



State of Oregon
Government to Government
Agency
Education Cluster
Meeting Manual
2014

Introduction

The State of Oregon has long recognized and emphasized the importance of continued communication and partnership with the nine federally recognized sovereign tribes in Oregon. This partnership has been solidified by a number of state legislative and executive actions beginning with SB 386 (1975), now ORS 172.100-.140, established the Commission on Indian Services “for the purpose of improving services with American Indians in the State of Oregon” and comprised of representatives of the nine tribes and members of the Legislative branch, making Oregon the first state in the nation to lead the way in this important work. In 1996, Governor Kitzhaber issued Executive Order (EO) No. 96-30, which formalized a government-to-government relationship between the State of Oregon and the nine tribes and establishing a framework for government-to-government communication and consultation on issues of mutual concern. The EO emphasized the importance of recognizing the tribes as sovereign nations and established a process which “can assist in resolving potential conflicts, maximize key inter-governmental relations and enhance an exchange of ideas and resources for the greater good of all of Oregon’s citizens, whether tribal members or not.” EO 96-30 was codified into law by the Legislature in SB 770 (2001), now ORS 182.162 to 182.168.

In addition to the mechanisms outlined in EO 96-30 and ORS 172.100-.140 and ORS 182.162-.168, the government-to-government relationship has also been facilitated through “clusters” comprised of representatives from the tribes and executive branch agencies organized to focus on specific areas of policy. The education cluster focuses on areas of partnership that expand along the education spectrum from early childhood to college. The clusters have been very successful at identifying potential areas of partnership and carrying out instrumental pieces of policy that help both the tribes and the state accomplish our educational goals. After Oregon adopted the 40-40-20 goal in 2011, through SB 253, the education cluster has been able to bring to the state’s attention key issues that need to be addressed in order to graduate 100% of Oregonians by the year 2025 and provide leadership and resources in pursuit of such efforts. The cluster meets quarterly to update each other on priority areas and identify mutual areas of work resulting in action items to be addressed by each agency and the tribes. It is with great enthusiasm that both tribal partners and State Agencies continue to work together to achieve mutual goals in education serving all Oregonians and building lasting relationships that are built through trust and mutual respect.

This manual will serve as a guiding tool for the agency cluster members in helping to organize the meetings, provide contact information, specify the duties of the cluster manager and provide helpful documents that guide the State-tribal government to government relations. The cluster will review this document annually and modify as needed.

This manual was adopted by the Government to Government Education Cluster on

[December 6, 2013]

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Yearly Organization of Meetings

The Government to Government Education cluster shall meet quarterly. Additional meetings may be organized as needed. The quarterly meetings will be organized as follows:

1. First Quarter Meeting: The agencies will give an update¹ to the tribal representatives in regards to issues from the previous year and new items that have come up between meetings. The cluster members will review the work plan and develop strategies to accomplish the goals set in the work plan. They will also set short term action items that will be smaller projects than those goals set for the entire year, which might be accomplished in time for the next quarter meeting.
2. Second and Third Quarter Meetings: These meetings will serve to get progress reports on the work plan and any other short term action items adopted at the previous meetings. These meetings will serve as check points and forums for conversations about issues that arise between meetings.
3. Fourth Quarter Meeting: This meeting will be the last meeting for the cluster that year. At this meeting we will evaluate the progress of the goals we have set for the year and what we have accomplished. We will give updates of issues that come up between meetings and discuss possible goals for the next year. The cluster will at this time create a calendar and work plan for the next year.

Individual Agencies and tribal representatives are responsible for working together between the meetings to achieve the goals and action items adopted by the cluster.

¹ Helpful updates include:

- Information on policy changes
- Bill numbers regarding education
- Advisory appointments or job openings

Education Cluster Agency Coordinator Responsibilities

The Government to Government Education Cluster agency coordinator will help with the organization and coordination of the meetings. Unless otherwise decided by the members of the Cluster, the agency coordinator is the Executive Assistant for Education Policy in the Governor's office. In this capacity the coordinator shall:

1. Coordinate communication between the State and the tribes. This will include, but is not limited to:
 - a. Sending e-mails to the distribution list with the meeting dates and locations.
 - b. Coordinating attendance from the State agency representatives to the meetings.
 - c. Provide materials during the meeting.
 - d. Provide materials to the state agencies and the tribes when requested.
2. Draft and distribute the agency day meeting minutes.
3. Keep the agency and tribal contacts included in this manual up to date, as well as in their personal record.
 - a. The coordinator is responsible for keeping the most up to date information on contacts from both the State and the tribes. If there are changes to the contacts in the manual the coordinator will reflect the changes and redistribute the manual annually.
4. Work with the Tribe hosting the meeting to coordinate any needs that may arise.
5. Serve as the point of contact for any Cluster Member should they have inquiries or concerns.
6. Keep in constant communication with the tribal cluster facilitator.
7. Keep the records of all of the meetings; this includes materials and minutes from the previous Cluster meetings.

