reduction programs, providing dietary instruction that includes breastfeeding and family nutrition courses, ensuring resources for home visiting programs and for safety help, and providing education about the risks associated with substance abuse during pregnancy. All of these are protective factors in the health of an infant and the family unit. For implementation success, all require cooperative efforts between the Departments of Education, Health and Human Services, and the Interior.

In addition to these preventive education and screening measures, two interventions with clear success in improving outcomes for Native women and children deserve mention. First, breastfeeding is an important contributor to maternal and infant health. Prominent health organizations, including the American Academy of Pediatrics, the World Health Organization, and the United Nations Children's Fund, recognize the benefits of breastfeeding.<sup>10</sup> These benefits suggest that small investments in breastfeeding promotion may yield large public health returns. However, breastfeeding rates for AIANNH women remain lower than for non-Hispanic White women.<sup>11</sup> Programs such as Hummingbird Indigenous Family Services in Seattle build on this foundation, adding culture and economic supports to breastfeeding to reinforce healthy parenting.<sup>12</sup>

Second, home visits by a nurse, a social worker, or an early childhood educator, beginning in the prenatal period and continuing into the first years of a child's life, can improve outcomes for both mothers and children.<sup>13</sup> (Also see Recommendation 8.) One Indigenous example is the Family Spirit Program, developed in 1995 by the Johns Hopkins Center for Indigenous Health in partnership with Indigenous communities.<sup>14</sup> This culturally tailored maternal health intervention program provides crucial home visiting support for women and families during pregnancy and early childhood. Its programming addresses specific family circumstances and emerging needs, aligning with the comprehensive approach advocated in this recommendation. Evaluation demonstrates that the Family Spirit model reduces maternal risks, increases effective parenting, and improves child development outcomes. A broader assessment of 13 Tribal home visiting programs in the Administration for Children and Family's first cohort of Maternal, Infant, and Early Childhood Home Visiting (MIECHV) program grantees

showed that, among other positive results, for mothers, children, and families:<sup>15</sup>

- 62% improved maternal and newborn health outcomes
- 77% experienced decreased crime or domestic violence
- 85% reduced child injuries, child abuse, neglect, or maltreatment and emergency department visits

AIANNH women need access to comprehensive maternal health education that is culturally relevant and community supported, ensuring that pregnancies are healthier and that Native children receive the best possible start in life. The strategies recommended here have been shown to be protective factors in the health of the mother, the infant, and the family unit and deserve to be funded, scaled, and implemented widely across Native communities. The Commission also notes that the project of enhancing Native maternal health education is an effort in which interdepartmental cooperation (supported in Recommendation 25), will produce outsized returns.

## Notes

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## Recommendation 18: Develop multigenerational nutrition programs for Native children, youth, and families

The Departments of Agriculture, Education, Health and Human Services, and Interior, and all their relevant divisions and agencies (including the Indian Health Service, Centers for Disease Control, Bureau of Indian Affairs, and Bureau of Indian Education) shall create and enhance initiatives that provide immersive multigenerational nutrition and health programs for American Indians, Alaska Natives, and Native Hawaiians. Such initiatives will:

- Intervene at multiple levels of the food system to create, support, and encourage multigenerational activities that build upon cultural and spiritual values and traditions consistent with the key elements of a healthy lifestyle such as good nutrition, physical exercise, and social connection; this involves:
  - » investing in Indigenous food sovereignty initiatives that restore traditional foods and foodways
  - » increasing access to Indigenous foods and other healthy foods in school-based lunch programs
  - » limiting easy access to low quality, ultra-processed foods
  - » planning, supporting, and sustaining a continuum of nutrition programs for Native children that seamlessly allows for participation across the developmental lifespan
- Screen Native children for and address their risks of obesity, diabetes, and other conditions related to the social determinants of health in educational, health care, justice, and social service settings
- Support programs and services in Native schools, community centers, and juvenile detention centers that:
  - » provide education to Native youth about healthy eating habits, preparing affordable meals for families, preventing or living with diabetes, incorporating Indigenous foods into family diets, and using Indigenous medicinal herbs
  - » increase access to local produce and culturally relevant Indigenous foods and medicinal herbs
- Enhance and improve data collection, access, analysis, and reporting regarding dietary behavior and health-related factors for Native children and youth, and improve the utility of these data, by:
  - » Allocating funding for comprehensive analyses, summary reports, and wide dissemination of findings about dietary behavior and related factors among American Indian, Alaska Native, and Native Hawaiian children and youth derived from the Centers for Disease Control’s Youth Risk Behaviors survey
  - » Facilitating easier access to and conducting analyses of the Indian Health Service’s National Data Warehouse, focusing specifically on information pertaining to the risk, onset, duration, severity, and comorbidities associated with obesity, diabetes, and other chronic illness among American Indian and Alaska Native children
  - » Requiring health service providers serving Native communities to provide a dietary health assessment upon request of a patient and institute personalized plans that take account of these data and analyses and implement strategies to address them

### Analysis

Native Americans experience extreme health disparities, with pervasive but preventable diet-related health consequences, such as obesity, diabetes, and hypertension, that harm the long-term wellbeing of Native children and youth.<sup>1</sup> Two factors contribute to these health disparities: 1) compared to the general population, Native American children face distinct challenges accessing food, with only 25.6% residing within one mile of a supermarket on reservations, as opposed to 58.8% of the U.S. population;<sup>2</sup> and 2) income disparities compound this, as nearly half of Tribal area residents have incomes at or below 200% of the Federal poverty level.<sup>3</sup>

Food insecurity refers to the limited or uncertain availability of healthy food, typically as a result of supply constraints and/or high costs. Low-income communities generally face greater food insecurity than higher-income communities and consequently often face severely restricted food choices.<sup>4</sup> Food insecurity is strongly correlated to malnutrition, obesity, and type 2 diabetes, all of which disproportionately affect many AIANNH communities, complicating efforts to address these and related health problems.<sup>5</sup>

Food insecurity also has multigenerational impacts, as the mother’s nutrition affects the child’s in-utero health and development (see Recommendation 17).<sup>6</sup> For example, a child

born with macrosomia due to their mother's health or food choices is more likely to be overweight or obese during their childhood and adulthood and to have metabolic syndrome or diabetes mellitus (DM) later in life.<sup>7</sup> If that same child has children in turn, the result can be similar impacts on yet another generation. Providing nutritional and cultural food options for the entire community is thus a critical form of preventive health care, especially during pregnancy and early childhood.

Existing programs, such as the Supplemental Nutrition Assistance Program (SNAP), Women, Infants, and Children (WIC), and other food-related programs, are unable to provide stable, affordable, nutritious food to many Native people, and in fact have been associated with higher rates of obesity.<sup>8</sup> Furthermore, thanks to land appropriation, the damming of rivers, and other historical factors affecting their communities, many Native Americans have lost connection to traditional foods and food sources that sustained them before contact with Europeans. Some also face loss of food sources because of environmental impacts, from toxic waste to climate change (see Recommendation 23).

Because of all these contributing factors, addressing food insecurity in Native American communities requires a multifaceted approach. THRIVE Assessment, a community-based research initiative, identified the critical factors contributing to food insecurity as racial injustice and physical and financial barriers.<sup>9</sup> The project implemented policy interventions, including an integrated community-supported agriculture and commodity food program, Electronic Benefits Transfer at local farmers' markets, and reallocation of grocery store shelf space for healthy foods. These community specific solutions demonstrated positive outcomes and provide one potential model for other communities to implement their own cultural and community-informed food initiatives.<sup>10</sup> Several principles emerge from the research:

Multigenerational activities at multiple food system levels are most effective if they build on cultural and spiritual values and traditions that support nutrition, physical exercise, and social connection.<sup>11</sup> These involve investing resources in Indigenous food sovereignty initiatives that bring back traditional foods, such as the efforts the Commission saw in Hawai'i with taro and other local food sources.<sup>12</sup>

In addition, Federal SNAP and school nutrition programs need to increase access to healthy food, reduce exposure to sodium and fat, and limit easy access to ultra-processed foods.<sup>13</sup> Across the lifecourse, from breastfeeding to snacks in early

childcare/Head Start programs to school-based breakfast and lunch programs, lessons in healthy food choices and ability to make those healthy choices will change health outcomes for Native children.

The Special Diabetes Program for Indians (SDPI) at the IHS is also essential to these efforts; certain programs, such as the Eagle Books have demonstrated success in children and families making healthier food and activity choices (see case study).<sup>14</sup>

Furthermore, as part of regular health check-ups, either at medical clinics or school nurses' offices, in social workers' offices or juvenile detention centers (wherever Native children are receiving health care), the Commission recommends screening for and education about the risks of obesity, diabetes, and other health conditions for all youth. Preventive screening and education are valuable strategies to intervene and improve outcomes for young people and their families.<sup>15</sup> Similar to Recommendation 23, health providers should be required to provide a dietary health assessment upon the patient's request and implement individualized plans to address any risks that surface. Funding and other resources must support these education and screening efforts to inform Native children and youth about healthy eating habits, Indigenous foods, and diabetes prevention; other resources, as described above, need to be available to increase access to local produce and culturally relevant Indigenous foods and medicinal herbs.

The Commission was also interested in contributing to the body of knowledge with regard to Native children and youth nutrition. While enhancing resources for education, prevention, and access to healthy and cultural food is crucial to preventing obesity, diabetes, and other health conditions, additional resources dedicated to accurate and comprehensive data and analysis about dietary behavior and related health factors will significantly and positively affect policy and implementation. Key objectives along these lines should include effective and frequent use of the CDC Youth Risk Behaviors Survey and easier access to the Indian Health Service's National Data Warehouse focusing on obesity and diabetes. Again, the SDPI could be a key player in this initiative.<sup>16</sup> Paying greater and more direct attention to preventive care and health education will achieve additional long-term health gains for AIANNH children and youth.

In sum, improving nutrition, especially in schools and early childhood, can significantly impact Native children's development and wellbeing. A combination of culturally

sensitive interventions, policy changes, and a commitment to addressing the underlying causes of food insecurity in AIANNH communities can produce community-wide benefits, increase health, and reduce long term health care costs. The Commission recommends not only action but further research to inform these efforts.

## Notes

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## Recommendation 19: Expand health-related services where Native children and youth are present

Congress shall fund and the relevant Federal departments shall ensure increased access to mental and physical health care when and where Native children and youth are present so that they are able to obtain services in the easiest and most comfortable settings.

- The Departments of Health and Human Services, Interior, and Education shall work together with Tribes and Native organizations to provide more and more accessible mental health, behavioral health, and suicide prevention services for all American Indian, Alaska Native, and Native Hawaiian youth, including LGBTQ+ and 2-Spirit youth, through:
  - » the deployment of behavioral health services providers at schools, in community centers, and at organizational hubs
  - » expanded support of Indian Health Service, Tribal, urban Indian health clinics, and other relevant agencies
  - » various other community- and provider-specific efforts, ranging from accessible transportation to clear confidentiality policies, necessary to reduce barriers and deliver care
- The Departments of Health and Human Services, Interior, and Education shall work to enhance the availability of basic physical health services for American Indian, Alaska Native, and Native Hawaiian youth at schools, in community centers, and at organizational hubs by providing Native youth with, at a minimum:
  - » dental, vision, and hearing exams and resultant health status information
  - » basic follow up services and equipment (for example, a pair of glasses and/or hearing aids)

### Analysis

Improving access to services for mental, behavioral, and physical health needs of Native children and youth is a key component in improving outcomes for Native young people. The Commission heard evidence that making these resources available to children and youth where they already are, such as in schools, community centers, and other social service programs offers a promising solution to the documented lack

of access to health services on reservations, in rural areas, and in urban settings. The recommendation therefore offers a two-part solution, one for mental and behavioral health and the other for physical health services, both recommending on-site services to reduce barriers and increase access.

### *Mental and behavioral health:*

Even before the COVID-19 pandemic, mental health outcomes for American Indian, Alaska Native, and Native Hawaiian children and youth were among the worst of all ethnic groups; the pandemic both exacerbated mental and behavioral health outcomes and exposed previous inequities for Native children and youth.<sup>1</sup> Post-pandemic access to quality mental health services is an even more pressing concern for Native youth, with distinct issues for LGBTQ+ and 2-Spirit individuals.<sup>2</sup> Native youth experience depression, suicidality, and other associated mental and behavioral health issues at higher rates than other ethnicities.<sup>3</sup> Native youth also face many challenges in seeking mental and behavioral health services; in small communities, issues of confidentiality and stigma coupled with fear or embarrassment often inhibit easy access even where services are available. And currently gaps exist in service provision, accessibility, and privacy, creating the need for a holistic approach to close gaps and ensure every Native youth receives timely support.<sup>4</sup>

To comprehensively tackle these issues, mental and behavioral health interventions must be trauma-informed and culturally informed. Both the historical, intergenerational, and personal trauma Native youth experience and the resilience they find in culture and identity provide a framework for effective services,<sup>5</sup> including robust prevention and supportive and rehabilitative interventions. For a community-based example, recent research with Ninilchik Traditional Council explains the importance of subsistence (the cultural practice of hunting, fishing, and gathering food, which is also connected to the spiritual world and a sense of wellbeing) as a protective factor against suicide: active engagement in subsistence promotes the intergenerational transfer of knowledge, cultural continuity, and a stronger sense of cultural identity and self-worth for Native youth.<sup>6</sup> Existing community programs and traditional activities must be supported, fully funded, and made accessible on reservations, in rural areas, and in urban settings.

In addition to community options, schools play a vital role in prevention and intervention services; access to mental and behavioral health is better achieved when health care providers have established themselves at schools and community centers, meeting Native youth where they are.<sup>7</sup> For example, school-based and community-designed programs such as the American Indian Life Skills Stress-Coping Model have significantly improved mental health outcomes and reduced suicidal behavior for Native youth.<sup>8</sup>

IHS-funded behavioral health services (both Tribally managed and federally managed) could be uniquely positioned to address the therapeutic needs of children and youth, working with schools, Tribes, and Tribal organizations to ensure that services offered are best suited to their communities' unique social, cultural, and historical circumstances. Two examples illustrate ways to increase accessibility:

- The Menominee School/Clinic partnership substantially increased behavioral health visits as a result of a partnership between the Menominee Indian School District (a public school) and the Menominee Indian Tribe's health services division to implement a school-based clinic. As an added benefit, addressing mental and behavioral health more effectively through the school-based clinic improved student academic outcomes, which further demonstrates how a holistic approach produces better results.
- The IHS Telebehavioral Center for Excellence Indian Children's Program, focused on Autism Spectrum Disorder, Fetal Alcohol Spectrum Disorder, and other Neurodevelopmental disorders, can serve as a model for expanding access to telebehavioral health services and addressing geographic and transportation barriers to care.<sup>9</sup> The flexibility of location for telehealth services supports the Commission's direction that these services be provided where children and youth already are—in schools, community centers, or even in their own homes. In addition, telehealth, proven effective during the Covid pandemic, is also a valuable solution for examination and treatment of physical health issues.

### **Physical health:**

The recommendation considers similar accessibility essential for the physical health challenges Native American children face such as diabetes, accident-related injury, poor eyesight, compromised dental health, and infection-related hearing loss, the last of which is particularly prevalent among Alaska

Native and American Indian children.<sup>10</sup> Because of their high rates of diabetes (the highest of any ethnicity), American Indians, Alaska Natives, and Native Hawaiians also are at significant risk for diabetic eye disease, such as diabetic retinopathy. And, in many Indigenous communities, dental disease can be found in 90% of young children, a significantly higher rate than in non-Indigenous communities. Considering the unique physical health care needs of Native children, it is imperative to prioritize preventive measures and early interventions and to address these disparities by bringing health services closer to Native children and youth.

The Commission noted three examples of on-site practice that reflects these priorities:

- Although Alaska Native children have long been affected disproportionately by infection-related childhood hearing loss, disease incidence has reduced in the last decade.<sup>11</sup> In part, this may be because telehealth has become an effective tool to address ear infections and the consequent loss of hearing; community health aides are able to work remotely with doctors in central hubs; and doctors are able to see more patients because travel is not an added burden.<sup>12</sup> In addition to addressing ear care, the recommendation calls for supplying remedial hearing aids, as needed, and in accessible locations such as schools and local clinics.
- Accessibility is also easiest at schools and local clinics, which are the best place to identify vision issues and dental concerns; this recommendation includes the distribution of eyeglasses and dental care (fillings and braces). The Hawai'i hearing identified dental care as a primary concern regarding the health of Native Hawaiian children and youth, as Native Hawaiian children have the highest rates of tooth decay of any ethnicity in the U.S.<sup>13</sup>
- Head Start's decades of experience with well-child, hearing, vision, and dental checkups have demonstrated better outcomes for young children. Some Head Start and Early Head Start programs also embed mental health supports into their parent and child programming.<sup>14</sup>

School-based health centers increasingly emerge as a valuable option to provide these services.<sup>15</sup> For the most comprehensive results, successful school-based centers are embedded in Kindergarten through 12th-grade settings and offer primary health care, mental health care, social services,



dentistry, and health education.<sup>16</sup> They provide a promising model, as they have been established successfully in schools serving low-income youth and populations that also experience disparities in health care access and outcomes.<sup>17</sup> (Also see the Menominee case study). Centralized health for children and youth also aligns with the reality of smaller Native communities, where services are more effectively consolidated in one place. In addition, school-based health centers improve access to health care for children in rural areas, because they reduce travel required for regular health appointments, make services more accessible, and ensure immediate response to health care concerns; therefore, they are well-suited to serve geographically hard-to-reach AIAN populations.

Addressing these complex challenges will require collaboration across the Departments of the Interior, Health and Human Services, and Education to identify all available resources and to ensure minimal barriers and 100% eligibility so that Native communities can create flexible solutions and every Native child and youth can receive the care they need. Inserting services into schools, community centers, and other social service or justice provider locations will maximize outreach and ease of access and ultimately improve the health outcomes for Native children and youth.

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## Recommendation 20: Improve Native student access to education and services that address the linkages among trauma exposure, suicide, and substance misuse

The Departments of Education, Health and Human Services, and the Interior shall provide funding to public and Bureau of Indian Education (BIE) schools and to youth community centers to ensure that Native youth have access onsite to education about the relationship between trauma exposure and substance misuse, to family counseling services, and to treatment. The services to which students are referred shall:

- Provide help without penalties
- Be culturally relevant
- Address the issues of suicide and availability of illicit drugs in Tribal communities
- Support suicide awareness training and provide resources to combat accidental deaths and suicidal ideation
- Provide trauma-informed safety measures and long-term follow-up for youth and their families

### Analysis

The clear connections among adverse childhood experiences (ACEs), increased risk of substance use/abuse, and increased risk of suicidality pose significant challenges to the behavioral and mental health of Native children and youth.<sup>1</sup> The prevalence of historical, intergenerational, and personal trauma exposure within the population leads to high ACEs scores.<sup>2</sup> The availability of illicit drugs in Tribal communities contributes to youth using or abusing, often beginning at young ages, and exacerbates the nexus of risks.<sup>3</sup> Layered onto these risk factors are the social disorganization, identity disruption, and other consequences of colonization that have affected the circumstances in which Native children and youth live.<sup>4</sup> The situation creates a mandate to respond via schools and youth community centers to substance abuse, mental health impairment, and suicide risks that Native youth face and to intervene immediately with education, counseling, and treatment.<sup>5</sup> The Commission noted, however, that community prevention, health care services, and mental health services often are siloed from one another, limiting access to community-oriented prevention, family counseling services, and treatment, both on reservations and in urban settings.

Native suicide rates, especially among young people, remain disproportionately high, with rates in 2015 being 3.5 times

higher than those among racial/ethnic groups with the lowest rates<sup>6</sup>—though rates vary greatly temporally, geographically, and across subpopulations. For example:

- Across Alaska alone, Native youth suicide rates range from 17 per 100,000 to 72 per 100,000.<sup>7</sup>
- The COVID-19 pandemic led to increased feelings of loss, grief, hopelessness, and anxiety among Native youth and exacerbated suicidality risk.<sup>8</sup>
- LGBTQ+ and 2-Spirit Native youth are at even greater risk than Native youth generally, due in part to the more profound victimization, discrimination, housing instability, and food insecurity challenges that they face.<sup>9</sup>

Recognizing that this mix of factors can be lethal, the Commission's proposal has two primary elements, education and services. Education about the links between historical trauma, substance abuse, and suicide place Native youths' individual experiences in the broader context of their cultural and life experience. Those Indigenous experiences encompass both protective and risk factors, including the cumulative effects of colonization and social marginalization.<sup>10</sup> Historical trauma, racial/ethnic discrimination, and cultural losses are significant determinants of health in Indigenous communities; these factors contribute to health inequities that drive health disparities.<sup>11</sup> At the same time, culture and community offer significant protective factors and points of resilience and strength.<sup>12</sup> Therefore, the education recommended here, which links trauma and substance use/abuse with suicidality, requires appropriate attention to identifying and utilizing culture as a strength for addressing the (discriminatory) macrolevel systems in which Native children and youth often live and for positive identity formation (including for LGBTQ+ and 2-Spirit Native youth, who can benefit from understanding the important precolonial roles of 2-Spirit people).<sup>13</sup>

Secondly, substance use services for Native youth generally have been focused on prevention and education rather than treatment. However, given the known early substance use among Native youth, treatment is also imperative. In addition to education, the recommendation seeks to ensure that services to which youth are referred maintain the appropriate parameters to achieve the best outcomes. Trauma-informed safety measures and long-term follow-up for youth and

their families must address the lasting impact of historical, intergenerational, and personal trauma and substance use on individuals and communities.<sup>14</sup> This recommendation recognizes the importance of providing help to Native youth without imposing penalties, because punitive measures can discourage approaches for help and hinder progress.<sup>15</sup> Including family in the process allows for multigenerational, culturally relevant, positive identity building to be the focus for healing and creating resilience for youth.<sup>16</sup> The recommendation also emphasizes the urgency of tailored interventions for AIANNH LGBTQ+ and 2-Spirit youth, LGBTQ+-affirming and 2-Spirit-affirming programs, culturally relevant services, and family support, which can significantly reduce suicide risk for these children and youth.<sup>17</sup>

To strengthen the core recommendation for education and services, the Commission also supported three underlying strategies that recognize particular challenges:

- *Responding to the link between “street drugs” and youth suicide.* The constant presence of one or more dangerous and illicit substances within Native communities poses additional risks to individuals prone to suicidal ideation. In the present context, the Commission heard about the risks of fentanyl as a drug of choice that is affecting many Native communities across the U.S. and that the resources provided should include treatment options such as Narcan to address overdoses. However, the Commission also emphasized the need for flexibility to keep pace with the changing profile of street drugs that threaten Native youth.
- *Funding to public and Bureau of Indian Education (BIE) schools, as well as youth community centers.* Co-location facilitates access and bridges existing gaps in the provision of trauma-related education, counseling, and treatment based on the principles described above. This part of the recommendation underscores the importance of logistics and access/funding, reinforcing that services should reach youth where they are (see Recommendation 19), and leveraging partnerships with other service providers.
- *Creating or identifying a more appropriate screening tool.* While various trauma-screening tools exist in a multitude of Federal agencies, the Commission heard calls for creation/identification of a single trauma-screening tool, developed by Native scholars and tailored for Native children and youth, that could be

used consistently across all relevant programs funded by the Departments of Education, Health and Human Services, Interior, and Justice. Research trauma centers dedicated to Indigenous children and youth are key partners in the development, refinement, deployment, and validation of comprehensive screening tools that can be used across education, social services, justice systems and other intersections with Native children and youth. These should be coordinated with the Federal agencies that are currently utilizing and/or recommending such tools (for example, existing Indian Health Service Trauma-informed Care practices already in place<sup>18</sup>). Consistent use of one trauma-screening tool, as well as expanding use of the more recent and highly predictive benevolent childhood experiences (BECES) assessment<sup>19</sup> will allow for cross-fertilization from one service to another and more effective data for research, analysis, and future program development.

