

**Senate Committee on Indian Affairs**  
**Hearing on S. 1262, the Native Culture, Language, and Access for Success in Schools Act**

**Testimony of**  
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**Framework: Increasing Partnerships with Tribes to Improve Student Achievement**

My name is William Mendoza, and I am the Acting Director of the White House Initiative on Tribal Colleges and Universities at the U.S. Department of Education. On behalf of Secretary Duncan, I'd like to thank Chairman Akaka, Ranking Member Barrasso and the Full Committee for the opportunity to testify today regarding one of our Nation's most underserved student populations.

Chairman Akaka, I also want to thank you, Senator Johnson of South Dakota, and Senator Inouye, for introducing the Native Culture, Language and Access for Success in Schools Act. We are in the process of reviewing the bill, and look forward to discussing it with you, to achieve our shared goals for Indian students.

This Administration has taken great strides to implement a policy of Indian self-determination and strengthen and honor the government-to-government relationships with Tribal Nations. In December 2010, President Obama invited tribal leaders, Cabinet Secretaries, senior officials and Members of Congress to attend the White House Tribal Nations Conference. Similar to the first White House Tribal Nations Conference, held in November 2009, President Obama reaffirmed the Federal Government's commitment to ensure that Tribal Nations are full partners in the Federal family.

**Educational Performance of Indian Students.**

It's important to note that only about eight percent of Indian students attend schools funded by the Department of the Interior's Bureau of Indian Education (BIE). The vast majority of Indian students, more than 90 percent, attend public schools operated by their local school districts. In these schools, there are few venues for collaboration between Tribes and States, even in the case of school district-operated public schools located on Tribal lands.

The Federal Government has an important role to play in improving the education of Indian students. Congress last reauthorized the Elementary and Secondary Education Act of 1965 (ESEA) through the No Child Left Behind Act (NCLB), in 2002. Although flawed, NCLB deserves credit for highlighting the achievement gap between poor and minority students and their middle-class, white counterparts. It has provided us with statistically reliable evidence that Indian students perform at levels far below their peers on academic assessments in grades 3-8 and high school.

In addition, the National Assessment of Educational Progress (NAEP), the largest nationally representative and continuing assessment of math and reading, includes statistically reliable data on American Indian students' progress. Using data from the NAEP, the Department's National Center

for Education Statistics produced *The National Indian Education Study 2009*<sup>1</sup>, finding that American Indian/Alaska Native student scores in both reading and mathematics at both fourth- and eighth-grade levels have not improved since the study was first conducted in 2005. Specifically, in the 2009 assessment in reading, fourth-grade American Indian students lagged behind the general population by 18 points and eighth-grade students by 13 points. As for math, American Indian fourth-grade students scored 15 points lower than the general population and 18 points lower by eighth-grade.

American Indian students attending BIE-funded schools fared even worse than the general American Indian student population. Fourth-grade BIE students scored 25 points lower in reading than the general population and 23 points lower in eighth-grade. In math, fourth- grade BIE students score 20 points lower than the general population and eighth-grade students lagged behind the general population by 19 points.

American Indian students are not only performing at levels below their peers, they are also not graduating from high school. Estimates from the U.S. Department of Education show that more than one third of American Indian students from the Pacific and Northwest regions of the U.S. fail to graduate high school on time. In States such as Alaska, Arizona, California, Idaho, Montana, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, and Washington, American Indian students' 62.5 percent graduation rate was behind all other racial/ethnic groups, including whites (79.1 percent), Asians (91.7 percent), African Americans (60.9 percent) and Hispanics (62.8 percent).

These statistics make one thing clear – in the area of education, we must do more to help Indian students.

