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# IS EDUCATION EQUAL?

HOW FEDERAL FUNDING  
SHORTAGES IMPACT  
NATIVE STUDENTS

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**MISSION STATEMENT**

**The National Indian  
Education Association  
advances comprehensive,  
culture-based educational  
opportunities for American  
Indians, Alaska Natives,  
and Native Hawaiians.**

## IS EDUCATION EQUAL? HOW FEDERAL FUNDING SHORTAGES IMPACT NATIVE STUDENTS

*“Attend[ing]..school in a sub-standard, dangerous environment [is] not conducive to learning. This affects [students’] self-worth, creates feelings of inferiority, and sends a message to them that their education and even their lives are unimportant.”*

- MICHAEL BONGO, SECRETARY/TREASURER, LEECH LAKE BAND OF OJIBWEI

All students in America deserve a safe, secure, and culturally appropriate environment in which to attend school. Research shows that the physical condition of a school plays an important role in student success, affecting student and teacher attendance, teacher retention and recruitment, child and teacher health, and the quality of curriculum. <sup>ii</sup>

Rectifying the substandard condition of the Bureau of Indian Education (BIE) schools is a matter of basic equity for Native students. Since BIE schools are located on Indian trust lands, tribes are unable to institute a tax levy increase due to laws that prohibit property taxes on federal trust lands. The federal government established the BIE construction program to help provide BIE school facilities at parity with off-reservation school systems. Sufficient funds must be appropriated to live up to this commitment.

Adequately funding BIE school construction is a fundamental requirement of the federal government’s trust responsibility to tribes. Through numerous treaties with tribal nations, the United States guaranteed the health, safety, and welfare of tribal nations in exchange for over 450 million acres of tribal lands. Providing Native children with quality education—and in turn, a safe place to attend school—is a cornerstone of this solemn moral and legal obligation.

### THE SCOPE OF THE NEED: FUNDING FOR TOP 10 LIST CRITICAL FIRST STEP

The Bureau of Indian Education (BIE) school construction priority list determines the order in which Congressional appropriations fund major repair and replacement construction of BIE academic facilities. This list, which came out of a report compiled by the National Review Committee required by No Child Left Behind, is generally reviewed and updated every five years in accordance with recommendations from a Negotiated Rulemaking Committee report on BIE facilities. <sup>iv</sup>

- \$649 Million Needed Urgently for Top 10 BIE School Construction List



While completing the 2016 list is a critical first step, it unfortunately will not bring all BIE schools up to code. Just over 50% of BIE schools have been identified as being in poor condition. <sup>v</sup> In 2016, the Government Accountability Office (GAO) estimated that BIE schools need approximately \$1.3 billion to fully address current needs for construction, maintenance, and repair.

- \$1.3 Billion Needed to Address Complete Need of BIE School Construction

## **UNSAFE SCHOOLS THAT ARE UNWORTHY OF CHILDREN IN OUR COUNTRY**

The widespread health and safety deficiencies of BIE schools—and the urgent need for funding the school construction top 10 list—are told in the stories of three schools in Arizona, New Mexico, and Washington. In these three schools alone, the critical needs include:

- Classroom walls buckling and separating from their foundation, which threaten to collapse the entire school building and rupture gas lines, causing explosions in classrooms.
- Water leaks near electrical outlets and light fixtures that put students at risk of electrocution.
- Severe cracks in academic buildings, which short-circuit the electrical system causing fires.
- Non-operable fire alarm systems without protective sprinklers.
- Improperly maintained furnaces that result in monoxide poisoning.
- Exposed asbestos, lead paint, mold, water damage, and broken glass in classrooms.
- Regular academic use of condemned buildings that have not been torn down or replaced.

The unsafe conditions are unacceptable: Native children should not have to put their health at risk on a daily basis to access their fundamental right to an education. We ask Congress to hear the stories below and act to provide the funding necessary to build schools worthy of the education all children deserve.

## LUKACHUKAI COMMUNITY SCHOOL

**Location: Lukachukai, AZ**

- *Been Working Toward Full Replacement for 15 years*
- *New Facility Cost: \$74 Million*



Lukachukai Community School (LCS) is located on the Navajo Nation reservation and currently serves 384 students from K-8th grade, with 28 students registered in the residential program. The school is bordered to the north by a cemetery and to the south by a sewer lagoon. Some of its facilities have been condemned and are therefore uninhabitable to students and staff.

### **Water & Sewer System**

The school's water and sewer systems were built in the 1930s and are still in use today. Due to the condition of these systems, there are frequent leaks, water breaks, and frozen pipes during the winter. In 2015, the school was forced to cancel its summer school program as a major water break damaged school and community buildings, leading them to declare a state of emergency within the Navajo Nation.



## Heating & AC

With temperatures ranging from sub-freezing in winter to over 90 degrees in the summer, the school's outdated heating and air systems cannot adequately control temperatures in the classrooms. Built in the 1950's, the school's current heating system runs on fuel-oil, which is not readily available, and is difficult to fix since many of its parts are no longer manufactured. Additionally, many of the school's AC units do not work so students and teachers are negatively affected by overheated classrooms.



