



Written Testimony of the National Indian Education Association

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House Committee on Appropriations

Subcommittee on Labor, Health and Human Services, Education, and Related Agencies

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INTRODUCTION

Chair DeLauro, Ranking Member Cole and members of the subcommittee, thank you for this opportunity to speak to you today. My name is Terri Bissonette and I am Gnoozhekaning Anishinaabe. As an educator with over 15 years of experience, I am here today on behalf of the National Indian Education Association. NIEA is the most inclusive national organization advocating for culturally relevant educational opportunities for American Indians, Alaska Natives, and Native Hawaiians. Founded in 1969, NIEA works to achieve education equity and excellence so that all Native students are provided a high-quality academic and culture-based education. Today, I am here to urge Congress to fully fund Native education programs in the Department of Education and support a \$35 million allocation for assessments in Bureau-funded schools under the Every Student Succeeds Act.

Native education is a bipartisan effort rooted in the federal trust responsibility to tribal nations. NIEA thanks the Subcommittee for its ongoing commitment to fulfilling this constitutional responsibility by rejecting proposed cuts to Native education in Fiscal Year 2019 that threaten equity in education for Native students. As we move into the next Fiscal Year,

Congress must continue to invest in Native education programs and, specifically, ensure access to equity in funding for all students under the Every Student Succeeds Act (ESSA), including Native students that attend schools in the Bureau of Indian Education (BIE).

ASSESSMENTS FOR BUREAU-FUNDED SCHOOLS UNDER ESSA

Our goal in testifying today is two-fold. First, we seek to share with you a new and unprecedented opportunity to support Native students in Bureau-funded schools as they transition away from the rigid mandates of No Child Left Behind (NCLB) to more flexible systems that highlight equity for all students under ESSA. Equity in education for Native students requires culture-based education options that provide opportunities for Native students to flourish in the classroom and beyond. Through flexibilities provided under ESSA, the BIE has an opportunity to develop education systems that reflect the students that they serve. In order to implement this historic change required by federal law, NIEA requests a one-time increase of \$35 million under ESSA for the BIE to plan, develop, pilot and implement a high-quality, culturally relevant assessment system for Native students. I'm honored to make this request and hope to clarify the critical importance of these funds for Native students and their communities.

Imagine Charlie, a first-grade student attending Jones Academy, a tribally-controlled school operated by the Choctaw Nation in Oklahoma. Because Charlie is in first grade, he is not yet required to take annual assessments. But, starting in third grade, ESSA requires his school to test him and his classmates in reading, mathematics, science. Under ESSA, these assessments provide data that allow the BIE and schools to ensure comprehensive and targeted support when groups of students need supplemental instruction and support.

Although Jones Academy is one of 183 Bureau-funded schools across the country, Charlie's older classmates are taking the Oklahoma-defined assessments because NCLB directed

Charlie's principal to test students using assessments from the state in which Jones Academy is geographically located. Due to this unique system, Bureau-funded schools, including Jones Academy, utilize assessments that do not appropriately measure culturally relevant curriculum, nor allow school officials like Charlie's principal to compare how their students are faring academically compared to other students throughout the BIE system. For nearly twenty years, the NCLB system has denied Native students access to culturally relevant instruction, materials and assessments in BIE schools. It's time to fix this inequity.

Congress took critical steps to correct these challenges through the ESSA statute, requiring the BIE to conduct a negotiated rulemaking process to define “define the standards, assessments, and accountability system consistent with section 1111, for the schools funded by the Bureau of Indian Education on a national, regional, or tribal basis, as appropriate, taking into account the unique circumstances and needs of such schools and the students served by such schools.”¹ This section requires that the BIE, similar to states, develop an assessments system that measures progress in reading, mathematics, science and other subjects if relevant for all students, including alternate assessments for students with the most significant cognitive disabilities and English proficiency assessments for English learners.

Despite these statutory requirements, the BIE does not receive adequate funding under ESSA to support such an endeavor. Current funding for the development of high-quality, culturally relevant education systems is inadequate, as the BIE schools have previously used state assessments. A new assessment system is expensive. A new assessment system designed to support newly defined standards and address the unique needs of Native students is especially so. Analyses of available data show that even the smallest states have spent upwards of \$30 million

¹ Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act, Section 8204(c)(1).

to design new assessments, and these states did not invest in expertise required to align assessments with language and culture-based standards and curricula.

Currently, the BIE only receives \$1.8 million annually for assessments from the U.S. Department of Education. This is insufficient, and would likely result in failure to comply with requirements for high-quality, culturally relevant assessments under ESSA or in the depletion of critical funding from other program areas that already have limited resources. Therefore, we urge the subcommittee to assure necessary funds are available in the coming Fiscal Year so that when Charlie and his peers enter third grade, they will take the annual assessments designed with their full academic potential and Native birthright in mind.

ADDITIONAL RECOMMENDATIONS

In addition to our above request, NIEA urges the Subcommittee to continue its commitment to fulfilling the federal trust responsibility by fully funding the following programs:

- **ESSA Title I, Part A: Local Education Agency Grants - \$20 billion.** *An increase of \$4.1 billion above FY 2019.*
- **ESSA Title VI: Indian Education Formula Grants - \$198 million.** *An increase of \$17.8 million above FY 2019.*
- **ESSA Title VI, Part A, Subpart 2: Special Programs and Projects to Improve Educational Opportunities for Indian Children - \$67.9 million.**
- **ESSA Title VI, Part A, Subpart 3: Language Immersion and National Activities - \$10 million.** *An increase of \$3.1 million above FY 2019.*
- **ESSA Title VI, Part B: Native Hawaiian Education Program - \$40 million.** *An increase of \$3.6 million above FY 2019.*
- **ESSA Title VI, Part C: Alaska Native Education Equity Assistance Program - \$40**

million. *An increase of \$4.5 million above FY 2019.*

- **ESSA Title VII: Impact Aid - \$2 billion.** *An increase of \$554 million above FY 2019.*
- **School Construction - \$500 million.**
- **HEA Title III: Tribal Colleges and Universities: Supporting Financially Disadvantaged Students - \$65 million** (\$35 million in discretionary funding and \$30 million in mandatory funding). *An increase of \$3.1 above FY 2019.*
- **HEA Title III: Tribal Colleges and Universities: Basic Education - \$8 million,** from existing funds appropriated for state block grant funding. *No such set-aside from existing funds included in FY 2019.*
- **HEA Title III: Alaska Native- and Native Hawaiian-Serving Institutions - \$32 million.** *An increase of \$1.1 million above FY 2019.*
- **HEA Title III: Native American-Serving, Non-Tribal Institutions - \$10 million.** *An increase of \$1.1 million above FY 2019.*
- **Perkins: Tribally Controlled Post-Secondary Career and Technical Institutions - \$10 million.** *An increase of \$0.4 million above FY 2018.*

CONCLUSION

Appropriations have the potential to promote student growth and success in the classroom and beyond. NIEA looks forward to working with you to ensure that all Native students have access to culturally relevant education systems that prepare them for success in the classroom and beyond. Our students deserve no less. For questions regarding this testimony, please email or call Diana Cournoyer, NIEA Interim Executive Director, at dcournoyer@niea.org or 202-544-7290.