



# Memorandum of Understanding and Mutual Support

By and Between

Menominee Indian Tribe of Wisconsin

And

Wisconsin Department of Public Instruction

This **Memorandum of Understanding and Mutual Support** ("MOU") is made and entered into effective as of the **1<sup>st</sup> day of January 2023**, by and between Menominee Indian Tribe of Wisconsin and the Wisconsin Department of Public Instruction for the purpose of addressing issues of mutual interest to the parties regarding the education of school-age members of the Menominee Indian Tribe of Wisconsin.

**Whereas**, the issues of mutual interest include promoting positive perceptions and improving the nature and scope of interactions between the Menominee Indian Tribe of Wisconsin and the Wisconsin Department of Public Instruction; and,

**Whereas**, the intention of this MOU is to provide a framework for respectful and cooperative communication that utilizes consensus building for improving programs and services; and,

**Whereas**, the primary outcome intended by this MOU is to improve the planning, communication, and coordination between the Wisconsin Department of Public Instruction and the Menominee Indian Tribe of Wisconsin of programs affecting the education of the Menominee Indian Tribe of Wisconsin tribal members; and,

**Whereas**, the parties intend to clarify their relationship to establish a common understanding regarding their roles, responsibilities, and procedures that will facilitate best practices between our agencies; and,

**Whereas**, the Wisconsin Department of Public Instruction under the supervision of the State Superintendent has authority under the Wisconsin Constitution to oversee public education in the state; and,

**Whereas**, the Menominee Indian Tribe of Wisconsin is a sovereign nation organized for the purpose of protecting the welfare of its members, which includes ensuring the proper education of its members; and,

**Whereas**, both the Menominee Indian Tribe of Wisconsin and the Wisconsin Department of Public Instruction have a responsibility for the provision of education to school-age tribal members, it is critical to the quality of services that staff and representatives from the Menominee Indian Tribe of Wisconsin and the Wisconsin Department of Public Instruction understand and consult with one another to ensure that needed services are provided in an efficient, timely, culturally appropriate, and effective manner; and,

**Whereas** representatives of the Menominee Indian Tribe of Wisconsin and the Wisconsin Department of Public Instruction have met on multiple occasions to discuss matters affecting quality education and issues of mutual concern to the parties.

**Therefore**, the Menominee Indian Tribe of Wisconsin and the Wisconsin Department of Public Instruction hereby resolve and agree they will mutually support and adhere to the following principles and exert their best efforts in doing so.

**I. Parties**

**Menominee Indian Tribe of Wisconsin**

**Ronald J. Corn Sr., Chairman**

W2908 Tribal Office Loop Road Keshena, WI 54135

(715) 799-5114

chairman@mitw.org

**Wisconsin Department of Public Instruction**

**Dr. Jill Underly, Superintendent**

125 South Webster Street Madison, WI 53707-7841

(608) 266-3390

dpistatesuperintendent@dpi.wi.gov

**II. Meetings and Consultation**

**A. Consultation**

DPI will communicate and consult with the Menominee Indian Tribe of Wisconsin and seek meaningful input in the development of policies, rules, regulations, projects, plans, and activities that will significantly, and primarily, affect the Menominee Indian Tribe of Wisconsin's school-age tribal members in a manner that ensures meaningful opportunity for input and discussion with the Menominee Indian Tribe of Wisconsin. This process will be established with the Menominee Indian Tribe of Wisconsin, except where directed by state or federal law as it relates to the operations of the Wisconsin Department of Public Instruction. Further, the Menominee Indian Tribe of Wisconsin shall be included in outreach and consultation if conducted with other stakeholders on issues related to the Menominee Indian Tribe of Wisconsin's school-age tribal members.

Both parties agree that leadership of both parties will meet as needed, at least one time each year, to identify issues of mutual concern, discuss and devise strategies, work to address identified issues, and to provide key contacts, in furtherance of this MOU and the mutual obligations of the parties.

