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Testimony of Patricia Whitefoot, President  
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before the  
Education and Labor Subcommittee on Early Childhood,  
Elementary and Secondary Education  
On the Elementary and Secondary Education Act Reauthorization:  
Addressing the Needs of Diverse Students

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Chairman Kildee and Members of the Education and Labor Subcommittee on Early Childhood, Elementary, and Secondary Education, thank you for this opportunity to submit testimony on behalf of the National Indian Education Association with regard to the Elementary and Secondary Education Act Reauthorization and addressing the needs of diverse students.

Founded in 1970, NIEA is the largest Native education organization in the nation with a membership of over 3,000 American Indian, Alaska Native and Native Hawaiian educators, tribal leaders, school administrators, teachers, elders, parents, and students. NIEA is dedicated to promoting Native education issues and embraces every opportunity to advocate for the unique educational and culturally-related academic needs of Native students. NIEA works to ensure that the federal government upholds its responsibility for the education of Native students through the provision of direct educational services. This is incumbent upon the trust relationship of the United States government and includes the responsibility of ensuring educational quality and access.

Native education has made significant strides since NIEA's founding. In 1969, the Senate Kennedy Report documented the problems in Indian education in both the Public and Bureau of Indian Affairs school systems. This landmark Report validated the concerns Indian parents and tribal leaders have voiced since the introduction of formal education for our children. Since then, Indian communities have realized greater participation in and control of programs and schools than ever before. The Indian Education Act of 1972 allowed funding for culturally related academic programs for Native students in public schools, while the 1978 Tribal College Act established Tribal colleges and universities, promoting greater access to culturally-relevant higher education. The passage of the Native American Language Act of 1992 and more recently, the 2006 Esther Martinez Language Immersion and Restoration Act, in addition to other programs and policies have helped to improve curricula, teacher education, and support for the unique educational and culturally-related academic needs of Native students.

Native education, however, still faces enormous challenges, including severe underfunding. Far too many of our students and schools continue to experience abject failure. A study released this month, February 2010, by The Civil Rights Project at the UCLA Graduate School of Education

and Information Studies found that less than 50 percent of American Indian and Alaska Native students in twelve (12) states graduate from high school,<sup>1</sup> a statistic that sadly also applies on a national level and has held steady over the past decade. In addition, schools serving Native students within the Bureau of Education (BIE) system continue to struggle to meet AYP, with only 24.4% of BIE schools meeting AYP, as compared to almost 70% of schools nationally. These statistics only serve to reaffirm the need for systemic reform of education programs and schools serving Native students.

It is imperative that the federal government recognize and support the cultural, social, and linguistic needs of these groups to guarantee the continuity of Native communities. Native Ways of Knowing, or knowledge that is unique to Native tribes and cultures, are critical cornerstones for providing the kind of relevant and high quality instruction and education that ensures Native students attain the same level of academic achievement as students nationwide.

In his address to Indian Country and “Principles for Stronger Tribal Communities” President Barack Obama made a commitment to honor “obligations to Native Americans by providing tribes with the educational resources promised by treaty and federal law.” Included in President Obama’s principles are stronger support and funding for Native language and cultural curriculum, Head Start programs, Indian school construction and repairs, and tribal colleges and universities. NIEA believes that with President Obama’s pledge to affirm tribal sovereignty through stronger support for educational programs, we will begin to see positive changes in Native students’ educational attainment.

### **Strengthen the Governance of Native American Education at the Department of Education and in Indian Country**

ESEA should reflect the modern federal policy of respecting tribal sovereignty and the self-determination<sup>2</sup> of Native peoples, and the protection of Native American<sup>3</sup> languages. Greater Native American control over the education of Native American students will lead to better results and healthier Native American communities.

Over ninety percent (90%) of Native American children attend public schools throughout the nation. Native American students, who attend these schools often reside in economically deprived areas and are impacted by general programs for disadvantaged students, including Title I grants

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<sup>1</sup> These states are California, Oklahoma, Arizona, New Mexico, Alaska, Washington, South Dakota, Montana, Oregon, North Dakota, Idaho, and Wyoming. Please see Faircloth, Susan C., & Tippeconnic, III, John W. (2010). *The Dropout/Graduation Rate Crisis Among American Indian and Alaska Native Students: Failure to Respond Places the Future of Native Peoples at Risk* at [www.civilrightsproject.ucla.edu](http://www.civilrightsproject.ucla.edu)

<sup>2</sup> In understanding tribal sovereignty, it is important to understand that Native Americans are not a minority, ethnic, or diverse population, nor are they a racial group. Judicial decrees, federal statutes, executive orders and most importantly treaties distinguish American Indians and other Native Americans from any other group of people in the United States. Native Americans have a unique political status; they are a political classification, not a racial one, with unique guarantees in the United States constitution affirming their inherent right to sovereignty and self-determination. Unfortunately this political anomaly is misunderstood by federal officials who often times treat Indian education as a special interest constituency group.

