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Testimony of Patricia K. Whitefoot, President, National Indian Education Association
before the House Subcommittee on Interior Appropriations
on the President's FY 2011 Budget Request
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Mr. Chairman and Members of the House Subcommittee on Interior Appropriations, thank you for this opportunity to submit testimony on behalf of the National Indian Education Association with regard to the President Obama's FY 2011 budget request.

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.

Since the release of the 1969 Senate Kennedy Report documenting the problems in Indian education, Indian communities have realized greater participation in and control of programs and schools, including funding for culturally related academic programs. The Indian Education Act of 1972, the 1978 Tribal College Act, the passage of the Native American Language Act and more recently, the 2006 Esther Martinez Language Immersion and Restoration Act have supported the maintenance and promotion of Native language; combined they all represent critical components for creating greater access to culturally relevant education for increasing academic achievement for 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,¹ 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.

NIEA understands the difficult economic situation our nation confronts; however, Native communities have long experienced the highest rates of poverty, unemployment, morbidity, and substandard housing, education, and health care. 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, funding for Indian school construction and repairs, and increased funding for tribal colleges' operation and construction. NIEA believes that with President Obama's pledge affirming tribal sovereignty through stronger funding for educational programs, we will begin to see positive changes in Native students' educational attainment.

There are only two educational systems for which the federal government has direct responsibility: the Department of Defense Schools and federally and tribally operated schools that serve American Indian students.

¹ 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

The federally supported Indian education system includes 48,000 students, 28 tribal colleges, universities and two BIE post- secondary schools.

Under DOI, BIA's budget has historically been inadequate to meet the needs of Native Americans, consequently; our needs over time have multiplied. NIEA is requesting an amount of \$660.96 million, which includes new program funding and a modest 5% increase over the proposed amount for BIE schools. This includes funding for the elementary and secondary education programs, education management, and allocations for student transportation (\$25 million), and to provide technical assistance to schools to develop their own standards and assessments (\$5 million).

BIE and AYP- For the past three school years, only 30% of BIE schools made 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 students at public schools. In response to the lack of performance at BIE schools, DOI has launched the Improving Indian Education Initiative to help BIE students meet AYP under NCLB. NIEA commends BIE for this effort and hopes to see positive gains in BIE student academic achievement as a result and supports funding for the Initiative in the amount **\$28 million, which is consistent with a 5% increase** from funding received in FY 2009 and FY 2008.²

Transportation - NIEA is requesting **increased funding in the amount of \$25 million for school transportation** so schools won't have to use classroom dollars to transport their students. Student transportation impacts student attendance and the ability of school districts to offer educational programs. BIE provides extensive student transportation required of largely rural and widely dispersed school service populations. According to the FY 2009 DOI Budget Request, Departmental Highlights, during the current school year, BIE-funded school buses will travel nearly 15 million miles, often over gravel or dirt roads. As reported by a witness during the session NIEA held in Rapid City, South Dakota, the Little Wound School, located on the Pine Ridge Reservation in South Dakota, runs thirteen bus routes each day during which the buses travel on average, 1,575 miles per school day totaling 267,750 miles annually for "regular bus runs not including activity runs."³ Navajo Nation's Black Mesa Community School Principal Marie Rose testified that "students ride the bus four hours a day. However, when it rains or snows the average bus ride is seven hours a day, if the roads are in drivable condition, which many times they are not."⁴

Indian School Construction Funding - NIEA requests a **\$134.56 million increase** over the FY 2009 omnibus level of \$128.837 million for a total of \$263.4 million in FY 2010 to the BIA for Indian school construction and repair. After FY 2005, the funding levels have dramatically decreased for this critical program. NIEA seeks \$263.4 million because this was the funding level in FY 2005, which was instrumental in reducing the construction and repair backlog. BIA's budget has historically been inadequate to meet the needs of Native Americans and, consequently, Indian school needs have multiplied. The Recovery Act did provide \$450 million to be shared among BIA school construction and repairs, detention facilities, roads, and irrigation projects, however this funding will provide little headway considering the lengthy list of schools waiting to build and repair their facilities.

NIEA is also requesting report language requiring the Department of the Interior report on the status of the schools listed on the BIE construction list, the use of funding for Indian school construction, a timeline on when the current construction list will be updated, and time line for completion of projects currently on the list. In 1997, GAO issued a report, "Reported Condition and Costs to Repair Schools Funded by the Bureau of Indian

² The Improving Indian Education Initiative was launched in FY2008 and funded at \$25 million. The FY 2009 budget request was \$26.4 million. NIEA's \$28 million for this program is included in the \$660.96 million NIEA is requesting for BIE schools.

³Bureau of Indian Affairs and Bureau of Indian Education Transportation Cost Funding: Hearings before the National Indian Education Association, Rapid City, SD, (July 10, 2008) (testimony of Janice Richards, President, Little Wound School).

⁴ Bureau of Indian Affairs and Bureau of Indian Education: Hearings before the National Indian Education Association, Widow Rock, AZ (August 21, 2008) (testimony of Marie Rose, Black Mesa Community School Principal, Navajo Nation).

Affairs,” that documented an inventory of repair needs for education facilities totaling \$754 million. In 2004 the backlog for construction and repair was reported to have grown to \$942 million.

