

**Written Testimony of Tesia Zientek
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For the House Committee on Appropriations,
Subcommittee on Interior, Environment, and Related Agencies
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On behalf of the National Indian Education Association (NIEA), thank you for this opportunity to provide testimony on Fiscal Year (FY) 2024 funding for the Department of the Interior (DOI), the Bureau of Indian Education (BIE), and the Bureau of Indian Affairs (BIA). The spending within this subcommittee's jurisdiction includes some of the most critical funding for Native youth. NIEA urges congress to fulfill its trust and treaty obligation to Tribal Nations by fully funding the DOI and BIE accounts which support Native students.

Rooted in treaties between Tribal Nations and the federal government, the US Constitution, and decades of legal precedent, Congress has a direct fiduciary responsibility to provide federal funding that supports Native students. Unfortunately, the BIE is chronically underfunded, leaving an essential obligation the United States owes Tribal Nations on the floor.

FY 2023 showed an intentional effort to uphold the promises made to our people in exchange for life and land. By ensuring funding levels for BIE-funded and BIE-operated schools not only rose with inflation, but beyond to make a dent towards reversing decades of underfunding, appropriators demonstrated that repaying the national debt to Indian education is a priority. We urge this subcommittee to maintain this trajectory so Native students might have access to the resources they need to thrive in the modern world.

Due to the underinvested, rural, and remote nature of Native communities, Native students often do not have access to high-quality culture-based education options that provide the building blocks for future success. Safe and healthy classrooms that center community and culture are essential to educational success for our students across the Nation. From early childhood through postsecondary education, Native students must have access to programs and resources that provide them the best chances for the future.

As Tribal Nations represent central economic engines for many rural areas in the US, it only makes sense for this subcommittee to maximize your investment by providing critical resources to our Native youth. Tribal communities are unique, in that even as growing job markets and diversified options might entice others to move to cities, Natives do frequently remain in their traditional lands. To give Tribal Nations the necessary foundation for economic success and prosperity, the federal government should support a culturally relevant, high-quality education for all Native students which uplifts community-based approaches to education. Tribal Nations need the flexibility to determine what types of education are best suited to meet the needs of their communities. This means increased and flexible funding for cultural infusion into curriculum, traditional knowledge pathways, and workforce-focused education alongside traditional college readiness. This means education sovereignty.

Department of the Interior

The Department of the Interior, succeeding the Department of War, has served as the center for educating Natives in the US for almost two centuries. The federal trust responsibility is an acknowledgement that the debt paid for by our ancestors in the loss of life and land, is to be paid for, in part, with education. This debt was only made greater through the increased loss of life during the federal Indian boarding school policy, and the misuse of Indian trust monies to pay for boarding school operations.¹ The initial Federal Indian Boarding School Initiative's investigation has found over 500 deaths which took place at these schools and expects the numbers to rise as the investigation continues.² Originally conceived to acculturate and assimilate Natives, Indian education continues to be a pillar of federal policy, with the modern Indian education programming providing for the inclusion of Native history and culture and local, tribal control determining suitable education for their children. In 2006, DOI restructured these programs by creating the Bureau of Indian Education (BIE), parallel to Indian Affairs, to oversee all Indian education-related work within DOI. This subcommittee must leverage all BIE and other existing authorities to ensure all American Indian, Alaska Native, and Native Hawaiian youth have access to the high-quality education they are owed.

I. Bureau of Indian Education – Operation of Indian Programs, Elementary and Secondary Programs

NIEA requests \$532.6 million for Indian School Equalization Program (ISEP) Formula funds. The core funding for BIE elementary and secondary schools comes from ISEP. These funds cover salaries for teachers, aides, principals, and other personnel, but are often reallocated to cover the program cuts in other areas of education. ISEP must have adequate funding to ensure all program needs are fulfilled. We also would highlight the official Tribal Interior Budget Council recommendation of \$967 million, which is based on the average per pupil funding in public schools, multiplied by the total Weighted Student Unit, representing the minimum funding needed to offer a per pupil parity investment with public schools.³ Likewise, NIEA supports the TIBC recommendation for \$8.2 million in ISEP Program Adjustments.

NIEA requests \$109 million for BIE facilities operations and \$100 million for BIE facilities maintenance. BIE schools use facilities operations funding for costs such as electricity, heating fuels, communications, vehicle rentals, custodial services, and other operating expenses. For years, schools have only received roughly 70 percent of funding needed for these expenses. BIE schools use facilities maintenance funding for both preventative and routine upkeep, as well as for unscheduled maintenance of school buildings, grounds, and utility systems. Underfunding of maintenance continues to be an issue as buildings are in poor conditions and cannot maintain proper standards. In 2019 DOI's Assistant Secretary for Management testified before the House Committee on Appropriations that the total identified deferred maintenance for education facilities and education quarters was \$725 million.