<sup>3</sup> “Native American” is defined in the Native American Languages Act (NALA) as “an Indian, Native Hawaiian, or Native American Pacific Islander.” P.L. 101-477 (October 30, 1990).

used for school improvement, state assessments, Pell grants to assist in accessing higher education, and funding to support English language acquisition.

However, Native American students have unique educational needs that can only be met through increased Native American sovereignty and self-determination in the education of these students.

Therefore, NIEA supports:

- Respecting the sovereign status of Indian tribes by elevating the authority of Tribal Education Departments and agencies (TEDs) throughout various titles in ESEA that touch Indian Country, giving TEDs the same access to federal funding and education planning resources as State Education Agencies (SEAs) and Local Education Agencies (LEAs). As mandated in many treaties and as authorized in several federal statutes, the education of Indian children is an important role of Indian tribes. Tribal Education Departments (TED) provide tribes with the opportunities to become actively involved in the education of their children. Despite this authorization and several other prior statutes, federal funds have never been appropriated for TEDs. The use of TEDs would increase tribal accountability and responsibility for their students and would ensure that tribes exercise their commitment to improve the education of their youngest members.
- Requiring federal agencies and states to collaborate with Indian tribes to ensure adequate planning and support for Native learners and Native education providers. Require Department of Education (DoE) and Department of the Interior (DoI) cooperation that opens greater DoE financial and technical support for DoI Indian schools, including the opportunity for alternative measurement assessments and the development of tribal AYP standards.
- Restoring the position of Director of Indian Education, now a Title VII grant manager position, to Deputy Assistant Secretary for Indian Education, with authority to engage in various titles of the ESEA that touch Native education. The Deputy Assistant Secretary also should be authorized to facilitate DoE and DoI collaboration and implement the role of TEDs within various titles.
- Engaging in meaningful consultation with Native American tribes and communities as outlined by President's Obama's promise to tribal leaders. This can be accomplished through the following recommendations:
  1. Tribes should define, in coordination with DoE officials, where consultation is expected and important
  2. Tribes and the DoE should agree on a consistent consultation schedule, including agreeing on locations and time considerations for consultations
  3. DoE must give advance notification of consultation hearings and coordinate topic areas with tribes. Recently Secretary Duncan announced pending consultation hearings throughout Indian Country; it is not too late for DoE to include tribal stakeholders in the planning of these hearings.

4. Tribes must have an opportunity to call for consultation on matters that are of high concern rather than DoE holding exclusive authority to call for consultations
5. Tribes should control who speaks for them and what the DoE considers to be the official tribal view
6. the DoE should disclose what weight is being given to tribal views and report back to tribes in a timely manner
7. DoE should justify its promulgation of rules, regulations and policy when they are advanced in opposition to tribal views acquired through consultation
8. DoE should take advantage of existing tribal gatherings where a critical mass of elected tribal leadership will be present to build consultation venues, one such venue should be the annual NIEA convention.

### **Support Instruction of Native American Languages and Culturally Based Education**

NIEA supports and appreciates the commitment to immersion schools, Native language instruction, and culture in the education of Native American students expressed in the *A Blueprint for Reform: Reauthorizing the Elementary and Secondary Education Act*.

Both the Blueprint and Title VII of ESEA<sup>4</sup> recognize that Native children have unique educational needs due to their cultures and backgrounds. The purpose of Title VII<sup>5</sup> of ESEA is to provide culturally based educational approaches for Native students and to support the Native language. These approaches have been proven to increase student performance and success as well as awareness and knowledge of student cultures and histories. In general, these approaches include recognizing and utilizing Native languages as a first or second language, pedagogy that incorporates traditional cultural characteristics, and involves teaching strategies that are harmonious with the native culture knowledge and contemporary ways of knowing and learning. It also includes curricula based upon Native culture and language that utilizes legends, oral histories, songs and fundamental beliefs and values of the community. In addition, it involves parents, elders and cultural experts as well as other community members' participation in educating Native children utilizing the social and political mores of the community.<sup>6</sup>

Current research demonstrates that culture and language can be successfully integrated into the classroom in a manner that would provide Native students with instruction in the core subject areas based upon cultural values and beliefs. Math, reading, language arts, history, science, physical education, music, cultural arts and other subjects may be taught in curricula instilled in Native traditional and cultural concepts and knowledge. The National Science Foundation funded Native Science Connections Research Project at Northern Arizona University, is a research model that successfully integrated native language, culture and traditions into BIA funded schools' science elementary curriculum. On-going analysis of data revealed increased student mastery of

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<sup>4</sup> Part A of Title VII deals specifically with the education of American Indians and Parts B and C address the educational needs of Native Hawaiian and Alaskan Native students.