## Shelter

Much of the school facility's roofs, walls, and floors are dilapidated and do not meet the basic standards for students and teacher safety. A series of poorly built roofs since the facility's construction in the 1930s has caused frequent leaks and cracked outdated walls, floors, and windows. Fractured walls and floors expose students to asbestos material throughout the facility. Because of these conditions, the school is forced to use pots and cans throughout facilities to contain leakage.



## Student Needs Unmet

Current school facilities are too old for modern IT infrastructure and the school has no adequate facilities for Special Education or other exceptional student services. As a result, classrooms are overcrowded and student needs are often unmet. In addition, residential students do not have access to a recreational facility on campus. The school remains unable to adequately serve all students in the area since the school's residential program was cut in half when the dormitory was condemned in the late 1980's.



The school's cafeteria lacks an adequate sanitation facility and restrooms for students and staff. Limited cafeteria space cannot currently accommodate students from K-8, forcing officials to run three different lunch programs.

# DZILTH-NA-O-DITH-HLE COMMUNITY SCHOOL

**Location: Bloomfield, NM**

- *Renovation & Repair: \$41 Million*



The school serves approximately 180 students from preschool through eighth grade and houses approximately 70 residential students. The school is located in a lower elevation area and has an inadequate drainage system which results in ponds from rain runoff on school property. While several modifications have been made to school grounds over the years, the buildings are in severe need of maintenance.



## Water Pipes/Boilers

The main water lines contain asbestos, which has caused the pipes to become brittle and crack over time, resulting in water leaks throughout the school campus.

Water throughout the campus contains a high level of mineral deposits causing additional pipe corrosion and sediment build-up. Residential students sometimes stay in a hotel in Bloomfield due to lack of water or heat.



## Kitchen

Much of the equipment in the school's kitchen is in dire need of being replaced as most of it was donated in 1984 (32 years ago), when the school was shut down. The kitchen layout, equipment, and exhaust fans do not meet current building and safety codes causing unsafe and inefficient environments for food preparation.

The serving line burners do not work properly to maintain food temperature and the walk-in freezer and cooler are unable to maintain consistent temperatures- staff must constantly rotate shifts on weekends and holidays to monitor the temperature of frozen food.





## Sewer System

The sewer lines are made of cast iron, resulting in rust deposits and corrosion throughout the pipeline. The bottom of the cast iron pipes are so severely deteriorated that only a thin layer of iron remains.

Because of inadequate sewer lines, restrooms are often closed and students are directed to other restrooms throughout campus, thereby losing valuable instruction time.



The sewer lagoon and manholes need to be upgraded. Currently, the manholes must be flushed out biweekly to prevent overflows. In 2012, the sewer lagoon backed up and overflowed due to plugged lines. The sewer lines must be corrected as a long-term solution and to avoid further spills into the environment.

## HVAC System

The school has no ventilation system throughout the entire building and many of the classrooms have windows that do not open, which negatively impacts students and teachers.

The natural gas lines nearby are past their life expectancy and are now prone to leaks. In 2010, major gas leaks were found, and the gas company closed the school down for two weeks.