¹ Helpful information for agencies:
- Updated tribal contact information
- Advisory appointments or job openings

Education Cluster Tribal Facilitator Responsibilities

Appointed tribal representatives of the Cluster will designate an individual from one of the nine tribes as the Government to Government Education Cluster tribal facilitator to serve a two-year term limit; at the same time an alternate will be designated to serve in the absence of the tribal facilitator. The tribal facilitator will assist with the organization and coordination of the tribal day meetings and can served as the point of contact to distribute and receive information for the cluster. In this capacity the facilitator shall:

1. Coordinate the tribal day agenda.
 - a. Send out agenda request items.
 - b. Draft agenda and send to tribes.
 - c. Coordinate with guest speakers / presenters as needed.
 - d. Work with host tribe to determine meeting needs and arrangements.
 - e. Work closely with the Education Cluster Agency Coordinator on agency day agenda items and points of interest from the tribes.
2. Serve as the point of contact for tribal cluster. Maintain current email address distribution list.
 - a. Collect and send emails designated to the Government to Government Education Cluster Tribal Representatives.
3. Maintain record for all meetings.
4. Collection and distribute annual report to Commission on Indian Services, tribes, and other parties of interest as requested.
 - a. Work with tribes to draft annual report to include update on work plan.
 - b. Distribute draft report to all tribal representatives for input and approval.
 - c. Final report to be submitted to CIS, Tribes, and other parties as needed.
 - d. Maintain copies of all annual plans.

The following pages are reference documents.

Executive Order 96-30

EXECUTIVE ORDER NO. EO - 96 – 30

STATE/TRIBAL GOVERNMENT-TO-GOVERNMENT RELATIONS

There are nine federally recognized Indian tribal governments located in the State of Oregon. These Indian tribes were in existence prior to the formation of the United States of America, and thus retain a unique legal status. The importance of recognizing the relationship that exists between the tribes and state government can not be underestimated.

As sovereigns the tribes and the State of Oregon must work together to develop mutual respect for the sovereign interests of both parties. The relationships between our governmental structures can only be built through trust and mutual respect .

The purpose of formalizing the government-to-government relationship that exists between Oregon’s Indian tribes and the State is to establish a process which can assist in resolving potential conflicts, maximize key inter-governmental relations and enhance an exchange of ideas and resources for the greater good of all of Oregon’s citizens, whether tribal members or not.

IT IS ORDERED AND DIRECTED:

1. That the Governor’s Legal Counsel, or such other person as the Governor may from time to time designate, shall be accountable to the Governor for the implementation of this Executive Order and be responsible for convening an annual meeting where representatives of the State and the nine federally recognized Oregon tribal governments will work together to achieve mutual goals.

2. That the head of each Cabinet level department who is either appointed by the Governor or who reports to gubernatorial appointees and is made subject to this Order by the Governor (hereinafter “department”) shall be accountable to the Governor’s office for adopting a departmental State/Tribal Government statement that:
 - a. Recognizes that Oregon Indian tribal governments are interested in the development of state policy that affects tribal interests (hereinafter “state policy”) and recognizes the desirability of dialogue between tribal governments and the state, with regard to those state policies;
 - b. Identifies key personnel of the department as a “key contact[s]” responsible for coordination with tribal governments;
 - c. Establishes a process for the identification of those state policies by designated tribal representatives and key contacts ;
 - d. promotes dialogue between Oregon departments and tribal governments on those state policies ; and
 - e. That advances the government-to-government relationship by notifying staff and employees of this Executive Order.
3. Through the process established under this Executive Order the key contacts and designated tribal representatives shall identify issues of mutual concern arising from state policy. The departments and each tribal government shall make reasonable efforts to design solutions and develop programs to achieve mutual goals in relation to state policy.