In sum, trauma—and the suicide and substance abuse that result from it—is one of the most challenging issues facing Native children and youth. The Commission’s recommendation calls for comprehensive and widely available education and mental/behavioral treatment services that address the links among trauma, substance abuse, and suicide; are placed in cultural context; and are provided in easily accessible locations. This education and treatment must be fully funded, incorporate Native values, and utilize community and academic trauma research centers dedicated to Native children and youth.

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## Recommendation 21: Establish and enhance disability services for Native children and youth and reduce barriers to access

**Congress shall fund, and the Departments of Health and Human Services and the Interior shall enhance and create, across all the bureaus and agencies that serve American Indian, Alaska Native, and Native Hawaiian children, programming to address the disability-related needs of Native children and youth. Such programming shall address all types of disabilities defined by the Centers for Disease Control and Americans with Disabilities Act that impair, limit, and/or restrict a person’s daily life.**

### Analysis

Disabilities, as defined by Centers for Disease Control and the Americans with Disability Act, encompass a wide range of impairments, limitations, and restrictions; they include problems with seeing, hearing, thinking, walking, and other difficulties that significantly impact daily life. Disabilities may be present from birth, develop over time, occur unexpectedly, and persist over a short or longer timespan.

Disabilities are prevalent in the Native population—there are high rates of hearing and vision impairment, intellectual and developmental disabilities, and chronic health conditions.<sup>1</sup> While a recent report from the U.S. Census Bureau indicates that disability rates among U.S. children have risen overall since the 1990s,<sup>2</sup> the rate for American Indian and Alaska Native children and youth in 2019 (the focus year for the report) was 5.9%, the highest among all racial and ethnic groups surveyed.<sup>3</sup>

Disabilities also appear to be more concentrated in certain subsets of the American Indian, Alaska Native, and Native Hawaiian population. For example, Bureau of Indian Education schools have identified 15% of their students as having disabilities.<sup>4</sup> Census data also show a correlation between disability and low income in the all-ages NHOPI population resident in Hawai’i in 2019: 60% of NHOPI with disabilities were below the working poor threshold, a much higher rate than in the state’s other racial/ethnic groups.<sup>5</sup> While these data include NHOPI adults with disabilities, they signal the intersection of low-income and Native Hawaiian children and youth with disabilities as an area of concern.

Many disabilities arise without cause or explanation, but the high rates of disability among Native children are related

in part, at least, to the many disability risk factors to which Native children and youth are exposed. Safety concerns in Native communities and resultant high injury rates may be tied to disability incidence.<sup>6</sup> Some disability issues in Native communities may be linked to land sovereignty and the physical and psychological harms wrought by ecological damage from mining, deforestation, monoculture, and Superfund sites. Other health challenges, such as inadequate prenatal care, higher rates of premature birth, and food insecurity, also are likely to contribute to higher rates of disability among Native American children. And, greater incidence of chronic disease coupled with higher levels of functional difficulties indicate greater disease burden, which may require special medical attention.<sup>7</sup>

Disparities in health, education, and employment often follow on from disability. Regarding education, the GAO reported that BIE schools often do not provide students with disabilities the full amount of special education services time that their individualized education programs (IEPs) require.<sup>8</sup> The lack of sufficient disability services in education and appropriate attention to IEPs was a major concern for the Commission, as it not only occurs in BIE schools but also in public schools, which serve more than 90% of Native children and youth.<sup>9</sup> Data from the U.S. Department of Education Office of Special Education Programs indicates that in school year 2018-2019, 1.35% of public school-aged children with disabilities in the United States were AIAN—a rate similar to the AIAN percentage in schools overall, yet these students were more likely to be identified with a specific learning disability.<sup>10</sup> In the same school year, AIAN children with disabilities were more likely to drop out than other students with disabilities.<sup>11</sup> Over time, these issues may be connected: if a Native younger student with a learning disability is not provided with needed support, learning outcomes suffer, school becomes a burden, and dropping out becomes an attractive option.

In addition to increased funding for existing programs designed to address disabilities among American Indian, Alaska Native, and Native Hawaiian children and youth, the Commission views the following as essential:

### Investments in physical and technological infrastructure.

Public hearings and research both identified inadequacies in physical and technological infrastructure as complicating services to AIANNH children and youth with disabilities. These include, for example, buildings that lack access for the physically disabled, a lack of customized vehicles for transporting disabled students to schools, and computer facilities that can support alternative education and telehealth delivery for the disabled, especially in rural areas where physical distance complicates education and service delivery.<sup>12</sup>

**Expanded support services for families of disabled children and youth.** Families of disabled children and youth often face difficult challenges in managing child and youth care. This is especially the case if children and youth live in single-parent, single-earner households, a common situation in AIANNH families in both rural and urban areas. Family support services, in particular those that build on the protective factors that extended family, community, and Tribal relationships provide, can make a substantial difference in school attendance and performance and in the nature of home life.<sup>13</sup>

This recommendation acknowledges the pressing need to ensure that AIANNH families and their children have access to disability services essential for their wellbeing and participation in society. This can be achieved by addressing gaps in disability services and access in health services, education, and employment and by increasing support in all of these areas as Native youth age and move towards young adulthood.<sup>14</sup> The Commission bases its recommendation on the understanding that, in addition to fulfilling the Federal trust responsibility, improved access to the disability services they require will foster inclusivity, break down systemic inequalities, and allow Native children and youth to lead fuller and more independent lives.

### Notes

1| See, for example: Centers for Disease Control and Prevention, (2008), Racial/ethnic disparities in self-rated health status among adults with and without disabilities—United States, 2004-2006, *Morbidity and Mortality Weekly Report*, 57(39), 1069-1073, <http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5739a1.htm>; G. Flores & S. C. Tomany-Korman, (2008), Racial and ethnic disparities in medical and dental health, access to care, and use of services in U.S. children, *Pediatrics*, 121(2), e286-e298, <https://doi.org/10.1542/peds.2007-1243>; A. R. Joseph, (2022), Hearing health outcomes as a function of age, gender, and diversity, *Seminars in Hearing*, 43(4), 324-338, <https://doi.org/10.1055/s-0042-1758377>; United for ALICE, (2022), *Financial hardship among people with disabilities: Hawai'i*, <https://www.auw.org/sites/default/files/pictures/ALICE%20in%20Focus%20-%20People%20with%20Disabilities%20-%20Hawaii.pdf>.

- 2| This change may be related to increased awareness, a broader understanding of what qualifies as a disability, and increased reporting, as well as to higher base rates of disability.
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- 4| Government Accountability Office, (2020, May), *Indian education: Actions needed to ensure students with disabilities receive special education services*, <https://www.gao.gov/assets/710/707136.pdf>; also see C. Running Bear, W. P. Terrill, A. Frates, P. Peterson, and J. Ulrich, (2021), Challenges for rural Native American students with disabilities during COVID-19, *Rural Special Education Quarterly*, 40(2), 60-69, <https://doi.org/10.1177/8756870520982294>.
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- 8| Government Accountability Office, (2020, May); also see C. Running Bear et al., (2021).
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- 10| Office of Special Education Programs, (2020, August), *OSEP fast facts: American Indian or Alaska Native Children with disabilities* [Infographic], U.S. Department of Education, <https://sites.ed.gov/osers/2020/08/osep-releases-two-new-osep-fast-facts/>.
- 11| Office of Special Education Programs, (2020, August).
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## Recommendation 22: Fund Native sexual health organizations and sexual health programs

**Any Federal department or agency (including but not limited to those within the Departments of Health and Human Services, Education, and the Interior) with funding streams that support health education for Native youth shall ensure that such funding is available to Native sexual health networks, organizations, and programs whose educational services include:**

- **Culturally relevant lessons for all Native youth that address healthy relationship habits (including topics of consent, harassment, the cycle of violence, and protective factors), teach how to prevent pregnancy and sexually transmitted infections (STIs), and help build resilience to trauma**
- **Culturally relevant resources that offer information to Native youth about how they can reach out for help and where they can receive STI tests, pregnancy tests, birth control, and condoms**

### Analysis

A cohesive, comprehensive, inclusive Native sexual health education program that respects the cultural diversity and various gender identities of Native youth is both prevention and intervention for Native youth and their communities. Ensuring that programs address healthy relationships, consent, methods for preventing pregnancy and sexually transmitted infections (STIs), and how to access relevant resources also aligns with best practices for promoting effective sexual health education.<sup>1</sup>

Positive and culturally relevant sexual health programs are particularly important to support Native children and youth, given the disproportionate sexual victimization of Indigenous women, which is at least twice as high as that of non-Indigenous women.<sup>2</sup> Rates of STI also are disproportionately high: in 2019 (prior to the COVID-19 pandemic), Native Americans (American Indians and Alaska Natives as a group and Native Hawaiians and Other Pacific Islanders as a group) had the second-highest rates of gonorrhea and chlamydia in the United States as compared to other racial and ethnic groups, with American Indian and Alaska Native women testing higher for both than men.<sup>3</sup>

These population-level statistics carry over into the Native youth population: compared to other racial and ethnic

groups, American Indian, Alaska Native, and Native Hawaiian youth experience high rates of teen pregnancy,<sup>4</sup> high rates of sexual violence,<sup>5</sup> and a disproportionate incidence of STIs (American Indian youth have the highest rates of gonorrhea and chlamydia of any group aged 13-24<sup>6</sup>).

Wide-ranging, effective, trauma-informed, and culturally aligned sexual health education and information resources can mitigate these outcomes, and several curricula, programs, and networks developed for Native children and youth have demonstrated success. Implementation of the recommendation requires scaling and sustainably funding these proven practices (and others like them). Among these are:

- *Project Red Talon (PRT)*: PRT works to prevent and expand opportunities for treatment of STIs, HIV and Hepatitis C in the Pacific Northwest with its target population of Native youth.<sup>7</sup> Media and technology strategies were developed in conjunction with youth and communities using Community Based Participatory Research to identify the best methods of delivery. One PRT prevention and treatment program, Native VOICES, is the only CDC-approved HIV and STI prevention program geared toward Native youth aged 15-24.<sup>8</sup>
- *I Want the Kit (IWTK)*: IWTK offers free home testing for STIs, including HIV, with education about follow up and treatment. Although Native youth experience impediments to access both in terms of adequate testing opportunities and because of concerns about confidentiality, newer approaches such as promoting self-help through self-testing kits offer promising results, especially in small and remote or rural communities.<sup>9</sup>
- *Talking is Power*: Talking is Power utilizes texting between parents and children as a means to facilitate better parent-child communication about sexual health, pregnancy, STIs, and consent.<sup>10</sup> Studies have consistently shown that open discussions and communication about sexual health education within families, coupled with discussions about cultural values and a strong Native American identity, can lead to less risky sexual behaviors.<sup>11</sup>
- *Respecting the Circle of Life*: While education and information are the first step, access to resources such

as STI and pregnancy tests and birth control is also necessary to mitigate the reality of higher rates of teen pregnancy and STIs in the Native youth population described above. Respecting the Circle of Life has demonstrated that Native youth engaged in a basketball camp that simultaneously provided a robust curriculum on pregnancy and STIs had significant impact on self-help and self-protective sexual behavior including increased contraception/condom usage.<sup>12</sup>

- *Healthy Native Youth (HNY)*: A toolkit and network, rather than a program per se, HNY makes a range of existing, culturally competent, proven curricula (including several on this list) available to Tribal health providers and advocates.<sup>13</sup> These include nine curricula on sexual health, four on suicide prevention, and two regarding healthy coping skills developed in partnership with organizations such as the North Portland Area Indian Health Board and the Indian Health Service.<sup>14</sup> Because community adaptation and implementation of these curricula and programs can be slowed by a lack of resources, the sensitivity of the topic, community (un)readiness, staff turnover, and remoteness, HNY also has established the Healthy Native Youth Community of Practice, which responds to these implementation challenges by providing tools to assist Native communities in choosing and adapting curricula to meet their unique needs in implementing sexual health education.<sup>15</sup>

While there is still far to go, this list demonstrates that there are effective models which can serve as a base for increasing Native youths' access to education about healthy sexual relationships and to information about access to birth control and STI treatment. These and similar sexual health programs, organizations, and networks deserve to be scaled and funded more comprehensively and more sustainably so that they can continue to deliver sexual health education for Native youth that is inclusive, accessible, impactful, and more consistently available. This recommendation underscores the Federal government's trust responsibility to address health disparities and responds to what Native youth expressed at Commission hearings: the long-term benefits of and need for promoting culturally sensitive and comprehensive sexual health education for Native youth.

## Notes

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- 6 | Johns Hopkins Center for Indigenous Health, (n.d.), *STD screening: Protecting our future generation*, <https://cih.jhu.edu/programs/std-screening-protecting-our-future-generation/>.
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## Recommendation 23: Require environmental impact health assessments to reduce risks to Native children and youth

The Department of Health and Human Services, Department of the Interior, and Environmental Protection Agency shall ensure that locations in Native communities frequented by children and youth are screened, assessed, monitored, and evaluated for risk of exposure to environmental toxins and that such information is shared with relevant health providers. Health providers serving Native communities shall provide an environmental impact health assessment upon request of the patient or parent, with follow-up to determine:

- The type of environmental exposure (lead, mercury, chemical spill, etc.)
- Health impact to the child
- Strategies to mitigate health impact
- A developmental plan that follows a life course model that maps out the trajectory for the healthiest lifestyle for that child (at the time of assessment)

### Analysis

In spite of—and because of—the close relationships between Indigenous people and their lands, the research record is replete with cases of contamination exposure in Native communities and subsequent adverse health effects on individuals, their families, and their nations.<sup>1</sup>

A history of expropriation and distinctive land ownership patterns mean that many Native communities are located near current or legacy mines, fracking, and other pollutive extractive activity.<sup>2</sup> More permissive or less tightly enforced law on and near Native lands increases water pollution through spills and (il)legal dumping.<sup>3</sup> And yet many Native American people, including children and youth, depend on their land and waters for food security and ceremony, which brings them into contact with environmental hazards, poisoned soil, contaminated water, and toxins in the air.<sup>4</sup> Especially when combined with already existing health disparities, these exposures can result in damaging and serious deleterious health effects.<sup>5</sup>

For example, Native Americans have an increased likelihood of developing kidney disease, hypertension, and other chronic diseases because of exposure to hazardous environments, including living near abandoned mines.<sup>6</sup> Other studies demonstrate that proximity to lead has negative impacts

on behavior and learning, although it can be mitigated if identified early and addressed.<sup>7</sup> Similarly, some Pueblo communities are concerned about the potential of birth defects connected to radiation exposure, and the high rates of miscarriage and reproductive organ cancers among some Great Plains Tribes may be linked to contamination from uranium mines.<sup>8</sup> High cancer rates in certain Alaska Native communities result from their proximity to former military sites and the polychlorinated biphenyls (PCBs) from long-haul shipping that can build up in the Arctic waters—and that now are found at high levels in the marine mammals that are major traditional food sources for the communities.<sup>9</sup>

In order to ensure that Native children are on the best life trajectory, early detection and intervention are key to mitigating the impact that toxic environments have on their health. This recommendation reflects the Federal government's responsibility to protect the health of vulnerable populations, to address health disparities in general, and to address health risks to Native children and youth in particular. A bold innovation in this recommendation is the requirement for the Federal government to engage in proactive hazard identification. In other words, rather than wait for cancer, lead poisoning, renal failure, or other preventable illnesses to occur, the Commission recommends that the responsible Federal agencies (whether Environmental Protection, Department of Defense, Superfund, or other) determine where Native children and youth live, play, and go to school and investigate those areas for toxins. Community knowledge and partnership will be an asset to these investigations.

As a corollary to examining the environment, the recommendation also directs that regular screening for toxins be part of the annual wellness check for children and youth. Internationally, the World Health Organization provides a framework for concrete actions that countries can take to ensure better health outcomes for children through environmental health identification and mitigation methods that could be applied in Native communities.<sup>10</sup> Further insights can be gleaned from the approaches that the Centers for Disease Control, Environmental Protection Agency, other Tribes and Native communities, and state public health agencies take to identifying risk factors that may be relevant for Native communities. For example, New York State has implemented the following universal screening requirements for health care providers related to

lead poisoning prevention, recognizing that it is a systemic health risk in New York's population:<sup>11</sup>

- Obtain a blood lead test for all children at age 1 and again at age 2.
- Assess all children ages 6 months to 6 years for risk of lead exposure. This needs to be done at least annually as part of routine care. They may also get a blood lead test on all children found to be at risk.
- If a child has an elevated lead level, the health care provider must make certain the child has appropriate follow-up testing and medical management. Providers must also provide guidance on lead poisoning prevention and risk reduction.
- Provide anticipatory lead exposure prevention guidance to all parents of children under six years old, as part of routine care.

In contrast, the IHS has chosen to follow the CDC and the American Academy of Pediatrics direction to implement a targeted screening of high-risk children, rather than a universal screening of all children, unless there is a known lead risk.<sup>12</sup> The irony of this position is that universal screening will reveal a lead risk even if it is not "known." The Commission recommendation would point to reversing this policy.

Implementing systematic screening and assessment will identify and mitigate environmental risks, thus safeguarding the health of children and youth in Native communities and preventing unnecessary illnesses and health consequences. Additionally, requiring health service providers to offer environmental impact health assessments empowers individuals to take control of their health and wellbeing, provides positive solutions, ensures agency accountability, and affirms children's rights to a clean, healthy environment.<sup>13</sup> Given the known heightened environmental risks in Native communities, the Indian Health Service, Bureau of Indian Affairs, Environmental Protection Agency, and the Department of the Interior must implement the recommendation as part of the Federal government's trust responsibility to Native health imperatives and as a matter of environmental justice.

## Notes

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## Recommendation 24: Fund short-term investments to support Native entities' capacities to bill for health care services

The Department of Health and Human Services shall support a five-year program to facilitate Tribes' exit from Indian Health Service (IHS) direct service, and as a key part of that program, increasing use of third-party billing (i.e., the ability to bill Medicaid, Medicare, and private insurers) in Native communities where the entities providing services to American Indian, Alaska Native, and Native Hawaiian community members currently do not have the capacity to support robust third-party billing. In particular, IHS shall provide any Native community that produces a business plan for greater self-sufficiency in health care funding with capacity grants to support the transition from IHS direct service to P.L. 93-638 contracts or compacts; the installation of technologies (hardware and software) for robust third-party billing; the development of policies, procedures, and training necessary to make third-party billing a success; assessment of the potential of Tribal insurance to improve community and individual financial and health care outcomes; and other capacity development activities.

### Analysis

#### *American Indian and Alaska Native Tribes and Tribal organizations*

An essential component of the trust responsibility, health care is a critical service in all Tribal communities, and yet Federal funding for the Indian Health Service (IHS) is far from adequate to meet the health care needs of most American Indian and Alaska Native people. In fact, Congress makes appropriations for IHS service provision at levels far beneath the demonstrated need. A report by the Biden administration found that the 2022 IHS budget, which totaled nearly \$7 billion, provided only 48.6% of required funding.<sup>1</sup> A report from the Tribal Budget Formulation Workgroup, which represents all Tribes and Tribal organizations, estimated that IHS would need \$48 billion in fiscal year 2022 to provide adequate health services and address health disparities in Tribal communities.<sup>2</sup> In other words, according to these reports, Federal funding provided to Tribes and Tribal organizations via the Indian Health Service is at best only one-half and at worst only one-seventh of the needed amount.

One way Tribes and Tribal organizations have combatted the issue of underfunding has been to increase local control over health care by contracting or compacting IHS programs and

services under provisions of the Indian Self-Determination and Educational Assistance Act (Public Law 93-638 as amended). Research shows that as the degree of Tribal control increases, Tribes gain more discretion over the use of Federal funds; have incentives to find creative ways to finance programs, services, and projects; and often improve efficiency.<sup>3</sup> An important element in the success of Tribally controlled health care is heightened attention to the business aspects of health care management. "When we were under the IHS model, we weren't looking at it that way," notes one interviewee cited by Carroll, Cornell, and Jorgensen, but "when we started self-managing, we started looking at it as a business model."<sup>4</sup> As witnesses at the Commission's hearings in Alaska and North Dakota noted, however, the point of a business-like focus in health care is not to make money; it is to increase effectiveness by paying careful attention to financial processes and thereby increase resources for top-quality care.

The portion of the IHS budget administered directly by Tribes and Tribal organizations through P.L. 93-638 contracts and compacts has grown over time. In 2023, more than 60% of IHS funding was administered directly by Tribes and Tribal organizations. These self-managing entities design and manage delivery of individual and community health services through 22 hospitals, 330 health centers, 559 ambulatory clinics, 76 health stations, 146 Alaska village clinics, and 7 school health centers across Indian Country.<sup>5</sup> While the trend is in the right direction, the data nonetheless emphasize that 40% of IHS funding (and related programs and services) continues to be administered by the Federal government and that in those places where direct service is still the norm, Tribes and Tribal organizations are unable to realize the programmatic, financial, and other benefits of increased sovereignty over health care.

Like other health entities in the United States, IHS-funded health care providers can bill a patient's care-related costs to other payers, such as private insurance, Medicare, Medicaid, the Children's Health Insurance Program (CHIP), and the Department of Veterans Affairs. Both IHS direct service and Tribally managed health entities augment their budgets with reimbursements collected from these third parties—and they rely on this money to provide and improve their services. The value of these reimbursements is not trivial. The Government Accountability Office reports that the IHS netted \$1.26 billion in fiscal year 2021 from Medicare, Medicaid, and private

insurers.<sup>6</sup> The National Tribal Budget Formulation Workgroup reports that “for some Tribal health programs, 3rd party reimbursement can equal as much as 50-60% of all health funding.”<sup>7</sup>

Nonetheless, third-party billing has been more beneficial to Native communities with Tribally managed health care than to those with IHS direct service. The first reason is statutory: the Indian Health Care Improvement Act requires IHS direct service entities to place Medicare and Medicaid reimbursements into a restricted special fund. In contrast, the Tribally managed health care programs do not need to sequester reimbursements in a special fund and instead may apply the revenues to whatever purposes are most needed within a Native community’s health care and community wellness missions. These monies can be invested in hospital construction, clinic expansion, wellness centers, expanded pharmacy programs, new behavioral health services, traditional medicine, and so on.<sup>8</sup>

The second reason third-party billing has not been as beneficial to IHS direct service health care facilities is that it takes place much less than it could.<sup>9</sup> Reasons why these health care facilities are less active in third-party billing include technology needs, lack of staff training, and bureaucratic complexity.<sup>10</sup> Again in contrast, Tribally managed health care facilities have strong incentives to collect all the revenue that is due to them—not only is it one of the key reasons to shift to Tribal management in the first place, but Tribes themselves bear the responsibility if financial shortages occur. This same motivation can result in the leadership of Tribally managed health programs thinking innovatively about third-party reimbursements to create new services their communities need.

To summarize, there are both financial gaps and health care services gaps that could be filled through the expansion of Tribally managed health care. To address them, the Commission encourages all Tribes and Native entities to move toward greater self-determination over health care and greater use of third-party billing. Further, the Commission recommends a structured, five-year program that provides resources to Tribes and Tribal organizations that receive direct services from the IHS to build the capacity needed to make the transition. These Tribes and Tribal organizations will need to develop oversight and management structures, contracts, and relevant policies and procedures; install technologies; and train health care providers and other staff in third-party billing processes, among other tasks.

This approach satisfies the goal of empowering Native communities with the tools, resources, and knowledge needed for self-determination and control over their health care services, successful third-party billing, and improved health care funding outcomes. The Commission notes, however, that while it intends the recommendation to move more Tribes and Tribal organizations toward contracting, compacting, and effective and efficient third-party reimbursement programs, such movement does not release the U.S. Federal government from its trust responsibility to appropriately fund health care in Native communities. Local control and billing efficiency support health care improvements, but improvements are best built within an adequately funded health sector.

