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Testimony of Robert B. Cook President
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before the
Senate Committee on Indian Affairs
on the President's FY 2010 Budget Request
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Chairman Dorgan, Vice- Chairman Barrasso and Members of the Senate Committee on Indian Affairs, thank you for this opportunity to submit testimony on behalf of the National Indian Education Association with regard to the President Obama's FY 2010 budget request.

Founded in 1970, the National Indian Education Association is the largest organization in the nation dedicated to Native education advocacy issues and embraces a membership of over 3,000 American Indian, Alaska Native and Native Hawaiian educators, tribal leaders, school administrators, teachers, elders, parents, and students.

NIEA makes every effort to advocate for the unique educational and culturally related academic needs of Native students. NIEA works to ensure that the federal government upholds its responsibility for the education of Native students through the provision of direct educational services. This is incumbent upon the trust relationship of the United States government and includes the responsibility of ensuring educational quality and access. Recognizing and validating the cultural, social and linguistic needs of these groups is critical to guaranteeing the continuity of Native communities. The way in which instruction and educational services are provided is critical to the achievement of our students to attain the same academic standards as students nation-wide.

In previous years, a pattern developed where Native education programs would get smaller increases in years where overall funding is up and larger cuts in years when overall funding is down. This is unconscionable and must be corrected! Under the last Administration, the President's budget requests proposed many significant cuts in Native education, which have deepened the negative effects of previous cuts. Under new leadership with new opportunities, NIEA believes that now is the time to reverse budget cuts to Native education programs. NIEA understands the difficult economic situation our nation currently faces, however, Native communities have long experienced the highest rates of poverty, unemployment, morbidity, and substandard housing, education, and health care.

NIEA is very hopeful that schools educating Native students will receive funding to participate in a number of programs proposed in President Barack Obama's FY 2010 budget, including the early childhood programs, Promise Neighborhoods, and "successful models for turning around low-achieving schools." In particular, NIEA supports the concept of the Promise Neighborhoods program in that it aims to improve academic achievement, college matriculation rates, and "life outcomes" in high poverty areas by providing a network of support services "in an entire neighborhood from birth to college." Given the low performance rate of Bureau of Indian Education schools, the low national graduation rate of 50.6% for American Indian high school students¹, and the high poverty in many tribal communities, NIEA would like to see at least one of the Promise Neighborhoods in Indian Country.

In his address to Indian Country and "Principles for Stronger Tribal Communities" President Barack Obama made a commitment to honor "obligations to Native Americans by providing tribes with the educational resources promised by treaty and federal law." Included in President Obama's principles are stronger support and funding for Native language and cultural curriculum, increased funding for Head Start programs, funding for Indian school construction and repairs, and increased funding for tribal colleges' operation and construction. NIEA believes that with President Obama's pledge to affirming tribal sovereignty through stronger funding for educational programs, we will begin to see positive changes in Native students' educational attainment.

Department of Education Budget Request

The United States Department of Education funds the education of Native American students by operating Native American-targeted programs and setting aside funds within programs open to all students and transferring these funds to the Department of Interior for Bureau of Indian Education (BIE) managed schools. The Department of Education Native American programs are consistently funded at minimum levels, never the maximum. The federal government has not upheld its legal and moral obligations to provide sufficient funding for the education of Native American students.

Title VII Programs

In consideration of the tight domestic budget, NIEA requests a **moderate five percent (5%) increase of \$9.43 million** over the proposed FY 2009 level of \$188.6 million for a total of \$198 million for NCLB Title VII funding. The FY 2008 enacted level was \$186.2 million, FY 2007 enacted level was \$186.5 million, the FY 2006 enacted level was \$186.5 million, and the FY 2005 enacted level was \$188.3 million. Additionally, NIEA requests full funding in Title VII for Education for Native Hawaiians (\$33.315 million) and for Alaska Native Education Equity (\$33.315 million). The proposed FY 2009 budget requests a total of \$122.282 million for Title VII with the purpose of funding Indian education. The level funding of Native education programs will certainly diminish, if not undo, the progress that has been made. Within the past several years, the

¹ The national graduation rate for American Indian high school students was 50.6 percent in the 2004-05 school year, compared to 77.6 percent for white students. Editorial Projects in Education, "Diplomas Count 2008: School to College: Can State P-16 Councils Ease the Transition?" Special issue, *Education Week*, 27, no.40 (2008).