4. That each department shall recognize the opportunity to use a number of tools to achieve mutual cooperation including but not limited to use of cooperative agreements with Indian tribal governments as provided for in ORS 190.110 when it is appropriate to do so.
5. That each department shall provide key managers with periodic training which enables them to better recognize Indian issues and to understand and respect the legal status of tribal governments and of American Indians as citizens of Oregon who also have their own unique and distinct culture. It is important as well for the tribes to develop tribal training so its members will better understand the workings and process of state government. It is the hope of the state that these training's will enable the tribes and the state to learn about each other's cultures and improve our mutual ability to communicate our interests more clearly. The key contact and designated tribal representatives shall consult on the scope and content of training as well as the coverage of its cost.
6. That the departments shall work cooperatively to accomplish the goals of this order.

It is the hope of the state and the tribes that this executive order will result in improving the quality of communication between our sovereign governments. The tribes and the state recognize that this order cannot and is not intended to create a forum for resolution of all issues between the tribes and the state. Nor is it meant to replace presently existing lines of communications. Both the tribes and the state recognize that issues that are the subject of litigation or that are likely to become the subject of litigation are inappropriate for discussion in this process.

Nothing in this order shall require the state or any of its agencies to violate or ignore any laws, rules, directives or other legal requirements or obligations imposed by state or federal law including but not limited to state Public Records laws, Public Meetings laws and provisions of the state Administrative Procedures Act.

This document has been adopted for the sole purpose of enhancing communication and mutual cooperation between the State of Oregon and the tribal governments and is not intended to, and does not, create any right to administrative or judicial review, or any other right or benefit or responsibility, substantive or procedural, enforceable by a party against the State of Oregon, its agencies or instrumentality's, its officers or employees, its subdivisions or any other persons.

Done at Salem, Oregon this 22nd day of May 1996.

GOVERNOR

Attest:

SECRETARY OF STATE

SB 770 (2001)

71st OREGON LEGISLATIVE ASSEMBLY--2001 Regular Session

Enrolled

Senate Bill 770

Sponsored by Senators BROWN, CLARNO; Senators CASTILLO, CORCORAN, DECKERT, FERRIOLI, GORDLY, MESSERLE, METSGER, NELSON, SHIELDS, STARR, TROW, Representatives GARDNER, KNOPP, KRIEGER, MONNES ANDERSON, NOLAN, ROSENBAUM, G SMITH, VERGER, V WALKER, WESTLUND (at the request of Commission on Indian Services)

CHAPTER

AN ACT

Relating to government-to-government relations between the State of Oregon and American Indian tribes in Oregon.

Be It Enacted by the People of the State of Oregon:

SECTION 1. { + As used in sections 1 to 4 of this 2001 Act:

(1) 'State agency' has the meaning given that term in ORS 358.635.

(2) 'Tribe' means a federally recognized Indian tribe in Oregon. + }

SECTION 2. { + (1) A state agency shall develop and implement a policy that:

(a) Identifies individuals in the state agency who are responsible for developing and implementing programs of the state agency that affect tribes.

(b) Establishes a process to identify the programs of the state agency that affect tribes.

(c) Promotes communication between the state agency and tribes.

(d) Promotes positive government-to-government relations between the state and tribes.

(e) Establishes a method for notifying employees of the state agency of the provisions of sections 1 to 4 of this 2001 Act and the policy the state agency adopts under this section.

(2) In the process of identifying and developing the programs of the state agency that affect tribes, a state agency shall include representatives designated by the tribes.

(3) A state agency shall make a reasonable effort to cooperate with tribes in the development and implementation of programs of the state agency that affect tribes, including the use of agreements authorized by ORS 190.110. + }

SECTION 3. { + (1) At least once a year, the Oregon Department

of Administrative Services, in consultation with the Commission on Indian Services, shall provide training to state agency managers and employees who have regular communication with tribes on the legal status of tribes, the legal rights of members of tribes and issues of concern to tribes.

(2) Once a year, the Governor shall convene a meeting at which representatives of state agencies and tribes may work together to achieve mutual goals.

(3) No later than December 15 of every year, a state agency shall submit a report to the Governor and to the Commission on Indian Services on the activities of the state agency under sections 1 to 4 of this 2001 Act. The report shall include:

(a) The policy the state agency adopted under section 2 of this 2001 Act.

(b) The names of the individuals in the state agency who are responsible for developing and implementing programs of the state agency that affect tribes.

(c) The process the state agency established to identify the programs of the state agency that affect tribes.

(d) The efforts of the state agency to promote communication between the state agency and tribes and government-to-government relations between the state and tribes.

(e) A description of the training required by subsection (1) of this section.

