



NATIONAL INDIAN EDUCATION ASSOCIATION

The Honorable Betty McCollum, Chair
House of Representatives
Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
H-307 The Capitol
Washington, DC 20515

Re: NIEA Priorities and Recommendations for the FY 2020 President's Budget Request

Dear Chairwoman McCollum:

On behalf of the National Indian Education Association (NIEA), I respectfully submit the following comments regarding tribal priorities for Native education in Fiscal Year (FY) 2020 and the impact that proposed funding levels in the FY 2020 President's Budget Request would have on Native students and their schools.

NIEA is the most inclusive national organization advocating for improved educational opportunities that enable American Indians, Alaska Natives, and Native Hawaiians to thrive in the classroom and beyond. Our mission is to ensure that Native students receive a high-quality academic and cultural education, a goal that is only possible if Congress upholds the federal trust responsibility to tribes.

Federal Trust Responsibility

Congress has a federal trust responsibility for the education of Native students. Established through treaties, federal law, and U.S. Supreme Court decisions, the federal government's trust responsibility to tribes includes the obligation to provide parity in access and equal resources to all American Indian and Alaska Native students, regardless of where they attend school. Access to federal appropriations that fully support the unique needs of Native students is a critical part of the federal trust responsibility, and it is through this federal trust relationship that NIEA considers the Administration's proposed 2020 appropriations for the Bureau of Indian Education (BIE).

As the lead agency responsible for the federal trust responsibility in Indian education, the BIE has a treaty responsibility to all 644,000 Native students across the nation, including the 48,000 students that attend Bureau-funded schools. From early childhood programs to opportunities for college, career, and community success, Native students must have equity in access to high-quality, culturally-relevant education options.

Impact of the FY 2020 President's Budget Request

For the first time, the Administration prepared an individual budget justification for the BIE in addition to the overall justification provided by the Bureau of Indian Affairs. Developed in response to requests from Congress and tribal nations, this provides additional flexibility for the BIE to

develop an independent budget and ensure a more effective internal budgetary process for Bureau-funded schools.

Despite this step forward, the FY 2020 President's Budget Request fails to uphold the federal trust responsibility to Native students by proposing an 18 percent cut to total operational and construction funding for the BIE. This proposal reflects a \$207 million reduction from the \$1.143 billion in overall funding enacted by Congress in FY 2019. Proposed reductions come primarily at the expense of replacement school and facility construction, as well as postsecondary schools and scholarship opportunities.

These cuts jeopardize the health and safety of students and staff in Bureau-funded school facilities, where construction and facilities improvement have not kept up with aging school buildings. According to a 2016 report from the Office of Inspector General at the Department of Interior, 53 percent BIE schools and dormitories are in poor condition and \$1.3 billion is needed to fix the worst 68 BIE schools.¹ Despite efforts to address these issues, the total maintenance backlog in the BIE remains at nearly \$592 million.

Though NIEA is pleased to see BIE schools included in a proposed Public Lands Infrastructure Fund, the proposed infrastructure package does not abrogate the federal trust responsibility to fund construction for Bureau-funded schools in the annual appropriations process. The Administration has slashed critical appropriations for school construction to eliminate replacement school and facilities funding without tribal consultation in exchange for the possibility of inadequate future funding down the road. Such steep cuts and lack of commitment to safe and healthy schools represent extreme neglect of Native students and communities.

Though current funding levels fail to fully address the \$592 million need, the need for construction and repair in BIE schools is too great to wait for a possible infrastructure package without ongoing funding to address construction needs. Native students must have access safe and healthy classrooms where they can learn and thrive.