Office of Indian Education has suffered from inconsistent funding, has never received full funding, and many sub-programs have never been funded.

The purpose of Title VII programs in NCLB is to meet the educational and culturally related academic needs of American Indian, Alaska Native, and Native Hawaiian students. The funds for these programs are the **only** sources of funding that specifically address the cultural, social, and linguistic needs of Indian students. At current levels, these programs are under-funded and the proposed levels would only provide approximately \$204 per student (Indian education grants). An increase in funding could be used to motivate students, support improved academic performance, promote a positive sense of self-identity, and stimulate favorable attitudes about school and others. Native students are more likely to thrive in environments that support their cultural identities while introducing different ideas. The importance of such environments cannot be overstated.

NIEA also requests that \$2 million of the increase it seeks go toward national research activities (Title VII, Part A, Subpart 3) that would focus on analyzing effective approaches in teaching Native children and on the educational status and needs of Native students. NIEA requests that another portion of the increase it seeks go toward funding Tribal Education Departments which are authorized under NCLB, but have never been funded.

Although the National Indian Education Association supports the broad based principles of No Child Left Behind, there is widespread concern about the many obstacles that NCLB presents to Native communities, who often live in remote, isolated and economically disadvantaged communities. There is no one more concerned about the accountability and documentation results than the membership of our organization, but the challenges many of our students and educators face on a daily basis make it difficult to show adequate yearly progress or to ensure teachers are the most highly qualified. The requirements of the statute and its time frame for results do not recognize that schools educating Native students have an inadequate level of resources to allow for the effective development of programs known to work for Native students.

Title I Programs

Nearly ninety percent (90%) of the approximately 620,000 Indian children attend public schools throughout the nation. Indian students, who attend these schools, often reside in economically deprived areas and are impacted by programs for disadvantaged students. The draft FY 2009 omnibus budget proposes a total of \$14.9 billion, an increase of \$593.5 million from FY 2008 levels, for Title I grants to be used for school improvement, state assessments, increased Pell grants, and English language acquisition. NIEA hopes we can build upon this increase for FY 2010. Title I funds go to the state education agencies who, in turn, distribute to the local areas.

However there is a concern that education funds for Native students do not always reach the students they are intended to serve. While approximately .72% of the Title I funds set aside for BIA schools presumably is spent on Native students, it is not clear that this is

the case with grants to local education agencies². Most Native students are educated in non-tribal public schools, not BIE schools, and a large share of funding does not flow directly to Native students. Also, not all states have cooperative relationships with the tribes located within its borders and sometimes the state education agencies do not fund schools with high populations of Indian students like they should. For these reasons, NIEA urges the Committee to support the creation of an Assistant Secretary of Indian Education at the Department of Education. The Assistant Secretary would review and monitor all of the education programs within the Department of Education that Native students access, in addition to the Title VII programs. The Assistant Secretary would also facilitate the coordination of states, tribal governments and communities, neighboring areas, and the federal government working together in developing educational standards and related assessments.

Higher Education

While we do not yet know what will be included in the final detailed Fiscal Year 2010 budget submission, last year the Department of Education budget zeroed out funding for three important programs that directly impact Tribal Colleges and Universities, namely: Strengthening Tribally Controlled Colleges and Universities; Strengthening Alaska Native and Native Hawaiian Institutions; and Tribally Controlled Postsecondary Vocational and Technical Institutions programs. These programs support basic enhancements to faculty, curricula, and infrastructure as well as essential services for students and are vital to the nation's Tribal Colleges and Universities. NIEA requests expansion of funding for these important programs in Fiscal Year 2010 and beyond.

Impact Aid

NIEA would be remiss if we did not mention the tremendous backlog of construction needs for public schools on Indian lands that receive Impact Aid funding from the Department of Education. The Impact Aid program directly provides resources to state public school districts with trust status lands within the boundaries of a school district for operational support. Many public schools on reservations are crumbling, unsafe and should be replaced. NIEA requests a five percent (5%) increase for Impact Aid. The draft FY 2009 omnibus budget proposes funding Impact Aid at \$1.265 billion a \$25 million increase over FY 2008 levels. **An increase of \$62 million, allocated for school construction, for a total of \$1.327 billion over the FY 2009 proposed level** would allow for some progress to be made to meet the continually increasing public school construction needs on reservations.