**B. Meetings**

Both parties agree to meet regularly as needed and in a manner that is timely and respectful, and which clearly identifies internal processes and timeline expectations for the parties involved. Either party can initiate a request for a meeting, by and through authorized representatives.

The Wisconsin Department of Public Instruction also agrees to host an annual consultation meeting for tribal leaders and an annual meeting for all tribal education directors and tribal leadership.

**C. Designation of Contacts.**

The Menominee Indian Tribe of Wisconsin agrees to identify primary contacts to the Wisconsin Department of Public Instruction and the Wisconsin Department of Public Instruction agrees to do the same on all issues identified in this agreement.

**II. Communications**

The Wisconsin Department of Public Instruction agrees to provide the Menominee Indian Tribe of Wisconsin with access to the same departmental listservs, social media, and published materials provided to public school districts.

**III. Cultural Awareness Training**

The Wisconsin Department of Public Instruction commits to providing ongoing cultural awareness training to all of its staff to ensure improved communication, service, and understanding in working with the Menominee Indian Tribe of Wisconsin and serving tribal students. The tribe agrees to provide the content for the training.

Through its American Indian Studies Program established within the Wisconsin Department of Public Instruction via Wisconsin Act 31 to support school districts' efforts to provide instruction in Wisconsin American Indian history, culture, and tribal sovereignty, the Wisconsin Department of Public Instruction is committed to statewide trainings and technical assistance to school districts and the development and dissemination of resources and materials to ensure best practices and quality teaching and learning about the history, culture, and tribal sovereignty of the eleven federally-recognized American Indian nations and tribal communities in the State of Wisconsin.

#### IV. Issues

**A. Increase Cultural Awareness and Understanding of the Tribal Nation**

The Wisconsin Department of Public Instruction agrees to work with the Menominee Indian Tribe of Wisconsin to disseminate effective American Indian Studies curricula to local school districts per Wisconsin Act 31.

The Wisconsin Department of Public Instruction further agrees to advocate with local school districts in the Menominee Indian Tribe of Wisconsin area, and with professional associations representing educators, to increase culturally responsive practices and provide technical assistance and additional background to support local school districts serving the Menominee Indian Tribe of Wisconsin community in tribal culture, traditions, government, and sovereignty. This will include support for traditional practices within the schools.

**B. Intergovernmental Cooperation**

The Wisconsin Department of Public Instruction agrees to work with the Menominee Indian Tribe of Wisconsin to bring forward matters of mutual concern to other state agencies or the legislature. In addition, the department agrees to support tribal efforts to access state and federal grant opportunities.

**C. Indigenous Language Certification and Pathway.**

The Wisconsin Department of Public Instruction commits to working with the Menominee Indian Tribe of Wisconsin related to any changes to the Menominee language license and processes for program approval related to the license.

The Wisconsin Department of Public Instruction further agrees to support and advocate for the Menominee tribe's position on certification of its language teachers.

**D. Every Student Succeeds Act (ESSA)**

The Wisconsin Department of Public Instruction and the Menominee Indian Tribe of Wisconsin agree to coordinate and work together on tribal and state goals, stakeholder engagement, and educational plans under ESSA, as well as coordinate educational efforts wherever possible.

The Wisconsin Department of Public Instruction further agrees to work with the Menominee Indian Tribe of Wisconsin to identify school districts required to consult with the Tribe under ESSA, and to identify meaningful and substantive consultation documentation that school districts must provide to the Department of Public Instruction under ESSA.