<sup>5</sup> Title VII of the ESEA incorporates the Indian Education Act of 1972.

<sup>6</sup> Demmert, W. G. & Towner, J. C. (2003). A Review of the Research Literature on the Influences of Culturally Based Education on the Academic Performance of Native American Students. *Northwest Regional Educational Laboratory*, Portland OR

science and math concepts, deeper levels of student engagement in science and math and increased student achievement in math and science.<sup>7</sup>

NIEA believes ESEA should reflect the policy mandates of the Native American Languages Act (NALA), which encourages Native American languages as a medium of instruction to increase overall Native student achievement.

- Title I should (1) include schools using a Native language as the medium of instruction similar to those of Puerto Rico; (2) Allow for alternative measurement assessments, AYP standards, and teacher qualifications relative to the teaching of Native American students based in unique linguistic, cultural, and political status considerations. Include federal assistance and recognition of meeting tribal AYP standards as an alternative to meeting state AYP standards for schools enrolling Native American students; (3) authorize the credentialing of Native language teachers under the definition of highly qualified and upon recommendation by a tribal government or other Native governing entity; (4) accommodate limited Native language proficient students in Native language medium schools (Sec. 1111) similar to Limited English Proficient (LEP) accommodations.
- Authorize a formula grant program in Title VII to support immersion schools, including tribally-operated, private, and Bureau-funded schools.
- Establish a Part D in Title VII that authorizes early childhood immersion infant-kindergarten learning centers.
- Title III amendments should include provisions and funding to support Native language instruction and remove barriers to full fledged instruction in Native languages, acknowledging that most Native learners enter school with limited English proficiency, even if they are English only speakers.
- Restore Culturally Based Education Technical Assistance and Resource Centers, technical assistance centers that would provide regional support to Title VII programs, advance Culturally Based Education (CBE) best practices, and promote teaching strategies that integrate Native traditional and cultural concepts into curricula.
- Give preference to Tribal Colleges and Universities and the Hawaiian Language College in receiving funding to develop Native American language resources and skills for community members, which would provide greater support for learning and using Native American languages in local schools, similar to the support for district language needs of young immigrant school community members.

### **Improve Support for Teachers of Native Students**

NIEA supports Administration efforts to increase the number of effective teachers and principals, including an initiative to increase the number of teachers for low income and minority students.

More than any other community in America, Indian Country suffers from a paucity of highly skilled teachers. Regardless of success in other schools or academic credentials, highly effective

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<sup>7</sup> The Reauthorization of No Child Left Behind in Indian Country: Hearing before the U.S. House of Representatives Education and Labor Committee, 110th Cong., 1st Sess. (2007) (testimony of Dr. Willard Sakiestewa Gilbert, President-Elect, National Indian Education Association).

teachers do not necessarily see their success as educators transfer to tribal settings. For this reason and a host of cultural differences, specialized training for teachers and other education practitioners serving Native American students is critically important and should be a part of any DoE initiative to elevate and strengthen quality of instruction.

Teaching in schools serving Native American students needs to be incentivized through a combination of quality housing, financial compensation, loan forgiveness, upward mobility, and professional development. Currently with the vast majority of Bureau funded and public schools on tribal lands classified as failing or in need of improvement there is little incentive for highly qualified teachers to work in these schools. Combined with extreme and persistent poverty, ongoing social problems, lack of housing, isolated rural settings, and dangerously poor facilities, the majority of schools serving Native American students are at a deep disadvantage in recruiting and retaining a critical mass of highly qualified teachers.

NIEA believes ESEA should authorize greater support of teachers of Native students, utilizing the particular expertise of the tribal colleges, universities, and the Hawaiian Language College. Tribal Colleges and Universities should be the primary training campuses for both Indian educators and non-Indians who are working with Native learners.

- Require set asides for the training, recruitment and retention of teachers of Native students. This should include a **Tribal Priority Allocation** under the proposed initiative to increase the number of teachers for low income and minority students within the DoE to ensure that Indian Country is fully vested in this initiative and receives a fair apportionment of the requested 3.9 billion.
- Tribal Colleges and Universities and the Hawaiian Language College should to be supported through Title II and VII provisions so that they can play a central role in developing a critical mass of educators for Native learners.
- Authorize a tribal “Teacher Preparation Initiative” geared towards educators who are working in schools serving Native American students and educators who are interested in working at schools serving Native American students. This should also include provisions for improved and appropriate teacher evaluation systems and support for more effective career advancement systems.

### **Conclusion**

Mr. Chairman, on behalf of NIEA I thank you and the Committee for its tremendous efforts on behalf of Native communities. With your support we are hopeful that the reauthorization of ESEA will help us ensure the high quality education that Native students deserve.

Chairman Kildee, we thank you for your personal commitment in championing the cause for all Native Americans, but especially the students and their educational achievements.