The San Carlos Apache Tribe and the Fort Thomas Unified School District, who receive 50% of their funding through the Impact Aid program, are ready to build a new elementary school. Construction for this project can begin within the next 120 days and be completed in 24 months; however funding is not available to begin this project. Currently, all of the elementary school students living in Bylas, Arizona must be transported off of the reservation, ranging from 12-20 miles away, to attend schools in

² Section 1121(a) of the Elementary and Secondary Education Act provides that the Secretary of Education "shall reserve a total of 1% to provide assistance to" the outlying areas and the Secretary of the Interior for Title I purposes.

Fort Thomas. In May 2008, a survey was conducted of 800 community members and the respondents overwhelmingly indicated that both student enrollment and parental participation would increase if a school was located in Bylas, with 93% of the respondents supporting a new elementary school closer to their town. Additionally, the construction of a new school would significantly increase job opportunities for tribal members (300 construction jobs and 108 permanent positions.)

NIEA is disappointed that funding for public school construction, renovation, and innovation did not make it into the American Recovery and Reinvestment Act. The need for school construction is well documented and we hope that the appropriations for FY 2010 will make up for the school construction eliminated in the Recovery Act.

Department of Interior Budget Request

There are only two educational systems for which the federal government has direct responsibility: the Department of Defense Schools and federally and tribally operated schools that serve American Indian students. The federally supported Indian education system includes 48,000 students, 29 tribal colleges, universities and post- secondary schools.

Under DOI, BIA's budget has historically been inadequate to meet the needs of Native Americans, consequently; our needs over time have multiplied. NIEA is requesting an amount of \$660.96 million, which includes new program funding and a modest 5% increase over the proposed amount for BIE schools in the FY 2009 omnibus budget. This includes funding for the elementary and secondary education programs, education management, and allocations for student transportation (\$25 million), and to provide technical assistance to schools to develop their own standards and assessments (\$5 million).

BIE and AYP

For the past three school years, only 30% of BIE schools made AYP goals established by the state in which the school was located. Department of Education statistics indicate that student performance at BIE schools is lower than students at public schools. In response to the lack of performance at BIE schools, DOI has launched the Improving Indian Education Initiative to help BIE students meet AYP under NCLB. NIEA commends BIE for this effort and hopes to see positive gains in BIE student academic achievement as a result and supports funding for the Initiative in the amount **\$28 million, which is consistent with a 5% increase** from funding received in FY 2009 and FY 2008.³

Tribal communities are in the best position to determine the needs and the appropriate assessment methods for Native students. As the law is currently written, a single tribe, school board or BIE funded school may apply for a waiver, however, considering the significant amount of time and resources needed to successfully submit an application,

³ The Improving Indian Education Initiative was launched in FY2008 and funded at \$25 million. The FY 2009 budget request was \$26.4 million. NIEA's \$28million for this program is included in the \$660.96 million NIEA is requesting for BIE schools.

very few tribes, if any, have been able to submit an application on their own. Challenges preventing tribes from applying for an alternative definition of AYP include the lack of technical assistance provided to the tribe from the BIE, the lack of funding available to develop the standards and assessments, and the lengthy commitment needed to navigate the process to complete the application.⁴ NIEA is **requesting \$5 million to provide technical assistance**⁵ to tribes seeking to apply and develop an alternate definition of AYP.