### ***Native Hawaiian health care entities***

The Native Hawaiian Health care Improvement Act (NHHIA) of 1988, 42 U.S.C. §122, created a separate health care system for Native Hawaiians that is administered by the Health Services and Resources Administration (HRSA). The Native Hawaiian health care entities that are part of this system offer a range of services (from primary care to mental health counseling to fitness programs), integrate traditional Hawaiian practices into the services, and serve as a bridge to Western medicine. Congress funds this system with an annual appropriation, which is the system’s primary source of funding, although the individual health care centers also receive grants from other sources and collect third-party reimbursements.<sup>11</sup>

A key take-away from the Commission’s Hawai’i regional hearing was that additional funding is needed for Native Hawaiian health care. In response, the Commission proposes that opportunities similar to those it recommends for Tribes and Tribal organizations—that is, support in moving toward greater self-determination over health care—be provided to Native Hawaiian health care entities funded under NHHIA.

Testimony given at the Hawai’i regional hearing and subsequent research identified three other remedies that—should Congress act on them—would increase the resources available for the work in which NHHIA-funded health care entities already are engaged:

- Increase the annual appropriation under the NHHIA to provide a stronger base for health and welfare activities and to adjust for increases in the costs of care



- Create equity in Medicaid and Medicare reimbursements such that facilities under the NHHIA will be reimbursed at the same rates as Federally Qualified Health Centers
- Make permanent the temporary 100% Federal match that was authorized under the American Rescue Plan Act for all entities funded under the NHHIA

- 10 | Indian Health Service, (2022), *Fiscal year 2023: Justification of estimates for appropriations committees*, U.S. Department of Health and Human Services, [https://www.ihs.gov/sites/budgetformulation/themes/responsive2017/display\\_objects/documents/FY2023BudgetJustificaton.pdf](https://www.ihs.gov/sites/budgetformulation/themes/responsive2017/display_objects/documents/FY2023BudgetJustificaton.pdf).
- 11 | Government Accountability Office, (2023), *Native Hawaiian Health Care Systems Program: Services, funding, and oversight*, <https://www.gao.gov/assets/d24106407.pdf>.

The Commission commends these suggestions to Congress as complementary ideas for increasing equity, fulfilling the special responsibilities and legal obligations the United States has to the Indigenous people of Hawai'i, and improving health outcomes for Native Hawaiians.

## Notes

- 1 | Office of Health Policy, (2022), *How increased funding can advance the mission of the Indian Health Service to improve health outcomes for American Indians and Alaska Natives* (Report HP-2022-21), U.S. Department of Health and Human Services Assistant Secretary for Planning and Evaluation, <https://aspe.hhs.gov/sites/default/files/documents/1b5d32824c31e113a2df43170c45ac15/aspe-ihs-funding-disparities-report.pdf>.
- 2 | Tribal Budget Formulation Workgroup, (2020), *Reclaiming Tribal health: A national budget plan to rise above failed policies and fulfill trust obligations to Tribal nations, the National Tribal Budget Formulation Workgroup's recommendations on the Indian Health Service fiscal year 2022 budget*, [https://www.nihb.org/docs/05042020/FINAL\\_FY22%20IHS%20Budget%20Book.pdf](https://www.nihb.org/docs/05042020/FINAL_FY22%20IHS%20Budget%20Book.pdf).
- 3 | S. R. Carroll, S. Cornell, & M. Jorgensen, (2021), Can a self-determination strategy improve Indigenous health care? Evidence from the United States, in D. Smith, A. Wighton, S. Cornell, & A. V. Delaney (eds.), *Developing governance and governing development: International case studies of Indigenous futures* (pp. 201-222), Rowman Littlefield.
- 4 | S. R. Carroll et al., (2021), 212.
- 5 | R. Tso, (2023, May 10), *Indian Health Service testimony* [Testimony], Hearing on A Review of the President's Fiscal Year 2024 Request for Indian Country before the U.S. Senate Committee on Appropriations Subcommittee on Interior, Environment, and Related Agencies, 118<sup>th</sup> Cong., <https://www.appropriations.senate.gov/download/230510-tso-testimony>.
- 6 | Government Accountability Office, (2022), *Indian Health Service: Information on third party collections and processes to procure supplies and services* (GAO-22-104742), <https://www.gao.gov/products/gao-22-104742>.
- 7 | Tribal Budget Formulation Workgroup, (2020).
- 8 | These rules are enshrined in 25 U.S.C. §1641(c) and (d); also see E. J. Heisler, (2014), *Indian health care: Impact of the Affordable Care Act (ACA)*, Congressional Research Service, <https://crsreports.congress.gov/product/pdf/R/R41152>.
- 9 | Government Accountability Office, (2022), *Indian Health Service: Information on third party collections and processes to procure supplies and services* (GAO-22-104742), <https://www.gao.gov/products/gao-22-104742>.



## **Recommendation 25: Create and expand mechanisms that allow Native entities to integrate and/or consolidate funding streams to support more multidisciplinary programs for Native children and youth**

Congress and executive branch agencies responsible for addressing the needs of Native children and youth shall develop a strategy that a) supports the creation of locally driven, cross-systems, integrated responses to the needs of Native children and youth, and b) funds such approaches with flexible, noncompetitive, and sustained funding streams that are directly accessible by Native communities. The strategy shall allow the creation of programs that are Native-community driven; engage local stakeholders and rightsholders; allow integration of local Native communities' unique cultures and healing traditions; serve both Native children and their families; and comprehensively address prevention, intervention, and treatment needs. Further, to support this strategy:

- Congress shall increase the total funding dedicated to creating, assessing, and bringing to scale and maintaining former and new solution- and prevention-focused pilot, demonstration, and permanent projects, including projects that create opportunities for Tribes and local entities to consolidate all funding streams dedicated to children and youth (for example, child welfare/IV-E, truancy, public health, child wellbeing, early childhood, Head Start, education, and juvenile justice funding) and thereby create new and innovative community-specific approaches to family and community wellbeing regardless of the source of Federal funding.
- Congress and all executive branch departments and agencies shall expand P.L. 102-477 and P.L. 93-638 contracting and compacting to include all programs that serve Native children and youth and eliminate barriers to combining funds across agencies and Federal departments to better support holistic approaches to Native child and youth wellbeing through consolidated funding, braided services, and maximum flexibility.
- All executive branch agencies shall mandate the creation of multidisciplinary, interagency, cross-departmental, and cross-agency teams to address issues such as (but not limited to) child welfare, mental and behavioral health, cultural awareness, and traditional medicine to facilitate greater consolidated funding, braided services, and maximum flexibility, and these teams shall include representatives of Tribal Advisory Committees.

### **Analysis**

The siloed nature of Federal funding is a significant impediment to the development of high quality and effective programs capable of improving outcomes for Native children and youth. At the community level, services are best delivered in holistic and comprehensive ways that take into consideration the whole child or youth and their family.<sup>1</sup> Part of what makes this best is that it is more culturally resonant. Native communities are not all the same; individual communities need to be able to arrive at solutions that work well for them. As numerous witnesses before the Commission said in one way or another, “the greatest success for Native communities is when they design and deliver their programs themselves.”

De-siloing and community adaptation are easier where Federal rules support integration and cross-program collaboration. P.L. 102-477 Plans, Self-Determination contracts, and Self-Governance compacts under the Indian Self-Determination and Educational Assistance Act (P.L. 93-638, as amended) are three methods that allow Tribes and Tribal organizations greater flexibility. P.L. 477 allows a Tribe or Tribal organization to combine certain Federal funding streams made available for employment, training, and related services programs into one holistic employment and training P.L. 477 Plan that is designed and carried out by the Tribe. The plan supports a consolidated strategy, budget, and report. Tribes and Tribal organizations using P.L. 477 have successfully eliminated silos to maximize their Federal funds, realize greater programmatic self-determination, and drive client success.<sup>2</sup>

Similarly, Self-Governance compacting allows Tribes and Tribal organizations to reallocate scarce funds to meet the most crucial needs of their people.<sup>3</sup> Effective use of P.L. 93-638 Self-Determination contracting can generate similar results.<sup>4</sup> In fact, these arrangements align with a large body of research pointing to greater Tribal economic, social, environmental success and greater community wellbeing when Native nations are put in the decisionmaking and financial “driver’s seat.”<sup>5</sup>

Four changes will support such impacts. First, Native programs are funded at fractions of their demonstrated

need; addressing this inequity must be part of any plan to improve the wellbeing of Native children and youth. Across-the-board increases to meet actual need must be implemented. Streamlined grant processes and noncompetitive, stable formula funding also are foundational to this purpose.

Second, and equally imperative, is the ability of Native communities to consolidate and braid funding to best address local needs and respond to the intersections among education, health, child welfare, and justice systems. Native children, youth, and families, after all, do not live or operate in one silo or another; they live in them all. The Commission noted that Native communities could thus “think outside the box” to coordinate needed infrastructure with programs. For example, while the Bureau of Indian Affairs distributes some funding for roads to Native communities, the bulk of Federal infrastructure dollars are under the jurisdiction of the Department of Transportation. The ability to combine Department of Transportation funding with education program and infrastructure dollars would allow Native communities to address transportation issues that inhibit school attendance in remote areas, including Alaska Native villages and rural areas of the lower 48 states.

Third, proven successful models such as P.L. 102-477, Self-Governance compacts, and P.L. 93-638 Self-Determination contracts must be expanded to include all relevant sources of funding that can improve outcomes for Native children and youth, thus allowing Tribes and Tribal organizations to consolidate funds across programs and agencies—ideally through one plan, one budget, and one report. This will facilitate the creation of innovative, community-specific approaches regardless of funding source. The approach has a two-fold advantage: 1) it supports cross-training of staff, enables more efficient delivery of services, and eliminates duplication; and 2) it streamlines administration, making greater resources available for service delivery. P.L. 102-477 has been expanded to include 12 Federal departments, but there has been resistance across the Federal government to working through this highly successful administrative tool; for example, child welfare funding via Social Security Act Title IV-B and IV-E directly relates to the goals of P.L. 477 but IV-B has only recently been approved for inclusion in P.L. 477 plans. Similarly, Tribes and Tribal organizations have been attempting to include new programs in their Self-Governance compacts, but to no avail. HHS has previously issued an opinion that legislative change is required for new programs

to be added. The Commission strongly recommends that barriers to these long-term and successful consolidation mechanisms be removed, whether via regulation or legislation.

Finally, in order to create a more receptive environment for cross-systems fertilization and maximization, the Commission recommends the creation of interdepartmental, interdisciplinary teams to address issues before the Commission such as child welfare, mental and behavioral health, trauma and resilience, education, and traditional medicine with a similar goal: support consolidated funding, braided services, and maximum flexibility. Some Federal departments and agencies have implemented Tribal Advisory Committees at the agency/operating unit or even departmental level to advise the Federal government on issues related to Tribes and Tribal organizations. The proposed interagency teams must include representatives of these Advisory Committees in order to ensure a Tribal voice in solutions as they are developed. A key component of implementation would then be to ensure that the agencies involved respond to those suggestions, incorporate them into action, or explain why they have not done so.<sup>6</sup>

## Notes

- 1 | L. Akers, J. Tippins, S. Hauan, & M. Lynch-Smith, (2023), *Advancing primary prevention in human services: Convening findings*, Department of Health and Human Services Assistant Secretary for Planning and Evaluation, <https://aspe.hhs.gov/sites/default/files/documents/8228e700f6e369df9382ac8e0d3976c1/primary-prevention-convening-brief.pdf>; Building Changes, (2012), *Silos to systems: Solutions for vulnerable families summary report*, <https://www.csh.org/wp-content/uploads/2012/02/Silos-to-Systems-Summary-Report.pdf>.
- 2 | M. Zientek, (2014, April 2), *Statement of Margaret Zientek, Co-Chair P.L. 102-477 Tribal Workgroup* [Written Testimony], Hearing before the U.S. Senate Committee on Indian Affairs, 113<sup>th</sup> Cong., <https://www.tribalself.gov/wp-content/uploads/2015/04/L7-477-Program-Jan-2015-Final.pdf>; M. Zientek, (2019, November 6), *Testimony of Margaret Zientek* [Written Testimony], Hearing on Examining the 477 Program: Reducing Red Tape While Promoting Employment and Training Opportunities in Indian Country, U.S. Senate Committee on Indian Affairs, 116<sup>th</sup> Cong., [https://www.indian.senate.gov/wp-content/uploads/CPN-MZientek-Written%20Testimony%20SCIA%2011.6.19\\_0.pdf](https://www.indian.senate.gov/wp-content/uploads/CPN-MZientek-Written%20Testimony%20SCIA%2011.6.19_0.pdf).
- 3 | L. Roberts, (2012, September 20), *Prepared statement of Lawrence Roberts, Deputy Assistant Secretary, Indian Affairs, U.S. Department of the Interior* [Written Testimony], Hearing on Advancing the Federal-Tribal Relationships through Self-Governance and Self-Determination before the U.S. Senate Committee on Indian Affairs, 112<sup>th</sup> Cong., <https://www.indian.senate.gov/wp-content/uploads/upload/files/CHRG-112shrg78812.pdf>.
- 4 | M. J. Murray, (2021), *Indian Self-Determination and Education Assistance Act (ISDEAA) and the Bureau of Indian Affairs*, Congressional Research Service, <https://crsreports.congress.gov/product/pdf/IF/IF11877/2#:~:text=programs%20and%20to%20reallocate%20funds,substantial%20changes%20to%20a%20contract>.

- 5 | S. Cornell & J. P. Kalt, (2007), Two approaches to the development of Native nations: One works, the other doesn't, in M. Jorgensen (ed.), *Rebuilding Native nations: Strategies for governance and development* (pp. 3-33), University of Arizona, <https://nni.arizona.edu/publications/two-approaches-economic-development-american-indian-reservations-one-works-other-doesnt>; S. Cornell & J. P. Kalt, (2010), *American Indian self-determination: The political economy of a policy that works* [Working paper], Harvard Kennedy School, [https://dash.harvard.edu/bitstream/handle/1/4553307/RWP10-043\\_Cornell\\_Kalt.pdf](https://dash.harvard.edu/bitstream/handle/1/4553307/RWP10-043_Cornell_Kalt.pdf); M. Dixon, B. L. Shelton, Y. Roubideaux, D. Mather, & C. M. Smith, (1998), *Tribal perspectives on Indian self-determination and self-governance in health care management*, National Indian Health Board, <https://digitalrepository.unm.edu/nhd/117/>; M. Haider & M. P. Teodoro, (2020), Environmental federalism in Indian Country: Sovereignty, primacy, and environmental protection, *Policy Studies Journal*, 49(3), 887-908, <https://doi.org/10.1111/psj.12395>; J. P. Kalt, (2022, December 15), *American Indian self-governance: The only policy that has ever worked* [Testimony], Virtual Topic-Specific Hearing on the Cross-Cutting Role of the Federal Government, Alyce Spotted Bear and Walter Soboleff Commission on Native Children; J. P. Kalt, A. Besaw Medford, & J. B. Taylor, (2022), *Economic and social impacts of restrictions on the applicability of Federal Indian policies to the Wabanaki nations in Maine* [Policy report], Harvard Project on Indigenous Governance and Development, <https://bit.ly/3usOGkQ>; M. B. Krepps & R. E. Caves, (1994), Bureaucrats and Indians: Principal-agent relations and efficient management of Tribal forest resources, *Journal of Economic Behavior and Organization*, 24(2), 133-151, [https://doi.org/10.1016/0167-2681\(94\)90022-1](https://doi.org/10.1016/0167-2681(94)90022-1).
- 6 | This recommendation reflects similar goals to the direction expressed recently in Executive Order 14112 of December 6, 2023, Reforming Federal Funding and Support for Tribal Nations to Better Embrace Our Trust Responsibilities and Promote the Next Era of Tribal Self-Determination. Relevant sections of EO 14112 include provisions that direct the Federal departments to ensure maximum flexibility to address the specific needs of Native communities, to coordinate Federal policy reforms that would promote accessible, equitable and flexible administration of funding, to remedy of chronic shortfalls in funding, to reduce administrative burdens, and to promote Tribal and Tribal organization managements and control of programs and funding; see Executive Office of the President, (2023, December 6), Reforming Federal funding and support for Tribal nations to better embrace our trust responsibilities and promote the next era of Tribal Self-determination, *Federal Register*, 88, 86021-86025, <https://www.federalregister.gov/documents/2023/12/11/2023-27318/reforming-federal-funding-and-support-for-tribal-nations-to-better-embrace-our-trust> Section 1, paragraph 6, Section 3, Section 4, Section 5.



## Recommendation 26: Create more Tribal set-asides, to be distributed as noncompetitive formula funds

**Wherever states and localities receive Federal formula funding for a social service, juvenile justice, education or health program, or any other program that could serve Native children and youth, and Tribes and Tribal organizations do not, Congress shall create a Tribal set-aside that is commensurate with need, and the set-aside percentage shall be established as a floor not a ceiling. Congress also shall ensure that urban Indian organizations and Native Hawaiian organizations also have access to set-aside formula funds for Native people.**

### Analysis

Budget set-asides make a specific amount or percentage of a funding stream available for an identified purpose; a Tribal set-aside reserves a specific amount or percentage of a given budget for Tribes and Tribal Organizations. Formula grants are noncompetitive funding opportunities, where funds are distributed according to predetermined formulas and eligibility requirements rather than through competitive grant applications.

This recommendation calls on the Federal government to streamline funding sources that serve Native children and youth, thereby making more money available to Native communities to address child welfare, juvenile justice, children’s health, education, and other issues. In particular, the recommendation calls for Congress and executive branch agencies to address four systemic elements that lead to underfunding: 1) the lack of set-aside funds for Tribes and Tribal organizations; 2) the lack of “large enough” set-asides for parity in services between Native and non-Native populations; 3) the lack of formulas even when funding is set-aside; and 4) the need to distribute formula funding without a burdensome grant process, especially a competitive grant process. The aim of the recommendation is for Tribes and Tribal organizations to be treated in the same manner as state and local governments, which already have the benefit of annual funds, provided on a formula basis, to support children- and youth-focused prevention, intervention, and response activities.

In recent years, the number of set-asides created by Congress for Tribes and Tribal organizations has grown, but significant gaps remain. For example, the bipartisan Infrastructure Investment and Jobs Act of 2021 (P.L. 117-58), contained

nine Tribal set-asides—and more than 150 other programs for which Tribes and Tribal organizations were eligible that did not contain set-asides. Similarly, in the Department of Education, a small portion of Title VI monies are set-aside for Tribes and Tribal organizations, but few if any other Department of Education programs include set-asides, in spite of their demonstrated ability to improve academic outcomes for Native students.<sup>1</sup>

Even where there are Tribal set-asides, they often are insufficiently funded to address Native communities’ levels of need. Tribal opportunities available through the Child Abuse Prevention and Treatment Act (CAPTA) and the Social Security Block Grant (SSBG) are relevant examples (see Recommendations 1 and 3). In both cases, appropriated funds are so minimal that even with a Tribal set-aside, only small competitive grants are available to Tribes and Tribal organizations. Combined with a heavy reporting burden, the costs of these opportunities to Tribes often outweigh their benefits. Similarly, while Congress created a Tribal Maternal, Infant, and Early Childhood Visiting (MIECHV) program and recently increased the portion of MIECHV funds allocated to the Tribal set-aside, the total value of the funding program remains insufficient to provide a meaningful formula-based distribution to all interested Tribes and Tribal organizations (see Recommendation 8). Like CAPTA and SSBG, it also distributes funds via a competitive grant program, further diminishing its value to Tribes and Tribal organizations.

Even where adequately funded set-asides are available, many Federal programs do not operate using formulas and instead provide support to Tribes only through unpredictable, burdensome, generally competitive grant programs. For example, Tribes have identified the competitive grant system used by DOJ to distribute funding for the non-incarceration aspects of Tribal justice systems, such as Tribal courts and community supervision, as problematic. Year in and year out, Tribes must compete against each other to obtain this funding. Not only does this mean that Tribes cannot count on funding continuing beyond the current grant period, so that successful programs often disappear at the end of a grant cycle, but it widens inequities: “Tribes that have the financial and human resources to employ experienced grant writers end up receiving funding, while the under-resourced Tribes may be left without.”<sup>2</sup>

Some Department of Justice programs *do* utilize formulas and also meet the standard of parity—that is, funds are provided at a level commensurate with need, as they typically are for state and local governments. The Tribal Victim Services Set-Aside, managed by the Office for Victims of Crime (OVC), provides an example. Congress annually authorizes set-aside funds from the Crime Victims Fund for a Tribal Victim Services Set-Aside (TVSSA) program, which provides support to Tribal communities to enhance services for victims of crime, consistent with the requirements of the Victims of Crime Act. OVC’s TVSSA formula grant program supports American Indian and Alaska Native communities for their work with survivors (victims) of crime. In describing these funding levels, Associate Attorney General Vanita Gupta stated, “American Indian and Alaska Native crime victims deserve the same access to services and the same level of support available to survivors in other communities.”<sup>3</sup>

However, DOJ distributes OVC’s TVSSA funds through a grantmaking process, which includes approval of a proposal, budget, and sometimes personnel. The impact of this is threefold: first, the application and approval process often lasts 6-12 months, thus delaying the implementation of services. Second, grant managers can request changes and impose external judgments about what is needed in a given Native community, thus defeating the purpose of formula funds. Third, DOJ has been unable to distribute all of the Tribal set-aside available. In part because of the extra requirements that grant managers impose, projects are determined to be unqualified and unfundable, leaving Native communities unable to benefit from the whole of the TVSSA.

The Child Care Development Fund (CCDF) provides an instructive contrast. Even when significant additional funds were available during the pandemic, HHS was able to distribute funds quickly and efficiently because it did not require an application and approval process. And earlier, when the reauthorization passed in 2014, the Tribal set-aside language changed from “not more than 2%” to “not less than 2%.” Because the proportion of Native children eligible for CCDF monies is larger than the proportion of eligible non-Native children, this language has resulted in the Tribal set-aside increasing year by year, commensurate with need, and with quick and effective distribution via formula. Establishing a legislative floor rather than a ceiling has created the opportunity to respond in real time to real need.

Current variations in the methods of distributing Federal funding do not support the best outcomes for Native children and youth. This recommendation seeks to remedy

that, by ensuring that an appropriate amount of funding is provided, in logistically simple ways, so that Tribes and Tribal organizations can implement programs quickly and responsively and better serve their children and youth. The combination of program set-asides, sized in parity with population needs, and distributed by formula is the Commission’s preferred approach. It should be scaled and utilized in all programs that benefit Native children and youth.<sup>4</sup>

## Notes

- 1] B. M. J. Brayboy & M. J. Maaka, (2015), K-12 achievement for Indigenous students, *Journal of American Indian Education*, 54(1), 63-98, <https://doi.org/10.1353/jaie.2015.a835527>; T. L. McCarty, (2018), So that any child may succeed: Indigenous pathways toward justice and the promise of Brown (12th annual Brown lecture in education research), *Educational Researcher*, 47(5), 271–283, <https://doi.org/10.3102/0013189X18768549>; K. Shendo, (2022, February 25), Redefining education [Testimony], Panel of Education and Early Childhood Development, Southwest/Western Regional Hearing, Alyce Spotted Bear and Walter Soboleff Commission on Native Children.
- 2] National Congress of American Indians, (2020), *Public safety and justice: Fiscal year 2020 Indian Country budget request*, National Congress of American Indians, [https://archive.ncai.org/Justice\\_Issues.pdf](https://archive.ncai.org/Justice_Issues.pdf).
- 3] Office of Public Affairs, (2021, November 15), *Press Release: Justice Department awards nearly \$104 million to help crime victims in Indian Country*, U.S. Department of Justice, <https://www.justice.gov/opa/pr/justice-department-awards-nearly-104-million-help-crime-victims-indian-country>.
- 4] This recommendation also aligns with Section 5(a)(2) of Executive Order 14112 of December 6, 2023, Reforming Federal Funding and Support for Tribal Nations to Better Embrace Our Trust Responsibilities and Promote the Next Era of Tribal Self-Determination, which explicitly calls for the Federal departments to, “identify funding programs that may allow for Tribal set-asides or other similar resource or benefits prioritization measures and, where appropriate, establish Tribal set-asides or prioritization measures that meet the needs of Tribal Nations;” see Executive Office of the President, (2023, December 6), Reforming Federal funding and support for Tribal nations to better embrace our trust responsibilities and promote the next era of Tribal self-determination, *Federal Register*, 88, 86021-86025, <https://www.federalregister.gov/documents/2023/12/11/2023-27318/reforming-federal-funding-and-support-for-tribal-nations-to-better-embrace-our-trust>.



