



**NATIONAL INDIAN EDUCATION ASSOCIATION**  
Advancing Excellence for All Native Students

The Honorable John Hoeven  
Senate Committee on Indian Affairs  
838 Hart Senate Office Building  
Washington, D.C. 20510

***Re: Oversight Hearing on the President's FY 2019 Budget Request for Indian Programs***

Dear Chairman Hoeven:

On behalf of the National Indian Education Association (NIEA), I respectfully submit the following comments in response to the President's Fiscal Year (FY) 2019 Budget Request for programs that impact Native students.

NIEA is the most inclusive national organization advocating for improved educational opportunities for American Indian, Alaska Native, and Native Hawaiian students. Our mission centers on ensuring that Native students have access to a high-quality academic and cultural education, a goal that is only possible if Congress upholds the federal trust responsibility to tribes.

**The Federal Trust Relationship**

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. The President's Budget Request for FY 2019 represents a rupture in the federal trust responsibility, an obligation shared between the Congress and the Administration for federally-recognized tribes.

**The President's FY 2019 Budget for Native Education Programs**

NIEA has significant concerns regarding the proposed budgets for the Department of Interior and the Bureau of Indian Education (BIE) as well as the Department of Education (DoED). Overall, the President's Budget for FY 2019 proposed a 19 percent cut to the BIE and a five (5) percent cut to the DoED. These cuts disproportionately impact Native students, reducing tribal funding for resources and programs that support college, career, and community readiness.

The Administration's budget reflects steep cuts of over \$172 million in funding for BIE education programs and \$165 million for BIE school construction and facilities improvement. Severe cuts and elimination of key programs, including the Johnson-O'Malley program, ISEP formula funds, post-secondary scholarships, early childhood education, and juvenile justice

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detention centers, represent a failure to uphold the BIE's fiduciary responsibility through the federal trust relationship.

Despite estimates of over \$1.3 billion in need for construction at Bureau funded schools, the President's Budget completely eliminates funding for school and education facilities construction. Instead, the budget proposes \$72.8 million to repair existing schools, which currently have a maintenance backlog of over \$640 million. Such steep cuts to funding for safe and healthy classrooms for Native students amount to extreme neglect of Native students and families.

Similarly, the President's Budget for FY 2019 fails the 92% of Native students in public schools by cutting over \$602 million from programs that impact Native students. The proposed budget slashes and eliminates critical education programs in Native communities, including Title VI Indian Education Grants, Native Hawaiian and Alaska Native education programs, Tribal Colleges and Universities, Impact Aid, and Title I.

The BIE and DoED must uphold their constitutional obligations to tribal nations by fully funding programs that serve the unique academic and cultural needs of Native students. Tribes and Native communities must have access to the resources necessary for Native students to engage and thrive in the classroom and beyond. The following funding levels for key federal education programs would promote Native student success in the classroom and beyond:

## **DEPARTMENT OF THE INTERIOR**

### **Interior - Environment Appropriations Bill**

#### **Education Construction - Provide \$430 million for Bureau of Indian Education (BIE) school construction and repair. *An increase of \$191.7 million above FY 2018 enacted.***

- This funding category includes school construction, facilities improvement and repair, and replacement school construction.
- 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.

#### **Broadband Internet Access - Provide \$40 million to extend broadband internet access. *An increase of \$21.15 million above FY 2018 enacted.***

- Less than ten percent of Indian Country has access to broadband internet technology and 60% 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 2018 enacted.***

- The Johnson O'Malley program has provided grants to supplement basic student needs by assisting with the unique academic and cultural needs of Native students since 1934.

- The federal government allocated \$125 per student in JOM funding in 1995. Current funds (FY 2017) 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.

**Juvenile Detention Education - Provide \$620,000 for juvenile detention education in BIA-funded facilities.** *An increase of \$120,000 above FY 2018 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 million above FY 2018 enacted.*

- BIE schools incur disproportionately high costs in transporting Native students to and from school due to the often-rural location of BIE facilities.
- 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 \$9 million above FY 2018 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. 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 \$42.4 million above FY 2018 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 \$16.5 million above FY 2018 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 \$24 million above FY 2018 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 2018 enacted.*

- According to UNESCO, 74 Native languages stand to disappear in the next decade, with only 20 Native languages being spoken by 2050.
- Providing Immersion Demonstration Grant funds protects the cultural and linguistic heritage of Native students in education systems by providing Native students immersion learning in order to strengthen 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 2018 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.
- 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.