Transportation

NIEA is requesting **increased funding in the amount of \$25 million for school transportation** so schools won't have to use classroom dollars to transport their students. Student transportation impacts student attendance and the ability of school districts to offer educational programs. BIE provides extensive student transportation required of largely rural and widely dispersed school service populations. According to the FY 2009 DOI Budget Request, Departmental Highlights, during the current school year, BIE-funded school buses will travel nearly 15 million miles, often over gravel or dirt roads. As reported by a witness during the session NIEA held in Rapid City, South Dakota, the Little Wound School, located on the Pine Ridge Reservation in South Dakota, runs thirteen bus routes each day during which the buses travel on average, 1,575 miles per school day totaling 267,750 miles annually for "regular bus runs not including activity runs."⁶ An additional seven buses run each day for the after school activities for athletic trips, field trips, activity runs, medical trips, etc., totaling 106,083 miles per year. In addition, Navajo Nation's Black Mesa Community School Principal Marie Rose testified that "students ride the bus four hours a day. However, when it rains or snows the average bus ride is seven hours a day, if the roads are in drivable condition, which many times they are not."⁷

The FY 2009 DOI Budget Request notes that the condition of roads often traveled by BIE-funded school buses increases the wear and tear on vehicles, requiring more routine maintenance and more frequent replacement of vehicles by BIE compared to other school systems and further notes that the remote location of the BIE schools also results in higher fuel costs relative to other locales.

The cost of fuel is steadily rising and transportation costs is a major concern for a number of school districts that serve American Indian and Alaska Native students and if assistance is not available through federal or state resources, the high cost of transporting students in rural areas may offset precious funding that could potentially be used for

⁴ *Ibid*, p. 5.

⁵ This \$5 million is funding that should come from Title I, Department of Education.

⁶ Bureau of Indian Affairs and Bureau of Indian Education Transportation Cost Funding: Hearings before the National Indian Education Association, Rapid City, SD, (July 10, 2008) (testimony of Janice Richards, President, Little Wound School).

⁷ Bureau of Indian Affairs and Bureau of Indian Education: Hearings before the National Indian Education Association, Widow Rock, AZ (August 21, 2008) (testimony of Marie Rose, Black Mesa Community School Principal, Navajo Nation).

instructional purposes. Little Wound School has reported that a shortfall of \$170,411.15 for transportation funding “has had a tremendous effect on our budget.”⁸

Indian School Construction Funding

NIEA requests a **\$134.56 million increase** from the proposed FY 2009 omnibus level of \$128.837 million for a total of \$263.4 million in FY 2010 to the BIA for Indian school construction and repair. After FY 2005, the funding levels have dramatically decreased for this critical program. NIEA seeks \$263.4 million because this was the funding level in FY 2005, which was instrumental in reducing the construction and repair backlog. BIA’s budget has historically been inadequate to meet the needs of Native Americans and, consequently, Indian school needs have multiplied. For FY 2008, the funding level was \$142.94 million, for FY 2007, the funding level was \$204.956 million; and, for FY 2006, the funding level was \$206.787 million. The Administration has sought to justify the decrease over the past few years by stating that it wants to finish ongoing projects, however NIEA has been meeting with several BIE schools that have indicated they are “shovel ready.”

In 1997, GAO issued a report, “Reported Condition and Costs to Repair Schools Funded by the Bureau of Indian Affairs,” that documented an inventory of repair needs for education facilities totaling \$754 million. In 2004 the backlog for construction and repair was reported to have grown to \$942 million.

More recently, in March of 2008, the Consensus Building Institute (CBI) with the U.S. Institute for Environmental Conflict Resolution issued a *Final Convening Report: Negotiated Rulemaking Committee on Bureau of Indian Affairs- Funded Schools Facilities Construction*. CBI reported in their findings of the conditions of the schools that “many schools are ill equipped for the information age,” “security needs and related funding are major sources of concern for many schools,” “aging or poor design may lead to a substandard educational environment,” “operation and maintenance needs are not matched by operation and maintenance annual funding,” and “overcrowding is a major concern and a source of accelerating physical decline.”⁹ Additionally, the report stated in the findings that the Facility Management Information System (FMIS) doesn’t sufficiently allow for educational programming needs, including libraries, adequately sized classrooms and gymnasiums, wiring to allow for technological needs and partitions and noise reducing walls.¹⁰

In May of 2007, the Office of the Inspector General, Department of Interior, issued *Bureau of Indian Affairs and Bureau of Indian Education: Schools in Need of Immediate Action*, a flash report that describes the conditions at BIE schools that require “immediate action to protect the health and safety of students and faculty.” Although the Inspector General visited thirteen schools as part of their investigation, four schools were

⁸ *Ibid.*, p. 3.

