

National Indian Education Association
National Native Education Agenda
A Transition Paper for the Department of Interior

The National Indian Education Association (NIEA), established in 1970, is a membership-based organization, with a mission to “support traditional Native cultures and values, to enable Native learners to become contributing members of their communities, to promote Native control of educational institutions, and to improve educational opportunities and resources for American Indians, Alaska Natives, and Native Hawaiians throughout the United States.”

Many aspects of the education of American Indians, Alaska Natives, and Native Hawaiians are deeply rooted in federal law and policy. Education is an essential component of tribal sovereignty, the federal trust responsibility, and Native self-determination principles recognized under the U.S. Constitution, treaties, statutes, executive orders, and court decisions. The new Administration must embrace this foundation and build on it to effectuate positive changes for the future of America's indigenous tribes, communities, and children.

The education of Native Americans lags far behind that of the rest of the country. Nearly 90 percent of the 620,000 Native American students attend public schools with their non-Native peers. Approximately 7 percent of Native students attend schools administered by the Department of Interior, Bureau of Indian Education (BIE), a system of 184 schools for educating American Indian students spread over 23 states. The federally supported Indian education system includes 48,000 students, 29 tribal colleges, universities and post-secondary schools.

American Indians have the lowest level of educational attainment of any racial or ethnic group in the United States. The national graduation rate for American Indian high school students was 49.3 percent in the 2003–04 school year, compared to 76.2 percent for white students (EPE Research Center 2007). Further, only 13.3 percent of Native Americans have an undergraduate college degree, relative to the national average of 24.4 percent.

NIEA sets forth below its highest priorities for Native education policy, program, and funding changes, and affirms its commitment to working in partnership with the Department of the Interior on these matters.

- 1. Facilitate states, tribal governments and communities, and the federal government to work together in developing the educational standards and related assessments.**

NIEA seeks stronger emphasis in encouraging states, tribal governments and communities, neighboring areas, and the federal government to work together in developing the educational standards and related assessments under Title I. The Department of Interior should work with the Department of Education to seek

inclusion of tribal input in the development of the various state, local educational agency, and school plans and assessments that consider the cultural and educational needs of Native students. ESEA/NCLB should be strengthened to provide resources for collaboration among tribes, states, and the federal government to allow for increased opportunities in the development of standards that recognize the cultural backgrounds of Native students.

2. **Increase resources and expertise at the Bureau of Indian Education to assist tribes and Indian schools that are seeking to develop their own standards and definition of Adequate Yearly Progress.**

For the past three school years, only 30% of BIE schools made the AYP goals established by the state in which the school was located. Department of Education statistics indicate that student performance at BIE schools is lower than for students in public schools. NIEA remains concerned about the applicability of state standards to Native children attending BIE schools given the limited, if any, opportunities Tribes have had in the development of these standards. Tribal communities are in the best position to determine the needs and the appropriate assessment methods for Native students. NIEA supports the ability of a consortium of tribes, BIE funded schools, or school boards to apply for a waiver of the definition of AYP. As the law is currently written, a single tribe, school board or BIE funded school may apply for a waiver, however, considering the significant amount of time and resources needed to successfully submit an application, very few tribes, if any, have been able to submit an application on their own.

Other challenges that have prevented tribes from applying for an alternative definition of AYP include the lack of technical assistance provided to the tribe from the BIE , the lack of funding available to develop the standards and assessments, and the lengthy commitment needed to navigate the process complete the application. NIEA supports a defined process that provides a timeline in reviewing the applications for alternative definitions of AYP and collaboration between the Department of Education and BIE to provide technical assistance to tribes seeking to apply and develop an alternate definition of AYP.

3. **Interagency coordination and collaboration to allow BIE schools gain access to the expertise and technical assistance available at the Department of Education.**

The United States Department of Education funds the education of Native American students by operating Native American-targeted programs and setting aside funds within general education programs, which are transferred to the Department of Interior for BIE managed schools. Often, that is where the interaction between the two Departments ends. Given the limited capacity of BIE and the larger pool of expertise in education and increasing academic achievement that is available at the Department of Education, NIEA encourages a stronger relationship between the two Departments. More specifically, NIEA would like for the Department of Education to serve as technical advisors to the BIE Regional and Education Line Offices, when the expertise is not available at the BIE, on issues of improving academic achievement and in the development of tribal standards and assessments.

