

## Barriers to Tribally Controlled Schools



Congress passed the Tribally Controlled Schools Act of 1988 to increase flexibility for schools within the tribal land base. The law provides tribal schools flexibility to develop culturally relevant curricula and education systems that best serve Native students.

### Current Landscape

Despite the flexibility provided within the law, development and success of tribally controlled schools has become hampered by regulations and continuing resolutions that limit federal funding. As a result, tribally controlled schools struggle to fully serve Native students.

### Professional Development

As changing federal laws and regulations shift student standards and curricula, high rates of turnover reduce stability in tribally controlled schools.

When school officials shift measurements of student growth, school administrators and educators who are familiar with one system of standards and assessments do not have the capacity to train their staff to become proficient with the new system. As a result, Native students are not fully prepared for success on exams that measure student growth.

Additionally, schools in Native communities continue to face an ongoing shortage of qualified and culturally knowledgeable teachers. Due to rural location, lack of housing, low salaries, and poor working conditions, these schools experience high turnover rates among staff and administrators. As a result, tribally controlled schools often have an influx of new teachers with little institutional knowledge.

Tribally controlled schools must be provided the necessary tools and professional development opportunities to train their staff and educators. With effective teachers, Native students can become the leaders they were meant to be.

### Funding

Due to federal budget processes, Bureau of Indian Education (BIE) schools are generally funded at approximately 80% of the full appropriations level each

year. Tribally controlled schools receive funds through two major appropriations bills. These appropriations are often approved at different times and have differing rules regarding receipt of funds.

For tribally controlled schools, funding for salaries and payroll is calculated based on the average daily student attendance. Through forward funding, the BIE provides at least 80% of these funds by July 1 and the final amount of funding provided in the fall is adjusted to account for actual student attendance. Though this allows for schools to pay teachers at the beginning of the school year, administrators do not know how much funding they will eventually receive if average count differs from the actual attendance. As a result, schools can run out of critical funding if the average student attendance differs between years.

In contrast, facilities, school operations, transportation, maintenance, repair, and construction are not forward funded. School officials often do not receive funds to pay for these functions until after the school year is nearly complete. As a result, school administrators must borrow from funds intended for student services to pay for light bulbs, laboratory equipment, and buses.

**Bureau of Indian Education Appropriations  
(dollars in thousands)**

	2016	2017
Elementary & Secondary Programs (forward funded)	\$553,458	\$575,155
Elementary & Secondary Programs	\$134,263	\$140,540
Post Secondary Programs	\$64,602	\$63,561
Facilities Operations	\$63,098	\$66,219
Facilities Maintenance	\$55,887	\$59,043
Johnson O'Malley	\$14,778	\$14,778
Education Construction	\$138,245	\$133,257

## Infrastructure

Due to inadequate federal funding and laws that prevent bonding and taxing against Indian lands, Native schools do not have adequate infrastructure or resources to prepare Native students for the 21st century. Though states have a local tax base, tribal schools depend on federal appropriations for daily school operations.

Lack of technological infrastructure has an acute impact on the education of Native students in tribally controlled schools. In order to develop the skills to enter the modern workforce, Native students must have access to wifi within the classroom. However, 60 percent of BIE schools do not have adequate digital broadband access to be aligned with college and career readiness standards. As a result, Native students do not have the tools for success in the classroom and beyond.

In addition to basic school infrastructure, tribally controlled schools must often provide housing for educators due to rural location and long distances from urban centers. However, schools struggle to build and maintain teacher housing due to the cost and lack of funding for such projects. As a result, school officials have few resources to recruit and retain highly qualified teachers in tribally controlled schools, contributing to the national shortage.

## Over Regulation of Statute

Language within the Tribally Controlled Schools Act of 1988 included great flexibility for tribal choice innovation in tribally controlled schools. However, in 2002, the United States Congress passed No Child Left Behind (NCLB)- its restrictive approach stripped tribally controlled schools of culturally relevant curricula. By limiting culture-based education, these regulatory barriers have reduced student success in tribally controlled schools across the country.

Regulatory hurdles within the BIE continue to impede the growth of tribally controlled schools. As a result, many of these schools struggle to provide and maintain adequate teachers, staff, facilities, and resources for their students.

When the Every Student Succeeds Act (ESSA) passed in 2015, it provided states greater flexibility to create policies that meet the needs of their students. As federal and state agencies work to implement ESSA, it is critical that the BIE update regulations to remove the current constraints on tribal nations. By integrating Native community, culture, and language into the classroom, tribal schools can create positive learning environments where Native students can be inspired, engaged, and thrive.

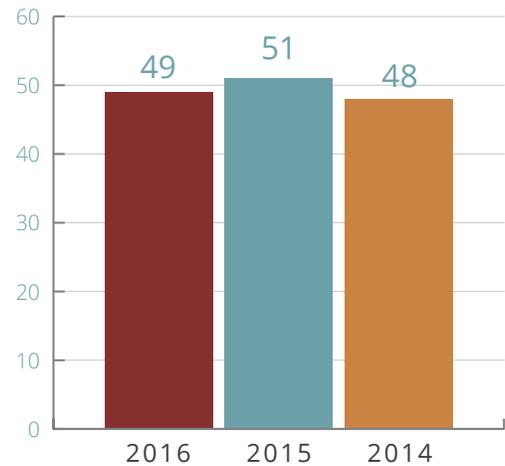
## Accountability

Though the BIE's national accounting standards for tribally controlled schools promote accountability, many Native communities lack the capacity to fulfill these rules.

Despite this lack of capacity and professional expertise, the BIE fails to provide technical assistance or services. Once funds are distributed to tribally controlled schools, the BIE leaves administration, analysis, and use of those funds to the tribal education department or tribal school. As a result of this oversight by the BIE, the accountability standards become an enormous barrier to operating tribally controlled schools.

## BIE School Data

### Graduation Rates in BIE Schools



### Distance from School to Urban Center

