



NATIONAL INDIAN EDUCATION
Advancing Excellence for All Native Students

May 24, 2016

The Honorable John Barrasso, Chairman
Committee on Indian Affairs
United States Senate
838 Hart Office Building
Washington, DC 20510

The Honorable Jon Tester, Vice Chairman
Committee on Indian Affairs
United States Senate
838 Hart Office Building
Washington, DC 20510

Re: Support for the Johnson-O'Malley Supplemental Indian Education Program Modernization Act (S.2842)

Dear Chairman Barrasso and Vice Chairman Tester:

On behalf of the National Indian Education Association (NIEA), the oldest and largest Native organization representing over 2,500 Native educators, students, teachers, parents, and tribal leaders, I am writing to express our support for the reauthorization of the Johnson-O'Malley Supplemental Indian Education Program Modernization Act (S. 2842). This bicameral effort builds upon Congress' focus on supporting Native education in the 21st century. S. 2842 is a step in the right direction to honor the fiduciary trust obligation the federal government has with tribes to provide parity in access and equal resources to Native education.

The Johnson-O'Malley (JOM) program is utilized to meet specialized and unique educational needs of Indian students attending public and some tribal schools through the use of supplemental education programs. Such supplemental programs are designed at the local level under the purview of a local Indian Education Committee. Eligible JOM contract applicants are states, school districts, tribes, and tribal organizations.

In 1995, the BIA conducted a JOM student count for purposes of providing distribution allocation information of JOM programmatic funds. The 1995 JOM student count listed 271,884 students. In 2010, the U.S. Census Bureau reported 798,486 American Indian and Alaska Native students in the JOM-eligible age group, illustrating a substantial portion of unserved students. Moreover, the National Johnson-O'Malley (NJOM) estimates a high of \$125 per students to a FY 2015 value of \$68.08 per student. This is due to the fact that JOM contractors have been forced to provide services for an ever increasing population with the same or less funding. FY 2011-2012 budget sequestration exacerbated the funding levels by reducing overall JOM funding each year.

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NIEA membership has shown their support for updating the JOM student count along with funding that reflects this new number. NIEA Resolution 2006-17 highlights the dire need of the JOM program as supplementary aid and strongly opposed the FY 2007 BIA budget request to eliminate JOM grants. Furthermore, NIEA Resolution 2014-19, which requested support for utilizing U.S. Census data for updating the JOM student count, remains a standing request of our organization. As such, NIEA supports the Johnson-O'Malley Supplemental Indian Education Program Modernization Act.

NIEA appreciates your hard work on funding critical educational programs for American Indian, Alaska Native, and Native Hawaiian students. We are asking for your continued support in ensuring that these programs are protected by funding them at the levels already approved by Congress. If there are any questions, please feel free to contact NIEA's policy associate, Dimple Patel at dpatel@niea.org.

Thank you,

A handwritten signature in black ink that reads "Patricia L. Whitefoot". The signature is written in a cursive style and is positioned above the printed name.

Patricia Whitefoot

Enclosure: NIEA Resolutions 2006-17 and 2014-19



National Indian Education Association

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NIEA RESOLUTION #06-17

Title: TO SUPPORT THE CONTINUATION OF JOHNSON O'MALLEY FUNDING

WHEREAS, the National Indian Education Association (NIEA) was established in 1969 for the purpose of advocating, planning, and promoting the unique and special educational needs of American Indians, Alaska Natives, and Native Hawaiians; and

WHEREAS, NIEA as the largest national Indian organization of American Indians, Alaska Native, and Native Hawaiian educators, administrators, parents, and students in the United States, provides a forum to discuss and act upon issues affecting the education of Indian and Native people; and

WHEREAS, through its unique relationship with Indian nations and tribes, the federal government has established programs and resources to meet the educational needs of American Indians, Alaska Native, and Native Hawaiians, residing on and off their reserved or non-reserved homelands; and

WHEREAS, Native American populations have made significant advances in achieving academic success as demonstrated by a study conducted in 2005 by the National Center on Education Statistics; and

WHEREAS, Native American students have attained high school diplomas, as of March 2003, exceed the total of all other racial and ethnic groups by 3.2% except African Americans; and

WHEREAS, the negation of the advancement made by Native American populations through the invalidated references to the effect that the Johnson O'Malley grants under the Tribal Priority Allocations are duplicative of other Federal and state assistance programs and do not address a focused goal for academic achievement; and

WHEREAS, the lack of evidence to prove that the elimination of these grants will allow the BIA to focus its resources on the requirements of the Bureau-funded school system, while also reducing redundancy with other Federal programs; and

WHEREAS, the U.S. House of Representative admonished the Bush Administration in 2006 for justifying its proposed termination of Johnson O'Malley because of duplication of other federally supported programs such as Title VII of No Child Left Behind Act of 2002, hence substantiating that no such duplication exists; and

WHEREAS, the elimination of the Johnson O'Malley programs hold no guarantees that the Indian Self Determination Act of 1975 and will continue to be enforced according to the purpose of the regulations established in Part 273 of Public Law 93-638; and