## Recommendation 27: Create incentives to expand and strengthen the workforce serving Native children and youth

Across all domains that have an impact on Native children and youth, including child welfare, juvenile justice, early childhood through higher education, and physical, mental, and behavioral health, Congress shall appropriate funds to increase the quantity and quality of professionals who serve Native children and youth, and the executive branch shall create and implement workforce development programs to fulfill this recommendation, coordinating as needed across departments and agencies.

- Congress shall fund all Federal agencies and programs intended to serve Native children and youth, whether through direct service, contracts, or grants, at a level necessary for offering wages, salaries, and benefits that attract and retain an appropriately sized, high-quality workforce.
- Congress shall fund and Federal agencies, working in collaboration with Tribes, Tribal organizations, and Native Hawaiian entities, shall create, strengthen, and expand workforce development initiatives, programs, pipelines, and partnerships intended to attract, train, and retain qualified professionals in these fields of service in Native communities. With regard to the health care workforce serving Native communities in particular:
  - » The Indian Health Service, Health Resources and Services Administration, and other Federal agencies with a mandate to improve health care staffing in Native communities and for Native organizations shall identify current and past programs that successfully assisted Tribes and Native organizations to partner with Tribal colleges and universities, nontribal colleges and universities, state government bodies, and others to create training pathways (rotations, internships, postdoc programs, professional development, immersion programs and incentive programs, etc.) and to place health care professionals in Native communities.
  - » The Department of Health and Human Services shall improve access to and equity for loan repayment programs for all health care providers serving Native nations, communities, and organizations by identifying the hurdles that limit participation by Tribal health departments, Tribal programs, and Native organizations in loan

forgiveness programs and by designing specific approaches to overcome those hurdles so that all health care providers serving Native communities are eligible for Federal loan forgiveness at the same or greater levels as others, such as Veterans Administration, Public Health Service, Department of Defense, etc.

### Analysis

Whether in education, health care, social services, or juvenile justice, there is a dearth of qualified professionals to provide needed services to Native children and youth on reservations, in rural communities, and in urban settings. Therefore, a fundamental cross-cutting recommendation concerns workforce development issues in all these professional fields. The need is threefold: 1) to increase the overall quantity of providers; 2) to increase the overall quality of providers; and 3) to increase the number of American Indian, Alaska Native, and Native Hawaiian (AI/AN/NH) providers in Native communities.

With regard to the first issue, increasing the overall quantity of qualified providers, equity in salaries and benefits can make a difference. In too many cases, salaries and benefits do not meet local standards, nor do they match rates for similarly situated providers in other Federal agencies, thus limiting applications and contributing to high turnover. In the health context, for example, Indian Health Service (IHS) provider salaries and benefits are not commensurate with other Federally funded health programs, including those at the Veterans Administration and Department of Defense,<sup>1</sup> making IHS facilities hard-pressed to find and retain health providers. While lack of parity is particularly obvious in the public health sector, where salary and leave benefits are easily compared across various agencies, similar inequities also occur in social services, justice, and education.

Although free or subsidized housing may not be a typical benefit for workers in the health care, education, social services, and justice sectors,<sup>2</sup> in the context of rural and reservation-based communities, it is a key benefit for Congress and the executive branch to consider when funding and implementing this recommendation. A nexus of factors—ranging from the trust status of Indian land to the predominance of low-income-only options to the high

costs of construction—has severely limited the availability of housing in many Native communities. Limited purchase and resale opportunities also curtail employees' options to build equity through homeownership. As a result, employers and employees alike have identified the quantity, quality, and affordability of housing as barriers: housing insufficiencies prevent Native nations from filling extant funded fulltime employment positions and from increasing staffing beyond currently funded levels.<sup>3</sup>

In addition to increasing salaries and benefits, the Commission notes that the free tuition and loan forgiveness programs described in Recommendations 15 and 16 also would incentivize qualified AIANNH providers to serve in Native communities. Likewise, expanded use of loan forgiveness could increase the quantity of providers of all backgrounds in careers and professions serving Native children. This is the point of the Commission's focus on expanded loan forgiveness for all health care providers serving Native nations, communities, and organizations, as testimony suggested that the need for an expanded workforce in this area of service was especially acute. Moreover, research suggests that the Commission's recommended approach works: improved access to service-based loan repayment programs leads more physicians to work in understaffed practice areas and underserved communities.<sup>4</sup>

The second issue, increasing the overall quality of providers, requires new investments in workforce development. More, and more robust, training and fellowship programs, continuing education, and professional development are needed to augment skills and attract high-quality candidates to Native youth-serving careers. The Commission recommends that a range of workforce development programs be identified (or created) and replicated (or adapted) across the social services, justice, early childhood development, education, and physical, mental, and behavioral health care domains. Wherever possible, these training programs should be connected in order to further career ladder development within each domain.

Again, the Commission paid particular attention to the need for workforce development in health care. Numerous models are available, some focused on Native providers, others focused on all providers. Critical components include scholarships, stipends for living expenses, tutoring, mentoring, internships and externships, and service commitments in lieu of loan repayment. The Commission's concern is that, while individually successful, these efforts as a whole have lacked concentrated attention, sustained

funding, and coordinated activity, and that without a more concerted and systematic focus on workforce development for health care professionals serving Native communities, the longstanding difficulty of identifying and recruiting needed health care staff will persist.

Clearly, the issues of quantity and quality are linked. In the Native health care sector, for example, a 2020 U.S. Government Accountability Office (GAO) report found that the quality of care at IHS direct services facilities has come into serious question; allegations of sexual abuse were particularly concerning.<sup>5</sup> While harmful and disturbing, and suggestive of an unacceptable institutional culture, the documented issues should not be narrowly conceived. Instead, they reflect the more general problem that there are not enough highly qualified staff funded at equitable levels to other Federal health providers to meet the needs and obligations of the IHS, giving rise to a situation characterized by minimal supervision, high turnover, and increased risk of a wide variety of harms to patients, staff, and other community members.<sup>6</sup>

When these two components—cultivating and retaining talent in Native children- and youth-serving health, education, social services, and justice programs through better salaries and benefits and through workforce development—are focused on AIANNH students and professionals, they increase the number of AIANNH providers, which is the third aspect of the threefold workforce development need. One promising strategy is for Tribal colleges and universities (TCUs), Native American-serving nontribal institutions (NASNTIs), and state colleges and universities to partner with Tribal employers for apprenticeship, internship, and job placements.<sup>7</sup> To illustrate, the University of Oregon has partnered with the state's federally recognized Tribes to form the Sapsik'wafá teacher education program. Addressing the dire need for more Native educators in Native communities, program participants commit to service payback by teaching for two years in schools with high Native student populations. Since 2002, more than 100 alumni from nearly 50 Tribes have taught in Native communities after graduating.<sup>8</sup>

Research also shows that children and youth who see themselves in their teachers, care providers, and other community workers will benefit academically and emotionally, develop higher aspirations, and may eventually add to the supply of such providers themselves.<sup>9</sup> In short, ensuring that education, social services, health care, and justice agencies are sufficiently staffed with high quality Native and non-Native professionals and paraprofessionals will improve outcomes for Native children and youth and for their communities.

## Notes

- 1 | E. Katz, (2021, June 30), *Indian Health Service seeks to reverse longstanding shortfalls with staffing surge*, Government Executive, <https://www.govexec.com/workforce/2021/06/ihs-seeks-reverse-longstanding-shortfalls-staffing-surge/182688/>.
- 2 | This may be changing. In the education sector, free housing for teachers is a growing trend. See, for example, A. Brone, (2023, November 1), *New Haven educators receive move-in ready, rent-free housing in Connecticut*, Connecticut Public Radio, <https://www.ctpublic.org/news/2023-11-01/new-haven-educators-receive-move-in-ready-rent-free-housing>; and M. Will, (2023, November 22), *More districts are building housing for teachers—Here’s what we know*, EducationWeek, <https://www.edweek.org/leadership/more-districts-are-building-housing-for-teachers-heres-what-to-know/2023/11>.
- 3 | For example: 1) In a survey conducted by the National Indian Impacted Schools Association, only 40% of reporting school districts had teacher housing, and of those, more than 70% rated the housing as “poor” or “fair” (as opposed to “good” or “excellent”; National Indian Impacted Schools Association, (2018), *Condition of school facilities in Indian Country: The need for a Federal investment*, <https://niisa.org/wp-content/uploads/2018/11/LINK-Condition-of-School-facilities-in-Indian-Country-Final-Report.pdf>. 2) In a 2019 report submitted to the U.S. Senate Appropriations Committee, Subcommittee on Interior, Environment, and Related Agencies, the American Association of Medical Colleges quotes the then-President of the Navajo Nation, who opined: “In healthcare facilities across Navajo, we have a 30% vacancy rate for professional staff, including medical doctors, nurses, and technicians. The No. 1 reason is that we don’t have this type of building [housing for health care staff] on the Nation. We need more of these”; J. Sherman, (2019, May 22), *AI/AN health partners*, American Association of Medical Colleges, <https://www.aamc.org/media/13876/download?attachment>. 3) The writer of a letter to the editor of *Education Week* notes: “School districts serving students who reside on Indian Trust and Treaty and Alaska Native Claims Settlement Act lands are often remote. Teachers in these districts are frequently unable to build or own a residence on site because of restrictions for nontribal members. They must either live in district-provided housing or commute long distances in all kinds of weather. This has a direct impact on staff recruitment and retention, with many educators leaving these districts for better working conditions.”; L. Writer, (2024, January 30), *Teacher housing is a critical need in Native communities* [Letter to the editor], EducationWeek, <https://www.edweek.org/leadership/opinion-teacher-housing-is-a-critical-need-in-native-communities/2024/01>.
- 4 | C. S. Davis, P. Meyers, A. W. Bazemore, & L. E. Peterson, (2023), Impact of service-based student loan repayment program on the primary care workforce, *Annals of Family Medicine*, 21(4), 327-331, <https://doi.org/10.1370/afm.3002>.
- 5 | U.S. Government Accountability Office, (2020), *Indian Health Service: Actions needed to improve oversight of provider misconduct and substandard performance*, <https://www.gao.gov/assets/gao-21-97.pdf>.
- 6 | K. Degenfelder & J. Broman, (2023, July 27), *Legislative hearing on a discussion draft of H.R. \_ (Rep. Johnson of SD), “Restoring Accountability in the Indian Health Service Act of 2023”* [Memo to House Committee on Natural Resources Republican Members], [https://naturalresources.house.gov/uploadedfiles/hearing\\_memo\\_-\\_sub\\_on\\_ia\\_leg\\_hrg\\_on\\_ihs\\_discussion\\_draft\\_07.27.23.pdf](https://naturalresources.house.gov/uploadedfiles/hearing_memo_-_sub_on_ia_leg_hrg_on_ihs_discussion_draft_07.27.23.pdf).
- 7 | See, for example, C. Crazy Bull, C. Lindquist, R. Burns, L. Vermillion, & L. McDonald, (2020), Tribal colleges and universities: Building nations, revitalizing identity, *Change: The Magazine of Higher Learning*, 52(1), 23-29, <https://doi.org/10.1080/00091383.2020.1693819>.
- 8 | University of Oregon College of Education, (n.d.), *Sapsik’wala teacher education program*, <https://education.uoregon.edu/sapsikwala>.
- 9 | For example, A. J. Egalite & B. Kisida, (2017), The effects of teacher match on students’ academic perceptions and attitudes, *Educational Evaluation and Policy Analysis*, 40(1), 59-81, <https://doi.org/10.3102/0162373717714056>.



## Recommendation 28: Incentivize positive progress against indicators of social distress in Native communities

**Federal grant and/or funding programs shall be designed to incentivize positive progress and prevention, so that Tribes and other Native communities making gains against recidivism in juvenile justice or disproportionality in child welfare, or against other indicators of social distress such as anti-suicide initiatives are not penalized with less frequent grant awards and/or reduced funding due to the very success those funds are designed to achieve.**

### Analysis

Federal agencies often require justifications in grant applications based on deficit or need. Such criteria are justified as they promote an allocation of funds to the settings where need is the greatest. Nonetheless, they ignore the fact that if a program is successful in addressing a critical need, it can no longer meet the criteria for a funding award. The problem is made even worse if funding is allocated on a competitive basis where the incentives can produce a “race to the bottom” as programs compete to show the greatest deficit or need. This penalizes effective programs, setting up a cycle of success and failure that is bad for on-the-ground service providers, their clients, and the public purse.

The implicit (and sometimes explicit) assumption with these funding structures appears to be that a successful program can gain support from non-Federal sources or can otherwise generate revenues for program maintenance.<sup>1</sup> Yet Tribal governments, Tribal organizations, and Native community entities do not have the same opportunities as states and municipalities to raise general revenues to finance the public sector; this is especially true with regard to taxation.<sup>2</sup> Neither can they rely, as do many non-Indigenous nonprofit social services entities, on community giving programs or other kinds of philanthropic support; nor are all programs in a position to operate as a nonprofit business that is able to sell or seek reimbursement for services. In short, there often is no alternative source of support for an effective Native program when a Federal funding stream expires or program success makes it ineligible for continued funding.

On the other hand, incentivizing positive progress—or adding a strengths-based approach to program funding—has demonstrated benefits. For example, studies of aid programs in the developing world show that performance incentives

can accelerate improvements in health.<sup>3</sup> Such findings suggest that while Federal funding should respond to the acute needs of Native children and communities, funding requirements should be flexible enough to respond to and support success in addressing seemingly intractable issues.

The U.S. Department of Education’s Alaska Native Education Program (ANEP) offers an example of this deficit-led approach to grantee support. Funding guidance for this program provides the following parameters (bolding added):

In determining the need for the proposed project, the Secretary considers the extent to which **specific gaps or weaknesses** in services, infrastructure, or opportunities have been identified and will be addressed by the proposed project, including the **nature and magnitude of those gaps or weaknesses**.<sup>4</sup>

ANEP’s program goals include closing the achievement gap and dropout prevention, culture and language curriculum development, early childhood development and comprehensive family services, parent engagement activities, research and data, supplemental education activities, and other specific efforts to improve academic outcomes for Alaska Native students. However, as is evident from the above language, only if there are gaps or weaknesses will a program designed to address any of these issues succeed in the competition. This means that if a previously funded grantee from the same source has succeeded in improving graduation rates, increasing kindergarten readiness, or making progress on any number of other metrics, it will not be funded to continue the very activities that have produced success, endangering its accomplishment. Only by showing deficits (“specific gaps or weaknesses”) will the Department fund an applicant.

Another version of this issue occurs when agencies sponsor pilot programs but do not plan for sustainability funding. If a pilot program shows efficacy, there are no follow-on operational funds to keep grantees’ work going. The HHS program “Fathers’ Journey,” which created cohorts of fathers (and then parents, including mothers) whose children were engaged in the child welfare system, is one example of this

problem. Fathers’ Journey resulted in increased father-child contact and improved behavioral interactions—but was discontinued for lack of funds. A second example is the Health Professions Opportunity Grant Program, which provided tuition and stipends to low-income students pursuing high-demand health care training; the program also provided for career ladders from certified nurse assistant through to registered nurse. Although reauthorizing legislation was filed in subsequent years, the authorization for this highly successful program lapsed, and it has not since been funded.

The recommendation addresses the inherent irony of Federal grant processes that ultimately penalize the success they intended to inspire. While Federal funding should respond to the acute needs of Native children and Native communities, and public funding should not be repetitively allocated to initiatives that do not work, protocols and budgets should be flexible enough to respond to and incentivize success. This recommendation argues for across-the-board attention to funding language, for changes to be made to application requirements that focus only on deficits, and implicitly, for more consideration of the community harms that can be wrought by the repeated cessation of programs that work. In the Tribal context, Federal grantmaking agencies need to bear in mind Tribal governments’ legally limited public finance capacities and need to fund Tribal projects accordingly.<sup>5</sup>

## Notes

- 1 | See, for example, J. A. Roth & J. F. Ryan, (2000), *The COPS Program after 4 years—National evaluation* [Research in brief], U.S. Department of Justice National Institute of Justice, <https://www.ojp.gov/pdffiles1/nij/183644.pdf>: “Normally, grantees were required to match the grants with at least 25% of program costs, to submit acceptable strategies for implementing community policing in their jurisdictions, and to retain the COPS-funded officer positions *using local funds* after the 3-year grants expired” (p. 1), italics added.
- 2 | K. S. Croman & J. B. Taylor, (2016), *Why beggar thy Indian neighbor?: The case for Tribal primacy in taxation in Indian Country* (JOPNA 2016-01), Harvard Project on American Indian Economic Development & The Native Nations Institute, <https://nnigovernance.arizona.edu/why-beggar-thy-indian-neighbor-case-tribal-primacy-taxation-indian-country>; M. Gregg, (2021), *Separate but unequal: How Tribes, unlike states, face major hurdles to access the most basic public finance tools*, Brookings Institution, <https://www.brookings.edu/articles/separate-but-unequal-how-tribes-unlike-states-face-major-hurdles-to-access-the-most-basic-public-finance-tools/>; M. Srikrishnan, S. S. Duty, & J. Estus, (2022), *Tribes need tax revenue: States keep taking it*, The Center for Public Integrity, <https://publicintegrity.org/podcasts/integrity-out-loud/tribes-need-tax-revenue-states-keep-taking-it/>.
- 3 | Abdul Latif Jameel Poverty Action Lab, (2018), *J-PAL evidence to policy case study: Incentivized community grants for aid effectiveness*, <https://www.povertyactionlab.org/case-study/incentivized-community-grants-aid-effectiveness>.
- 4 | U.S. Department of Education Office of Elementary and Secondary Education, (2023, November 15), Applications for new awards: Alaska Native Education program, *Federal Register*, 88, 78341-78346, <https://www.federalregister.gov/documents/2023/11/15/2023-25125/applications-for-new-awards-alaska-native-education-program>.
- 5 | The Commission notes that this recommendation falls within the spirit of Executive Order 14112 of December 6, 2023, Reforming Federal Funding and Support for Tribal Nations to Better Embrace Our Trust Responsibilities and Promote the Next Era of Tribal Self-Determination, which directs Federal agencies to “increase the accessibility, equity, flexibility, and utility of Federal funding and support programs for Tribal Nations;” see Executive Office of the President, (2023, December 6), Reforming Federal funding and support for Tribal nations to better embrace our trust responsibilities and promote the next era of Tribal self-determination, *Federal Register*, 88, 86021-86025, <https://www.federalregister.gov/documents/2023/12/11/2023-27318/reforming-federal-funding-and-support-for-tribal-nations-to-better-embrace-our-trust>.

## Recommendation 29: Create a Federal Office of American Indian, Alaska Native, and Native Hawaiian Data, Evaluation, and Research

Congress shall create an Office of American Indian, Alaska Native, and Native Hawaiian Data, Evaluation, and Research (Office) that shall be the information hub for all data collected and research funded by the U.S. government that is relevant to American Indian, Alaska Native, and Native Hawaiian people and communities and provide funding appropriate to this mission. Within the framework of Indigenous data sovereignty, and with regard to any data collected from Tribes and Tribal organizations or on Native people by the Federal government (and any other outside stakeholders collaborating on Federally funded projects), the Office will:

- Work across executive branch agencies to build Tribal research and evaluation capacity, especially through training and technical assistance (TTA) funding decisions, to help ensure that Native community members are able to collect their own data on early childhood development, education, health, justice, food, poverty, family economic health, physical infrastructure, and other relevant community concerns
- Ensure that numeric and anecdotal data collected by the Federal government are appropriately recorded, compiled, made available to, and owned by relevant Native communities, Tribes, and Tribal organizations
- Promote the collection and measurement of data that are useful to Tribes, Tribal organizations, and Native Hawaiians
- Create standard definitions and compatible systems platforms to allow for greater linkage of datasets across Federal agencies
- Support opportunities to link national data that address early childhood development, education, health, justice, food, poverty/economic health, physical infrastructure, and other concerns that affect Native communities
- Assess the appropriateness of existing data categories for comparative purposes
- Promote the inclusion of Native children and youth, families, and adults in longitudinal studies
- Report regularly on the quality of data and measures used by Federal, state, and Tribal programs, such as noting sample sizes and frequency of sampling, and provide advice about how to improve data quality
- Expand the definition of “evidence-based practice” to include practice-based evidence that acknowledges culturally based and community-based solutions
- Ensure that assessments and evaluations of programs that primarily serve Native clients incorporate Indigenous perspectives and Indigenous methodologies
- Provide information about evaluation and assessment methods that have proven useful in measuring outcomes in Native communities
- Disseminate evaluation and assessment results concerning programs and policies that have proven useful for strengthening Native communities, with the intent of identifying “what works” to funding agencies
- Fund analyses, generate summary reports, and disseminate findings on key topics that affect the wellbeing of American Indian, Alaska Native and Native Hawaiian (AIANNH) children and youth, including diabetes and other health risk factors, juvenile justice issues, child protection, behavioral health strategies, etc.
- Work to ensure that the efforts of the Office apply not only to future data collection but to data that already has been collected by agencies and departments of the U.S. government.

### Analysis

Much data gathering, evaluation, and research about American Indians, Alaska Natives, and Native Hawaiians takes place across the Federal government infrastructure. Some of this information is collected specifically for and about Tribes and Native peoples; other data are collected as part of general population research and evaluation efforts. Additional information is gathered by Tribes or Tribal organizations themselves and reported to Federal agencies.

Native communities and scholars have voiced a number of concerns regarding these data collection, evaluation, and research efforts:<sup>1</sup>

- Data are collected but not shared back to Indigenous communities
- Data are collected but not reported because of statistical concerns about sample size

- Data efforts do not reflect Native communities' own data needs or preferences about what should be collected
- Data efforts do not reflect Native communities' preferences regarding methods used to collect and analyze information
- Data collected by one agency or organization are not linked to information collected by others, limiting their usefulness to both Tribal and Federal policymakers.

This recommendation establishes a centralized Office of American Indian, Alaska Native, and Native Hawaiian Data, Evaluation, and Research to address these concerns. The primary role of the Office will be to coordinate data, evaluation, and research efforts and share relevant information with Federal, state, and Tribal governments, Tribal organizations, and other Native entities. It also will be responsible for overseeing the incorporation of corrective actions across the Federal data collection, evaluation, and research infrastructure to support right relations with Native people; these actions include acknowledging Indigenous data sovereignty, increasing Indigenous data gathering and analysis capacities, ensuring appropriate methods of research in Native communities, and addressing sample-size issues. More detail on these needs and responses is provided below.

#### ***Coordinating data efforts and sharing results***

Although it is ideal for Tribes to collect their own data, it is still more common for various Federal agencies to collect information about Native people. Given this, there is a need for a means of consolidating data across agencies and departments to improve data accuracy, better inform both Tribal and Federal decisionmaking, and more appropriately distribute Federal funding. Consolidation also would reduce unnecessary duplication. Tribes and Tribal organizations submit huge amounts of administrative data to the Federal government for the various programs that they implement, often repeating the same information to multiple departments, agencies, or operating units. Not only would consolidation save Tribes and Tribal organizations time, energy, and scarce human resources, but it is likely to facilitate better coordination among Federal agencies, increasing program impacts. In adherence with the data sovereignty components of this recommendation, coordination also would improve and uphold processes for returning data and information from sponsored research, contracted evaluations, Federal data collection efforts,

longitudinal studies, etc., to the communities to whom they belong.

