Testimony of Education

Statement on Behalf of the
Oglala Sioux Tribe

Introduction

Le Anpetu waste uhan. Wambli Ohitika Wiyan – Dayna Brave Eagle emaciyapi. I am the Director for the Oglala Sioux Tribe – Tribal Education Department.. On behalf of the schools and over 5,000 students on the Pine Ridge Indian Reservation, I welcome you to the great Oglala Lakota Nation. Thank you to the Department of Education for hosting this tribal consultation. We're here today because a major federal law that applies to our tribal students – the Elementary and Secondary Education Act (ESEA) – is again up for Reauthorization by Congress. In this Reauthorization we have a chance to help many or all of the 700,000 tribal elementary and secondary students nationwide in some remarkable new ways.

But first, a bit of history. The ESEA had just recently turned 45 years old, it was enacted April 11, 1965, to help close the reported achievement gap between poorer and more affluent students. The Johnson Administration succeeded in getting Congress to authorize federal funding to states and public school districts for remedial reading and math programs for economically disadvantaged students. These are known today as the Title I programs.

Originally, the federal government's role in Title I was limited to funding. Even this was controversial, and the federal government certainly wasn't supposed to get involved in public school curricula, programs, or teaching methods. But over time and especially in the 2 most recent ESEA Reauthorizations in the last 15 years, that has changed. Today, to get Title I funds, states and public school districts have to comply with many federal directives and requirements, especially in the area of education standards.

And the ESEA has grown beyond just Title I. There are now 10 Titles with multiple programs, some of which are specific to Native Americans, like Title VII, which includes the Indian Education Act of 1972's Formula and Demonstration Grants; Impact Aid, which is in Title VIII; and, Title X, which covers the Bureau of Indian Education (BIE) funded schools. These and other ESEA and non-ESEA federal education programs like Johnson O'Malley are extremely important to tribal students, and I know that a great deal of attention to them will be paid in this Reauthorization.

Tribal Students, States, and Public Schools Need Tribal Governments in Title I

I'm going to focus on Title I and you may wonder why. It's because Title I is and always has been the biggest ESEA program. All states receive Title I funding, and well over half of the public school districts in this country receive Title I funds. Title I is administered through the U.S. Department of Education and in FY 2009, the appropriation for Title I grants was about $15 billion. This is compared to, for example, the FY 2009 appropriation for Title VII Indian Education Formula Grants – a supplemental program -- which was only $99.3 million. Because Title I funds go to improve basic core education programs, it's easy to forget that Title I is the largest federal education program serving tribal students in both the BIE-funded schools (through set-asides from the U.S. Department of Education to the U.S. Department of the Interior) and in the state public schools, which is where 92% of our tribal elementary and secondary students are.

With this level of funding, the ESEA Reauthorization will require accountability for Title I funding. So, Congress needs to know how well these massive amounts of Title I funds are serving tribal students, especially in the public schools. And the ones in the best position to make that assessment are the sovereign Tribal Governments. Over 200 tribes in 32 states have Tribal Education Departments (TEDs) or Tribal Education Agencies (TEAs). These TEDs and TEAs are available to help tribal students, and public schools, and states with the education of tribal students under the Title I standards. Right now the ESEA doesn't make those connections in Title I, but in the Reauthorization it can.

Let's talk about specifics. In the current version of Title I, states can get Title I funds if they have submitted proper plans that address academic standards, assessments, and accountability; teaching and learning support; parental involvement; and reporting. In the development of these state education plans, which are a prerequisite for Title I funds;

there is no specified role for Tribes. The Tribal Education Departments National Assembly has 2 recommendations for the Reauthorization on this point:

1) Where a Tribe has a significant geographic territory and where that territory includes a high percentage of tribal students served by Title I, instead of being part of a state's Title I education plan, the TED or TEA should be allowed to develop a reservation-wide or a tribal-wide plan for Title I funds, which the Tribe should submit directly to the U.S. Department of Education. If the U.S. Education Department approves the Tribe's plan, the Tribe should get Title I funds. The Tribes should then be authorized to enter into compacts with the local education agency or public schools directly to administer the Title I funds in the local schools or administer the programs themselves.

2) In other instances where there are TEDs or TEAs located within states, the ESEA should, at a minimum, require those states to identify the TEDs and TEAs, meet with them on a quarterly basis, develop joint strategies for improving education in schools with tribal students served by Title I, and jointly report on the results of such meetings to the U.S. Education and the Interior Departments as a condition of receiving Title I funds.

These changes will connect Title I funds and programs with states and tribes. Additionally, where Tribes do get Title I funds under an approved reservation-wide or tribal-wide plan, Tribes should have the option of sub-granting the Title I funds to the public schools that serve tribal students, or, with the public school's agreement, of co-administering the Title I funds with the public schools, or even administering the Title I funds themselves. This last recommendation may sound radical, but the fact is that the BIE-funded schools have long been able to administer Title I grants directly. And the most recent ESEA Reauthorization – that's the No Child Left Behind Act – went even further to allow TEDs and TEAs to set standards in BIE-funded schools and even accredit BIE-funded schools. It's the public schools that now need these kinds of options.

Again, 92% of tribal elementary and secondary students attend state public schools, even on Indian reservations or in other tribal geographic territories. This is because historic federal laws and policies located these public schools on Indian lands. Modern federal laws like the ESEA need to reconnect these schools to tribal governments. Tribes can help with the most fundamental education improvement and accountability functions like data collection, reporting, and analysis. In particular, Tribes are in a unique position to coordinate data on tribal students that is generated by various and sometimes multiple sources, including supplemental federal education programs, public school systems, states, and BIE-funded schools. This would be something that has never happened before; right now we can only imagine accurate and current tribe-wide or state-wide or nationwide data-based reports on tribal students. But if we really had these reports, it would help agencies and Congress make data-driven decisions regarding tribal students consistent with Title I standards.

Tribes can help in other areas as well, from teacher training to research to specific local initiatives like truancy intervention, drop-out prevention, and tutoring programs. There is a wide range of possibilities.

Conclusion

This Reauthorization undoubtedly will keep major roles for states and public schools in Title I. This Reauthorization also can ensure roles, or options for roles, for tribal governments in Title I. This would be a new approach that would help tribal students in this country. This isn't about Tribes taking Title I money away from the states and public schools. It's about Tribes helping to determine how Title I funds can best help tribal students meet whatever standards the reauthorized Title I sets for them. If the reports and statistics are correct, states and public schools need help from Tribes in this area. And significantly, a growing number of states are taking this direction on their own, without any federal mandate to do so, because it helps tribal students and it makes sense. Recent state education laws show that Tribes and states have found ways for Tribes as governments to have a role in public school education. They're working together on tribal language curricula and teacher certification. They're working together on public school curricula on tribal history, culture, and sovereignty. In the ESEA Reauthorization the U.S. Department of Education needs to support these efforts and facilitate more such efforts.