More recently, in March of 2008, the Consensus Building Institute (CBI) with the U.S. Institute for Environmental Conflict Resolution issued a *Final Convening Report: Negotiated Rulemaking Committee on Bureau of Indian Affairs- Funded Schools Facilities Construction*. CBI reported in their findings of the conditions of the schools that “many schools are ill equipped for the information age,” “security needs and related funding are major sources of concern for many schools,” “aging or poor design may lead to a substandard educational environment,” “operation and maintenance needs are not matched by operation and maintenance annual funding,” and “overcrowding is a major concern and a source of accelerating physical decline.”⁵ Additionally, the report stated in the findings that the Facility Management Information System (FMIS) doesn’t sufficiently allow for educational programming needs, including libraries, adequately sized classrooms and gymnasiums, wiring to allow for technological needs and partitions and noise reducing walls.⁶

In May of 2007, the Office of the Inspector General, Department of Interior, issued *Bureau of Indian Affairs and Bureau of Indian Education: Schools in Need of Immediate Action*, a flash report that describes the conditions at BIE schools that require “immediate action to protect the health and safety of students and faculty.” Although the Inspector General visited thirteen schools as part of their investigation, four schools were highlighted in the flash report -- Chinle Boarding School, Shonto Preparatory School, Keams Canyon School, and the Kayenta Boarding School. In the report, the Inspector General cites deterioration ranging from “minor deficiencies such as leaking roofs to severe deficiencies such as classroom walls buckling and separating from their foundation.” In his conclusion, the Inspector General states that the “failure to mitigate these conditions **will likely cause injury or death to children** and school employees.” This flash report describes the alarming and life threatening situation at BIE schools that the federal government has created in its failure to properly maintain these schools.

The purpose of education construction is to permit BIE to provide structurally sound buildings in which Native American children can learn without leaking roofs and peeling paint. It is unjust to expect our students to succeed academically when we fail to provide them with a proper environment to achieve success.

Indian Education Facilities Improvement and Repair Funding- The continued deterioration of facilities on Indian land is not only a federal responsibility; it has become a liability of the federal government. 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.

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. As noted by the House Interior Appropriations Subcommittee in its Committee Report accompanying the FY 2006 Interior appropriations bill, “much remains to be done.” Of the 184 BIE Indian schools, 1/3 of Indian schools are in poor condition and in need of either replacement or substantial repair.

Johnson O’Malley Funding- NIEA and the National Johnson O’Malley Association urge the Congress to fully restore JOM to the FY 2006 enacted level of \$24 million. JOM does meet the focused goal of academic

⁵ The Consensus Building Institute with the U.S. Institute for Environmental Conflict Resolution (March 5, 2008). *Final Convening Report: Negotiated Rulemaking Committee on Bureau of Indian Affairs – Funded School Facilities Construction*, pp. 16-18.

⁶ *Ibid.*, p. 19.

achievement and there are volumes of information available demonstrating its exponentially positive impacts on Native students.

JOM grants are the cornerstone for many Indian communities in meeting the unique and specialized educational needs of Native students who attend public schools. Many Indian children live in rural or remote areas with high rates of poverty and unemployment. JOM helps to level the field by providing Indian students with programs that help them stay in school and attain academic success. Even though JOM funding is extremely limited due to BIA budget constraints, it is being used across the country in a variety of basic as well as innovative ways to assist Indian students to achieve academically.

JOM funding provides vital programs designed to build self-esteem, confidence, and cultural awareness so that Indian students may develop and mature to become productive and contributing citizens within their communities and society respectively. 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. Other programs administered by the federal government, such as NCLB funding at the Department of Education, do not allow funding for these types of activities.

In 1995, a freeze was imposed on JOM funding, the freeze prohibits additional tribes from receiving JOM funding and does not recognize increased costs due to inflation and accounting for population growth. 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.

Tribal Colleges and Universities- Funding for Tribal Colleges and Universities (TCUs) through the BIE includes 28 TCUs funded under three titles of the Tribally Controlled Colleges and Universities Assistance Act of 1978, and two BIE Post-secondary Institutions. Additionally, the BIE administers a scholarship program for Indian students, many of whom attend Tribal Colleges and Universities. NIEA is very pleased that President Obama's Fiscal Year 2011 budget provides increased funding for American Indian scholarships and forward funding of \$50 million that was enacted during FY10 for the Tribal Colleges and Universities, which will allow them to plan in advance for the next academic year and provide greater financial security. NIEA requests additional funding for FY 2011 budget for the Tribal Colleges and Universities that receive their institutional operations funds through the Bureau of Indian Education. NIEA requests the following levels of funding for the programs under the Tribal College Act: Title I - \$63.2 million, 26 TCUs; Title II – \$13 million, Dine College; Title III – \$2 million, Endowments; Title V - \$10 million, United Tribes Technical College & Navajo Technical College.

Tribal Education Departments- 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. NIEA is requesting that DOI fund TEDs at \$5 million, which is a very modest request which would yield exponentially positive benefits for Indian students and provide tribes with increased input over the education of their children.

Conclusion

NIEA thanks the Committee for its tremendous efforts on behalf of Native communities. With your support we are hopeful that we can begin to provide the funding for education that Native communities deserve.