WHEREAS, Indian Self Determination and Education Assistance Act were set forth to ensure the maximum participation of Indian populations in the development of programs for eligible Indian students; and

WHEREAS, the Snyder Act of 1921 is the primary authority that governs the implementation of Indian education programs; and

WHEREAS, the Johnson O'Malley Act of 1934 program is a supplementary aid program geared to offset the financial deficit of unmet extraordinary and exceptional cases of need and that the federal government will bear the added expense for services to the Indian population in collaboration with state public school districts; and

NOW THEREFORE BE IT RESOLVED, that NIEA does hereby strongly oppose the FY 2007 BIA budget request that proposes the elimination of Johnson O'Malley (JOM) grants; and

BE IT FURTHER RESOLVED, that NIEA call upon Congress and the Administration to restore the national JOM budget to the FY 1994 allocation of \$24 million dollars with the current JOM student count conducted under the Government Accountability Office to reinstate a funding formula that will ensure the equitable distribution of funding to address the specialized and unique educational needs that fall outside the school's responsibilities.

CERTIFICATION

I do hereby certify that the following resolution was dully considered and passed by the NIEA Board of Directors on November 30, 2006 at which a quorum was present.

Verlie Ann Malina Wright

Dr. Verlie Ann Malina Wright, President (2006-07)
National Indian Education Association



NATIONAL INDIAN EDUCATION ASSOCIATION

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NIEA Resolution 2014-19

TITLE: SUPPORT UTILIZING U.S. CENSUS DATA FOR UPDATING THE JOHNSON O'MALLEY STUDENT COUNT

WHEREAS, we, the members of the National Indian Education Association (NIEA) of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Indian Education Association was incorporated in 1970 and advances comprehensive educational opportunities for American Indians, Alaska Natives, and Native Hawaiians throughout the United States.; and

WHEREAS, the National Johnson-O'Malley Association (NJOMA) is the elected advocate representing students, ages 3 through high school, who are enrolled or eligible for enrollment in federally-recognized tribes, not attending or served by Bureau of Indian Education (BIE) schools, and currently being served from respective tribal jurisdiction boundaries and service areas; and

WHEREAS, NIEA and NJOMA have established a consensus that the academic, social, and economic well- being of our Native students are our highest priority, regardless of where they attend school; and

WHEREAS, according to 25 CFR 273.1, the purpose of the Johnson-O'Malley (JOM) program is to meet the specialized and unique educational needs of Indian children attending public and some tribal schools through the use of supplemental education programs, and

WHEREAS, the BIE completed an inaccurate and unofficial student count in 2012 resulting in the continued use of the outdated certified student count of 278,000 from 1995; and

WHEREAS, according to the U.S. Census Bureau, there were 798,486 American Indian and Alaska Native students (alone) in the JOM-eligible age group, and 1,469,722 American Indian and Alaska Native students (alone or in any combination) in 2010, forcing more than 400,000 Native students to attend school with unmet needs; and Census data is regularly collected, reliable information upon which the federal government regularly relies on for many other programs, including tribal; and

WHEREAS, without continued and accurately assumed levels of annual congressional funding, JOM programs that foster specialized, culturally-sensitive and unique educational programs will decrease in its ability to serve the true number of Native students eligible for JOM assistance; and

WHEREAS, federal agencies continue to forego providing accurate and timely JOM student count information to the United States Congress nor are sufficient steps being taken to guarantee the full participation of all eligible Native students and the public schools in which they attend;

NOW THEREFORE BE IT RESOLVED, that NIEA joins the NJOMA, the National Congress of American Indians (NCAI), the United South and Eastern Tribes (USET), and the Tribal Education Departments National Association (TEDNA) in support of efforts to use U.S. census data for a student count for the JOM program and for funding level determinations; and

BE IT FURTHER RESOLVED, that NIEA calls for the use of a uniform allocation funding formula based on U.S. census data after it has determined the most accurate depiction possible of the JOM-eligible student population; and

BE IT FURTHER RESOLVED, that NIEA welcomes the opportunity to work with NJOMA, NCAI, USET, TEDNA, and other stakeholders in developing and enacting federal policy and regulatory measures to modernize and position the Supplemental Education Program (known as the Johnson-O'Malley program) as a sustainable program whose future funding levels are adequate for assist all eligible students achieve academically so they may become the future leaders of tribal nations and promote positive academic, social, and economic changes for future generations; and

BE IT FINALLY RESOLVED, that NIEA recognizes the immediate nature and timely need to address this issue and therefore will officially request within two weeks immediate action

pertaining to this issue within the Department of the Interior, the Bureau of Indian Education, and the United States Congress; and

CERTIFICATION

I do hereby certify that the following resolution was dully considered and passed by the National Indian Education Association on October 18, 2014 at which time a quorum of the membership was present.

A handwritten signature in blue ink, reading "Melvin E. Monette". The signature is written in a cursive style with a large, stylized initial "M".

Melvin Monette
President