



NATIONAL INDIAN EDUCATION ASSOCIATION

**Written Testimony of the National Indian Education Association
for the Senate Committee on Indian Affairs Roundtable on
“School Infrastructure Needs in Indian Country: Examining Opportunities for Success”**

July 26, 2018

INTRODUCTION

On behalf of the National Indian Education Association (NIEA), I respectfully submit the following written testimony in response to the Senate Committee on Indian Affairs Roundtable titled “School Infrastructure Needs in Indian Country: Examining Opportunities for Success.” NIEA is the nation’s largest and most inclusive organization advocating for comprehensive, culture-based educational opportunities for American Indians, Alaska Natives, and Native Hawaiians.

FEDERAL TRUST RESPONSIBILITY

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. Safe and appropriate education facilities in Native communities are a critical part of the federal trust responsibility, an obligation shared between the Congress and the Administration for federally-recognized tribes.

NATIONAL LANDSCAPE

Robust resources for education infrastructure are critical for the 644,000 American Indian, Alaska Native, and Native Hawaiian students across the country. Discussions on school construction and infrastructure in Native communities must be inclusive of all school systems that serve Native students. Nearly 48,000 Native students are enrolled in the 130 tribally controlled schools and 53 Bureau-operated schools within the Bureau of Indian Education (BIE). In addition, 92% of Native students attend public schools across the country, primarily located on and near tribal lands. All Native students must have access to healthy classrooms, regardless of where they live or attend school.

RECOMMENDATIONS

- **School Construction and Repair in Native Communities**
Safe and healthy classrooms are critical to student achievement and success across the country. Native students in BIE and public education systems attend schools with crumbling facilities that jeopardize the health and security of students and faculty. Only 0.2 percent of funding for education infrastructure and construction comes from federal sources. As a result,

over 99 percent of funding for school improvement is unavailable to schools located on tribal lands.¹ For this reason, many schools that serve Native students struggle to access equitable resources to provide an adequate physical and technological infrastructure for college, career, and community success.

Construction and facilities improvement in the BIE system have not kept up with aging school buildings, jeopardizing the health and safety of Native students across the country. According to a 2016 report from the Office of Inspector General at the Department of Interior, 53 percent BIE schools and dormitories are in poor condition and \$1.3 billion is needed to fix the worst 68 BIE schools.² Since that time, the maintenance backlog in the BIE has grown from \$430 million to over \$634 million.³

NIEA thanks Congress for the \$105 million increase in appropriations for construction, replacement, and repair at Bureau-funded schools in FY 2018. Though this funding is a critical step forward, we respectfully submit that Congress must step up appropriations and oversight to ensure that schools are in adequate physical condition. Three schools remain on the 2004 school construction list and only one of ten schools from the 2016 list has received approval begin the design-build process.

Though Congress has begun to take steps to address construction needs at BIE schools, 93 percent of Native students attend public schools that often face similar infrastructure challenges. Experts estimate an annual funding shortfall of \$46 billion in maintenance and construction for public schools across the country.⁴ Public schools located on tribal lands and military bases experience even higher shortfalls due to the lack of state and local tax revenue. The lack of adequate appropriations for construction at Impact Aid schools has resulted in over \$4.2 billion dollars in need.⁵ Due to a 2011 appropriations for construction at schools operated by the Department of Defense, a disproportionate amount of need in federally-impacted schools is concentrated in schools located on tribal lands.

- **Broadband Buildout and Education Technology**

Broadband and education technology for schools on and near tribal lands must be a part of a comprehensive congressional infrastructure package. The disparities are clear:

- Nationwide, the 13 percent of schools that do not have access to broadband internet are located on tribal lands.⁶
- While only 3 percent of all schools do not have broadband internet access, 40 percent of Bureau-funded schools who procure internet through non-federal contracts and 11 percent of Impact Aid schools remain unconnected.⁷

¹ Mary Filardo, "State of Our Schools: America's K-12 Facilities 2016," 21st Century School Fund, 2016.

² "Condition of Indian School Facilities" Office of Inspector General, U.S. Department of Interior, 2016.

³ "Budget Justifications and Performance Information Fiscal Year 2019," Bureau of Indian Affairs, U.S. Department of the Interior, 2018.

⁴ Mary Filardo, "State of Our Schools: America's K-12 Facilities 2016," 21st Century School Fund, 2016.

⁵ "Foundations for Learning: The Facilities Needs of Federally Impacted Schools," National Association of Federally Impacted Schools, 2017.

⁶ "Broadband Access for Native-Serving Schools," EducationSuperHighway, 2018.

⁷ "Broadband Access for Native-Serving Schools," EducationSuperHighway, 2018.

As a result, 60,000 Native students across the country attend schools that do not have broadband access.⁸ This is not acceptable. Native students must have equitable access to the technology and resources necessary to succeed in the classroom and beyond.

- **Innovative Funding Options for School Construction**

Construction and repair of schools is critical to fulfilling the trust relationship for Native students. As such, the federal government must continue to provide direct appropriations to repair and replace Native-serving schools with the most need. However, the current rate of replacement for tribal schools is less than one school per year. Given the current state and ongoing deterioration of school facilities on tribal lands, Congress should examine options for tribes and Native communities to provide safe and healthy schools for tribal citizens.

NIEA supports innovative options for tribes to finance school construction for schools that are not on the BIE construction list. Through the recent appropriations bill (H.R. 6147), the House of Representatives has developed a demonstration project based on a proposal from Gila River Indian Community to pilot a lease agreement for tribes that agree to replace and own school facilities operated under P.L. 93-638 and P.L. 100-297. We support this approach and other innovative opportunities to build schools consistent with tribally identified need. Such programs expand opportunities for tribes to ensure that Native students have access to safe schools with the resources to prepare them for the twenty-first century workforce.

In the FY 2019 President’s Budget Request, the Administration proposed a \$18 billion “Public Lands Infrastructure Fund” to pay for school construction within the BIE and slashed annual appropriations for school replacement and construction. This infrastructure proposal does not abrogate the federal trust responsibility for tribes across the country to fund construction for BIE schools. The need for construction and repair in BIE schools is too great to wait for a possible infrastructure package without ongoing funding to address immediate construction needs.

CONCLUSION

School infrastructure, construction, and repair have the potential to ensure that Native students thrive. Safe and healthy classrooms with the technology and tools for a modern education are critical to student achievement and college readiness. NIEA looks forward to working with you to ensure equity in school facilities and education for the only students that the federal government has a direct responsibility to educate – Native students.

Thank you for considering these comments for the record. If you have any questions, please contact Ahniwake Rose, NIEA Executive Director, at arose@niea.org.

⁸ “Broadband Access for Native-Serving Schools,” EducationSuperHighway, 2018.