### **What the Department Heard on Its Regional Consultations.**

During this Administration, the Department has engaged Indian Country in a meaningful way. I am pleased to report that, under President Obama and Secretary Duncan's leadership, the Department's focus on Indian Country has increased dramatically. In 2009, Secretary Duncan and senior staff held several listening sessions at Tribal schools in Montana, New Mexico and North Dakota. On January 11, 2010, Secretary Duncan, along with other senior officials, participated in a meeting with Interior Secretary Ken Salazar, Senior Policy Advisor for Native American Affairs at the Domestic Policy Council, Kimberly Teehee, and Indian education experts regarding ways to improve education for Indian students. In March 2010, Secretary Duncan held a teleconference with Tribal leaders from across the country, specifically to get their ideas and input on reauthorization of the ESEA.

Furthermore, senior Department staff, including Under Secretary Martha Kanter, General Counsel Charlie Rose and Assistant Secretary Thelma Melendez, held several regional consultations with Tribal leaders across the country. Consultations were held on the following dates and locations: April 16, 2010 at the Cook Inlet Tribal Council in Anchorage, Alaska; April 19, 2010, in Shawnee, Oklahoma; April 28 2010, on the Pine Ridge Reservation in South Dakota; on May 3, 2010, Santa Clara, New Mexico; on June 30, 2010 at the Navajo Reservation in Window Rock, Arizona; July 15, 2010 in Puyallup, Washington. In 2011, the Department held listening sessions in cities where there are a large number of Indian students, such as Denver, Los Angeles, and Green Bay.

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<sup>1</sup> <http://nces/ed.gov/nationsreportcard/nies>

I am also pleased to report that the Department of Education and the Department of the Interior have continued to collaborate since Secretary Duncan and Secretary Salazar had their first meeting regarding Indian education on January 11, 2010. Since then, the two Departments have worked to combine and coordinate resources to maximize the benefits for Indian education. This is how we can improve student achievement for American Indian students – by breaking down the silos that stifle progress.

All of these efforts are part of the Department’s commitment to maintaining our engagement with Indian Country.

During our meetings with Tribal leaders on their lands, we heard specific ideas from Tribal officials about what works for Indian Country. Several common themes emerged during these meetings, including that Tribes:

- Want to collaborate with States about how Indian students are educated. Many Tribal leaders testified that the best way to promote Tribal-State collaboration would be to elevate and fund Tribal Education Agencies (TEAs).
- Want increased coordination and collaboration between Tribes, States, and the Federal Government - to fully address the needs of Indian students. In particular, we heard about the importance of close collaboration between the Department of Education and the Department of the Interior – to which we are fully committed.
- Want to preserve their Native languages, histories and cultures.
- Believe that language immersion programs are the best way to increase fluency in Native languages and that we should increase support for these programs.
- Generally lack the capacity to compete with States or school districts for competitive Federal grants and funding.

We also heard several pressing concerns, including that:

- Due to high mobility, small numbers, and the fragmentation of the education system for Indian students among school district-operated, BIE-operated, and Tribal schools, there is a lack of accountability for Indian education in the U.S.
- Many schools located on reservations are in dilapidated condition and do not meet safety codes.
- Due to violence, alcohol and drug abuse, and high unemployment rates on reservations, Indian students face additional educational challenges, which ultimately hinder their achievement.
- Teacher recruitment and retention is a tremendous challenge for reservation schools. Teacher and staff morale continues to be extraordinarily low, which is why Tribal leaders recommend that ESEA reauthorization should increase support for “grow your own” teacher programs that train Tribal citizens to teach in their own schools.

Finally, at every consultation, Tribal leaders emphasized the importance of follow-up. One Tribal leader even said “consultation” had become a “bad word” in Indian Country because to “consult” only meant to “confer,” and did not require true collaboration or partnership. Several Tribal members stated that the current state of Indian education was, in many ways, the same as it was in the Meriam

Report of 1928, the 1969 Kennedy report on Indian education, and the 1991 “Indian Nations at Risk” report. The facts have been clear for generations – the time for reform is now.

Through regular consultation, maintaining a meaningful partnership between the Department and Tribal leaders, and following through on policy recommendations, we can help improve American Indian student achievement.

