



NATIONAL INDIAN EDUCATION ASSOCIATION

**Written Testimony of the National Indian Education Association  
for the Department of Education and Bureau of Indian Education  
Joint Tribal Listening Session**

**June 18, 2018**

**INTRODUCTION**

Founded in 1969, the National Indian Education Association (NIEA) represents Native students, educators, families, communities, and tribes. NIEA's mission is to advance comprehensive, culture-based educational opportunities for American Indians, Alaska Natives, and Native Hawaiians. As the premiere organization advocating for Native students, NIEA works to achieve educational equity and excellence and to ensure all students are provided a high-quality academic and culture-based education. We provide the following testimony for the Department of Education (the Department) and Bureau of Indian Education's joint tribal listening session on federal programs administered by the Bureau of Indian Education (BIE).

The Department and the BIE have a federal trust responsibility to provide excellent educational services for Native students, regardless of where they attend school. As the lead agency for education in public schools and the lead agency for Indian education, the Department and the BIE also have a unique responsibility to work together to provide culturally-relevant educational options that prepare Native students for success.

NIEA thanks the Department and BIE for their coordinated engagement with tribal leaders on critical issues that impact Native students. As the experts in education within the Bureau of Indian Affairs, the exclusion of representatives from the BIE in conversations regarding the delivery of services in Bureau-funded schools does not make sense. For years, NIEA has advocated for a stronger partnership between the two federal agencies represented here today in order to ensure that Native students have the best chance at success. The presence of both agencies here today is a good step.

**RESPONSE TO CONSULTATION QUESTIONS**

NIEA has significant concerns regarding the numerous topics at hand. Each question discussed today is an independent subject that merits a separate tribal consultation. The Department and BIE should be holding full tribal consultations on each subject to engage in meaningful dialogues with tribal leaders and educators. A listening session that does not respect tribal sovereignty through appropriate notice and respect to tribal leaders is insufficient. Further, combining all the questions at one time does not provide the clarity or consideration that each topic deserves.

Though the questions under consideration focus on the failures of the BIE under the joint Memorandum of Agreement (MOA) between the Department and BIE, the Department has also failed to uphold its trust responsibility. In particular, the Department has not adequately supported the BIE in its role as a State Education Agency. Holding the BIE accountable, while failing to acknowledge the Department's role, is a double standard that compounds inequity in education for Native students and builds instead of tearing down roadblocks to success.

*Question 1: How can the Departments use their resources and expertise to better support your schools in carrying out the requirements of federal education programs, specifically Title I and IDEA Part B?*

The Department should support and provide technical assistance to implement the BIE Strategic Plan. The BIE has not provided schools with a system for reporting on Title I funding for many years. Currently, the BIE is developing a strategic plan based on input and comment received during multiple consultations with tribal leaders, educators, students, and communities. The Department should adhere to guidance that tribal leaders and communities have already provided to the BIE regarding the implementation and delivery of federal education programs for Native students. Following the conclusion of tribal consultations in December 2017, tribes and schools continue to await a final version of the Strategic Plan for implementation.

Section C (2) of the joint MOA between the Department and the BIE lays a foundation for the two agencies to support the implementation of federal education programs in Bureau funded schools. Both agencies agree to “conduct joint training sessions or workshops for TEAs, tribal schools, BIE funded schools, TCUs, and related entities, to increase the capacity of those entities to compete for and implement Federal education grants for which they are available.”

To our knowledge and to that of the schools we have spoken with, the Department and the BIE have yet to conduct joint training sessions on Title I or IDEA Part B that address the unique needs of schools in the BIE system. Though the BIE has regularly conducted trainings on various federal grant programs available to BIE schools, the Department has only conducted trainings on programs specific to Indian education, such as the STEP program or Title VI. Through joint technical assistance, that combines the BIE's knowledge on Indian education and Department's expertise on Title programs and IDEA, the federal government should provide comprehensive training that fully addresses the unique needs schools and students in BIE schools.