Consolidation would necessitate some standardization of definitions and metrics and standardization of platforms so as to link administrative data sets. (Even within the same Federal department, such as HHS or DOJ, data are not always aligned or linked when substantively connected.) It also would require assessment of the appropriateness of current data categories. For example, metrics more in line with Native ways of knowing (tied to the water, land, animals, etc.) or health indicators that reflect spiritual as well as physical factors and reflect Native community values might be implemented instead of the Government Performance and Results Act data. The payoffs to Tribes, Tribal organizations, and the Federal government are likely substantial.<sup>2</sup>

The Office also would be responsible for sharing information, results, and findings from data collection, data analysis, and research efforts that involve Native communities. For example, the Office would be responsible for consistently providing information to Tribes, Tribal organizations, other Native entities, and Federal agencies about findings from evaluations and assessments of policies and programs that strengthen outcomes for Native people, Native communities, and Native organizations. It would curate Federally funded analyses, research, and reports on key topics that affect Native constituencies. And, it would apprise Native communities and researchers of upcoming data collection, evaluation, and research efforts. The Office could also serve as an accountability mechanism for follow-up to the Commission's report.

#### ***Acknowledging Indigenous data sovereignty***

Indigenous data sovereignty is the right of Indigenous peoples to govern—to the greatest extent possible—the collection, ownership, and application of data about Indigenous communities, peoples, lands, and resources.<sup>3</sup> Tribes, Tribal organizations, and Native communities across the United States have long lacked substantive control over the collection, analysis, and use of data that directly affects their lives. Indigenous data sovereignty reverses the long-established pattern. Instead of serving primarily as subjects or objects of research, Indigenous peoples become agents of their own study and ensure that data collection and research incorporate Indigenous goals or needs, perspectives, and methods. Indigenous data sovereignty also requires that numeric and qualitative data about Native communities be made available for those communities' ownership.



Integral to Indigenous data sovereignty are the “CARE” principles for Indigenous data governance. These focus attention on Collective benefit (data ecosystems should allow Indigenous Peoples to derive benefits from the data), Authority (Indigenous Peoples have a right to determine how they are represented and identified within data), Responsibility (Indigenous data should be used to support Indigenous goals), and Ethics (the primary concern in data use should be Indigenous Peoples’ rights and wellbeing).<sup>4</sup>

### ***Increasing Indigenous data capacity***

To become a reality, Indigenous data sovereignty must be accompanied by Indigenous data capacity, which in turn will require greater investment by the Federal government at the community level so that Native communities are able to collect their own data on early childhood development, education, health, justice, food, poverty, family economic health, physical infrastructure, and other relevant community concerns. This will have the added benefit of increasing the quality, quantity, and validity of the information gathered.

The U.S. Census Bureau has long pursued a version of this strategy for the Decennial Census: it trains trusted community intermediaries to collect door-to-door census data. An even more fulsome Federal commitment to capacity building in Native communities—one that ramped up Native communities’ capacities not only to collect data but also to determine data elements, design questions, develop sampling methods, and direct outreach—would create capacity that enables Tribes and Tribal organizations to lead research and data collection processes. These kinds of capacity investments could build on the fact that researchers in Indigenous communities have developed scalable and comprehensive protocols for ensuring Tribal support for research and data collection.<sup>5</sup>

Enhanced Tribal data capacities also increase Tribes’ and Tribal organizations’ ability to make informed and effective policy decisions and support their own goals. For example, the Ysleta del Sur Pueblo and Cheyenne River Sioux Tribe used their own survey methods to collect community socioeconomic data for funding applications. The result was more accurate data and increased funding opportunities.<sup>6</sup>

### ***Ensuring appropriate methods of research***

Commission hearings and discussion emphasized the importance of incorporating Indigenous knowledges and practices into research and data methodologies, a conclusion

supported by scholarly research.<sup>7</sup> Such incorporation can improve the accuracy of both data and analysis in scientific studies, evaluations, and assessments and enhance their utility to Tribes and Tribal organizations. Methods developed in and for non-Indigenous contexts often are used in Indigenous communities without sufficient attention to contextual or cultural differences, discouraging participation and candor, misdirecting the focus of the investigation, or in other ways risking unreliable conclusions, especially in pursuit of model fidelity or evidence-based practice.<sup>8</sup>

Along similar lines, witness testimony before the Commission reiterated the long-standing call (by AIAN social and natural scientists, Tribal leaders, and managers of social services programs in Native communities, among others) for Federal funding agencies to replace their sole focus on evidence-based practices with consideration of practice-based evidence. Efforts to introduce practices based on evidence from non-Indigenous communities into Indigenous communities often ignores local traditional knowledges and experiences. By contrast, introducing approaches borne of practice-based evidence can ground prevention, intervention, and care in community-based values, needs, and lifeways while also supporting desired outcomes—and thus should be considered as valid as evidence-based practice and equally eligible for Federal funding when such standards are required.

The Family First Prevention and Services Act (FFPSA) offers an example of the problems that persist in the absence of a broader commitment to practice-based evidence. FFPSA implementation regulation features a list of practices, which it ranks (in declining order) as “well-supported,” “supported,” “promising,” and “not supported” based on its criteria. Only one Native-specific practice is identified as a “promising practice,” which makes it eligible for reimbursement under Social Security Act Title IV-E; five other Native practices are listed as “not supported” and are therefore ineligible for Federal funding, despite evidence that, in Native communities at least, these practices are effective.<sup>9</sup> While Congress and HHS have responded to the apparent bias in this list by allowing “direct IV-E” Tribes to use alternative approaches in their FFPSA-supported work, Tribes and Tribal organizations have argued that the regulations remain too restrictive and that HHS should act to support wider use of practice-based evidence in FFPSA implementation.<sup>10</sup>

Nonetheless, any response to the call for increased use of practice-based evidence that relies on such an incremental approach misses a more fundamental point. AIANNH

communities' underlying concern with evidence-based practice is epistemological: the concept emerges from an understanding of the world that is completely at odds with how many Indigenous people know it. As Professor Joseph Gone elaborates:

The contrast of evidence-based practice and the Lakota *heyoka* tradition hinges on the fact that ESTs [empirically supported treatments] are designed to express nomothetic knowledge—i.e., forms of understanding that are general across cases and applicable to individuals only in probabilistic terms—while Lakota ritual healing practices convey idiographic knowledge—i.e., forms of understanding that are distinctive to a given case and applicable only to a unique individual-in support of patient benefit. Thus, an EST such as Cognitive-Behavioral Treatment might be recommended for any patient who meets the diagnostic criteria for Major Depressive Disorder, whereas a prescription to catch, address, and release a fish might never have been (and may well never be again) recommended to any other patient besides the young man whose psychologist consulted Joseph Eagle Elk on his behalf. With specific regard to this Lakota doctoring case, then, the question arises: Could there even be an evidence-based form of this traditional Lakota healing practice?<sup>11</sup>

To move toward practice-based evidence isn't to "accommodate" a different set of "promising but not yet empirically validated ideas." It is to conduct research in a completely different way—still empirically, but embedded in relationships and place, not abstracted from them.

### **Addressing issues of sample size**

An additional concern lies in how Native people are counted, and how they are discounted. When the sample size is too small, AIAN becomes an asterisk,<sup>12</sup> and Native Hawaiians sometimes are combined with Other Pacific Islanders and/or Asians even though they differ in culture, language, political status, and relationship to the Hawaiian Islands.<sup>13</sup> In either case, important disaggregated information becomes unavailable, and American Indian, Alaska Native, and Native Hawaiian populations are effectively erased. Greater attention to the inclusion of these populations in longitudinal studies also is needed; the data can provide important opportunities for understanding transformative community change. Adequate representation can be addressed with community engagement and through techniques such as oversampling,

but many researchers may not know why or how to make these efforts.

Overall, the dismissal of American Indian, Alaska Native, and Native Hawaiian data (and of individual Tribes' information) as too limited to list or study results in a situation where there is far too little information available that accurately describes the populations. Such information is critical not only to implementation of the Commission's report but to increasing the health and wellbeing of Native communities more generally.

The centralized Office, outlined above, dedicated to data, evaluation, and research issues involving American Indian, Alaska Native, and Native Hawaiian populations, is intended by the Commission to provide the necessary coordination to address these various considerations for improving the Federal government's data infrastructure to respect and benefit Indigenous people.

### **Notes**

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- 3 | S. C. Rainie, T. Kukutai, M. Walter, O. L. Figueroa-Rodríguez, J. Walker, & P. Axelsson, (2019), Indigenous data sovereignty, in T. Davies, S. B. Walker, M. Rubinstein, & F. Perini (eds.), *The state of open data: Histories and horizons*, African Minds & the International Development Research Centre, [www.stateofopendata.od4d.net](http://www.stateofopendata.od4d.net).
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- 6 | S. C. Rainie, J. L. Schultz, E. Briggs, P. Riggs, & N. L. Palmanteer-Holder, (2017), Data as a strategic resource: Self-determination, governance, and the data challenge for Indigenous nations in the United States, *International Indigenous Policy Journal*, 8(2), Article 1, <https://doi.org/10.18584/iipi.2017.8.2.1>.
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- 8 | In general, see L. T. Smith, (2021), *Decolonizing methodologies: Research and Indigenous Peoples* (3<sup>rd</sup> edition), Bloomsbury. For more specific applied discussions see, for example: K. L. Braun, C. V. Browne, L. S. Ka'opua, B. J. Kim, & N. Mokuau, (2014), Research on Indigenous elders: From positivistic to decolonizing methodologies, *The Gerontologist*, 54(1), 117-126, <https://doi.org/10.1093/geront/gnt067>; and, J. Luke, E. Verbunt, A. Zhang, M. Bamblett, G. Johnson, C. Salamone, D. Thomas, S. Eades, L. Gubhaju, M. Kelaher, & A. Jones, (2022), Questioning the ethics of evidence-based practice for Indigenous health and social settings in Australia, *BMJ Global Health*, 7(6), Article e009167, <https://doi.org/10.1136/bmjgh-2022-009167>.
- 9 | Practice-based evidence also ensures greater Native community ownership, which is another factor in program success; see D. B. Kenyon, T. R. McMahon, A. Simonson, C. Green-Maximo, A. Schwab, M. Huff, & R. E. Sieving, (2019), My journey: Development and practice-based evidence of a culturally attuned teen pregnancy prevention for Native youth, *International Journal of Environmental Research and Public Health*, 16(3), Article 470, <https://doi.org/10.3390/ijerph16030470>.
- 10 | Administration for Children and Families, (2021), Annual Tribal consultation session report 2021, U.S. Department of Health and Human Services, [https://www.acf.hhs.gov/sites/default/files/documents/ana/2021%20ACF%20Annual%20Tribal%20Consultation%20Report%20Final\\_0.pdf](https://www.acf.hhs.gov/sites/default/files/documents/ana/2021%20ACF%20Annual%20Tribal%20Consultation%20Report%20Final_0.pdf). FFPSA specifically exempted Tribes and Tribal organizations from the Evidence-Based Practice requirement for prevention reimbursement, but only when Tribes are direct IV-E. While ACF issued a memo allowing for some adaptations in Native communities that work through State IV-E reimbursement programs, these have not resulted in significant flexibility as to the evidence-based practice requirement, which is the Tribes' concern at the consultation documented here. One narrow solution would be for ACF to issue an automatic waiver when Tribes and Tribal organizations under IV-E agreements with the states seek to offer culturally appropriate prevention services that are not on the Evidence-Based Practice List. Such a waiver reflects the intent of the legislation and allows Tribes and Tribal organizations to implement prevention activities that will be meaningful to their communities.
- 11 | J. P. Gone, (2016), Alternative knowledges and the future of community psychology: Provocations from an American Indian healing tradition, *Journal of Community Psychology*, 58(3/4), 319, <https://doi.org/10.1002/ajcp.12046>.
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# Appendix E:

## Glossary



<b>AAP</b>	See Adoption Assistance Program.
<b>ACEs</b>	See Adverse Childhood Experiences.
<b>ADA</b>	See Americans with Disabilities Act.
<b>Adoption and Foster Care Analysis and Reporting System</b>	Data collection system established to provide information at the Federal, Tribal, and state levels on children in foster care, including the reasons for their entry and exit, and to aid in policy development and program management.
<b>Adoption Assistance Program</b>	A Federally and state-funded program that provides financial assistance and other support services to adoptive families, making the adoption process more affordable, and that provides ongoing support to families who adopt children with special needs.
<b>Adverse Childhood Experiences</b>	Potentially traumatic events that occur in childhood, such as violence, abuse, or growing up in a family with mental health or substance use problems. These experiences can have long-lasting effects on brain development and the body's response to stress.
<b>AFCARS</b>	See Adoption and Foster Care Analysis and Reporting System.
<b>After School Programs</b>	Structured activities that take place after regular school hours, providing children with a safe and supervised environment to engage in educational, recreational, and social activities.
<b>AIANNH</b>	American Indian, Alaska Native, and Native Hawaiian
<b>Amber Alert</b>	A widely recognized emergency alert system in the United States used to notify the public, law enforcement agencies, and media about missing children, particularly cases involving abductions or imminent dangers. The system was named after Amber Hagerman, a nine-year-old girl who was abducted and murdered in Arlington, Texas, in 1996.
<b>Americans with Disabilities Act</b>	A Federal civil rights law that prohibits discrimination against individuals with disabilities in various aspects of public life, including employment, education, and access to public facilities.
<b>BCEs</b>	See Benevolent Childhood Experiences.
<b>Benevolent Childhood Experiences</b>	Positive childhood experiences prior to age 18—such as caring relationships with friends, teachers, neighbors, and extended kin or mentors—that are characterized by perceptions of safety, security, and support. They have been proven to mitigate adverse childhood experiences (ACEs) and to have a positive impact on wellbeing in adolescence and early adulthood.
<b>BIA</b>	See Bureau of Indian Affairs.
<b>BIE</b>	See Bureau of Indian Education.
<b>BIPOC</b>	An acronym meaning “Black, Indigenous, and People of Color.”

<b>Block grant</b>	A grant of Federal funds administered by a state, local, or Tribal government—often intended to support social services, public health services, or community development programs—provided with very few strings attached, under the assumption that local authorities are best suited to address local issues.
<b>Bureau of Indian Affairs</b>	A Federal agency within the U.S. Department of the Interior that is a principal player in the relationship between the Federal government and American Indian and Alaska Native Tribes. The Bureau's mission is to enhance quality of life, promote economic opportunity, and protect and improve trust assets of American Indians, Alaska Natives, and Tribes.
<b>Bureau of Indian Education</b>	A Federal agency within the U.S. Department of the Interior that operates a network of schools—including elementary and secondary schools, dormitories, and post-secondary institutions—that serve Native American communities across the United States, and that funds other Native student-serving schools through the Johnson O'Malley program. The agency's mission is to ensure that Native American students receive a quality education that incorporates their languages, cultures, and traditions while preparing them for success in a modern world.
<b>CAPTA</b>	See Child Abuse Prevention and Treatment Act.
<b>CCDF</b>	See Child Care and Development Fund.
<b>Centers for Medicare and Medicaid Services</b>	A Federal agency within the U.S. Department of Health and Human Services responsible for administering Medicare, Medicaid, and other health insurance programs.
<b>Child Abuse Prevention and Treatment Act</b>	Federal legislation passed by the United States Congress in 1974 that provides critical funding to states to support the prevention, assessment, investigation, prosecution, and treatment of child abuse and neglect. The Act has been amended several times since its inception to strengthen protections for children and families, particularly those affected by child abuse and neglect.
<b>Child care</b>	A service that provides care and supervision for young children, typically while their parents or guardians are at work or unable to care for them.
<b>Child Care and Development Fund</b>	A fund authorized under the Child Care and Development Block Grant Act, and used by states, Tribes and Tribal organizations to provide financial assistance to low-income families to access child care so they can work or attend job training or educational programs.
<b>CIS</b>	See Communities in Schools.
<b>CMS</b>	See Centers for Medicare and Medicaid Services.
<b>Communities in Schools</b>	A national program that partners with schools and community organizations to provide students with opportunities, resources, and support to succeed in academics and in life, addressing challenges such as poverty, lack of access to health care, and family issues.
<b>Department of Education</b>	The Federal department responsible for promoting student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access. Its work includes establishing policies, distributing and monitoring Federal financial aid, collecting data and disseminating research, focusing national attention on key educational issues, ensuring equal access to education, and distributing Federal funding to states, territories, Tribes/ Tribal organizations, and local school districts.
<b>Department of Health and Human Services</b>	The Federal department responsible for enhancing the health and wellbeing of all Americans by providing for effective health and human services, especially for those who are least able to help themselves, and by fostering sound, sustained advances in the sciences underlying medicine, public health, and social services. HHS administers more than 100 programs across its operating divisions; its agencies include, among others, the Administration for Children and Families, Indian Health Service, and Substance Abuse and Mental Health Administration.

<b>Department of the Interior</b>	The Federal department that protects and manages the nation’s natural resources and cultural heritage; provides scientific and other information about those resources; and honors its trust responsibilities or special commitments to American Indians, Alaska Natives, Native Hawaiians, and affiliated Island Communities. DOI is the lead department, through BIA and BIE, supporting Native communities.
<b>Department of Justice</b>	The Federal department responsible for upholding the rule of law, keeping the country safe and protecting civil rights. It is comprised of U.S. Attorneys, law enforcement agencies (the Federal Bureau of Investigation, Drug Enforcement Administration, Bureau of Alcohol, Tobacco, and Firearms, etc.), grantmaking agencies, and litigating divisions. Its responsibilities also include distributing funds to states, territories, and Tribes/Tribal organizations for assistance to victims of crimes, juvenile justice, and other law enforcement efforts.
<b>Department of Labor</b>	The Federal department responsible for fostering, promoting, and developing the welfare of the American wage earners, job seekers, and retirees; improving working conditions; advancing opportunities for profitable employment; and assuring work-related benefits and rights. DOL operates both adult and youth workforce development programs and a Division of Native American Programs focused on Native communities.
<b>Direct Loan Program</b>	A Federal student loan program offered by the Department of Education that provides loans directly to eligible students and parents to help cover the costs of postsecondary education.
<b>DOI</b>	See Department of the Interior.
<b>DOJ</b>	See Department of Justice.
<b>DOL</b>	See Department of Labor.
<b>Early Head Start</b>	A Federal program that provides comprehensive early childhood education and health, nutrition, and family support services to low-income infants, toddlers, and pregnant women.
<b>Elementary &amp; Secondary Education Act</b>	A 1965 Federal law that provides Federal funding for primary and secondary education and seeks to improve educational opportunities for disadvantaged students. ESEA was replaced by No Child Left Behind.
<b>Every Student Succeeds</b>	A 2015 Federal law that replaced the 2001 No Child Left Behind Act and seeks to ensure that all students have access to quality education.
<b>Evidence-based Practice</b>	The medical sciences concept that clinical practice should follow scientific evidence, where the best such evidence is understood to be replicable and based on randomized controlled trials.
<b>FACE</b>	See Family and Child Education Program.
<b>Family and Child Education Program</b>	A family-focused education program that supports parents in their role as their child’s first teacher.
<b>Family dependency treatment courts</b>	Specialized courts programs that support parents with substance use disorders who are involved in child welfare cases. These courts provide a collaborative and coordinated approach, bringing together various stakeholders to address substance abuse and underlying issues while working towards reunification and improved outcomes for families in crisis.
<b>Family First Prevention Services Act</b>	An act that prioritizes keeping children safely with their families to avoid the potential negative impact of out-of-home placement.
<b>FAFSA</b>	See Free Application for Federal Student Aid.

<b>FDPIR</b>	See Food Distribution Program for Indian Reservations.
<b>Food Distribution Program for Indian Reservations</b>	A Federal program that provides nutritious food to low-income households on Indian reservations.
<b>Food Stamps</b>	The former name for the Supplemental Nutrition Assistance Program (SNAP), which provides nutrition assistance to low-income individuals and families. Also see SNAP.
<b>Free Application for Federal Student Aid</b>	An application submitted by students for financial aid from the Federal government, as well as from many states and colleges for higher education.
<b>GAL</b>	See Guardian ad Litem.
<b>Guardian ad Litem</b>	For children, a court-appointed individual, often an attorney or trained volunteer, who represents the best interests of a child involved in a legal proceeding, particularly in cases concerning abuse, neglect, or custody.
<b>Head Start</b>	A comprehensive early childhood development program that provides education, health, nutrition, and family support services to low-income children aged four to five and to their families.
<b>Healing to Wellness</b>	A term used to describe programs and approaches, often in specialized courts, that focus on holistic healing and wellness in Native American communities, often addressing substance abuse and behavioral health issues in a restorative justice model.
<b>HHS</b>	See Department of Health and Human Services.
<b>ICWA</b>	See Indian Child Welfare Act.
<b>IEFA</b>	See Indian Education for All.
<b>IHS</b>	See Indian Health Service.
<b>Indian Child Welfare Act</b>	A Federal law that seeks to preserve and protect the cultural identity and Tribal connections of American Indian and Alaska Native children in state child welfare proceedings.
<b>Indian Education for All</b>	State legislation that creates an educational initiative aimed at providing all students with an accurate and comprehensive understanding of the cultural heritage, contributions, and histories of Native American Tribes and individuals, as well as promoting mutual respect and cultural awareness among all students.
<b>Indian Health Service</b>	A Federal agency within the Department of Health and Human Services responsible for providing health care services to Native Americans and Alaska Natives.
<b>Intimate Partner Violence</b>	Refers to any form of physical, sexual, or psychological abuse occurring between individuals in a close relationship, such as spouses, dating partners, cohabiting individuals, or children.
<b>IPV</b>	See Intimate Partner Violence.
<b>Johnson O'Malley</b>	A Federal program within the Bureau of Indian Education authorized by the Johnson-O'Malley Act of 1934, as amended, that provides supplemental funding to public schools (and formerly, private schools) to support programs in culture, language, academics, and dropout prevention for eligible Native American students.



<b>Kin-GAP</b>	See Kinship Guardian Assistance Program.
<b>Kinship Guardian Assistance Program</b>	A program that provides financial support and other resources to children living with relative caregivers who have obtained legal guardianship through foster care or juvenile justice court proceedings.
<b>LEAs</b>	See Local Education Agencies.
<b>Local Education Agencies</b>	Public boards of education or other public authorities within a state that have administrative control over public elementary or secondary schools in a city, county, township, school district, or other political subdivision. LEAs sometimes work collaboratively with Tribal Education Departments (TEDs) to support the education and wellbeing of Native American students, leveraging their respective expertise and resources to address the unique needs of these students.
<b>Maternal, Infant, and Early Childhood Home Visiting Program</b>	A Federal program that supports home visiting services for at-risk families to improve maternal and child health, prevent child abuse and neglect, reduce crime and domestic violence, increase family education level and earning potential, promote children's development and readiness for school, and connect families with community resources and supports, including those from Native communities.
<b>Medicaid</b>	A joint Federal and state program that provides health coverage to low-income individuals and families.
<b>Medicare</b>	A Federal health insurance program that primarily serves Americans aged 65 and older and certain younger individuals with disabilities.
<b>MIECHV Program</b>	See Maternal, Infant, and Early Childhood Home Visiting Program.
<b>NACIE</b>	See National Advisory Council on Indian Education.
<b>NACTEP</b>	See Native American Career and Technical Education Program.
<b>NASNTI</b>	See Native American-Serving Nontribal Institutions.
<b>National Advisory Council on Indian Education</b>	An authorized national council established under §6141 of the Elementary and Secondary Education Act of 1965. NACIE's responsibilities include providing advice and recommendations to the Department of Education on matters related to Indian education.
<b>National Strategy for Suicide Prevention</b>	A framework for suicide prevention efforts, including strategies to integrate and coordinate activities across multiple sectors and settings, promote public awareness and education, improve policies and quality of services, and better understand and support populations at risk of suicide.
<b>Native American Career and Technical Education Program</b>	A Federally funded initiative that provides grants to support career and technical education programs for Native American and Alaska Native communities, emphasizing partnerships and academic support for students.
<b>Native American-Serving Nontribal Institutions</b>	Educational institutions, such as colleges and universities, that have a significant enrollment of Native American students and are designated to receive Federal funding to support and improve educational opportunities for Native American students.
<b>NHOPI</b>	Native Hawaiian and Other Pacific Islanders; a grouping created by the U.S. Census for data reporting.