⁹ The Consensus Building Institute with the U.S. Institute for Environmental Conflict Resolution (March 5, 2008). *Final Convening Report: Negotiated Rulemaking Committee on Bureau of Indian Affairs – Funded School Facilities Construction*, pp. 16-18.

¹⁰ *Ibid.*, p. 19.

highlighted in the flash report -- Chinle Boarding School, Shonto Preparatory School, Keams Canyon School, and the Kayenta Boarding School. In the report, the Inspector General cites deterioration ranging from “minor deficiencies such as leaking roofs to severe deficiencies such as classroom walls buckling and separating from their foundation.” In his conclusion, the Inspector General states that the “failure to mitigate these conditions **will likely cause injury or death to children** and school employees.” This flash report describes the alarming and life threatening situation at BIE schools that the federal government has created in its failure to properly maintain these schools. Native children should not have to risk their lives on a daily basis to access their fundamental right to an education.

Testifying at the NIEA-sponsored BIA/BIE regional hearing in Navajo Nation/Window Rock, AZ, Hopi Tribal Chairman, Benjamin Nuvamsa stated, “our students are at extremely high risk because of exposure to hazardous materials in our school facilities...[recently]severe reductions in annual appropriations for the building Operations, Maintenance and Repairs (OM&R) program results in the ever-increasing number of projects placed in the Facilities Maintenance Inventory System (FMIS). While waiting for funding, our students and staff are subjected to exposure to hazardous materials...almost all schools have asbestos and radon issues which put the students and staff at risk.”¹¹

In North Dakota, the Mandaree Day School has taken out a loan in the amount of \$3 million to cover the costs of building a new BIE education facility even though the federal government has the obligation to provide funding for a new school. The Mandaree Day School could not wait any longer for the funding from BIE to build their school. The loan only covers the facility structure and the 210 children attending this school have no playground and the teachers do not have a paved parking lot. These are just a few examples of the construction needs of BIE schools that are not being met under current funding.

The purpose of education construction is to permit BIE to provide structurally sound buildings in which Native American children can learn without leaking roofs and peeling paint. It is unjust to expect our students to succeed academically when we fail to provide them with a proper environment to achieve success. The amount of funding over the past few years has failed to fund tribes at the rate of inflation, once again exacerbating the hardships faced by Native American students. Further, the funding that has been allocated over the past few years will not keep pace with the tremendous backlog of Indian schools and facilities in need of replacement or repair.

Indian Education Facilities Improvement and Repair Funding

The continued deterioration of facilities on Indian land is not only a federal responsibility; it has become a liability of the federal government. Old and exceeding their life expectancy by decades, BIA schools require consistent increases in facilities

¹¹ Bureau of Indian Affairs and Bureau of Indian Education: Hearings before the National Indian Education Association, Window Rock, AZ (August 21, 2008) (testimony of Benjamin Nuvamsa, Hopi Tribal Chairman).

maintenance without offsetting decreases in other programs, if 48,000 Indian students are to be educated in structurally sound schools.

Of the 4,495 education buildings in the BIE inventory, half are more than 30 years old and more than twenty percent (20%) are older than fifty years. On average, BIE education buildings are 60 years old; while, 40 years is the average age for public schools serving the general population. Sixty-five percent (65%) of BIE school administrators report the physical condition of one or more school buildings as inadequate. Although education construction has improved dramatically over the last few years, the deferred maintenance backlog is still estimated to be over \$500 million and increases annually by \$56.5 million. As noted by the House Interior Appropriations Subcommittee in its Committee Report accompanying the FY 2006 Interior appropriations bill, "much remains to be done." Of the 184 BIE Indian schools, 1/3 of Indian schools are in poor condition and in need of either replacement or substantial repair.

Johnson O'Malley Funding

In FY 2009, President Bush proposed to eliminate Johnson O'Malley (JOM) grants. The omnibus bill is drafted to fund JOM programs at approximately \$21 million. NIEA and the National Johnson O'Malley Association urge the BIA to continue to fund JOM at the FY 2006 levels, considering that the FY 2008 and FY 2007 enacted levels only **partially** restored JOM at \$21.4 million. The FY 2006 enacted level was \$24 million.

