



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

February 23, 2018

Senator Lamar Alexander  
Chair, Senate Committee on Health, Education, Labor & Pensions  
428 Dirksen Senate Office Building  
Washington, DC 20510

***Re: Reauthorization of the Higher Education Act and Native Postsecondary Students***

Dear Chairman Alexander:

The National Indian Education Association (“NIEA”) respectfully submits the following comments in response to your request for input regarding reauthorization of the Higher Education Act. NIEA represents Native students, educators, families, communities, and tribes. Our mission is to ensure that all Native students receive a high-quality academic and cultural education. As part of that mission, NIEA’s work has centered on improving Native students’ educational experience, a goal that is only possible if the federal government upholds its trust responsibility to tribes.

**The Federal Trust Relationship**

Established through treaties, federal law, and U.S. Supreme Court decisions, the federal trust 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. Under the federal government’s trust corpus in the field of Indian education, it is important to state that the obligation is a shared trust between the U.S. government and tribal governments. It is through the Federal Trust relationship, that NIEA considers the Preliminary Report and is concerned by the Department’s omissions.

**NIEA’s Higher Education Priorities**

The National Indian Education Association (NIEA) believes all Native students should have access to a high-quality academic and cultural education that prepares them to succeed in life. The reauthorization of the Higher Education Act (HEA) and strengthening Native-serving institutions under Title III, is an opportunity to improve opportunities available to Native students and spark economic growth in Native communities across the country. Congress must seize this opportunity and uphold its federal trust responsibility to tribes and Native students.

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## **Achievement of Native Students**

Native enrollment in college has more than doubled since 1976<sup>1</sup>, which indicates that there is a steady increase in access and opportunity for Native students in higher education.

- 13.9% of the Native population in the United States holds a bachelor's degree and 21% have an associate's degree.
- Tribal Colleges and Universities (TCU's) have grown since their creation in the late 1960's in number, enrollment, and percentage of students graduating. Today, 37 TCU's serve more than 20,000 students through degree granting programs.<sup>2</sup>
- Non-tribal colleges and universities have also seen growth in the number of Native students and Native graduates over the past 20 years from 76,100 enrolled student in 1976 to 151,000 in 2006 and from approximately 5,500 in 1976 to just over 15,000 in 2006.<sup>3</sup>

## **Barriers to Higher Education Faced by Native Students**

Native students face barriers to entry, challenges funding their post-secondary education once accepted, and obstacles to graduation which any reauthorization of HEA must address. To support Native students graduating with college degrees, we must remove these obstacles.

- Just 26% of Native students between ages 18 to 24 years were enrolled in college in 2006.<sup>4</sup>
- Income barriers are a big challenge: 82% of Native post-secondary students receive financial aid.<sup>5</sup>
- Numerous studies of Native students in college settings dating back to 1973 show that distance from family and community ties present significant barriers to matriculation and persistence.<sup>6</sup>

## **Priorities for Native Students in Reauthorization of HEA**

### **1. Improved Access and Collection of Data**

Critical information on Native students is often missing due to gaps within federal policy and a lack of investment in the systems necessary for data collection. As a result, policy makers are left in a vacuum when making decisions on how to support Native students. NIEA supports investment in systems for obtaining and maintaining accurate data that respects Native student interests and recognizes tribal sovereignty. TCU's, tribes, and Native serving institutions must have the resources to effectively develop and maintain information on Native enrollment and success.

- **Give Tribes Access to Student Data**

This provision in HEA has recently been interpreted as meaning that Native students are not allowed to give their tribe permission to see their student financial aid records.

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<sup>1</sup> Ibid, P. 132.

<sup>2</sup> Nettles, Michael. Challenges and opportunities in Achieving the National Postsecondary Degree Attainment Goals. Educational Testing Service, Princeton, NJ 2017. P. 12 and 22.

<sup>3</sup> Transculturation and the Intersection of Culture and Education: A Quantitative Inquiry Analyzing Educational and Cultural Outcomes for Native American College Students. CraigMararoquin.com.

<sup>4</sup> Status and Trends in the Education of Native Americans: 2008. National Center for Education Statistics.

<https://nces.ed.gov/pubs2008/nativetrends/index.asp>. P. 127.

<sup>5</sup> Ibid, P. 132.

<sup>6</sup> Guillory, Raphael and Wolverton Mimi. It's About Family: Native American Student Persistence in Higher Education. *The Journal of Higher Education*, Vol. 79, No. 1 (January/February 2008), pp. 72.

This interpretation runs directly counter to the fundamental tenants of tribal sovereignty and is a barrier to Native students that depend on support from their tribe to complete their education. Reauthorization of HEA must include a solution to this unintended problem.

- **Establish a Student Unit Record**

This ban prevents analysis of how well programs are doing in meeting the needs of students and information is unable to be compared against private colleges and universities. Without data on student performance, best practices cannot be identified and established. The opportunities and challenges with respect to completion at TCU's and Native-serving non-tribal institutions cannot be effectively studied. NIEA supports both additional investment in Native student data and a student unit record for all students.

## 2. Access and Affordability

- **Support and Fully Fund TCU's**

TCU's are a critical route to and through college for many Native American students, yet funding parity with non-Native institutions has never been reached. NIEA supports the simple idea that the 37 TCU's should have resources, funding, and facilities comparable to land grant colleges and institutions. The approximately 160,000 American Indian and Alaska Native students who attend TCU's deserve nothing less.

- **Fund Pell Grants and Student Loan Programs**

Native students depend on Pell Grants and Federal student loan programs to help afford college. Pell Grants help increase college access by boosting college enrollment, reducing drop-out rates, and improving student outcomes.<sup>7</sup> NIEA supports increasing funding for Pell and indexing it to inflation, along with measures to make sure colleges and universities do not simply increase tuition rates in light of Pell increases.

- **Strengthen Dual Enrollment and Upward Bound to Support Native Student Enrollment**

Access to college and post-secondary studies must include support for programs that help low-income Native students on college campuses. Programs like Student Support Services, Upward Bound, and Talent Search help students matriculate and prevent students from leaving college before graduation. Native cultures value community, so the transition to college and the challenges of staying in college are particularly acute for many Native students. Investing and scaling up these critical programs is essential to Native student success.

## 3. Completion and Career Readiness

Among Native American and Alaska Native students, nationwide, completion—finishing a student's program of study and graduating—is a significant challenge that NIEA believes must be addressed. Based on 2014 data, just 14% of Native students in the age cohort between 25 and 34 have bachelor's degree and 21% have an associate's degree.

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<sup>7</sup> Protopsaltis, Spiros and Parrott, Sharon. Pell Grants – A Key Tool for Expanding College Access and Economic Opportunity – Need Strengthening, Not Cuts. *Center on Budget and Policy Priorities*. July 2017.

NIEA supports policies that identify best practices and invest in them, such as the TRIO set of programs that provide counseling and support in getting to college, but also support students once they are at college.

4. **Eliminate Unnecessary Paperwork to Help TCU's and Native Serving Schools**

NIEA supports elimination of the pre-application process currently required of TCU's in HEA. Specifically, we support the deletion of the Section 316A of Title III of the Higher Education Act, which requires a pre-application for TCU funding. The pre-application is unnecessary because Title III has a formula that determines funding for each TCU.

**Conclusion**

With these concerns and through these recommendations regarding reauthorization of HEA, NIEA looks forward to working with you and your staff as Chair of the Senate Committee on Health, Education, Labor, and Pensions to develop a bill that serves 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](mailto:arose@niea.org).

Sincerely,

A handwritten signature in cursive script that reads "Jolene Bowman".

Jolene Bowman  
President