<b>No Child Left Behind</b>	A 2001 Federal law replaced by the Every Student Succeeds Act (ESSA), intended to improve the academic performance of students, particularly those in low-income schools.
<b>Not Invisible Act Commission</b>	The Not Invisible Act authorized the creation of a commission to address the issue of missing and murdered Native Americans and Alaska Natives, with the goal of improving the response to such cases and making recommendations on how to prevent them.
<b>Office for Victims of Crime</b>	A Federal agency in the Department of Justice that oversees programs and grants for service providers and other professionals who assist victims of crime.
<b>OVC</b>	See Office for Victims of Crime.
<b>PACA</b>	See Post Adoption Contact Agreement.
<b>Pell Grant</b>	A need-based Federal grant program that provides financial aid for post-secondary education to undergraduate students from low-income families.
<b>P.L. 102-477</b>	A Federal law that provides Tribes with greater flexibility in administering Federal programs and services for employment, training, and related services by consolidating funds from 12 Federal departments into one plan, one budget, and one report through the Bureau of Indian Affairs.
<b>P.L. 83-280</b>	A Federal law that transferred some jurisdictional powers over criminal and civil matters on Native American reservations from the Federal government to certain states.
<b>P.L. 93-638</b>	A short-form way of referring to the 1975 Indian Self-Determination and Education Assistance Act, or Public Law 93-638, which gave Indian Tribes and Tribal organizations the authority to contract with the Federal government to operate programs serving their Tribal members and other eligible persons; such agreements are typically called “self-determination contracts.” Amendments to the act in 1988 and 1994 allowed “Self-Governance compacts,” which allow Tribes to combine various programs into a single funding agreement.
<b>Post Adoption Contact Agreement</b>	A voluntary agreement between the adoptive family and the birth family, allowing them to continue a relationship after the adoption takes place. A PACA will specify the frequency, type, and duration of contact between the two parties.
<b>PSLF</b>	See Public Service Loan Forgiveness.
<b>Public Service Loan Forgiveness</b>	A Federal student aid program that forgives the remaining balances on qualified student loans for employment in certain public service professions.
<b>Resource and Patient Management System</b>	An electronic health record system used by the Indian Health Service to manage patient information.
<b>RPMS</b>	See Resource and Patient Management System.
<b>SAMHSA</b>	See Substance Abuse and Mental Health Services Administration.
<b>SBHC</b>	See School-based health centers.
<b>School-based health centers</b>	Medical clinics that provide comprehensive health care services to students within school buildings or on school grounds, often in underserved or low-income communities. These centers can provide services such as medical care, mental health services, dental care, and health education to students.
<b>SEAs</b>	See State Educational Agencies.

<b>SEL</b>	See Social and Emotional Learning.
<b>Self-Determination</b>	The right of Native people to govern their own affairs. (Note: This is a more general concept than the idea of a “self-determination contract”; see P.L. 93-638.)
<b>Self-Governance</b>	Also understood as self-governing, or the process through which a Native nation exercises decisionmaking authority over its own governmental affairs, from lawmaking to dispute resolution and from service provision to natural-resource management. (Note: This is a more general concept than the idea of a “Self-Governance compact”; see P.L. 93-638.)
<b>SNAP</b>	See Supplemental Nutrition Assistance Program; also see Food Stamps.
<b>Social and Emotional Learning</b>	The process of developing and acquiring skills, attitudes, and knowledge that enable individuals to understand and manage their emotions, build positive relationships, and make responsible decisions. It encompasses the promotion of self-awareness, self-regulation, empathy, and social skills for overall wellbeing and success in various life domains.
<b>Social Services Block Grant</b>	A capped entitlement program that provides funding to states and territories to support the delivery of social services for individuals with low incomes, allowing each state or territory to determine which services to support and which populations to serve.
<b>Special Diabetes Program for Indians</b>	A program established by Congress in 1997 to address the diabetes epidemic among American Indians and Alaska Natives. It provides grants for prevention and treatment programs aimed at reducing diabetes in these populations.
<b>SSBG</b>	See Social Services Block Grant.
<b>State Educational Agencies</b>	Government bodies in charge of implementing education laws and policies, providing guidance and technical assistance to local education agencies, distributing Federal funds, and monitoring educational programs and accountability in each state.
<b>Strengths-based approach</b>	A focus on identifying and utilizing an individual’s or community’s strengths, abilities, and resources to promote growth, resilience, and empowerment, rather than focusing on deficits or problems. It emphasizes building upon existing strengths and assets to improve outcomes and wellbeing.
<b>Substance Abuse and Mental Health Services Administration</b>	A Federal agency within the Department of Health and Human Services that leads public health efforts to advance the behavioral health of the nation and to improve the lives of individuals living with mental and substance use disorders and the lives of their families. SAMHSA’s grants and research aim to promote mental health, prevent substance misuse, and provide treatments and supports to foster recovery.
<b>Supplemental Nutrition Assistance Program</b>	A Federal program that provides food assistance to eligible low-income individuals and families; also see Food Stamps.
<b>TANF</b>	See Temporary Aid to Needy Families.
<b>TEDs</b>	See Tribal Education Departments.
<b>Temporary Aid to Needy Families</b>	A time-limited Federal cash assistance program that provides for a family’s basic needs. HHS provides funding to states, territories, and Tribes/Tribal organizations to operate their programs.
<b>Title I of the Every Student Succeeds Act</b>	The section of ESSA that provides Federal funding to schools serving students from low-income families to support their educational needs.
<b>Title IV-B of the Social Security Act</b>	Formula funding provided for child welfare intervention to keep at risk families together, prevent unnecessary removal, and to reunify families whose children have been removed.

<b>Title IV-E of the Social Security Act</b>	Reimbursement funding provided to support child welfare services, including foster care and adoption, with a specific focus on providing culturally appropriate support for American Indian Tribes operating their own programs.
<b>Title VI of the Every Student Succeeds Act</b>	The section of ESSA that addresses Indian, Native Hawaiian, and Alaska Native Education and provides for specific programming in support of Native students.
<b>Title VII of the Every Student Succeeds Act</b>	The section of ESSA that provides funding for Impact Aid, bilingual and immigrant education programs, including those for Native American students.
<b>Trauma-informed care/approaches</b>	An approach that recognizes the impact of trauma, promotes safety, trust, and empowerment, and considers the cultural needs and personal histories of individuals. Trauma informed care shifts the focus from “what is wrong with you” to “what happened to you.”
<b>Tribal Colleges and Universities</b>	Higher education institutions that are controlled and operated by Tribes and Tribal organizations.
<b>Tribal Education Departments</b>	Departments established by federally recognized Tribes to support the education of Tribal members. TEDs often work in partnership with local education agencies (LEAs) to improve education outcomes for Native students by collaborating on activities to enhance educational opportunities and address their unique needs.
<b>Tribal Family Fairness Act</b>	A bill that would remove administrative barriers to the participation of Indian Tribes in Federal child welfare programs, increase Federal funding for Tribal child welfare programs, and provide additional resources for child and family services in Tribal communities.
<b>Tribal MIECHV</b>	A Federal program that provides funding and support to Tribal communities to implement culturally appropriate home visiting programs that promote positive outcomes for pregnant women, infants, young children, and their families.
<b>Tribal Training and Technical Assistance</b>	Refers to the provision of knowledge, skills, and support to Tribal communities to enhance their abilities to plan, implement, and manage programs and initiatives that address their unique needs and priorities and build Tribal capacity.
<b>Tribal Victim Services Set-Aside</b>	A Federal program that provides support to Tribal communities to enhance services for victims of crime.
<b>TTA</b>	See Tribal Training and Technical Assistance.
<b>TVSSA</b>	See Tribal Victim Services Set-Aside.
<b>Vocational Education</b>	Training and education that prepares individuals for specific careers or trades.
<b>WIC</b>	See Women Infants and Children.
<b>Women Infants and Children</b>	A Federal program that provides nutrition assistance to pregnant women, new mothers, and young children from low-income families.
<b>Workforce Innovation and Opportunity Act</b>	2014 Federal legislation that provides funding for workforce training and support for individuals, including those who are typically underrepresented in the labor market, with a specific focus on job-driven training programs and partnerships.
<b>Yazzie/Martinez v. State of New Mexico</b>	A litigated decision in which the state of New Mexico was found to be violating the constitutional rights of students by not adequately investing in public education and failing to adopt appropriate educational programs and instruction. The case highlights the need for accountability and improvement in the education system for the benefit of all New Mexico students.

# Appendix F: Meetings, Hearings, & Site Visits



## Official Meetings of the Commission on Native Children

Date	Location	Event
10/30/2019 – 11/01/2019	Washington, DC	Commission on Native Children Meeting 1
12/20/2019	Virtual	Commission on Native Children Meeting 2
01/31/2019	Virtual	Commission on Native Children Meeting 3
03/13/2020	Phoenix, AZ	Commission on Native Children Meeting 4
04/30/2020	Virtual	Commission on Native Children Meeting 5
06/10/2020	Virtual	Commission on Native Children Meeting 6
08/19/2020	Virtual	Commission on Native Children Meeting 7
10/20/2020	Virtual	Commission on Native Children Meeting 8
12/11/2020	Virtual	Commission on Native Children Meeting 9
03/26/2021	Virtual	Commission on Native Children Meeting 10
06/02/2021	Hybrid / Tucson, AZ	Commission on Native Children Meeting 11
07/12/2021	Virtual	Commission on Native Children Meeting 12
08/21/2021	Hybrid / Anchorage, AK	Commission on Native Children Meeting 13
10/22/2021	Virtual	Commission on Native Children Meeting 14
12/10/2021	Virtual	Commission on Native Children Meeting 15
02/26/2022	Phoenix, AZ	Commission on Native Children Meeting 16
04/23/2022	Flagstaff, AZ	Commission on Native Children Meeting 17
06/25/2022	Bismarck, ND	Commission on Native Children Meeting 18
08/27/2022	Sacramento, CA	Commission on Native Children Meeting 19
10/07/2022	Oklahoma City, OK	Commission on Native Children Meeting 20
02/16/2023	Honolulu, HI	Commission on Native Children Meeting 21
04/20/2023	Seattle, WA	Commission on Native Children Meeting 22
08/28/2023	Virtual	Commission on Native Children Meeting 23
11/07/2023 – 11/08/2023	Washington, DC	Commission on Native Children Meeting 24
01/09/2024	Virtual	Commission on Native Children Meeting 25

Note: The Commission on Native Children also created five subcommittees (Hearings, Media, Native Advisory Committee, COVID-19 Strategy, and Report Writing) and four working groups (Child Welfare and Juvenile Justice, Physical and Mental Health, Early Childhood Education and Development and Educational and Vocational Opportunities, and Cross-Systems Issues and Data and Evaluation) to progress its work. Subcommittees and working groups met as needed, but their meetings were not considered official meetings of the Commission.

## Hearings Convened by the Commission on Native Children

Date	Location	Event
03/14/2020	Phoenix, AZ	Southwest Regional Hearing (shortened due to COVID-19 pandemic)
07/28/2020	Virtual	Hearing on Youth Substance Use Prevention
09/29/2020	Virtual	Hearing on Two-Generational and Multigenerational Approaches to Supporting Family Economic Self-Sufficiency
10/07/2020	Virtual	Public Comment Hearing at the 2020 National Indian Education Association Convention and Trade Show
12/03/2020	Virtual	Hearing on the Potential of Tribal Colleges and Universities to Support Native Children's Success
01/19/2021	Virtual	Hearing on the Early Impacts on COVID-19 on Native Children and Youth
03/12/2021	Virtual	Hearing on Early Childhood Development Program as Prevention and Promise
08/20/2021– 08/21/2021	Anchorage, AK	Alaska Regional Hearing
01/07/2022	Virtual	Hearing on Juvenile Justice
01/28/2022	Virtual	Hearing on Early Childhood Development
02/24/2022– 02/26/2022	Phoenix, AZ	Southwest and Western Regional Hearing
03/11/2022	Virtual	Hearing on Suicide Prevention and Mental Health
04/01/2022	Virtual	Hearing on K-12 Education
04/21/2022 – 04/22/2022	Flagstaff, AZ	Navajo Regional Hearing
05/13/2022	Virtual	Hearing on College and Career Readiness
06/03/2022	Virtual	Hearing on Fetal Alcohol Spectrum Disorder
06/23/2022 – 06/24/2022	Bismarck, ND	Great Plains and Midwest Regional Hearing
07/15/2022	Virtual	Hearing on Child Maltreatment in Native Communities and Impact of ICWA
08/05/2022	Virtual	Hearing on Jurisdiction and State/Tribal/Local/Federal Collaboration to Protect Native Children
08/25/2022– 08/26/2022	Woodland, CA	Pacific Regional Hearing
09/16/2022	Virtual	Hearing on Improvements to the Child Welfare System to Reduce Disproportionality, Data Trends and Implications, and Prevention/Family Preservation (including changes to IV-E)
10/06/2022– 10/07/2022	Oklahoma City, OK	Southern Plains and Eastern Oklahoma Regional Hearing
10/28/2022	Virtual	Hearing on Tribal Capacity Building to Prevent and Respond to Child Maltreatment and Increase Coordination of Services
11/18/2022	Virtual	Hearing on Increased Coordination of Wraparound Services for Native Children
12/15/2022	Virtual	Hearing on the Role of the Federal Government
01/13/2023	Virtual	Hearing on Research and Data Collection

01/27/2023	Virtual	Hearing on Wellness and Unintentional Injury Prevention
02/15/2023 – 02/16/2023	Honolulu, HI	Hawai'i Regional Hearing
03/10/2023	Virtual	Hearing on Diabetes and Nutrition
3/31/2023	Virtual	Hearing on Medicaid and Other Third-Party Payers and Improved Access to Health
04/19/2023 – 04/20/2023	Seattle, WA	Northwest and Rocky Mountain Regional Hearing
05/12/2023	Virtual	Hearing on Parental Involvement and Truancy Presentation/Intervention to Improve School Outcomes for Native Children
06/14/2023– 06/15/2023	Nashville, TN	Eastern Regional Hearing
6/23/2023	Virtual	Hearing on Education and Social Services to Prevent and Address Youth Justice Involvement
10/20/2023	Virtual	Hearing on Addressing Child and Youth Sexual Abuse in Native Communities

### Site Visits Conducted by the Commission on Native Children

Date	Location	Event
03/12/2020	Phoenix, AZ	Inter-Tribal Council of Arizona
03/12/2020	Phoenix, AZ	Native Health Phoenix
03/12/2020	Sacaton, AZ	Gila River Indian Community Early Education Center
08/17/2021	Virtual	Office of Children's Services, State of Alaska
08/17/2021	Virtual	Utqiagvik Children and Youth Services
08/17/2021	Virtual	Kiita Learning Community and Barrow High School
08/17/2021	Virtual	North Slope Borough School District
08/18/2021	Anchorage, AK	Ernie Turner Center
08/18/2021	Eklutna, AK	Native Village of Eklutna and Eklutna Clinic
08/19/2021	Anchorage, AK	Southcentral Foundation
08/19/2021	Anchorage, AK	Clare Swan Early Childhood Learning Center
08/19/2021	Anchorage, AK	Alaska Native Tribal Health Consortium
08/19/2021	Anchorage, AK	Alaska Native Heritage Center
04/20/2022	Tuba City, AZ	Tuba City Criminal Justice Center (included presentations from the Tó Nanees' Dizi Local Governance, Navajo Peacemaking Program, First Things First, Navajo Treatment Center for Children and Families)

04/20/2022	Tuba City, AZ	Tuba City Regional Health Care Center
06/22/2022	Bismarck, ND	Native American Development Center
06/22/2022	Bismarck, ND	Good Road Recovery Center
06/22/2022	Bismarck, ND	Sacred Pipe Resource Center
08/24/2022	Placerville, CA	Shingle Springs Tribal Court
08/24/2022	Sacramento, CA	Sacramento Native American Health Center
10/04/2022	El Reno, OK	El Reno Indian Health Center
10/04/2022	Concho, OK	Cheyenne and Arapaho Department of Education
10/04/2022	Oklahoma City, OK	Oklahoma City Indian Clinic
02/13/2023	Honolulu, HI	Kula Kaiapuni 'O Ānuenue, Hawaiian Immersion School
02/17/2023	Kailua, HI	Hawai'i Youth Correctional Facility, Kawaihoa Campus
04/18/2023	Seattle, WA	Daybreak Star Indian Cultural Center

### Other Official Commission Engagements

Date	Location	Event
07/16/2020	Virtual	Legislative Hearing to Receive Testimony on Native Youth Perspectives on Mental Health and Wellness, U.S. House of Representatives, Committee on Natural Resources, Subcommittee for Indigenous Peoples of the United States. Testimony provided by Gloria O'Neill, Chairwoman, Commission on Native Children



# Appendix G: Witness List



(Witnesses are listed with affiliations at the time of hearing)

Name	Hearing and Panel	Date
Abby Abinanti Chief Judge, Yurok Tribal Court	Pacific Regional Hearing Tribal/Community Welcome	8/25/22
Dr. Steven Adelsheim Director Stanford Center for Youth Mental Health and Wellbeing, Clinical Professor, Psychiatry and Behavioral Sciences, and Associate Chair for Community Partnerships, Stanford Department of Psychiatry and Behavioral Sciences, Stanford University	Pacific Regional Hearing Physical, Mental, and Behavioral Health Panel	8/25/22
Eliuth Aguilar Director of Education, Yocha Dehe Wintun Academy	Pacific Regional Hearing Youth and Community Panel	8/26/22
Dr. Kimo Alameda Chief Executive Officer, Bay Clinic	Hawai'i Regional Hearing Physical, Mental, and Behavioral Health Panel	2/15/23
Connie Albert Education Program Administrator, Office of Tribally-Controlled Schools	Eastern Regional Hearing Education and Early Childhood Development Panel	6/14/23
Janet Alkire Chairperson, Standing Rock Sioux Tribe	Great Plains/Midwest Regional Hearing Tribal/Community Welcome	6/23/22
Jada Allen Student, Duke University	Eastern Regional Hearing Youth and Community Panel	6/15/23
Jody Allen Crowe CEO, Crotega Safety Solutions	Virtual Topic-Specific Hearing Fetal Alcohol Spectrum Disorder	6/3/22
Isabella Anderson	Eastern Regional Hearing Youth and Community Panel	6/15/23
Elizabeth Apala Senior Research Assistant, Astrophysics Science Division, NASA	Southern Plains/Eastern Oklahoma Regional Hearing Youth and Community Panel	10/7/22
Dr. Deana Around Him Senior Research Scientist, Child Trends	Virtual Topic-Specific Hearing Early Childhood Development	1/28/22

Randi Attocknie Director of Youth Program, Comanche Nation Youth Services	Southern Plains/Eastern Oklahoma Regional Hearing Education and Early Childhood Panel	10/6/22
Dr. Aukahi Austin Seabury Clinical Psychologist & Executive Director, Ola Lahui	Hawai'i Regional Hearing Physical, Mental, and Behavioral Health Panel	2/15/23
Melerena Back Assistant Clinical Director, Saint Regis Mohawk Health Services	Eastern Regional Hearing Physical, Mental, and Behavioral Health Panel	6/14/23
Dr. Twyla Baker President, Nueta Hidatsa Sahnish College	Great Plains/Midwest Regional Hearing Youth and Community Panel	6/23/22
Dr. Megan Bang Professor of Learning Sciences and Psychology, Director, Center for Native American and Indigenous Research, Northwestern University Senior Vice President, Spencer Foundation	Virtual Topic-Specific Hearing Parental Involvement and Truancy Prevention/Intervention to Improve School Outcomes for Native Children	5/12/23
John Barbry Director, Development and Programing, Tunica Biloxi Education Program	Eastern Regional Hearing Systems Innovations and Best Practices in Native Communities Panel	6/14/23
Dr. Jessica Barnes-Najor Developmental Psychologist Director, Community Partnerships, Office for Public Engagement and Scholarship, Michigan State University	Virtual Topic-Specific Hearing Early Childhood Development Program as Prevention and Promise	3/12/21
D'Shane Barnett Director & Health Officer, Missoula County Public Health	Northwest and Rocky Mountain Regional Hearing Physical, Mental, and Behavioral Health Panel	4/19/23
Phil Begay Treatment Coordinator/Prevention Specialist, Navajo Treatment Center for Children and Their Families	Navajo Regional Hearing Physical, Mental, and Behavioral Health Panel	4/21/22
Dr. Sandra Beirne Pediatrician, Indian Health Services	Southwest Regional Hearing (Shortened due to COVID-19) Physical, Mental, and Behavioral Health Panel Original title: Systems of Health Service Provision in Native Communities Panel	3/14/20
Tanaya Belone Residence Life Coordinator, Diné College	Navajo Regional Hearing Youth and Community Panel	4/22/22
Dr. Leialoha Benson Advisor, Office of Honor, BYU Hawai'i	Hawai'i Regional Hearing Systems Innovations and Best Practices in Native Hawaiian Communities Panel	2/15/23

Arlana Bettelyoun Executive Director, Oglala Lakota Children's Justice Center	Virtual Topic-Specific Hearing Overview of Tribal Capacity Building to Prevent and Respond to Child Maltreatment and Increase Coordination of Services	10/28/22
Janet K. Bill Chair, Picayune Rancheria of Chukchansi Indian Tribal Council	Pacific Regional Hearing Tribal/Community Welcome	8/26/22
Captain Holly Billie Injury Prevention Program Manager, Center for Disease Control and Prevention	Virtual Topic-Specific Hearing Wellness and Unintentional Injury Prevention	1/27/23
Carrie Billy President, American Indian Higher Education Consortium	Virtual Topic-Specific Hearing The Potential of Tribal Colleges and Universities to Support Native Children's Success	12/3/20
Triston Black Policy Analyst, Navajo Nation Center for Native American Youth Interim Chairperson, Navajo Nation Youth Advisory Council	Navajo Regional Hearing Youth and Community Panel	4/22/22
Dr. Valarie Blue Bird Jernigan Professor of Rural Health, Oklahoma State University Executive Director, Center for Indigenous Health Research and Policy	Virtual Topic-Specific Hearing Diabetes and Nutrition	3/10/23
Kara Bobroff Deputy Secretary, New Mexico Public Education Department	Virtual Topic-Specific Hearing 2-Generational and Multigenerational Approaches to Supporting Family Economic Self-Sufficiency	9/29/20
Dr. Sandra Boham President, Salish Kootenai College	Virtual Topic-Specific Hearing The Potential of Tribal Colleges and Universities to Support Native Children's Success	12/3/20
Ann Bonnitto Tribal Child Development Director, California Rural Indian Health Board	Pacific Regional Hearing Education and Early Childhood Development Panel	8/25/22
Kimberly Bouchard Eastern Regional Director, Bureau of Indian Affairs	Eastern Regional Hearing Tribal/Community Welcome	6/15/23
Dr. Nicole Bowman Associate Scientist, University of Wisconsin- Madison, President, Bowman Performance Consulting	Virtual Topic-Specific Hearing Research and Data Collection	1/13/23

Grace Boyne Director, Navajo Nation Head Start, Department of Child Care Development	Navajo Regional Hearing Education and Early Childhood Development Panel	4/21/22
Dr. Bryan Brayboy Senior Advisor, Center for Indian Education, Arizona State University Co-Editor, Journal of American Indian Education	Southwest/Western Regional Hearing Education and Early Childhood Development Panel	2/25/22
Wendy Bremner Victim Specialist, BIA Victim Services	Northwest and Rocky Mountain Regional Hearing Child Welfare, Juvenile Justice, and Violence Panel	4/19/23
Nichol Brewer-Lowry Boston Site Director, Native American LifeLines	Eastern Regional Hearing Tribal/Community Welcome	6/15/23
Dr. Teresa Brockie Associate Professor, School of Nursing, Johns Hopkins University	Virtual Topic-Specific Hearing Increased Coordination of Wraparound Services for Native Children	11/18/22
Tricia Brooks Research Professor, McCourt School of Public Policy's Center for Children and Families, Georgetown University	Virtual Topic-Specific Hearing Medicaid and Other Third Party Payers and Improved Access to Health	3/31/23
Jordan Brown Member, Youth ECHO	Pacific Regional Hearing Youth and Community Panel	8/26/22
Ruth Ann Buffalo State Representative, North Dakota	Great Plains/Midwest Regional Hearing Tribal/Community Welcome	6/23/22
LorenAshley Buford Training, Resource Development & Project Manager, Tribal Youth Development Initiative, Unity, Inc.	Virtual Topic-Specific Hearing Juvenile Justice	1/7/22
Dr. Anthony Bullington Director, Center for Behavioral Health, Seminole Tribe of Florida	Eastern Regional Hearing Physical, Mental, and Behavioral Health Panel	6/14/23
Kelsey Burns Title VI/Indian Education Coordinator, Confederated Tribes of the Umatilla Indian Reservation	Northwest and Rocky Mountain Regional Hearing Youth and Community Panel	4/20/23
Dr. Daniel Calac Chief Medical Officer, Indian Health Council, Inc.	Virtual Topic-Specific Hearing Wellness and Unintentional Injury Prevention	1/27/23
Mikah Carlos Member, Center for Native American Youth Advisory Board; Board Member, National Indian Child Welfare Association	Regional Hearing Child Welfare: Jurisdictional Issues and Building Tribal Capacity	3/14/20