NIEA Recommendations

Schools and education programs in Native communities rely on federal appropriations to support the unique needs of Native students across the nation. NIEA offers the following recommendations regarding federal appropriations for the BIE:

Education Construction

Provide \$430 million for Bureau of Indian Education (BIE) school construction and repair. *An increase of \$191.7 million above FY 2019 enacted.*

- This funding category includes school construction, facilities improvement and repair, and replacement school construction.
- Schools operating within the BIE system are woefully outdated, and in some cases, dangerous for student and staff.
- The Department of the Interior's Office of Inspector General published in September of 2016, an evaluation titled "Condition of Indian School Facilities," estimated the cost of fixing the dilapidated BIE schools, concluding that more than \$430 million would be needed to fix the problems already identified.

¹ "Condition of Indian School Facilities" Office of Inspector General, U.S. Department of Interior, 2016.

Student Assessment Systems under ESSA

Provide \$35 million to develop assessments and \$10 million each year for assessment maintenance under the Every Student Succeeds Act. *The BIE currently receives approximately \$1.8 million annually through Title I-B of the Every Student Succeeds Act to support effective assessments.*

- Under No Child Left Behind, schools within the Bureau of Indian Education participated in the assessment systems of the state in which they were located. Due to differences in state laws and assessment systems, this policy resulted in long-term delays and challenges ensuring student progress and achievement across the system.
- The Every Student Succeeds Act requires the BIE to define academic standards and develop an assessments system for Bureau-funded schools through a negotiated rulemaking process.
- The BIE must have access to adequate funding to develop and maintain high-quality, culturally relevant assessment systems that accurately measure the progress of Native students, as required by statute.

Broadband Internet Access

Provide \$40 million to extend broadband internet access. *An increase of \$29.7 million above FY 2019 enacted.*

- Technology is no longer a luxury in 2019, and serves as a necessity to keep up with today's advanced society.
- Less than ten percent of Indian Country has access to broadband internet technology.
- 60 percent of BIE schools do not have adequate digital broadband access, or computer access, to be aligned with college and career readiness standards.
- Expand e-rate for BIE schools, Native majority schools and Tribal Colleges and Universities.

Johnson O'Malley

Provide \$42 million for full funding. *An increase of \$27.1 million above FY 2019 enacted.*

- The Johnson O'Malley program has provided grants to supplement basic student needs since 1934.
- It is currently being used across the country in innovative ways to assist with the unique cultural and scholastic needs of Native students.
- The federal government allocated \$125 per student in JOM funding in 1995.
- Current funds (FY 2018) provide less than \$63.80 per student, which are often the only source through which Native students—including those in public schools—can engage in basic education activities.
- Tribal nations request additional funds to increase the current per student allocation to previous levels and prepare for student count increases in future years.

Juvenile Detention Education

Provide \$620,000 for juvenile detention education in BIA-funded facilities. *An increase of \$120,000 above FY 2019 enacted.*

- This essential funding is used to provide educational services to detained and incarcerated youth at 24 BIA-funded juvenile detention facilities.
- One of the best methods to rehabilitate individuals is through education and eliminating this program creates additional costs by increasing the rate of criminal recidivism.

Student Transportation

Provide \$73 million for student transportation in the BIE system. *An increase of \$16.6 million above FY 2019 enacted.*

- BIE schools incur significant costs in transporting Native students to and from school.
- These costs are considerably higher than most school systems due to the often-rural location of BIE facilities.
- Poor road conditions that link the BIE-funded schools increase vehicle maintenance costs.
- These high costs often lead to funding shortfalls, which then must either go unpaid or funded by diverting funds from other education programs.

Tribal Grant Support Costs

Provide \$90 million for tribal grant support costs for tribally-operated schools. *An increase of \$7.1 million above FY 2019 enacted levels.*

- Tribal Grant Support Costs fund the administrative costs of existing tribally-operated schools.
- Full funding is critical as these funds help tribes expand self-governance and tribal control over education programs by allocating monies for administrative costs such as accounting, payroll, and other legal requirements.
- Schools must divert critical teaching and learning funding to cover any shortfalls in operational costs.