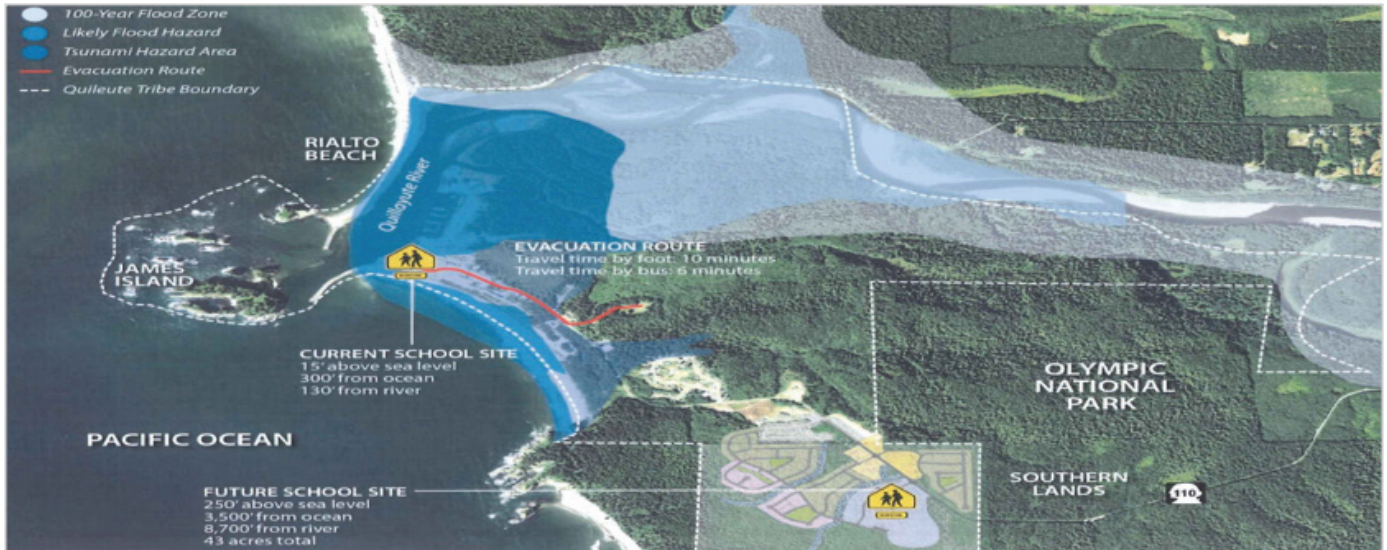




# QUILEUTE TRIBAL SCHOOL

Location: La Push, WA

- New Facility Cost: \$84 Million



The Quileute Tribal School is located in Washington state in the tsunami and flood zone, just 300 feet from the Pacific Ocean and 100 feet from the Quillayute River. With facilities as low as 14 feet above sea level, the school's location places the students, faculty, and staff in grave danger every single day. In 2012, the Tribe received 785 acres from the Olympic National Park, and is now able to relocate the Quileute Tribal School to higher ground. A site has been selected and sits ready for a new, safe school.



## Hazardous Location

The Quileute Tribal School (QTS) opened its doors in 1978, using a retired U.S. Coast Guard Station which was built in 1931 as the school's main building – this building is still in use today.

In 2003, the Quileute Area in the State of Washington was identified as a Tsunami Inundation Hazard Zone by the National Tsunami Hazard Mitigation Program (NTHMP), a federal and state program created to reduce tsunami hazards along U.S. coastlines. The area has also been identified as a Special Flood Hazard Area (SFHA) by FEMA.



Given this hazardous location, all of the QTS facilities need to be replaced and relocated to higher ground. On any given school day, the students, who represent the entire future of the tribe, are at risk of loss of life. Fear for children's safety has diminished enrollment and has led many parents to send their children to public schools located outside of these hazard zones. This situation is not conducive to a safe learning environment.

### Shelter



Flood water and debris block entrance to parking and portables

Crumbling unsafe buildings have resulted from the environmental conditions and do not meet building and safety health codes. The carving shed was a garage and was never intended to be used as a classroom — and it's falling down. It doesn't have a ventilation or dust collecting system, no restrooms, and has been deemed unsafe due to lack of ventilation of dust and other harmful particulates.



The school has five portables that house over 75 percent of the students all day, each situated only 15 feet above sea level. The location of the school causes great environmental impacts to the facilities, primarily in the form of high winds, extreme rainfall, salt air, and potential for flood, earthquake, and tsunami. In particular, the weather causes havoc to wood and metal, which rust, rot, and leak under extreme weather conditions.



Massive logs and driftwood block bus lane access, and cover the playground

### Student Needs Unmet

The playgrounds and ball fields are unusable many months out of the year due to high levels of rainfall and the ocean surge that pushes logs and other debris onto the fields. The elementary school building has inadequate HVAC. The salt air ate up the damper controls and they no longer open and close, and parts are no longer available for them.

The school does not have adequate space to house all the programs needed to meet Washington state graduation requirements. For this reason, the school is unable to provide science or vocational labs.

## CONGRESS MUST FULLY FUND BIE SCHOOL CONSTRUCTION

Equity in education is possible only if the federal government upholds its trust responsibility to tribes- this responsibility includes a fiduciary obligation to provide equal access and equal resources to Native students. For too long, this responsibility has been left unsatisfied. Fully investing in school construction for BIE schools provides Native students an opportunity to attend school in safe and healthy environments- a basic necessity that for too long has not been afforded to Native students.

## ENDNOTES

<sup>i</sup> Testimony of Michael Bongo, Secretary/Treasurer, Leech Lake Band of Ojibwe. "Preparing Our Students for Tomorrow in Yesterday's Schools: Construction and Facility Needs at Bureau of Indian Schools." Field Hearing, United States Senate Committee on Indian Affairs, 111th Congress Second Session. September 11, 2010. Government Printing Office: 63-677 PDF.

<sup>ii</sup> Cheng, Gracye and Steve English. "Evidence and Recommendations Concerning the Impact of School Facilities on Civil Rights and Student Achievement." July 27, 2011. Submission to the US Department of Education Excellence and Equity Commission.

<sup>iii</sup> 25 U.S.C 2005 and Broken Promises. Broken Schools: Report of the No Child Left Behind School Facilities and Construction Negotiated Rulemaking Committee

<sup>iv</sup> BIA'S Top 10 List at <https://www.bia.gov/WhoWeAre/AS-IA/OFECCR/index.htm> accessed August 4, 2017.

<sup>v</sup> Condition of Indian School Facilities," Office of Inspector General, U.S. Department of Interior (September 2016) [https://www.doioig.gov/sites/doioig.gov/files/FinalEval\\_BIESchoolFacilitiesB\\_093016.pdf](https://www.doioig.gov/sites/doioig.gov/files/FinalEval_BIESchoolFacilitiesB_093016.pdf)

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*"Is Education Equal? How Federal Funding Shortages Impact Native Students"*

**www.NIEA.org**





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