



NATIONAL INDIAN EDUCATION
Advancing Excellence for All Native Students

July 15, 2017

The Honorable Ryan Zinke
Secretary of the Interior
U.S. Department of the Interior
1849 C Street, NW
Washington, D.C. 20240

***Re: Secretary's Interest in the National Indian Education Association's (NIEA's) Thoughts
about Reorganization of the Department of Interior***

Dear Secretary Zinke,

Thank you for the opportunity to provide feedback on the Department of the Interior's (the Department's) reorganization. The National Indian Education Association (NIEA) advocates for improved educational opportunities to enable Native students to thrive in the classroom and beyond. Part of our work is providing the Department feedback on how it serves Native students, so we appreciate your request and take it as an important aspect of our mission.

The Federal Trust Relationship

Since our creation in 1969, NIEA's work has centered on reversing negative trends within Native education, an objective that is possible only if the federal government upholds its trust responsibility to tribes. Established through treaties, federal law, and U.S. Supreme Court decisions, this relationship includes a fiduciary obligation to provide parity in access and equal resources to all American Indian and Alaska Native students, regardless of where they attend school. So, as we look at reorganization of the Department, it is important to state that under the federal government's trust corpus in the field of Indian education, the obligation is shared between the Administration and Congress for federally-recognized Indian tribes.

Streamline Operations at the Bureau of Indian Education to Best Serve Native Students

NIEA has always argued for a responsive Department of Interior and Bureau of Indian Education (BIE), attuned to the needs of Native students. Toward that goal, consistent with the General Accounting Office's 2017 High Risk Report, we believe that consolidating the human resources, financial oversight, construction contracting, and inspection functions at BIE—moving these functions from the Bureau of Indian Affairs (BIA) to the BIE—is a critical step in reform.¹ Currently the BIA has joint or oversight authority over many of these functions, leading to disjointed authority and inefficient management. Examples of the problems inherent in leaving human resources, for example, as a BIA function, are numerous. BIE will know best how to hire

¹ To see the High Risk Report, go to <http://www.gao.gov/assets/690/682765.pdf> accessed July 14, 2017

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educators to teach students, and will best be able to hold inspectors of school facilities accountable. BIE also knows the urgency and unique challenges involved in hiring teachers in rural communities. As far as fiscal management, different fiscal years for the BIA and the BIE have led to lags in school construction while students suffer in substandard schools. Director Dearman and his team have identified these challenges and NIEA agrees with him as well his predecessors that BIE should consolidate authority in order to be accountable. It is long past time for BIE to have the direct authority for the basic operations functions, so that BIE can actually fulfill the critical operational functions that have a significant impact on Native students at BIE schools.

Promote Accountability at the BIE: Work with NIEA and Tribal Leaders

NIEA has worked with Senator John Barrasso (R-WY) on legislation he introduced last Congress to better hold BIE accountable for improving Native education and we support accountability in this reorganization effort. Senator Barrasso's legislation, Senate Bill 2580, consolidates many of the functions that we recommend fall in BIE under school "Assistant Directors": human resources, communications, acquisitions and grants, budget and finance, educational technology, and school facilities. NIEA agrees that these functions should be consolidated at BIE. The legislation also requires a report to Congress on the progress being made on Indian education, which we agree is a helpful step for accountability. NIEA has concerns, however, about some the detail regarding salaries that Senator Barrasso suggested and we also would want to be sure that reforms to BIE are done *with* tribal leaders and NIEA. The history of reforms done without partnering with Indian Country shows that true partnership with tribal leaders and Native education advocates is essential. We look forward to working with the Department, BIA, and BIE on the proposal that Senator Barrasso has suggested.

Clarify Operations at the BIE through an Assistant Secretary of Indian Education

NIEA believes that the Federal Trust relationship makes an Assistant Secretary of Indian Education the best way to ensure that Native students are being served in BIE Schools. We have long believed that an Assistant Secretary who would report directly to the Secretary would provide the accountability and attention needed to provide Native students in BIE schools with the education they deserve. This reorganization is the time to seize the moment and appoint an Assistant Secretary of Indian Education at the Department.

The reasons for an Assistant Secretary are solid. No other group of students has explicitly been promised educational services by the Federal government throughout the Federal government's history. The remainder of the Department is focused on functions far different from education, such as land management. The Department has not succeeded to this point using the current system and accountability is critical for the BIE. Each supports an Assistant Secretary of Indian Education whose job would be to manage the career appointed BIE Director as well as the BIE as a whole, with consistent, direct responsibility for bringing BIE to the standards that have been long-promised on behalf of Native students.

Keep the Bureau of Indian Education at the Department of the Interior

NIEA stands with tribal leaders across the Country in support of keeping the Bureau of Indian Education at the Department of the Interior. Native communities face unique challenges and have sovereignty as tribal nations that require consultation. The Department is best equipped to

work with tribes to improve Native education. The Department of Education, by contrast, does not have significant experience working with tribes, and, therefore, is not as experienced working with Native communities on educating Native students. Native education is often in rural communities where the Department of Interior has experience and the Department of Education has very little. Native nations do not need another change in bureaucracy, which would delay consolidation of services, result in a protracted political fight, and distract attention from the critical human resources, construction, and financial management priorities that we identified above. Please do not go down what we see as a path of division and distraction, which runs counter to tribal sovereignty and your experience in Montana. Please keep the BIE at the Department of Interior.

Conclusion

Through the recommendations on the Department's organizational structure that impact Native education, NIEA looks forward to working alongside the Department to drive federal resources to the only students that the federal government has a direct responsibility to educate – Native students. If you have any questions, please contact Ahniwake Rose, NIEA Executive Director, at arose@niea.org.

Sincerely,



Yatibaey Evans
President

CC: Michael S. Black, Acting Assistant Secretary—Indian Affairs
Tony Dearman, Director, Bureau of Indian Education