*Question 2: What suggestions do you have for strengthening BIE's monitoring and technical assistance with regard to IDEA Part B and ESEA programs, including Title I, Part A?*

Both the Department and the BIE should build tribal capacity through implementation of the BIE Strategic Plan. Tribes know best the unique academic and cultural needs of Native students, and are critical to success in the classroom and beyond. A core component of the draft Strategic Plan supports tribal sovereignty in education by building capacity for tribal education departments and agencies to oversee and support tribal schools. Strategies 5.1 and 5.2 provide a blueprint for working with tribes to identify and address challenges and needs of students in Bureau-funded schools. The Department must adhere to recent comments provided by tribes and allow adequate

time for the BIE to implement measures that support capacity building for tribal education departments.

In addition to building tribal capacity, the BIE must receive all technical assistance provided to other State Education Agencies in order to strengthen monitoring and technical assistance for federal programs managed by the BIE. Under the joint MOA, “ED will provide targeted technical assistance to BIE to resolve these issues regarding programmatic and fiscal monitoring of BIE funded grant schools and contract schools.” Currently, the BIE receives very limited technical assistance on the new strategic plan from the Department’s network of comprehensive content and regional centers, which provide “training and technical assistance in the implementation and administration of programs authorized under the Elementary and Secondary Education Act (ESEA) and the use of research-based information and strategies.” Recently, the Department has slashed funding and concentrated work with the BIE to a single regional center. The Department must follow through on the MOA by providing equity in access to all of the resources offered to states, to the BIE.

*Question 3: What suggestions do you have for enhancing special education services and programming at your schools including methods for ensuring children with disabilities are adequately prepared to meet post-secondary goals? What types of professional development would be helpful to educators and staff? How can BIE assist your schools with ensuring parents are informed of their rights and their children’s rights under IDEA?*

The federal government must invest in highly qualified SPED Educators and staff through implementation of the BIE Strategic Plan. NIEA has made recruitment of teachers a strategic priority through our Native Teacher Campaign. The Department should provide similar support to the BIE in a campaign to recruit teachers. During consultation for the Strategic Plan, one of the most common issues surrounding special education in Native communities was limited access to special education teachers and staff. Severe teacher shortages continue to impact the delivery of critical services to students in Bureau-funded schools. BIE funded schools must have the resources to recruit qualified and culturally knowledgeable teachers for culturally appropriate support systems at the school, tribal, regional, and national levels. Through Strategy 3.1 of the draft Strategic Plan, the BIE invests in recruitment of high-quality leaders, teachers, and staff. Such efforts must align with the BIE Reform to ensure that Native students are prepared for college, career, and community engagement.

In addition to investing in teacher recruitment, the BIE must provide quality culturally relevant training and professional development for all staff at Bureau-funded schools. Professional development for special education teachers and mentors is scarce in Bureau-funded schools and tribal communities. As a result, many SPED students in BIE schools must go to boarding schools to have access to special education services and teachers. Teachers, mentors, and staff must be trained to provide an environment where all students can thrive. In particular, all staff should engage in training on trauma informed solutions and strategies to understand and address the unique needs of Native students.

*Question 4: What suggestions do you have for enhancing BIE's research, data collection, and dissemination of best practices with regard to the education of American Indian and Alaska Native students?*

Like all State Education Agencies, BIE must improve data collection. The Department and the BIE should work together to strengthen data collection, access, and transparency through negotiated rulemaking and implementation of the BIE Strategic Plan.

Goal 6 of the draft Strategic Plan invests in effective data collection and transparency to improve educational opportunities for students in the BIE system. Due to high rates of staff turnover and spotty internet bandwidth, many Bureau-funded schools do not have ongoing capacity to provide daily student data. The BIE must provide support and incentives to report student data and consistent training on how to use data collection systems. By investing in stronger data systems within the Strategic Plan, the BIE provides support to ensure accountability and transparency of data in Bureau-funded schools.