Facilities Operations

Provide \$109 million for BIE facilities operations. *An increase of \$40.2 million above FY 2019 enacted.*

- BIE schools use this funding for costs such as electricity, heating fuels, communications, GSA vehicle rentals, custodial services, and other vital operating expenses.
- For years, schools have only received roughly 50 percent of funding needed for these expenses. This shortfall is unacceptable as costs continue to rise for vital services.

Facilities Maintenance

Provide \$76 million for BIE facilities maintenance. *An increase of \$16.2 million above FY 2019 enacted.*

- BIE schools use this funding for the preventative and routine upkeep, as well as for unscheduled maintenance of school buildings, grounds, and utility systems.
- Underfunding of maintenance continues to be an issue as buildings are in poor conditions and cannot maintain proper standards.

Indian School Equalization Program (ISEP)

Provide \$431 million for the Indian School Equalization Program. *An increase of \$21.4 million above FY 2019 enacted.*

- These funds provide the core budget account for BIE elementary and secondary schools by covering teacher salaries, aides, principals, and other personnel.
- ISEP funds are often reallocated to cover the program cuts in other areas of education.
- ISEP must have adequate funding to ensure all program needs are fulfilled and must not be reduced to provide funds for new initiatives that have not been vetted by tribes.

Bureau of Indian Education Immersion Demonstration Grants

Provide \$5 million for BIE immersion programs. *An increase of \$3 million above FY 2019 enacted.*

- According to UNESCO, 74 Native languages stand to disappear in the next decade, with only 20 Native languages being spoken by 2050.
- Funding under the BIE reform efforts should strengthen tribal sovereignty to increase capacity to support Native language immersion schools and provide Native students equal access to learning their cultures and languages.
- Providing Immersion Demonstration Grant funds would protect the cultural and linguistic heritage of Native students in education systems by providing Native students immersion learning in order to strengthen their language, improve academic outcomes, and become future leaders of their tribes.

Tribal Education Agencies/Departments

Provide \$10 million to fund Tribal Education Agencies/Departments. *An increase of \$7.5 million above FY 2019 enacted.*

- This funding assists Tribal Education Agencies (TEAs), who are uniquely situated at the local level to implement innovative education programs that improve Native education.
- Because they are administered by tribes, TEAs are best equipped to deliver education programs tailored to improve education parity for Natives.
- TEAs would use this much-needed funding to develop academic standards, assess student progress, and create math and science programs that require high academic standards for students in tribal, public, and BIE schools.
- Tribes utilizing self-governance over education have been very successful because they better understand the circumstances of their populations and can develop initiatives that meet local needs.

Institute of American Indian Arts (IAIA) and Center for Lifelong Education

Provide \$9.96 million to the Center & Museum under the American Indian, Alaska Native, and Native Hawaiian Culture and Art Development Act. *Level funding with FY 2019.*

- IAIA is the only fine arts institution that awards bachelor and master degrees devoted to the study of contemporary Native American and Alaska Native arts.
- IAIA has graduated more than 3,800 students from federally-recognized tribes and beyond.

Haskell Indian Nations University (HINU) and Southwestern Indian Polytechnic (SIPI)

Provide \$25.0 million to HINU and SIPI under the Snyder Act. *An increase of \$2.3 million above FY 2013 enacted.*

- These institutions are federally chartered and funded separately from the other tribal higher education institutions and require additional funding considerations.
- A combined appropriation of \$25 million for HINU and SIPI is necessary to ensure continued programs and services are available to Native students.

Conclusion

Federal appropriations for Bureau-funded schools have the potential to ensure that Native students thrive. NIEA looks forward to working with you to support equitable resources that promote

educational opportunity for the only students that the federal government has a direct responsibility to educate – Native students.

For more information or inquiries, please contact Adrienne Elliott, NIEA Legislative Analyst, at aelliott@niea.org.

Sincerely,

A handwritten signature in dark ink that reads "Robin A. Butterfield". The signature is written in a cursive style with a large initial 'R'.

Robin Butterfield
President