



# NATIONAL CONGRESS OF AMERICAN INDIANS

## SENATE COMMITTEE ON INDIAN AFFAIRS

### HEARING ON SENATE BILL 1262, THE NATIVE “CLASS” ACT

June 30, 2011

#### Testimony of Scott Russell, Rocky Mountain Area Vice President for the National Congress of American Indians and Secretary of Crow Nation

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Good morning, Chairman Akaka, Vice Chairman Barrasso, and members of the Committee. Thank you for giving me the opportunity to testify today. My name is Scott Russell. I serve as the Rocky Mountain Area Vice President of the National Congress of American Indians (NCAI) and as the Secretary of Crow Nation.

NCAI is the oldest and largest American Indian organization in the United States. As the most representative national Indian organization, we serve the broad interests of tribal governments across the nation. NCAI was founded in 1944 in response to termination and assimilation policies. Since then, we have fought to preserve the treaty rights and sovereign status of Indian tribes and to ensure that Indian people may fully participate in the political system. As such, we strongly support the work of the Committee in setting the pace for the reauthorization of the Elementary and Secondary Education Act (ESEA) with the introduction of Senate bill 1262, the “Native Culture, Language, and Access for Success in Schools Act”. We applaud the Committee for its leadership and swift movement.

#### FRAMEWORK FOR TRIBAL SOVEREIGNTY IN ESEA

I would like to set the tone of our testimony by quoting Wilma Mankiller, former Principle Chief of the Cherokee Nation, and life-time advocate for Indian Country:

*“I don't think anybody anywhere can talk about the future of their people  
without talking about education.  
Whoever controls the education of our children controls our future.”*

This statement is the central premise for the recommendations that NCAI, and our partners, the United South Eastern Tribes and the National Indian Education Association, offered to the Committee for the reauthorization of the ESEA. I would like to outline for you today our two overarching goals, and briefly discuss strategies that we believe can be used to accomplish them.

#### Goal 1: Tribal Governments must be able to exercise local control over our educational system.

Indian nations have the largest stake in improving the education of their citizens. We must prepare them for active and equal participation in the global market. We must prepare them to be citizens in the 21<sup>st</sup> century. We must prepare them to be positive,

involved members of our communities. And, most importantly, we must prepare them to be the future leaders of our governments. There is no more vital resource to the continued existence and integrity of Indian tribes than their children. We believe the following recommendations will accomplish this goal:

1. Strengthening Tribal Governments Role in Education. Tribes are overwhelmingly supportive of local control over education, and they are well-positioned to address the educational needs of our children. To do so however, our tribes and our tribal education departments must be afforded the same status as State Education Agencies within our lands.
2. Consultation with Tribes. The government-to-government relationship that exists between Indian tribes and the Federal Government is derived from the legal status of tribal governments and only occurs between the Federal Government and elected tribal leaders. As such, the Department of Education must begin consulting directly with tribal governments, prior to proposing regulation, establishing or changing policy, or submitting any budget proposal that may affect the education of Indian children or adults. This would be best accomplished by adjusting the current National Advisory Council on Indian Education from being an advisory committee to being a tribal leader committee.

**Goal 2: All of our students, regardless of where they attend school, should be eligible for the same programs and services as the general population.**

Providing education to American Indians and Alaska Natives is a federal obligation because of the unique legal status of Indian people. When Indian tribes ceded certain lands – lands which now constitute the United States – agreements were made between tribes and the United States government that established a "trust" responsibility for the safety and well-being of Indian peoples in perpetuity. In addition, a number of treaties specifically outlined the provision of education, nutrition, and health care. Therefore, the federal trust responsibility for American Indian and Alaska Native education must be recognized in all education policies.

At the same time, as United States citizens, American Indians and Alaska Natives should have opportunities equal to those of other citizens to participate in the benefits of all programs and services offered within the reauthorization. We believe the following recommendations will accomplish this goal:

1. Funding for Bureau of Indian Education Schools. Express statutory language must be included to make funding available for the Bureau of Indian Education (BIE) schools (either overarching the Act or within each ESEA program). Without express statutory language, our BIE school system will be unable to participate or receive much-needed funding. The most recent example of this lies in the ineligibility of BIE to apply for or receive "Race to the Top" grants.
2. Collaboration between the Department of the Interior and the Department of Education. The Secretary of Education should collaborate with the Secretary of Interior to provide training and technical assistance to the BIE, tribes, and schools operated under grants and contracts from the BIE. We suggest that the collaboration include assistance in

curriculum selection, use of alternative assessments for tribal schools, and instructional practices.

### **INVESTMENT IN CULTURAL AND LANGUAGE REVITALIZATION**

Lastly, I would like to discuss the importance of investing in cultural and language revitalization programs. While this issue could easily be, and is, woven into our two goals above, we believe its urgency and importance should be singled out.

The survival of Native language and culture is critical to the success of our communities and ways of life. Existing Native language programs and schools have demonstrated that our students are more engaged and successful when offered the opportunity to study their traditional ways. Additionally, these programs are proven to be a protective factor for youth exposed to violence. To that end, tribes believe that the ESEA reauthorization should support an investment in Native cultural and language revitalization. We believe the following recommendations will accomplish this goal:

1. Formula Grant Programs for Immersion Schools. It is largely recognized that the best way to learn a language is to fully immerse oneself. While we have limited statistical data showing that Native language instruction directly improves academic success, there is a large body of qualitative data that shows correlation of Native language instruction to factors that do improve academic success. Therefore it is critically important to have sustainable funding for research that will demonstrate this statistical correlation.
2. Long Term Investment in Cultural Based Education. By definition, Cultural Based Education (CBE) is a teaching model that encourages quality instructional practices rooted in cultural and linguistically relevant context. For Native communities, this includes teaching our Native language, but it also means incorporating traditional cultural characteristics and teaching strategies that are harmonious with Native cultural and contemporary ways of knowing. We know that our students perform better academically when they have a sense of pride and self-esteem, and CBE provides this vital foundation.

### **Conclusion**

I would like to offer my comments, as well additional language recommendations for the Native CLASS Act from NCAI for the record.

Thank you for inviting me to speak with you today; and thank you for making Indian children a priority. We look forward to working with the Committee in the following weeks to finalize a bill. I will be happy to answer any questions that you may have.