Mikah Carlos Member, Center for Native American Youth Advisory Board and Board Member National Indian Child Welfare Association	Southwest/Western Regional Hearing Child Welfare, Juvenile Justice, and Violence Panel	2/25/22
Tish Carr Executive Director/Program Manager, Wabanaki Youth in Sciences	Eastern Regional Hearing Systems Innovations and Best Practices in Native Communities Panel	6/14/23
Michelle Castagne Co-Executive Director and Staff Attorney, California Tribal Families Coalitions	Pacific Regional Hearing Child Welfare, Juvenile Justice, and Violence Panel	8/25/22
Ace Charette Language Revitalization Program Director, Turtle Mountain Community College	Great Plains/Midwest Regional Hearing Education and Early Childhood Development Panel	6/23/22
Cathy Chavers Chairwoman, Bois-Forte Band of Chippewa	Great Plains/Midwest Regional Hearing Tribal/Community Welcome	6/24/22
Leonard Chee Chairperson, Education Committee and Council Delegate, Navajo Nation	Navajo Regional Hearing Tribal/Community Welcome	4/21/22
Ryan Chee Principal, Luppe Elementary School	Navajo Regional Hearing Youth and Community Panel	4/22/22
Jerilyn Church Chief Executive Officer, Great Plains Tribal Leaders' Health Board	Great Plains/Midwest Regional Hearing Physical, Mental, and Behavioral Health Panel	6/23/22
Kimberly A. Cluff Legal Director, California Tribal Families Coalitions	Pacific Regional Hearing Child Welfare, Juvenile Justice, and Violence Panel	8/25/22
Joshina Cluff Co-Chair, American Indian Parent Committee	Pacific Regional Hearing Youth and Community Panel	8/26/22
Ronald Corn Sr. Chairman, Menominee Nation	Great Plains/Midwest Regional Hearing Tribal/Community Welcome	6/24/22
Kahil Corwin Senior, High School	Eastern Regional Hearing Youth and Community Panel	6/15/23
Dr. Beverly Cotton Nashville Area Director, Indian Health Services	Eastern Regional Hearing Tribal/Community Welcome	6/14/23
Chiara Cournoyer-Bruguier Tribal Child Welfare Specialist, Capacity Building Center for Tribes, Tribal Law and Policy Institute	Virtual Topic-Specific Hearing Overview of Tribal Capacity Building to Prevent and Respond to Child Maltreatment and Increase Coordination of Services	10/28/22

Dr. Keith Cruise Professor of Psychology, Adjunct Professor of Law, Fordham University	Virtual Topic-Specific Hearing Education and Social Services to Prevent and Address Youth Justice Involvement	6/23/23
Mercia Cummings Clinical Director, Native American LifeLines	Eastern Regional Hearing Physical, Mental, and Behavioral Health Panel	6/14/23
Shawnell Damon Health Promotion Disease Prevention, Indian Health Services, Navajo Nation	Navajo Regional Hearing Physical, Mental, and Behavioral Health Panel	4/22/22
Dr. Sheri Daniels Executive Director, Papa Ola Lokahi, Hawaiian Health Board	Hawai'i Regional Hearing Tribal/Community Welcome	2/16/23
Charlotte Davidson Lecturer, Department of Student Affairs Administration, University of Wisconsin-La Crosse	Virtual Topic-Specific Hearing College and Career Readiness	5/13/22
Dr. Angelique Day Associate Professor, School of Social Work, University of Washington	Virtual Topic-Specific Hearing Overview of Child Maltreatment in Native Communities and Impact of ICWA	7/15/22
Dr. Priscilla Day Professor Emeritus, School of Social Work, University of Minnesota Duluth	Virtual Topic-Specific Hearing Overview of Child Maltreatment in Native Communities and Impact of ICWA	7/15/22
Nina De La Cruz Christian Alliance for Indian Child Welfare	Great Plains/Midwest Regional Hearing Child Welfare, Juvenile Justice, and Violence Panel	6/24/22
Tony Dearman Director, Bureau of Indian Education	Southern Plains/Eastern Oklahoma Regional Hearing Tribal/Community Welcome	10/7/22
Dr. Deborah Jackson-Dennison Superintendent, San Carlos Unified School District, Chair, National Advisory Council on Indian Education	Virtual Topic-Specific Hearing K12 Education	4/1/22
Hobawea Nahish Demaray	Great Plains/Midwest Regional Hearing Youth and Community Panel	6/23/22
Dana Diehl Director, Wellness and Prevention Department, Alaska Native Tribal Consortium	Alaska Regional Hearing Physical, Mental, and Behavioral Health Panel	8/20/21
Kayla Dix Student, Salish Kootenai College	Virtual Topic-Specific Hearing The Potential of Tribal Colleges and Universities to Support Native Children's Success	12/3/20

Tracy Dompeling Division Director, Alaska Division of Juvenile Justice	Alaska Regional Hearing Child Welfare, Juvenile Justice, and Violence Panel	8/20/21
Jason Dropik Head of School, Indian Community School President, National Indian Education Association	Southern Plains/Eastern Oklahoma Regional Hearing Tribal/Community Welcome	10/7/22
Love Duncan Student, Woodland High School	Pacific Regional Hearing Youth and Community Panel	8/26/22
Mike Duncan Co-Chair, American Indian Parent Committee CEO, Native Dads Network	Pacific Regional Hearing Youth and Community Panel	8/26/22
Dr. Douglas Eby Executive Vice President, Specialty Medical Services, Southcentral Foundation	Alaska Regional Hearing Systems Innovations and Best Practices in Native Communities Panel	8/20/21
Abigail Echo-Hawk Director, Urban Indian Health Institute	Northwest and Rocky Mountain Regional Hearing Physical, Mental, and Behavioral Health Panel	4/19/23
Walter Echo-Hawk President, Pawnee Nation Business Council	Southern Plains/Eastern Oklahoma Regional Hearing Tribal/Community Welcome	10/6/22
Dr. Frank Edwards Assistant Professor, School of Criminal Justice, Rutgers University-Newark	Virtual Topic-Specific Hearing Overview of improvements to the child welfare system to reduce disproportionality, data trends and implications, and prevention/family preservation (including changes to IV-E)	9/16/22
Dr. Amy Elliott Professor, The University of South Dakota Sanford School of Medicine, Chief Clinical Research Officer, Avera Research Institute	Virtual Topic-Specific Hearing Wellness and Unintentional Injury Prevention	1/27/23
Dr. Pamela End of Horn National Suicide Prevention Consultant, Indian Health Service Headquarters	Virtual Topic-Specific Hearing Suicide Prevention and Mental Health	03/11/22
Evelyn Enos Representative, Akimel O'Odham/Pipash Youth Council	2020 National Indian Education Association Convention and Trade Show	10/7/20
Kamuela Enos Director, Office of Indigenous Innovation, University of Hawai'i	Hawai'i Regional Hearing Systems Innovations and Best Practices in Native Hawaiian Communities Panel	2/15/23

Dr. Joyce Epstein Professor of Education, Co-Director, Center on School, Family, and Community Partnership, Co-Director National Network of Partnership Schools Johns Hopkins University School of Education	Virtual Topic-Specific Hearing Parental Involvement and Truancy Prevention/Intervention to Improve School Outcomes for Native Children	5/12/23
Barbara Fabre CEO, Indigenous Visioning	Virtual Topic-Specific Hearing 2-Generational and Multigenerational Approaches to Supporting Family Economic Self-Sufficiency	9/29/20
Barbara Fabre CEO, Indigenous Visioning	Virtual Topic-Specific Hearing Early Childhood Development	1/28/22
Michael Fairbanks Chairman, White Earth Ojibwe Nation	Great Plains/Midwest Regional Hearing Tribal/Community Welcome	6/24/22
Dr. Susan Faircloth Professor, Director, School of Education, Colorado State University	Virtual Topic-Specific Hearing K12 Education	4/1/22
Johanna Farmer Program Attorney, National American Indian Court Judges Associations	Virtual Topic-Specific Hearing Parental Involvement and Truancy Prevention/Intervention to Improve School Outcomes for Native Children	5/12/23
Makalauna Feliciano Advisor, Practice Development - Cultural Practitioner, Lili'uokalani Trust	Hawai'i Regional Hearing Systems Innovations and Best Practices in Native Hawaiian Communities Panel	2/15/23
Bella Finau-Faumuina Public School Teacher, Hawai'i	Hawai'i Regional Hearing Regional Public Comment Virtual Meeting	2/15/23
Matthew Fletcher Harry Burns Hutchins Collegiate Professor of Law, University of Michigan	Virtual Topic-Specific Hearing Overview of jurisdiction and state/Tribal/local/Federal collaboration to protect Native children	8/5/22
Leonard Forsman Chair, Suquamish Indian Tribe	Northwest and Rocky Mountain Regional Hearing Tribal/Community Welcome	4/19/23
Stacie FourStar Judge, Fort Peck Tribes	Northwest and Rocky Mountain Regional Hearing Tribal/Community Welcome	4/20/23
Judy Francis President, PAC Committee, Indian Education Committee	2020 National Indian Education Association Convention and Trade Show	10/7/20
Anita Frederick President, Tribal Nations Research Group	Great Plains/Midwest Regional Hearing Systems Innovations and Best Practices in Native Communities Panel	6/24/22



Lucy Fredericks Director, Office of Indian Multicultural Education, North Dakota Department of Public Instruction	Great Plains/Midwest Regional Hearing Education and Early Childhood Development Panel	6/23/22
Dr. Stephanie A. Fryberg Professor of Psychology, University of Michigan	Virtual Topic-Specific Hearing The Early Impacts on COVID-19 on Native Children and Youth	1/19/21
Lana Garcia Early Childhood Program Manager, Walatowa Head Start Language Immersion Program; Representative, American Indian/Alaska Native Advisory Council on Native Language	Virtual Topic-Specific Hearing Early Childhood Development Program as Prevention and Promise	3/12/21
Sandra Gasca-Gonzalez Vice president, Annie E. Casey Foundation Center for Systems Innovation	Hawai'i Regional Hearing Tribal/Community Welcome	2/16/23
Dr. Novalene Alsenay Goklish Faculty, Center for American Indian Health, Johns Hopkins Bloomberg School of Public Health	Virtual Topic-Specific Hearing The Early Impacts on COVID-19 on Native Children and Youth	1/19/21
Camie Goldhammer Clinical Social Worker, Lactation Consultant, and Full Spectrum Indigenous Doula Founding Executive Director, Hummingbird Indigenous Family Services	Northwest and Rocky Mountain Regional Hearing Systems Innovations and Best Practices in Native Communities Panel	4/19/23
Dr. Joseph P. Gone Professor of Anthropology, Faculty of Arts and Sciences, Professor of Global Health and Social Medicine, Faculty of Medicine, Faculty Director, Harvard University Native American Program	Virtual Topic-Specific Hearing Suicide Prevention and Mental Health	03/11/22
Cheri Goodwin Executive Director, Family and Children's Services, Red Lake Nation	Virtual Topic-Specific Hearing Overview of improvements to the child welfare system to reduce disproportionality, data trends and implications, and prevention/family preservation (including changes to IV-E)	9/16/22
Dr. Noelani Goodyear-Kaōpua Professor, Trustee, Kamehameha Schools Bishop Estate	Hawai'i Regional Hearing Tribal/Community Welcome	2/15/23
Roxanne Gorman Department manager, Navajo Department for Self-Reliance	Navajo Regional Hearing Systems Innovations and Best Practices in Native Communities Panel	4/22/22
Hilary Gourneau Director, Head Start, Fort Peck Tribe	Northwest and Rocky Mountain Regional Hearing Education and Early Childhood Development Panel	4/19/23

Nithya Govindasamy Senior Advisor, Advance CTE	Virtual Topic-Specific Hearing College and Career Readiness	5/13/22
Rose Graham Director, Office of Navajo Nation Scholarship and Financial Aid	Navajo Regional Hearing Education and Early Childhood Development Panel	4/21/22
Loni Greninger Vice Chair, Tribal Council Director, Social & Community Services Jamestown S'Klallam Tribe	Northwest and Rocky Mountain Regional Hearing Child Welfare, Juvenile Justice, and Violence Panel	4/19/23
Dr. Randall Grierson Director, Choctaw Tribal Schools	Eastern Regional Hearing Education and Early Childhood Development Panel	6/14/23
Dr. Elmer J. Guy President, Navajo Technical University	Southwest Regional Hearing (Shortened due to COVID-19) Education and Early Childhood Development Panel Original title: Integration of Native Culture and Language in Education	3/14/20
Izzy Haakanson	Northwest and Rocky Mountain Regional Hearing Youth and Community Panel	4/20/23
McClellan Hall Director, National Indian Youth Leadership Projects	Virtual Topic-Specific Hearing Youth Substance Use Prevention	7/28/20
Dr. Jessica Hanson Assistant Professor, Public Health Program, Public Health Coordinator, University of Minnesota Duluth	Virtual Topic-Specific Hearing Fetal Alcohol Spectrum Disorder	6/3/22
Dr. Emily Haroz Associate Professor, Center IndigenousHealth, Johns Hopkins Bloomberg School of Public Health	Virtual Topic-Specific Hearing The Early Impacts on COVID-19 on Native Children and Youth	1/19/21
Kayla Harstad	Northwest and Rocky Mountain Regional Hearing Youth and Community Panel	4/20/23
Kami Hart Judge, Gila River Indian Community Children's Court	Regional Hearing Child Welfare, Juvenile Justice, and Violence Panel Original title: Child Welfare: Jurisdictional Issues and Building Tribal Capacity Panel	3/14/20
Lunakanawai Hauanio Executive Director, Hawaiian Hands	Hawai'i Regional Hearing Regional Public Comment Virtual Meeting	2/15/23
Virginia Hedrick Executive Director, California Consortium for Urban Indian Health	Pacific Regional Hearing Physical, Mental, and Behavioral Health Panel	8/25/22

Michael Henderson Director, Navajo Nation Department of Criminal Investigation	Navajo Regional Hearing Child Welfare, Juvenile Justice, and Violence Panel	4/22/22
Ronnie Henry Vice Chief, Mississippi Band of Choctaw Indians	Eastern Regional Hearing Tribal/Community Welcome	6/15/23
Elizabeth Hidalgo Reese Assistant Professor of Law, Stanford Law School	Virtual Topic-Specific Hearing Cross-Cutting Role of Federal Government	12/15/22
Orenda R. Hill Native Health Community Health Director, Community Health and Wellness	Southwest/Western Regional Hearing Physical, Mental, and Behavioral Health Panel	2/25/22
Dr. Matt Hirschfeld Pediatrician, Medical Director, Maternal Child Health Services, Alaska Tribal Health System	Alaska Regional Hearing Physical, Mental, and Behavioral Health Panel	8/15/21
Shayna Hobbs Singer/Songwriter Musician	Eastern Regional Hearing Tribal/Community Welcome	6/14/23
Dewayne Hornbuckle Youth Advisor, Tribal Services, Choctaw Nation of Oklahoma	Southern Plains/Eastern Oklahoma Regional Hearing Systems Innovations and Best Practices in Native Communities Panel	10/6/22
Dr. Diana Hu Chief Clinical Consultant, Pediatrics and Immunization Coordinator, Navajo Area Indian Health Services	Navajo Regional Hearing Physical, Mental, and Behavioral Health Panel	4/21/22
Carmen Hulu Lindsey Chair, Board of Trustees, Office of Hawaiian Affairs	Hawai'i Regional Hearing Tribal/Community Welcome	2/15/23
Brianna Iron Road Director of Community Outreach, Sacred Pipe Resource Center	Great Plains/Midwest Regional Hearing Youth and Community Panel	6/23/22
Stephanie Iron Shooter American Indian Health Director, Department of Health and Human Services, State of Montana	Virtual Topic-Specific Hearing Increased Coordination of Wraparound Services for Native Children	11/18/22
Tleena Ives Tribal Liaison, Washington State Department of Early Learning Department of Children, Youth, and Families	Northwest and Rocky Mountain Regional Hearing Education and Early Childhood Development Panel	4/19/23
Vernon Jackson Acting Chief Prosecutor, Office of the Prosecutor, Navajo Nation	Navajo Regional Hearing Child Welfare, Juvenile Justice, and Violence Panel	4/22/22

Joe James Chair, Yurok Tribe	Pacific Regional Hearing Tribal/Community Welcome	8/25/22
Alyssa James	Southern Plains/Eastern Oklahoma Regional Hearing Youth and Community Panel	10/7/22
Jazell Jenkins	Northwest and Rocky Mountain Regional Hearing Youth and Community Panel	4/20/23
Lauren Jenks-Jones Executive Director, Early Childhood, Oklahoma State Department of Education	Southern Plains/Eastern Oklahoma Regional Hearing Education and Early Childhood Development Panel	10/6/22
Tyler Jensen	Navajo Regional Hearing Youth and Community Panel	4/22/22
Dr. Jennie Joe Professor Emerita, Department of Family and Community Medicine, College of Medicine at the University of Arizona	Southwest Regional Hearing (Shortened due to COVID-19) Systems Innovations and Best Practices in Native Communities Panel Original title: Systems of Health Service Provision in Native Communities	3/14/20
Dr. Jennie Joe Professor Emerita, Department of Family and Community Medicine, College of Medicine, University of Arizona	Southwest/Western Regional Hearing Physical, Mental, and Behavioral Health Panel	2/25/22
James Johanntoberns Senior, Canyon del Oro High School	Southwest Regional Hearing (Shortened due to COVID-19) Education and Early Childhood Development Panel Original title: Integration of Native Culture and Language in Education	3/14/20
Carrie Johnson Vice President, Behavioral Health, United American Indian Involvement	Pacific Regional Hearing Systems Innovations and Best Practices in Native Communities Panel	8/25/22
Ava Rose Johnson	Southern Plains/Eastern Oklahoma Regional Hearing Youth and Community Panel	10/7/22
Matthew Johnson Director, Alternative Education, Browning Public Schools	Northwest and Rocky Mountain Regional Hearing Education and Early Childhood Development Panel	4/19/23
Dr. Michelle Johnson-Jennings Professor, Director, Division of Environmentally Based Health and Land-based Healing, Indigenous Wellness Research Institute, University of Washington	Virtual Topic-Specific Hearing Research and Data Collection	1/13/23
Delnita Jones Assistant Director, Choctaw Tribal Schools	Eastern Regional Hearing Education and Early Childhood Development Panel	6/14/23

Lynette Jordan Program Specialist, King County Regional Homelessness Authority	Northwest and Rocky Mountain Regional Hearing Tribal/Community Welcome	4/19/23
Dr. Rosita Kaaháni Worl President, Sealaska Heritage Institute	Alaska Regional Hearing Education and Early Childhood Development Panel	8/20/21
Dr. Walter Kahumoku Associate Professor, Executive Assistant to the Chancellor, University of Hawai'i West O'ahu Co-Director, University of Hawai'i at Manoa, College of Education	Virtual Topic-Specific Hearing College and Career Readiness	5/13/22
Dr. Joseph P. Kalt Ford Foundation Professor in International Political Economy, John F. Kennedy School of Government Director, Harvard Project on American Indian Economic Development	Virtual Topic-Specific Hearing Cross-Cutting Role of Federal Government	12/15/22
Dr. Shawn Kana'iaupuni President & Chief Executive Officer, Partners in Development Foundation	Hawai'i Regional Hearing Child Welfare, Juvenile Justice, and Violence Panel	2/15/23
Amber Kanazbah Crotty Council Delegate, Navajo Nation	Navajo Regional Hearing Tribal/Community Welcome	4/22/22
Ekela Kaniaupio-Crozier Hawaiian Culture Based Education Coordinator, Kamehameha Schools Maui	Hawai'i Regional Hearing Education and Early Childhood Development Panel	2/15/23
Kaiakahinalii Kaopua-Canonigo	Hawai'i Regional Hearing Youth and Community Panel	2/16/23
Kimberly Kee Program Coordinator, Office of Special Education and Rehabilitation Services, Navajo Nation	Navajo Regional Hearing Youth and Community Panel	4/22/22
Yvonne Kee-Billison Executive Staff Assistant, Office of President and Vice President, Navajo Nation	Regional Hearing Systems Innovations and Best Practices in Native Communities Panel	3/14/20
Andrea Klimas Clinical Supervisor, Native American Connections, Patina Wellness Center	Southwest/Western Regional Hearing Systems Innovations and Best Practices in Native Communities Panel	2/25/22
Paige Kinney Student, Yocha Dehe Wintun Academy	Pacific Regional Hearing Youth and Community Panel	8/26/22

Julie Kitka President, Alaska Federation of Natives	Alaska Regional Hearing Introductory Session	8/20/21
Karan Kolb Director, Tribal Social Services Indian Health Inc.	Pacific Regional Hearing Child Welfare, Juvenile Justice, and Violence Panel	8/25/22
Dr. Carolyn Kraus-Koziol Chief Resident, Stanford University Psychiatry Residency Program	Pacific Regional Hearing Physical, Mental, and Behavioral Health Panel	8/25/22
Kalehua Krug Principal, Ka Waihona o Ka Na'auao Public Charter School	Hawai'i Regional Hearing Education and Early Childhood Development Panel	2/15/23
Hinaleimoana Kwai Kong Wong-Kalu CEO, Council for Native Hawaiian Advancement	Hawai'i Regional Hearing Tribal/Community Welcome	2/15/23
Dr. Teresa LaFromboise Professor of Education, Graduate School of Education, Stanford University	Virtual Topic-Specific Hearing Suicide Prevention and Mental Health	03/11/22
Ihilani Lasconia	Hawai'i Regional Hearing Youth and Community Panel	2/16/23
Steven Lewis Governor, Gila River Indian Community	Southwest/Western Regional Hearing Tribal/Community Welcome	2/25/22
Dr. Cynthia Lindquist President, Candeska Cikana Community College	Virtual Topic-Specific Hearing The Potential of Tribal Colleges and Universities to Support Native Children's Success	12/3/20
Cina Littlebird Attorney, Civil Legal Aid	Northwest and Rocky Mountain Regional Hearing Tribal/Community Welcome	4/20/23
Robin Littlewing Sigo Treasurer, Squamish Tribal Council Director, Research and Strategic Development Department	Virtual Topic-Specific Hearing Youth Substance Use Prevention	7/28/20
Dottie Lizer Second Lady, Navajo Nation	Navajo Regional Hearing Tribal/Community Welcome	4/22/22
Devon Lomayesva Chief Judge, Intertribal Court of Southern California	Pacific Regional Hearing Systems Innovations and Best Practices in Native Communities Panel	8/25/22
Leah Lopez Social Service Coordinator, Department of Behavior Health, Ysleta Del Sur Pueblo	Southern Plains/Eastern Oklahoma Regional Hearing Child Welfare, Juvenile Justice, and Violence Panel	10/6/22
Gracie Lowery Student, Duke University	Eastern Regional Hearing Youth and Community Panel	6/15/23