In the FY 2006 House Interior Appropriations Subcommittee Report accompanying the FY 2006 Interior appropriations bill, the Committee rejected the Administration's FY 2006 budget request to cut JOM by over fifty percent (50%), stating that the Administration's justification for the reductions – "that there are other programs in the government that could provide these funds" -- is completely unfounded. The President's FY 2009 budget request reiterates its same justification as in FY 2006 that JOM is duplicative of other government programs. The President's budget also asserts that, "The Johnson O'Malley grants do not address a focused goal for academic achievement and lack a means to measure and report on program impacts on student performance." For FY 2010, NIEA urges the Congress to fully restore JOM to the FY 2006 enacted level of \$24 million. JOM does meet the focused goal of academic achievement and there is volumes of information available demonstrating its exponentially positive impacts on Native students.

JOM grants are the cornerstone for many Indian communities in meeting the unique and specialized educational needs of Native students who attend public schools. Many Indian children live in rural or remote areas with high rates of poverty and unemployment. JOM helps to level the field by providing Indian students with programs that help them stay in school and attain academic success. Even though JOM funding is extremely limited due to BIA budget constraints, it is being used across the country in a variety of basic as well as innovative ways to assist Indian students to achieve academically. JOM funding provides vital programs designed to build self-esteem, confidence, and cultural awareness so that Indian students may develop and mature to become productive and contributing citizens within their communities and society respectively. For example, JOM funds help

students achieve and succeed by providing such services as: eyeglasses and contacts, resume counseling, college counseling, culturally based tutoring, summer school, scholastic testing fees, school supplies, transition programs, musical instruments, Native youth leadership programs, student incentive programs, financial aid counseling, fees for athletic equipment and activities, caps and gowns, art and writing competitions, etc. Other programs administered by the federal government, such as NCLB funding at the Department of Education, do not allow funding for these types of activities.

Under-funding for JOM is exacerbated by certain factors. In 1995, a freeze was imposed on JOM funding through DOI, limiting funds to a tribe based upon its population count in 1995. The freeze prohibits additional tribes from receiving JOM funding and does not recognize increased costs due to inflation and accounting for population growth. NIEA urges that the JOM funding freeze be lifted and that other formula-driven and head count-based grants be analyzed to ensure that tribes are receiving funding for their student populations at a level that will provide access to a high quality education.

Tribal Colleges and Universities

Funding for Tribal Colleges and Universities (TCUs) through the Department of the Interior, BIE includes 28 TCUs funded under three titles of the Tribally Controlled Colleges and Universities Assistance Act of 1978 and two BIE Postsecondary Institutions. Additionally, the BIE administers a scholarship program for Indian students, many of whom attend Tribal Colleges and Universities. NIEA is very pleased that President Obama's Fiscal Year 2010 budget summary proposes to increase funding American Indian scholarships and to establish forward funding for the Tribal Colleges and Universities, which will allow them to plan in advance for the next academic year and provide greater financial security. NIEA requests that the final FY 2010 budget submission include **a one-time payment of \$65 million needed to establish forward funded programs** at all of the Tribal Colleges and Universities that receive their institutional operations funds through the Bureau of Indian Education.

Title I of the Tribal College Act authorizes funding for the basic institutional operating budget of one qualifying institution per Federally recognized tribe based on a full-time American Indian student enrollment formula. Despite the much appreciated increases that Congress has appropriated over the past several years, TCUs remain chronically underfunded. In fiscal year 2008, over 25 years since the Act was first funded, these institutions received \$5,304 per Indian student, still below the authorized level. If you factor in inflation, the buying power of this appropriation is \$1,400 LESS per Indian student than it was in the initial FY 1981 appropriation, which was \$2,831 per Indian student. While the other TCUs' operations funding is not enrollment driven and therefore the disparity is not as easily illustrated, they too suffer from a lack of adequate basic operating funds. This is not simply a matter of appropriations falling short of an authorization; it effectively impedes our institutions from having the necessary resources to grow their programs in response to the changing needs of their students and the communities they serve.