**Institute of American Indian Arts (IAIA) and Center for Lifelong Education - Provide \$9.9 million to the Center & Museum under the American Indian, Alaska Native, and Native Hawaiian Culture and Art Development Act.** *Level funding with FY 2018.*

- 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. Of the \$16.9 million requested, provide \$11.8 million.

**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 \$6.7 million above FY 2018 enacted.*

- These institutions are federally chartered and funded separately from the other tribal higher education institutions and require additional funding considerations.
- Of the \$37.8 million requested, a one-time payment of \$14.8 million is needed to forward fund these institutions, so that they can receive their institutional operating funds on an academic calendar (July 1), rather than the federal fiscal year (October 1).

**DEPARTMENT OF EDUCATION**

**Labor, Health and Human Services and Education Appropriations Bill**

**ESSA Title I, Part A: Local Education Agency Grants - Provide \$20 billion for Title I, Part A.** *An increase of \$4.2 billion above FY 2018 enacted.*

- Title I of the Every Student Succeeds Act (ESSA) provides critical financial assistance to local educational agencies and schools with high percentages of children from low-income families that ensure all children meet challenging state academic standards.

- ESSA's appropriation for FY2018 is \$15.5 billion. However, in order to counter annual inflation and sequestration, a drastic increase in funding is needed to meet the needs of Native students and students from low-income families.

**ESSA Title VI: Indian Education Formula Grants - Provide \$198 million for Title VI, Part A.** *An increase of \$92.7 million above FY 2018 enacted.* Authorized funding for Title VI, Part A for FY2017 is \$105.3 million. Increases are needed as this critical grant funding is designed to supplement the regular school program and assist Native students so they have the opportunity to achieve the same educational standards and attain parity with their non-Native peers.

- Title VI funds support early-childhood and family programs, academic enrichment programs, curriculum development, professional development, and culturally-related activities.
- As Native students lag far behind their non-Native peers in educational achievement, increased funding is necessary to address this substantial gap.

**ESSA Title VI, Part A, Subpart 2: Special Programs and Projects to Improve Educational Opportunities for Indian Children - Provide \$67.9 million for Title VI, Part A, Subpart 2: Special Programs and Projects to Improve Educational Opportunities for Indian Children.**

- ED's Native Youth Community Projects initiative provides better comprehensive, community-driven strategies to improve college and career-readiness of Native youth.

**ESSA Title VI, Part A, Subpart 3: Language Immersion and National Activities - Provide \$10 million for Title VI, Part A, Subpart 3.** *An increase of \$3.1 million above FY 2017 enacted.*

- Under the ESSA, language immersion programs are funded in public schools. It is well documented that Native students are more likely to thrive in environments that align with their language and culture.

**ESSA Title VI, Part B: Native Hawaiian Education Program - Provide \$36.4 million Title VI, Part B.**

- The Native Hawaiian Education program empowers innovative culturally appropriate programs to enhance the quality of education for Native Hawaiians. When establishing the Native Hawaiian Education Program, Congress acknowledged the trust relationship between the Native Hawaiian people and the United States.
- These programs strengthen the Native Hawaiian culture and improve educational attainment, both of which are correlated with positive economic outcomes.

**ESSA Title VI, Part C: Alaska Native Education Equity Assistance Program - Provide \$36.4 million for Title VI, Part C.**

- Alaska does not receive any BIE funding, making this source of funding the only resource available for Alaska Native tribes and organizations to provide supplemental programs that address the achievement gap for Alaska Native students.
- This funding is crucial to closing the gap between Alaska Native students and their non-Native peers as eligible activities include professional development for educators, activities carried out through Even Start programs and Head Start programs, family

literacy services, and dropout prevention programs.

**ESSA Title VII: Impact Aid - Provide \$2 billion for Title VII.** *An increase of \$589 million above FY 2018 enacted.*

- Impact Aid provides direct payments to public school districts as reimbursement for the loss of traditional property taxes due to a federal presence or activity, including the existence of an Indian reservation.
- With nearly 93 percent of Native students enrolling in public schools, Impact Aid provides essential funding for schools serving Native students.