Keri Mabry Student, The Graduate Center, City University of New York	Virtual Topic-Specific Hearing Education and Social Services to Prevent and Address Youth Justice Involvement	6/23/23
Lavida Maestas School Board Member, Residential Program, Arizona	2020 National Indian Education Association Convention and Trade Show	10/7/20
Juliet Maestas Executive Director, California Tribal College	Pacific Regional Hearing Education and Early Childhood Development Panel	8/25/22
Dr. Spero Manson Distinguished Professor, Public Health and Psychiatry Director, Centers for American Indian/ Alaska Native Health Department of Community Health, University of Colorado	Virtual Topic-Specific Hearing Diabetes and Nutrition	3/10/23
Lisa Martin Program Director, Inter-Tribal Council of Michigan	Virtual Topic-Specific Hearing Early Childhood Development Program as Prevention and Promise	3/12/21
Dr. Art Martinez Clinical Psychologist, Senior Program Specialist, Tribal Law and Policy Institute	Pacific Regional Hearing Physical, Mental, and Behavioral Health Panel	8/25/22
Kirsten Mathos Graduate Student, San Diego State University	2020 National Indian Education Association Convention and Trade Show	10/7/20
Cori Matthew Tailored Services Manager, Capacity Building Center for Tribes, Tribal Law and Policy Institute	Virtual Topic-Specific Hearing Overview of Tribal Capacity Building to Prevent and Respond to Child Maltreatment and Increase Coordination of Services	10/28/22
Melissa Mayo	Hawai'i Regional Hearing Youth and Community Panel	2/16/23
Dr. Justin Douglas McDonald Professor of Psychiatry, Director, Indians Into Psychology Doctoral Education, University of North Dakota	Great Plains/Midwest Regional Hearing Physical, Mental, and Behavioral Health Panel	6/23/22
Traci McGarry Director, Children and Family Services, Child Advocacy Center at Kawerak	Alaska Regional Hearing Child Welfare, Juvenile Justice, and Violence Panel	8/20/21
Anne McKeig Associate Justice, Minnesota Supreme Court	Great Plains/Midwest Regional Hearing Child Welfare, Juvenile Justice, and Violence Panel	6/24/22
Eric Mehnert Chief Judge, Tribal Court, Penobscot Nation	Eastern Regional Hearing Child Welfare, Juvenile Justice, and Violence Panel	6/14/23

Soa'ali'i Moliga	Northwest and Rocky Mountain Regional Hearing Youth and Community Panel	4/20/23
John Molina Corporate Compliance Officer, Native Health, Urban Health Indian Clinic	Southwest Regional Hearing (Shortened due to COVID-19) Systems Innovations and Best Practices in Native Communities Panel Original title: Systems of Health Service Provision in Native Communities Panel	3/14/20
Dr. Annika Montag Associate Project Scientist Department of Pediatrics, Center for Better Beginnings, University of California San Diego	Virtual Topic-Specific Hearing Fetal Alcohol Spectrum Disorder	6/3/22
Holly Morales Senior Director, Training and Employment Services, Cook Inlet Tribal Council	Virtual Topic-Specific Hearing 2-Generational and Multigenerational Approaches to Supporting Family Economic Self-Sufficiency	9/29/20
Holly Morales Senior Director, Training and Employment Services, Cook Inlet Tribal Council	Alaska Regional Hearing Systems Innovations and Best Practices in Native Communities Panel	8/20/21
Wilfred Moses Traditional Practitioner, Navajo Treatment Center for Children & Families	Navajo Regional Hearing Physical, Mental, and Behavioral Health Panel	4/21/22
Roberta Moto Wellness Program Manager, Maniilaq Wellness Program	Alaska Regional Hearing Physical, Mental, and Behavioral Health Panel	8/20/21
Dr. Alicia Mousseau Vice-President Oglala Sioux Tribe, Training and Technical Assistance Specialist, National Native Children's Trauma	Virtual Topic-Specific Hearing Youth Substance Use Prevention	7/28/20
Geraldine Liz Mueller Retired Tribal Council, Port Gamble Jamestown Director, Social Services Chair, Washington State Indian Policy Advisory Committee	Virtual Topic-Specific Hearing Jurisdiction and State/Tribal/Local/Federal Collaboration to Protect Native Children	8/5/22
Dr. Reza Namin Superintendent, Maine Indian Education	Eastern Regional Hearing Education and Early Childhood Development Panel	6/14/23
John Neptune Cultural Resource Coordinator, Wabanaki Youth in Science	Eastern Regional Hearing Systems Innovations and Best Practices in Native Communities Panel	6/14/23
Deannah Neswood-Gishey Executive Director, Navajo National Division of Social Services	Southwest Regional Hearing (Shortened due to COVID-19) Child Welfare, Juvenile Justice, and Violence Panel Original title: Child Welfare: Jurisdictional Issues and Building Tribal Capacity Panel	3/14/20



Deannah Neswood-Gishey Division Director, Navajo National Division of Social Services	Navajo Regional Hearing Systems Innovations and Best Practices in Native Communities Panel	4/22/22
Anastasia Neumann	Hawai'i Regional Hearing Youth and Community Panel	2/16/23
Sasha Neyro Youth ECHO	Pacific Regional Hearing Youth and Community Panel	8/26/22
Jonathan Nez President, Navajo Nation	Navajo Regional Hearing Tribal/Community Welcome	4/21/22
Phefelia Nez First Lady, Navajo Nation	Navajo Regional Hearing Child Welfare, Juvenile Justice, and Violence Panel	4/22/22
Sheilah E. Nicholas Professor Teaching, Learning and Sociocultural Studies, Associate Professor, American Indian Studies and Second Language Acquisition/Teaching University of Arizona	Southwest/Western Regional Hearing Systems Innovations and Best Practices in Native Communities Panel	2/25/22
Hanu'aina (Honu) Nichols	Hawai'i Regional Hearing Youth and Community Panel	2/16/23
Deb Northburg Director, Child and Family Services, Cook Inlet Tribal Council	Alaska Regional Hearing Systems Innovations and Best Practices in Native Communities Panel	8/20/21
Esther Nystrom Vice President, Arizona Indian Education Association Native American Education Program, Mesa Public School	Southwest Regional Hearing (Shortened due to COVID-19) Education and Early Childhood Development Panel Original title: Integration of Native Culture and Language in Education Panel	3/14/20
Esther Nystrom Native American Education Program, Mesa Public School	Southwest/Western Regional Hearing Education and Early Childhood Development Panel	2/25/22
Kayla O'Conner Student, California Tribal College	Pacific Regional Hearing Youth and Community Panel	8/26/22
Ryan Oatman Chair, Nez Perce Tribe Executive Committee	Northwest and Rocky Mountain Regional Hearing Tribal/Community Welcome	4/19/23
Elladine Olevalo Child Welfare Services Branch Administrator, Department of Human Services, State of Hawai'i	Hawai'i Regional Hearing Child Welfare, Juvenile Justice, and Violence Panel	2/15/23
Bo Paddock Member, Navajo Christian Foundation	Navajo Regional Hearing Youth and Community Panel	4/22/22

James Paddock Member, Navajo Christian Foundation	Navajo Regional Hearing Youth and Community Panel	4/22/22
Dr. Diane Paloma President & CEO, Hawai'i Dental Service	Hawai'i Regional Hearing Physical, Mental, and Behavioral Health Panel	2/15/23
Keyana Pardilla	Eastern Regional Hearing Youth and Community Panel	6/15/23
Dr. Myra Parker Associate Professor, Department of Psychiatry and Behavioral Sciences, University of Washington School of Medicine	Northwest and Rocky Mountain Regional Hearing Physical, Mental, and Behavioral Health Panel	4/19/23
Dr. Cynthia R. Pearson Research Professor, Director of Research, University of Washington	Virtual Topic-Specific Hearing Research and Data Collection	1/13/23
Lourdes Pereira Student, Justice and Indian Studies, Arizona State University	Southwest/Western Regional Hearing Education and Early Childhood Development Panel	2/25/22
Gabriel Pimentel Executive Director, Friendship House Association of American Indians	Pacific Regional Hearing Systems Innovations and Best Practices in Native Communities Panel	8/25/22
Glen Pinkham Homeless Outreach Engagement Coordinator	Northwest and Rocky Mountain Regional Hearing Tribal/Community Welcome	4/19/23
Erica M. Pinto Chair, Jamul Indian Village of California	Pacific Regional Hearing Tribal/Community Welcome	8/26/22
Dr. Cherie Poitra Associate Deputy Director, Tribally Controlled Schools, Bureau of Indian Education	Eastern Regional Hearing Tribal/Community Welcome	6/15/23
Dr. Theresa Pouley Chief Judge, Tulalip Tribal Court Associate Justice, Colville Court of Appeals	Virtual Topic-Specific Hearing Juvenile Justice	1/7/22
Dr. Joely Proudfit Director, California Indian Culture and Sovereignty Center; Department Chair, American Indian Studies, California State University	Pacific Regional Hearing Education and Early Childhood Development Panel	8/25/22
Jennifer Rackliff Executive Director, National Indian Child Care Association	Virtual Topic-Specific Hearing Early Childhood Development Program as Prevention and Promise	3/12/21

Dr. Martin Reinhardt Tenured Professor, Native American Studies, Northern Michigan University	Great Plains/Midwest Regional Hearing Education and Early Childhood Development Panel	6/23/22
Dr. Maegan Rides At the Door Director, National Native Children's Trauma Center	Virtual Topic-Specific Hearing Overview of Tribal Capacity Building to Prevent and Respond to Child Maltreatment and Increase Coordination of Services	10/28/22
Naomi Riley Senior Fellow, American Enterprise Institute	Virtual Topic-Specific Hearing Cross-Cutting Role of Federal Government	12/15/22
Isaiah Robert-Ramangmou	Hawai'i Regional Hearing Youth and Community Panel	2/16/23
Briana Roberts Student, Yocha Dehe Wintun Academy	Pacific Regional Hearing Youth and Community Panel	8/26/22
Niagara A.C. Rockbridge Miss Navajo Nation	Navajo Regional Hearing Youth and Community Panel	4/22/22
Libby Rodgers Chief, Jena Band of Choctaw Indians	Eastern Regional Hearing Tribal/Community Welcome	6/15/23
Dr. Charles M. Roessel President, Diné College	Virtual Topic-Specific Hearing The Potential of Tribal Colleges and Universities to Support Native Children's Success	12/3/20
Addie Rolnick Professor of Law, University of Nevada Las Vegas	Virtual Topic-Specific Hearing Juvenile Justice	1/7/22
Quinton Roman Nose Executive Director, Tribal Education Departments National Assembly	Southern Plains/Eastern Oklahoma Regional Hearing Education and Early Childhood Development Panel	10/6/22
A-Dae Romero Briones Vice President, Research and Policy & Native Agriculture and Food Systems Initiative, First Nations Development Institute	Virtual Topic-Specific Hearing Diabetes and Nutrition	3/10/23
Karen Roth Assistant Professor, University of Alaska Fairbanks; Program Chair, Early Childhood Program	Alaska Regional Hearing Education and Early Childhood Development Panel	8/20/21
Chanial Running Crane Healing to Wellness Courts Coordinator, Black Feet Nation	Northwest and Rocky Mountain Regional Hearing Child Welfare, Juvenile Justice, and Violence Panel	4/19/23

Lona Running Wolf Director, American Indian Student Achievement, Montana Office of Public Instruction	Northwest and Rocky Mountain Regional Hearing Systems Innovations and Best Practices in Native Communities Panel	4/19/23
Sara Rust-Martin Social Service Administrator, Prairie Band Potawatomi Nation	Southern Plains/Eastern Oklahoma Regional Hearing Child Welfare, Juvenile Justice, and Violence Panel	10/6/22
Dr. Leilani Sabzalian Assistant Professor of Indigenous Studies in Education and Co-Director, Sapsik'wala (Teacher) Education Program, University of Oregon	Virtual Topic-Specific Hearing K12 Education	4/1/22
Dr. Melanie Sage Assistant Professor, University at Buffalo School of Social Work	Eastern Regional Hearing Child Welfare, Juvenile Justice, and Violence Panel	6/14/23
Timothy Sandefur Vice President for Litigation, Goldwater Institute	Southwest/Western Regional Hearing Child Welfare, Juvenile Justice, and Violence Panel	2/25/22
Dr. Michelle Sarche Associate Professor, Centers for American Indian and Alaska Native Health, University of Colorado	Virtual Topic-Specific Hearing Early Childhood Development Program as Prevention and Promise	3/12/21
Sashay Schettler Indian Education, Bismarck Public Schools	Great Plains/Midwest Regional Hearing Education and Early Childhood Development Panel	6/23/22
Lauren Schilfgaarde Assistant Professor of Law, UCLA School of Law	Virtual Topic-Specific Hearing Education and Social Services to Prevent and Address Youth Justice Involvement	6/23/23
Christopher Sharp Clinical Assistant Professor & Director, Office of American Indian Projects, School of Social Work, Arizona State University	Southwest Regional Hearing (Shortened due to COVID-19) Child Welfare, Juvenile Justice, and Violence Panel Original title: Child Welfare: Jurisdictional Issues and Building Tribal Capacity	3/14/20
Christopher Sharp Clinical Assistant Professor & Director, Office of American Indian Projects, School of Social Work, Arizona State University	Southwest/Western Regional Hearing Physical, Mental, and Behavioral Health Panel	2/25/22
Kevin Shendo Education Director, Pueblo of Jemez	Southwest Regional Hearing (Shortened due to COVID-19) Education and Early Childhood Development Panel Original title: Integration of Native Culture and Language in Education	3/14/20
Kevin Shendo Education Director, Pueblo of Jemez	Southwest/Western Regional Hearing Education and Early Childhood Development Panel	2/25/22

Dr. Jack Shonkoff Professor of Child Health and Development & Founding Director, Center on the Developing Child, Harvard University Professor of Pediatrics, Harvard Medical School	Virtual Topic-Specific Hearing Early Childhood Development	1/28/22
Randi Skinner Executive Officer, Family Support Division	Southern Plains/Eastern Oklahoma Regional Hearing Youth and Community Panel	10/7/22
Andrea Smith Legal Consultant & Previous In-house Counsel, Port Gamble S'Klallam Tribe	Virtual Topic-Specific Hearing Overview of improvements to the child welfare system to reduce disproportionality, data trends and implications, and prevention/family preservation (including changes to IV-E)	9/16/22
Linda Smith Director, Early Childhood Initiative, Bipartisan Policy Center	Virtual Topic-Specific Hearing Increased Coordination of Wraparound Services for Native Children	11/18/22
Lawrence Spotted Bird Chairman, Kiowa Tribe of Oklahoma	Southern Plains/Eastern Oklahoma Regional Hearing Tribal/Community Welcome	10/7/22
Deb Starnes Chief Development Officer, Indian Health Care Resource Center	Southern Plains/Eastern Oklahoma Regional Hearing Physical, Mental, and Behavioral Health Panel	10/6/22
Dr. Lancer Stephens Health Sciences Center, University of Oklahoma	Southern Plains/Eastern Oklahoma Regional Hearing Physical, Mental, and Behavioral Health Panel	10/6/22
Leo Stewart Former Vice-Chair, Umatilla Board of Trustees	Northwest and Rocky Mountain Regional Hearing Tribal/Community Welcome	4/19/23
Geneva Strech E-TEAM, University of Oklahoma	Southern Plains/Eastern Oklahoma Regional Hearing Physical, Mental, and Behavioral Health Panel	10/6/22
Dr. Alicia Summers Director, Data Savvy Consulting	Virtual Topic-Specific Hearing Overview of jurisdiction and state/Tribal/local/Federal collaboration to protect Native children	8/5/22
Isabel Sutteer	Southern Plains/Eastern Oklahoma Regional Hearing Youth and Community Panel	10/7/22
Chris TallBear Grant Lead, Southern Plains Tribal Health Board	Southern Plains/Eastern Oklahoma Regional Hearing Physical, Mental, and Behavioral Health Panel	10/6/22
Dr. James H.T. Tan MD, Kaiser Permanente	Virtual Topic-Specific Hearing Medicaid and Other Third Party Payers and Improved Access to Health	3/31/23

Kimberly TeeHee Director, Government Relations, Cherokee Nation Senior Vice President, Government Relations Cherokee Nation Businesses	Southern Plains/Eastern Oklahoma Regional Hearing Education and Early Childhood Development Panel	10/6/22
Ian Teller Member, Indigenous Youth Council	Navajo Regional Hearing Youth and Community Panel	4/22/22
Esther Tenorio Project Director, Helping Our People Advocating Hope (HOPAH)	Southwest Regional Hearing (Shortened due to COVID-19) Systems Innovations and Best Practices in Native Communities Panel Original title: Systems of Health Service Provision in Native Communities	3/14/20
Nick Terrones Director, Daybreak Star Preschool	Northwest and Rocky Mountain Regional Hearing Tribal/Community Welcome	4/19/23
Denise Thomas Department Manager, Office of Diné Youth Boys and Girls Club of Diné Youth	Navajo Regional Hearing Education and Early Childhood Development Panel	4/21/22
William Thorne Retired Judge, Utah State, National Council of Juvenile and Family Court Judges	Virtual Topic-Specific Hearing Overview of Child Maltreatment in Native Communities and Impact of ICWA	7/15/22
Laurie Tochiki Executive Director, EPIC 'Ohana	Hawai'i Regional Hearing Child Welfare, Juvenile Justice, and Violence Panel	2/15/23
Roy Tracy Assistant Superintendent, Navajo Nation Headstart	Navajo Regional Hearing Education and Early Childhood Development Panel	4/21/22
Dr. Monica Tsethlikai Associate Professor, School of Social and Family Dynamics, Arizona State University	Southwest Regional Hearing (Shortened due to COVID-19) Tribal/Community Welcome Original title: Introductory Session	3/14/20
Dr. Monica Tsethlikai Associate Professor, School of Social and Family Dynamics, Arizona State University	Southwest/Western Regional Hearing Tribal/Community Welcome	2/25/22
Adriano Tsinigine Secretary/Treasurer, Navajo Nation Youth Advisory Council	Navajo Regional Hearing Youth and Community Panel	4/22/22
Memarie Tsosie Director, First Things First, Navajo Region	Navajo Regional Hearing Education and Early Childhood Development Panel	4/21/22
Crescentia Tso ICWA Unit Supervisor, Navajo Nation Division of Social Services	Navajo Regional Hearing Child Welfare, Juvenile Justice, and Violence Panel	4/22/22
Jacob Tsoitigh Vice Chairman, Kiowa Tribe of Oklahoma	Southern Plains/Eastern Oklahoma Regional Hearing Tribal/Community Welcome	10/6/22

Delia Parker Ulima HI HOPES Initiative Manager, EPIC 'Ohana, Inc.	Hawai'i Regional Hearing Tribal/Community Welcome	2/15/23
Dr. Jessica Saniguq Ullrich Assistant Professor, School of Social Work, University of Alaska Anchorage	Alaska Regional Hearing Systems Innovations and Best Practices in Native Communities Panel	8/20/21
Alfred Urbina Attorney General, Office of the Attorney General, Pascua Yaqui Tribe	Southwest/Western Regional Hearing Child Welfare, Juvenile Justice, and Violence Panel	2/25/22
Gil Vigil Tribal Council, Eight Northern Indian Pueblos Council, Inc.	Southwest/Western Regional Hearing Systems Innovations and Best Practices in Native Communities Panel	2/25/22
Lisa Wade Acting Executive Director, Ya Ne Dah Ah School	Alaska Regional Hearing Education and Early Childhood Development Panel	8/20/21
Maria Walker Nursing Student, Arizona State University	Southwest/Western Regional Hearing Physical, Mental, and Behavioral Health Panel	2/25/22
Dr. Melissa Walls Associate Professor, Department of International Health, Johns Hopkins University & Director, Great Lakes Hub, Center of American Indian Health	Virtual Topic-Specific Hearing The Early Impacts on COVID-19 on Native Children and Youth	1/19/21
Dr. Karina Walters Director & Principal Investigator, Indigenous Wellness Research Institute, University of Washington	Virtual Topic-Specific Hearing The Early Impacts on COVID-19 on Native Children and Youth	1/19/21
Shoshana Wasserman Deputy Director, First Americans Museum Leadership	Southern Plains/Eastern Oklahoma Regional Hearing Physical, Mental, and Behavioral Health Panel	10/6/22
Dr. Lisa Watkins-Victorino Research Director, Office of Hawaiian Affairs	Hawai'i Regional Hearing Regional Public Comment Virtual Meeting	2/15/23
Wendell Waukau Superintendent, Menominee Indian School District	Great Plains/Midwest Regional Hearing Systems Innovations and Best Practices in Native Communities Panel	6/24/22
Jerry Waukau Sr. Health Administrator, Menominee Tribal Clinic	Great Plains/Midwest Regional Hearing Systems Innovations and Best Practices in Native Communities Panel	6/24/22
Sally Wells Founding Member, Native American Indian Association of Tennessee	Eastern Regional Hearing Tribal/ Community Welcome	6/14/23
Rory Wheeler Vice President & Northeast Representative, United National Indian Tribal Youth Inc.	Virtual Topic-Specific Hearing Juvenile Justice	1/7/22
Jackie White Executive Director, American Indian Education, State of Oklahoma	Southern Plains/Eastern Oklahoma Regional Hearing Education and Early Childhood Development Panel	10/6/22

Sandy White Hawk Elder in Residence, Indian Child Welfare Law Office, Minneapolis	Great Plains/Midwest Regional Hearing Child Welfare, Juvenile Justice, and Violence Panel	6/24/22
Dr. Jessica White Plume Director, Agriculture Department and Land Grants at Nueta idatsa Sahnish College, New Town, North Dakota	Great Plains/Midwest Regional Hearing Physical, Mental, and Behavioral Health Panel	6/23/22
Ron Whitener Judge, Tulalip Tribal Court	Virtual Topic-Specific Hearing Juvenile Justice	1/7/22
Christine Williams Chief Judge, Wilton Rancheria Tribal Court	Pacific Regional Hearing Child Welfare, Juvenile Justice, and Violence Panel	8/25/22
David Wilson Indian Methodist Church, Oklahoma	Southern Plains/Eastern Oklahoma Regional Hearing Systems Innovations and Best Practices in Native Communities Panel	10/6/22
Dr. William "Pila" Wilson Professor of Hawaiian Studies, University of Hawai'i-Hilo	Hawai'i Regional Hearing Education and Early Childhood Development Panel	2/15/23
Geri Wisner Attorney General, Muscogee Creek Nation	Southern Plains/Eastern Oklahoma Regional Hearing Child Welfare, Juvenile Justice, and Violence Panel	10/6/22
Cortney Yarholar Director of Organizational Development, Boys and Girls Club of America	Southern Plains/Eastern Oklahoma Regional Hearing Systems Innovations and Best Practices in Native Communities Panel	10/6/22
Dawn Yazzie Early Childhood Mental Health Consultant, Smart Support, Southwest Human Development	Navajo Regional Hearing Youth and Community Panel	4/22/22
Lynnann Yazzie District Native American Specialist, Phoenix Union High School	2020 National Indian Education Association Convention and Trade Show	10/7/20
Diana Yazzie Devine President & CEO, Native American Connections	Southwest Regional Hearing (Shortened due to COVID-19) Systems Innovations and Best Practices in Native Communities Panel	3/14/20
Dr. Marilyn Zimmerman Senior Director, Policy and Programs, National Native Children's Trauma Center	Northwest and Rocky Mountain Regional Hearing Tribal/Community Welcome	4/19/23







**When we move forward, we must remember that youth plays a very important role in building our nation and country. They carry forward our hopes for the future, change, and our legacy.”**



**NIAGARA ROCKBRIDGE**

*Navajo*

**Miss Navajo Nation**

Navajo Regional Hearing, Commission on Native Children



**This report is made possible by P.L. 114-244 and is the result of:**



**REGIONAL  
HEARINGS**



**VIRTUAL  
HEARINGS**



**SITE  
VISITS**



**WITNESSES**

The Commission on Native Children thanks the many individuals—Tribal leaders, culture bearers, community members, service providers, program staff, expert and lay witnesses, content matter experts, and others—whose participation informed the recommendations made in this report.