Through the negotiated rulemaking process for standards, assessment, and accountability systems under ESSA, the BIE is scheduled to address specific components of data collection and transparency essential to tracking student progress and achievement. Located in 23 different states, the 183 Bureau-funded schools use the accountability system and assessments of the state in which they are located. The variety of assessments and accountability systems creates difficulty and delays in publishing data and analyzing student performance across the BIE system. As the BIE strengthens data collection and reporting systems, the BIE must provide technical assistance for tribes to access and understand the school and student data critical for making effective decisions.

Though we are asked to consider data collection in the BIE, NIEA is also concerned that the Department has yet to enforce data transparency and access for tribes to make effective decisions that support tribal students in the public school system. The Department must also promote data transparency and access in all education systems and respect previous tribal comments regarding specific policies that impact equity and accountability for Native students.

*Question 5: What types of supplemental programs could exchange educational services currently available in BIE-funded schools in a manner that promotes tribal sovereignty and honors the Federal Governments' trust responsibility to Indian tribes regarding education?*

Tribal schools have always been schools of choice, since they began 52 years ago. For tribes across the country, the concept of choice is one that is consistent with tribal sovereignty. Traditional options for school choice remove Native students from tribal communities, echoing policies of forced removal and assimilation during the boarding school era. Such schools and programs often fail to address intergenerational trauma and lack protections for Native students with disabilities.

Tribes must have the opportunity to exercise educational sovereignty by taking over Bureau-funded and public schools located on tribal lands. Though tribes currently operate schools within the BIE system under the Tribally Controlled Schools Act and Indian Self-Determination and

Education Assistance Act, the Department has never provided a mechanism for tribes to take over a school and provide excellent culture-based education options for tribal students. Tribes know best the unique academic and cultural needs of Native students in BIE and public schools across the country. From project-based education models that incorporate tribal culture into algebra lessons to Native language immersion schools, tribes innovate and create excellent education systems that fully serve the cultural and academic needs of Native students.

NIEA appreciates that the Department and BIE are considering innovative options for Native students to thrive in the classroom and beyond. We recommend the following opportunities as these agencies consider options to promote sovereignty in Native education:

1. Utilize the National Advisory Council on Indian Education (NACIE). As a joint appointment board, NACIE is ideally positioned to inform the Secretaries in both the Department and the Department of Interior (DOI) on Native education issues.
2. Create incentives for tribes to develop Charter Management Organizations (CMOs) in the Department's Charter Schools Program Grants.
3. Provide incentives to states that allow tribes to authorize charter schools through charter school grant competitions, including the Department's Charter Schools Program Grants.
4. Prioritize funding to address employee housing and related barriers to recruitment and retention of teachers.
5. Tribes receive little if any direct assistance from the Comprehensive Centers since their funding is directed to support state work. A specific Tribal Comprehensive Center used to exist to support tribes direct educational efforts. Given the increased opportunity for tribes under ESSA, this center should be refunded to build and support tribal capacity.
6. Identify and reduce unnecessary burdens on tribes, such as:
  - Lifting the prohibition on charter schools in the BIE appropriations language,
  - Providing in-person technical assistance where there is limited broadband and grant writing capacity, and
  - Placing a permanent Director for the White House Initiative on American Indian and Alaska Native Education and strengthening the office to provide opportunities to directly engage with the Secretaries in the Department and DOI to inform overall Native education policy.

## **CONCLUSION**

NIEA is committed to the ongoing and dedicated work to provide culture-based educational opportunity for Native students attending all schools across the country. We ask that the Department and BIE engage with us in the critical, focused work necessary to fulfill the federal trust responsibility on each of the above questions and with respect to the broader partnership between the two agencies and with NIEA. We look forward to that engagement to ensure the success of the only students the federal government has a direct responsibility to serve—Native students.