4. **Support alternative funding mechanisms and increase construction for Indian Schools.**

The continued deterioration of facilities on Indian land is not only a federal responsibility; it has become a liability of the federal government. Of the 4,495 education buildings in the BIE inventory, half are more than 30 years old and more than twenty percent (20%) are older than fifty years. On average, BIE education buildings are 60 years old; while, 40 years is the average age for public schools serving the general population. Sixty-five percent (65%) of BIE school administrators report the physical condition of one or more school buildings as inadequate. Although education construction has improved dramatically over the last few years, the deferred maintenance backlog is still estimated to be over \$500 million and increases annually by \$56.5 million. Of the 184 BIE Indian schools, 1/3 of Indian schools are in poor condition and in need of either replacement or substantial repair. Old and exceeding their life expectancy by decades, BIE schools require consistent increases in facilities maintenance without offsetting decreases in other programs, if 48,000 Indian students are to be educated in structurally sound schools.

5. Provide funding for Tribal Colleges and Universities and K-12 schools prior to the beginning of each school year to better assure accountability for tribal finances, and to establish more efficient and effective financial planning.

The BIE budget request for post-secondary schools is expected to support two BIE and 24 tribal colleges and universities as well as scholarships for Indian students. Forward funding by Fiscal Year 2010 requires only a one-time payment to achieve an important level of funding safety and stability for the nation's most poorly funding institutions of higher education. TCU's are the only institutions funded by the Bureau of Indian Education (BIE) that struggle with lack of available operations funding at the start of each school year as the BIE K-12 schools are forward funded.

6. Repeal the designation and funding of "Native American Serving Institutions-Non Tribal"

The Higher Education Act Title III-A Section 319 authorizes funding for Native American Serving Institutions- Non Tribal. TCUs have a special relationship with the Federal government, which is based on their status as extensions of the Federally recognized Indian Tribes that chartered them. These tribes have signed binding treaties with the Federal Government that include certain responsibilities, including education, in exchange for millions of acres of land. The Tribally Controlled Colleges and Universities Assistance Act exists and Federal resources are allocated to TCUs because of these treaties and the Federal Trust responsibility. In short, this is solely a political, and not race-based, distinction.

7. Support Johnson O'Malley programs and conduct a current student population count.

The Johnson O'Malley program grants are the cornerstone for many Indian tribes, school districts, tribal organizations, and parent committees in meeting the unique and specialized educational needs of Indian students enrolled in public schools or non-sectarian schools. JOM funding is used to provide vital programs designed to build self-esteem, confidence, and cultural awareness so that Indian students can grow up to become productive citizens within their communities. For example, JOM funds help students achieve and succeed by providing such services as: eyeglasses and contacts, resume counseling, college counseling, culturally based tutoring, summer school, scholastic testing fees, school supplies, transition programs, musical instruments,

Native youth leadership programs, student incentive programs, financial aid counseling, fees for athletic equipment and activities, caps and gowns, art and writing competitions, etc.

In 1995, a freeze was imposed on JOM funding through DOI, limiting funds to a tribe based upon its population count in 1995. NIEA urges that the JOM funding freeze be lifted and that other formula-driven and head count-based grants be analyzed to ensure that tribes are receiving funding for their student populations at a level that will provide access to a high quality education. In addition, the Administration should support fully funding the JOM programs as it provides many services that are critical to the educational success of Indian students.

8. Establish programs to support tribal government accreditation of tribal colleges and universities and certification of teachers at tribal schools.

In an effort to exercise sovereignty over the education of Native students attending tribal schools, tribal governments should be provided the opportunity to accredit their tribal colleges and universities and certify teachers teaching in tribal schools through support and technical assistance provided by the BIE.

9. Increase support provided to the Director of the Bureau of Indian Education by the Assistant Secretary of Indian Affairs and maintain Indian preference for BIE positions.

NIEA encourages the immediate hiring of an individual with a strong and established background in Indian education to the position of the Director of BIE. NIEA encourages the Assistant Secretary of Indian Affairs to support whoever is chosen to lead BIE to ensure stable and consistent leadership in this critical position. Additionally, NIEA does not support the hiring of any new SES employees under the BIE structure until a permanent hire has been identified for the Director of BIE.

NIEA encourages the new Administration to adopt these policies and believes with good faith collaboration that we can provide our children with an education that honors their Native identity while simultaneously preparing for successful futures by providing them the opportunity to incorporate into the curriculum their rich cultural heritage, language, traditions, and native ways of knowing.