Another essential funding stream for running a Tribally Controlled School (TCS) is the Tribal Grant Support Costs Account. NIEA requests \$113.2 million for FY 2024. This is to support the

¹ https://www.bia.gov/sites/default/files/dup/inline-files/bsi_investigative_report_may_2022_508.pdf pg. 44

² Pg. 9

³ https://res.cloudinary.com/ncai/image/upload/v1661949853/tibc-documents/march2022/004_-_TIBC_FY_2024_Budget_Submission.pdf pg 10

administrative costs for running a school, and ensures Tribal Nations have the resources to expand self-determination and local tribal control over their education programs.

Tribal Education Departments and Agencies (TEDs/TEAs) are responsible for administering and implementing education priorities of Tribal Nations and are equal partners with state and federal education entities serving Native students. However, as Tribal Nations lack parity with states, local governments, and the federal government within the tax code, TEDs and TEAs do not receive tax revenue to fund their programs. Instead, TEDs and TEAs use Tribal Education Department Funding under BIE. NIEA requests \$5.8 million dollars for this account.

NIEA also requests \$70.8 million for Student Transportation. Due again to the rural and remote nature of many BIE and TCSs, transportation for students requires more support. Oftentimes schools end up rerouting funding from other sources to cover the difference, as ensuring students arrive safely at school is an essential prerequisite to educating our populations.

Finally, within Operation of Indian Programs, NIEA requests \$25 million for Education Program Enhancements which should support Native Language Immersion Grants for BIE schools. The enhancement funding works alongside the Tribal Grant Support costs to fund professional development, technical assistance, and school program improvements which support tribal community self-determination. These grants allow tribal communities the ability to protect and preserve their unique cultural and linguistic heritages.

II. Johnson O' Malley

For the other 93 percent of Native students that do not attend BIE-funded schools, NIEA requests \$23.8 million for the Johnson O'Malley (JOM) Program to assist with the unique educational needs of Native students in public schools. In 1995 the federal government allocated \$98 per student in JOM funding in 1995. That investment has steadily declined, while this funding oftentimes remains the only source through which Native students in public schools can engage in basic cultural education activities. In today's dollars, factoring in inflation, that would equate to \$195 per student. It would take additional funds of at least \$230 million to fully address this drastic disparity.

JOM programs include important activities such as academic support, dropout prevention, funding for college access testing, the purchase of school supplies, and Native cultural and language enrichment. JOM is supported by its parents committees which determine the needs of its communities Native students. But while other BIE program operations, and many other federal education accounts, are forward funded, JOM is not. Disbursements then, are routinely provided later than needed due to the regularity of continuing resolutions and government shutdowns over the past two decades. NIEA and the National JOM Association both agree that JOM should be forward funded.

III. Bureau of Indian Education – Education Construction

NIEA urges this subcommittee to increase the amount of funding for BIE Education Construction. We request \$371.2 million for FY 2024, even though the need is much greater.

The Department of Interior has estimated that more than \$639 million would be needed to fix only the most pressing deferred maintenance issues for BIE schools. Beyond this it will take over an estimated \$1 billion to cover all the associated costs for Replacement School Construction, Replacement Facility Construction, Replacement/New Employee Housing, Employee Housing Repair, and Facilities Improvement & Repair, to bring BIE schools up to a quality which would be considered adequate for the federal education trust responsibility.

IV. Bureau of Indian Affairs – Community and Economic Development

NIEA requests \$25 million for Native Language Revitalization under the Community and Economic Development – Economic Development (TPA) account. This not only supports funding for tribally-run Native Language program projects currently administered by the Office of Indian Economic Development (OIED) but also in FY 2023 included funding for language instruction and immersion for students not enrolled in BIE schools, ensuring these students have language and cultural instruction available to them regardless of which type of school they may attend.

V. Mandatory Spending

In FY 2023, this subcommittee and the rest of Congress made a major step towards fully upholding its treaty and trust obligations by providing mandatory spending for the Indian Health Service (IHS). If healthcare is a major pillar upholding the trust obligation, then immediately next to it is the obligation for Indian Education. NIEA strongly recommends all Indian Education Operation of Indian Education Programs and Education Construction accounts be provided for as mandatory spending. This ensures there is never a threat of funding halts during critical times, never will a crumbling school facility worry about if construction dollars will continue to come. This most importantly ensures Congress' funding investments remain solid and secure, even as Congress itself may change.

Conclusion

The federal trust responsibility to all Native students is an example of the promises that make this country unique. Native culture and language are within the foundation of the United States, alongside the land we have known for generations. This subcommittee should honor its first promises, and support the above recommendations to provide only the highest quality education to Native students across the country and provide the essential supports for future of our communities.