(f) The method the state agency established for notifying employees of the state agency of the provisions of sections 1 to 4 of this 2001 Act and the policy the state agency adopts under section 2 of this 2001 Act. + }

SECTION 4. { + Nothing in sections 1 to 4 of this 2001 Act creates a right of action against a state agency or a right of review of an action of a state agency. + }

Passed by Senate April 2, 2001

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Secretary of Senate

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President of Senate

Passed by House May 11, 2001

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Speaker of House

Received by Governor:

.....M.,....., 2001

Approved:

.....M.,....., 2001

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Governor

Filed in Office of Secretary of State:

.....M.,....., 2001

.....
Secretary of State

ORS 172.100-.140

COMMISSION ON INDIAN SERVICES

172.100 Legislative policy. It is declared to be the policy and intent of the Legislative Assembly that:

- (1) The State of Oregon shall establish a Commission on Indian Services for the purpose of improving services with American Indians in the State of Oregon.
- (2) The commission will not abrogate or supersede negotiations or relations that any Indian tribe, band or group might have or develop individually with any state, federal or local government. [1975 c.688 §1; 1979 c.33 §1]

172.110 Members; appointment; qualifications; term; quorum; compensation and expenses.

(1) The Commission on Indian Services shall be comprised of 13 members appointed jointly by the President of the Senate and the Speaker of the House of Representatives. Membership shall include:

- (a) One member from the Senate.
- (b) One member from the House of Representatives.
- (c) One member from the Confederated Tribes of the Warm Springs Reservation.
- (d) One member from the Confederated Tribes of the Umatilla Indian Reservation.
- (e) One member from the Burns-Paiute Tribe.
- (f) One member from the Confederated Tribes of Siletz Indians of Oregon.
- (g) One member from the Confederated Tribes of Grand Ronde.
- (h) One member from the Cow Creek Band of Umpqua Indians.
- (i) One member from the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Tribes.
- (j) One member from the Klamath Tribes.
- (k) One Member from the Coquille Tribe.
- (L) One member from each of the following areas in which nonreservation Indians reside:
 - (A) Portland urban area.
 - (B) Willamette Valley area.

(2) If the Speaker of the House of Representatives or the President of the Senate is a member, either may designate from time to time an alternate from among the members of the appropriate house to exercise the powers of the Speaker or President as a member of the commission except that the alternate shall not preside if the Speaker or President is Chairperson.

(3) All appointments of those representing the Indian population shall be made from councils or the representative Indian organizations in the identified nonreservation areas.

(4) The term of office is two years. Vacancies shall be filled by the appointing authority for the unexpired term.

(5) In the event that other nonfederally recognized tribes indigenous to Oregon obtain federal recognition status, the Commission on Indian Services may recommend to the Legislative Assembly that membership on the commission be granted to such tribes who demonstrate

proof of federal recognition and their authority to speak in the interest of the tribe they represent. However, the total number of membership positions on the commission shall not exceed 13. In order to accommodate tribal representatives, the adjustment shall be made from among members designated under subsection (1)(L) of this section. Individual nontribal groups and organizations shall not be considered for membership on the commission. Though individual nontribal groups and organizations shall not be specifically represented on the commission, the commission as a whole shall serve as a forum for considering the needs and concerns of these groups and organizations as well as the needs and concerns of all American Indians in Oregon.

(6) The commission shall elect a chairperson and vice-chairperson for a term of one year and shall determine the duties of the officers.

(7) A majority of the members of the commission constitutes a quorum for the transaction of business by no final decision may be made without affirmative vote of the majority of the members appointed to the commission.

172.120 STATE LEGISLATIVE DEPARTMENT AND LAWS

(8) Members who are not members of the Legislative Assembly may be paid compensation and expenses as provided in ORS 292.495, from such funds as may be available to the commission therefor. Members who are members of the Legislative Assembly shall be paid compensation and expenses reimbursement as provided ORS 171.072, payable from funds appropriated to the Legislative Assembly.

[1975 c.688§ 2; 1977 c.891§4; 1979 c.33 §2; 1985 c.268 §1; 1985 c.565 §17; 1987 c.54 §1; 1987 c.879 §2; 1991 c.147 §1]

172.120 Duties and powers; report.

The Commission on Indian Services shall:

(1) Compile information relating to services available to Indians, including but not limited to education and training programs, work programs, housing programs, health programs, mental health programs including alcohol and drug services, and welfare programs from local, state and federal sources and through private agencies.