### **Goals for ESEA Reauthorization.**

We look forward to working with this Committee as well as the Health, Education, Labor and Pensions Committee, in a bipartisan way, to address these issues in ESEA reauthorization. We have five broad goals for this reauthorization:

- (1) preparing college and career-ready students, through raising standards, improving assessments, and helping States and districts provide a complete, well-rounded education;
- (2) great teachers and leaders in every school, through improving teacher and leader effectiveness, ensuring that our best teachers and leaders are in the schools where they are most needed, including schools that serve Indian students, and strengthening teacher and leader preparation and recruitment;
- (3) equity and opportunity for all students, through rigorous and fair accountability at all levels, meeting the needs of diverse learners, and greater resource equity;
- (4) raising the bar and rewarding excellence, through incentives such as Race to the Top, supporting effective public school choice, and promoting a culture of college readiness and success; and
- (5) promoting innovation and continuous improvement, through programs such as the Investing in Innovation Fund (which supports, recognizes, and rewards local innovations) and supporting student success by providing comprehensive services.

These 5 goals are critically important to improving education for all students, and especially for Indian students. Our reauthorization proposal also addresses the needs of schools that serve Indian students. We know that Federal funding is crucial for these schools, especially since they are generally small and remote. Our proposal would continue foundational formula funding in Title I and Title II-A, along with formula funding in the Rural Education, Indian Education, and English Learner Education programs, among others.

For most schools serving Indian students, we want to promote Tribal sovereignty by allowing these schools to implement locally designed strategies, such as culturally based education and Native language instruction, to improve student achievement. We want to give grantees more flexibility under the Indian Education Program to carry out Native language restoration and immersion programs, and we want to make it easier for Tribes to apply and successfully compete for grants under this program when districts choose not to.

But we also know that many schools with high percentages of Indian students are among the lowest-performing. For example, a majority of Montana’s schools in “restructuring” status under ESEA are Indian schools, and many BIE schools are in restructuring status, having failed to make adequate yearly progress for five or more consecutive years.

Our reauthorization proposal and fiscal year 2012 budget proposal focus significant attention and support on persistently low-performing schools, with \$600 million in the School Turnaround Grants program to support the implementation of one of four school turnaround models in these schools – with the choice of which model left to the school district. The BIE would receive its share of these funds to turn around its lowest-performing schools.

Our proposal also addresses teacher and leader recruitment and retention, especially for schools, like those in Indian communities, where they are needed most. The Administration’s budget proposal includes \$250 million for programs that create or expand high-quality pathways into teaching, along with programs that recruit, prepare, and retain effective teachers, principals, and other school leaders. These programs will be focused on preparing teachers and leaders to work in high-need areas.

We believe that we can best improve student achievement by involving those who best understand the students’ needs. Thus, in order to further the Administration’s policy of self-determination for Tribes, and to further Tribal-State collaboration, the Department wants to strengthen Tribal education agencies (TEAs) through a TEA Pilot program that would create opportunities for Tribes to partner with States and local educational agencies. TEAs are executive branch agencies of sovereign Tribal governments that are responsible for education-related matters (TEAs are not schools, and generally don’t deliver educational services directly to students.) Several Tribal officials have testified that strengthening TEAs may provide a mechanism for the Federal Government, TEAs, and State Education Agencies to combine and coordinate Federal, Tribal, and State resources, and develop partnerships that would promote Tribal sovereignty, increase capacity, and improve accountability in schools with high percentages of Indian students. Part of strengthening TEAs must include the provision of targeted technical assistance, as well as providing TEAs with data about Indian students – as we heard during our consultations, there currently is a lack of such data.

### **Conclusion.**

As ESEA reauthorization moves forward, we will continue our dialogue with Tribal leaders and look forward to working in a bipartisan way with this Committee to achieve our goals for all Indian students. Thank you, and I would be happy to respond to any questions that you may have.