Department of Health and Human Services Budget Request

Head Start

The Head Start/Early Head Start programs are vital to Indian country. Over the last 40 years, Indian Head Start has played a major role in the education of Indian children and in the well-being of many tribal communities. Of the 575 federally recognized Tribes, twenty-eight percent (28%) participate in Head Start/Early Head Start Programs, with a funded enrollment of 23,374 children. These programs employ approximately 6,449 individuals of whom 3,263 are either former or current Head Start/Early Head Start parents. There are another 35,395 volunteers, of which 22,095 are parents.

On December 12, 2007, President Bush signed into law and reauthorized the Head Start Act. NIEA worked closely with the National Indian Head Start Directors Association in supporting a number of positive provisions in the bill including special expansion funds for Indian Head Start, which would be awarded subject to subsequent increases in appropriations tied to COLA. President Bush's FY 2009 budget request called for an increase of \$149 million in funding for Head Start, an amount well below the inflation rate and insufficient to do more than trigger a partial disbursement of special expansion funds. The Senate has proposed an increase of \$235 million, a better number but also short of the amount needed to account fully for inflation in the past year, much less the several prior years of flat funding. NIEA urges Congress to appropriate an amount well in excess of the inflation rate to allow for both the full payment of Indian special expansion funds and to begin the process of recovery from the flat budget of prior years.

Administration for Native Americans

NIEA requests a **\$10 million increase to \$57.5 million** for FY 2010 to ANA to support Native language immersion and restoration programs. President Obama expressed his support for Native languages both in his message to Indian Country and “Principles for Stronger Tribal Communities.” NIEA hopes that the 111th Congress will echo President Obama’s support for Native languages through funding the Esther Martinez Native American Languages Act at a level that will make a significant impact for tribal communities. In 2008, ANA received a \$2 million increase for FY 2008 in the Omnibus for Native language programs under the Esther Martinez Act. Prior to FY 2008, funding for ANA had been flat lined at \$44 million with less than \$500,000 going toward language immersion programs due to other grant programs that ANA administers. NIEA is very appreciative of Congress’s support for this crucial program. For FY 2009, the budget reflects the Administration’s commitment to preserving Native languages in its request for \$47.5 million for ANA with a \$3.5 million allocation for Esther Martinez language programs. NIEA requests a \$10 million increase to ANA over the FY 2009 proposed amount of \$47.5 million, **for a total of \$57.5 million for ANA and an allocation of \$13.5 million for the Esther Martinez Act for FY2010.**

The Esther Martinez Native American Languages Act preserves and fosters fluency in Native American languages through grants to tribes, tribal organizations, schools, and universities to develop and bolster Native language immersion and revitalization programs. Research shows that Native children who participate in language immersion and revitalization programs perform better academically than their Native peers who do not participate. Native languages are not spoken anywhere else in the world; and, if they are not preserved, then they will disappear forever. In Native communities across the

country, Native languages are in rapid decline. It is a race against the clock to save Native languages.

Additional Funding Needs

Tribal Education Departments

As mandated in many treaties and as authorized in several federal statutes, the education of Indian children is an important role of Indian tribes. The involvement of tribes in their children's educational future is key to the educational achievement of Indian children. Tribal Education Departments (TED) provide tribes with the opportunities to become actively involved in the education of their children. The authorization for TED funding was retained in Title VII, Section 7135 of the No Child Left Behind Act. Despite this authorization and several other prior statutes, federal funds have never been appropriated for TEDs. The use of TEDs would increase tribal accountability and responsibility for their students and would ensure that tribes exercise their commitment to improve the education of their youngest members.

TEDs are authorized for funding at the Department of Interior as well as the Department of Education under NCLB, but have never been funded. TEDs develop educational policies and systems for Indian communities that are attuned to the cultural and specialized academic needs of Indian students. TEDs partner with the federal government and state governments and schools to improve education for tribal students. NIEA is requesting that both DOI and DOE fund TEDs at \$5 million each. This \$10 million total is a very modest request which would yield exponentially positive benefits for Indian students and provide tribes with increased input over the education of their children.

Conclusion

NIEA thanks the Committee for its tremendous efforts on behalf of Native communities. With your support we are hopeful that we can begin to provide the funding for education that Native communities deserve. On behalf of the National Indian Education Association, I would like to thank Chairman Dorgan and Vice-Chairman Barrasso for championing on behalf of all Native students and their successful educational achievements.