(2) Develop and sponsor in cooperation with Indian groups and organizations, programs to inform Indians of services available to them.

(3) Develop and sponsor programs to make Indian wants and needs know to the public and private agencies the activities of which affect Indians. Encourage and support these public and private agencies to expand and improve their activities affecting the Indians.

(4) Assess programs of state agencies operating for the benefit of Indians and make recommendations to the appropriate agencies for the improvement of those programs.

(5) Report biennially to the Governor and the Legislative Assembly on all matters of concern to Indians of this state and recommend appropriate action. [1975 c.688 §3; 1979 c.33 §3]

172.130 Executive Officer and employees. The Commission on Indian Services may employ an Executive Office and other staff as may be necessary to carry out the purposes of ORS 172.100 to 172.140. [1975 c.688 §4; 1985 c.268 § 2]

172.140 Authority to accept contributions; disposition of funds received. The Commission on Indian Services may accept contributions of funds and assistance from United States, its agencies, or from any other sources, public or private, and agree to conditions thereon not inconsistent with the purposes of the commission. All such fund are continuously appropriated to aid in financing the functions of the commission and shall be deposited in the General Fund of the State Treasury to the credit of a separate account for the commission and shall be disbursed for the purpose for which contributed. [1975 c.688 §5; 1981 c.583 §4]

ORS 182.162-.168

182.162 Definitions for ORS 182.162 to 182.168. As used in ORS 182.162 to 182.168:

- (1) “State agency” has the meaning given that term in ORS 358.635.
- (2) “Tribe” means a federally recognized Indian tribe in Oregon. [2001 c.177 §1]

Note: 182.162 to 182.168 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 182 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

182.164 State agencies to develop and implement policy on relationship with tribes; cooperation with tribes. (1) A state agency shall develop and implement a policy that:

- (a) Identifies individuals in the state agency who are responsible for developing and implementing programs of the state agency that affect tribes.
- (b) Establishes a process to identify the programs of the state agency that affect tribes.
- (c) Promotes communication between the state agency and tribes.
- (d) Promotes positive government-to-government relations between the state and tribes.
- (e) Establishes a method for notifying employees of the state agency of the provisions of ORS 182.162 to 182.168 and the policy the state agency adopts under this section.

(2) In the process of identifying and developing the programs of the state agency that affect tribes, a state agency shall include representatives designated by the tribes.

(3) A state agency shall make a reasonable effort to cooperate with tribes in the development and implementation of programs of the state agency that affect tribes, including the use of agreements authorized by ORS 190.110. [2001 c.177 §2]

Note: See note under 182.162.

182.166 Training of state agency managers and employees who communicate with tribes; annual meetings of representatives of agencies and tribes; annual reports by state agencies.

(1) At least once a year, the Oregon Department of Administrative Services, in consultation with the Commission on Indian Services, shall provide training to state agency managers and employees who have regular communication with tribes on the legal status of tribes, the legal rights of members of tribes and issues of concern to tribes.

(2) Once a year, the Governor shall convene a meeting at which representatives of state agencies and tribes may work together to achieve mutual goals.

(3) No later than December 15 of every year, a state agency shall submit a report to the Governor and to the Commission on Indian Services on the activities of the state agency under ORS 182.162 to 182.168. The report shall include:

- (a) The policy the state agency adopted under ORS 182.164.
- (b) The names of the individuals in the state agency who are responsible for developing and implementing programs of the state agency that affect tribes.
- (c) The process the state agency established to identify the programs of the state agency

that affect tribes.

(d) The efforts of the state agency to promote communication between the state agency and tribes and government-to-government relations between the state and tribes.

(e) A description of the training required by subsection (1) of this section.

(f) The method the state agency established for notifying employees of the state agency of the provisions of ORS 182.162 to 182.168 and the policy the state agency adopts under ORS 182.164. [2001 c.177 §3]

Note: See note under 182.162.

182.168 No right of action created by ORS 182.162 to 182.168. Nothing in ORS 182.162 to 182.168 creates a right of action against a state agency or a right of review of an action of a state agency. [2001 c.177 §4]

Note: See note under 182.162.

Tribal Education Cluster Contacts

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Confederated Tribes of the Grand Ronde Community of Oregon:

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Cow Creek Band of Umpqua Indians

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Klamath Tribes General Council:

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State Agency Education Cluster Contacts

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Oregon Department of Education

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Oregon Student Access Commission

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Oregon University System

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Teacher Standards and Practices Commission

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