- E. Charter School Supports**  
The Wisconsin Department of Public Instruction agrees to provide technical assistance to the Menominee Indian Tribe of Wisconsin around charter school development, operations and management to support educational efforts to close achievement gaps for American Indian students.
- F. Special Education**  
The Wisconsin Department of Public Instruction will provide additional technical assistance and guidance to the Menominee Indian Tribe of Wisconsin around special education and 504 plans. The Wisconsin Department of Instruction will facilitate transition services. Transition Plans for high school students with disabilities should be put in place with the assistance from the Tribal Vocational Rehabilitation program.
- G. Trauma Informed Care.**  
The Wisconsin Department of Public Instruction will inform and provide access to any educational opportunities around trauma informed care available to school districts with the Menominee Indian Tribe of Wisconsin. Wisconsin Department of Public Instruction will offer technical assistance to the local schools serving the Menominee Indian community.
- H. Financial Supports**  
The Wisconsin Department of Public Instruction will work with the Menominee Indian Tribe of Wisconsin in advance of the department's biennial budget proposal to determine if additional partnerships and collaborations should be established to address educational disparities that impact American Indian students.
- I. Traditional Foods**  
The Wisconsin Department of Public Instruction is committed to utilizing traditional foods within head start, schools, and community nutrition programs. The department will work with the Menominee Indian Tribe of Wisconsin to address how this may best be accomplished.
- J. Educational Data**  
The Wisconsin Department of Public Instruction will assist the Menominee Indian Tribe of Wisconsin in how to best access publicly available data and, subject to any mutually agreed to data sharing agreement, securely share data to improve educational quality for its tribal citizens.

**K. Tribal School Access**

The Wisconsin Department of Public Instruction will provide access to the Menominee Tribal School for the department's publicly available educational supports, including, but not limited to, services and facilities.

The department and the Menominee Indian Tribe of Wisconsin also agree to work together to determine if any barriers exist that can be eliminated between the tribal school operated by the Menominee Indian Tribe of Wisconsin and the Wisconsin public school system that hinder the educational achievement of school-age tribal members.

**L. Chronic Absenteeism Prevention**

The Wisconsin Department of Public Instruction will work with the Menominee Indian Tribe of Wisconsin to coordinate efforts around chronic absenteeism prevention and identify technical assistance and supports.

**M. Pupil Nondiscrimination**

The Wisconsin Department of Public Instruction will work with the Menominee Indian Tribe of Wisconsin to examine pupil nondiscrimination data, rules, and procedures to ensure compliance with the law.

**N. Mental Health**

The Wisconsin Department of Public Instruction will work with the Menominee Indian Tribe of Wisconsin to address how best to serve all students who are tribal members in regard to their mental health needs with particular attention focused on community based mental health options in schools.

**O. Safe Schools**

The Wisconsin Department of Public Instruction will work with the Menominee Indian Tribe of Wisconsin to support effective school safety and work together to implement programs in prevention and intervention of alcohol, tobacco, and other drug abuse, mental health, and promote school safety in order to reduce barriers to learning.

**P. Educational Options**

The Wisconsin Department of Public Instruction agrees to provide technical assistance related to educational options for students under state law including homeschool, private school choice, charter schools, and open enrollment.

The Wisconsin Department of Public Instruction agrees to provide technical assistance related to dual enrollment programs, as well as DPI's support and technical assistance to increase collaboration and coordination of the Menominee Indian Tribe's early childhood learning community and public school settings.

**V. Terms of Agreement**

The term of this agreement will begin on the date executed and continue in effect for a period of 3 years. All of the aforementioned tenets of this agreement shall be reviewed annually from the date of signing. Signatory parties of this MOU, at that time, may choose to amend or extend the agreement.

This MOU may be terminated by either party upon sixty (60) days advance written notice to the other party. By such termination, no party may nullify obligations incurred prior to the effective date of termination. The sixty (60) days' notice requirement may be waived by mutual written consent of the parties.

The parties of this MOU agree to work during the terms specified to uphold the MOU as described herein.

**VI. Miscellaneous Provisions**

**A. Sovereign Immunity**

This MOU shall not waive, in any fashion, the sovereign immunity of the Menominee Indian Tribe of Wisconsin.

**IN WITNESS WHEREOF**, the parties have executed and delivered this MOU on the date shown below, to be effective as of the date specified above, and the signatories hereto personally represent that this agreement is executed pursuant to legal authorization by the organizations on behalf of which they are signing:

Menominee Indian Tribe of Wisconsin      Wisconsin Department of Public Instruction

By: \_\_\_\_\_ By: \_\_\_\_\_

Date: \_\_\_\_\_ Date: \_\_\_\_\_