**School Construction - Provide \$500 million for school construction.** *Provide funding for school construction consistent with the Trump Administration's focus on infrastructure by providing funding in communities where significant concentrations of Native students attend public schools.*

- With 93% of Native students in public schools and more than 40% of Native students in rural communities with limited capacity for bonding, investing in Indian Country via schools will help prepare Native students for the 21<sup>st</sup> century economy.

**HEA Title III: Tribal Colleges and Universities - Provide \$65 million (\$30 million in discretionary funding and \$30 million in mandatory funding) for Title III-A grants under the Higher Education Act for Tribal Colleges and Universities.**

- Titles III and V of the Higher Education Act, known as Aid for Institutional Development programs, support institutions with a large proportion of financially disadvantaged students and low cost-per-student expenditures.

**HEA Title III: Tribal Colleges and Universities: Adult/Basic Education - Provide \$8 million for American Indian Adult/Basic Education at Tribal Colleges and Universities, from existing funds appropriated for state block grant funding.** *No such set-aside from existing funds included in FY 2018 enacted.*

- Despite an absence of dedicated funding, TCUs must find ways to continue to provide basic adult education classes for those American Indians that the present K-12 Indian education system has failed.
- There is a wide-ranging need for adult basic education and literacy programs and TCUs need adequate funding to support the ever increasing demand for adult education and remediation program services.

**HEA Title III, Part F: Native American-Serving, non-Tribal Institutions - Provide \$10 million for non-tribal, Native-serving institutions of higher education.** *An increase of \$1.7 million above FY 2018 enacted.*

- Funds provided under this line item serve as the primary source of federal funding for Native-serving, non-tribal institutions of higher education.
- With nearly 100 institutions potentially qualifying as Native-serving, non-tribal institutions, an increase in funding will provide the opportunity for more Native-serving institutions to better serve their students and increase graduation rates among Native students.

**Perkins: Tribally Controlled Post-Secondary Career and Technical Institutions - Provide \$10 million for postsecondary career and technical institutions program funds under Carl Perkins Technical and Career Education Act. An increase of \$1.7 million above FY 2018 enacted.**

- Vocational education/training programs are very expensive to conduct, but are vital to preparing a future workforce that will operate safely and efficiently contributing greatly to the global economy.
- Currently, two TCUs participate in this funding program: United Tribes Technical College in North Dakota, and Navajo Technical University in New Mexico. The TCUs urge Congress to appropriate \$10 million for Sec. 117 of the Act.

### **Infrastructure Proposal for BIE School Construction**

Though NIEA is pleased to see BIE schools included in the \$18 billion “Public Lands Infrastructure Fund” proposal from President Trump, we remain concerned that the means for obtaining funds could infringe on public lands. If the proposal were to fully respect tribal sovereignty and provide the full funding that BIE schools need—more than \$640 million in immediate funding and at least \$1.3 billion in funding for construction and maintenance—then NIEA will of course be interested in learning more about the proposal. If, however, the proposal is for funding that does not respect the inherent sovereignty of tribes, we could not support it.

NIEA is concerned about steep cuts to education construction for BIE schools without any details or tribal input regarding the current infrastructure proposal. As expressed by Chairman Payment of the Sault Ste. Marie Tribe of Chippewa Indians during the hearing, the Administration has slashed critical construction and maintenance funding for the BIE in exchange for the possibility of future funding in the infrastructure proposal. The proposed infrastructure package does not abrogate the federal trust responsibility to fund construction for BIE schools in the federal budget. Though current funding levels fail to fully address the \$640 million need for construction, 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.

### **Conclusion**

With these concerns and through these recommendations on the President’s FY 2019 Budget Request for Indian programs, NIEA looks forward to working with the Chairman to pass a budget that serves the unique needs of the only students that the federal government has a direct responsibility to educate – Native students. If you have any questions, please contact Matt de Ferranti, NIEA’s Legislative Director, at [mdeferranti@niea.org](mailto:mdeferranti@niea.org).

Sincerely,



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Executive Director, NIEA