

**STATEMENT OF
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DEPARTMENT OF THE INTERIOR
BEFORE THE
SENATE COMMITTEE ON INDIAN AFFAIRS**

JUNE 30, 2011

Good afternoon Mr. Chairman, Mr. Vice Chairman, and members of the Committee. My name is Keith Moore and I am the Director of the Bureau of Indian Education (BIE). Thank you for the opportunity to provide the Department of the Interior's views on the Native Culture, Language and Access for Success in Schools Act. The Administration is committed to providing high-quality educational opportunities for approximately 42,000 students who are educated in BIE-funded elementary and secondary schools throughout the country.

Background

The BIE is only one of two agencies operating a Federal school system. The other entity is the Department of Defense. The BIE funds 183 facilities on 64 reservations in 23 States, consisting of 123 grant schools and 3 contract schools controlled by tribes, and 57 schools directly operated by the BIE. In addition, the BIE operates two postsecondary institutions, Haskell Indian Nations University and Southwestern Indian Polytechnic Institute, with student populations for the fall through the summer semesters for 2009/2010 of 2,405 and 1,818, respectively. The BIE also provides funds for 26 Tribal Colleges and Universities (TCUs) and two tribal technical colleges.

Federal funding for the education of American Indian students comes from both the Department of the Interior and the Department of Education. The 183 elementary and secondary schools funded by BIE educate approximately 42,000 students, or approximately 7% of the total American Indian and Alaska Native student population in the United States. The great majority (over 90%) of American Indian and Alaska Native children are educated in non-BIE public schools under the supervision of their local education agencies.

In 2006, the Assistant Secretary-Indian Affairs established the BIE. Formerly known as the Office of Indian Education Programs, the BIE was renamed and reorganized on August 29, 2006, to reflect its importance in the organizational structure of the Office of the Assistant Secretary-Indian Affairs. The BIE is headed by a Director, who is responsible for the line direction and management of education functions, including the formulation of policies and procedures, the supervision of program activities and the expenditure of funds appropriated for education functions.

There have been several major legislative actions that affected the education of American Indians since the Snyder Act of 1921. First, the Indian Reorganization Act of 1934 supported the teaching of Indian history and culture in Bureau-funded schools (prior to 1934 it had been Federal policy to acculturate and assimilate Indian people through a boarding school system). Second, the Indian Self-Determination and Education Assistance Act of 1975 (P.L. 93-638)

provided authority for federally recognized tribes to contract with the Secretary of the Interior to operate Bureau-funded schools. The Education Amendments Act of 1978 (P.L. 95-561) and further technical amendments (P.L. 98-511, 99-99, and 100-297) provided funds directly to tribally-operated schools, empowered Indian school boards, encouraged local hiring of teachers and staff, and established a direct line of authority between the Education Director and the Assistant Secretary for Indian Affairs. The No Child Left Behind Act of 2001 (NCLB) (P.L. 107-110) brought additional requirements to the schools by establishing accountability metrics and goals for improving their students' academic performance.

As stated in 25 C.F.R. § 32.3, BIE's mission is to provide quality education opportunities from early childhood through life in accordance with a tribe's needs for cultural and economic well-being, in keeping with the wide diversity of Indian tribes and Alaska Native villages as distinct cultural and governmental entities. Further, the BIE takes into consideration the whole person by taking into account the spiritual, mental, physical, and cultural aspects of the individual within his or her family and tribal or village context. The BIE school system employs approximately 4,224 teachers, administrators, and support personnel in the 57 BIE-operated schools, while many thousands more work in the 126 tribal grant and contract school systems.

Bureau of Indian Education Student Achievement Initiatives

The Bureau of Indian Education (BIE) faces a complicated system of accountability. The negotiated rulemaking process resulted in a joint decision with the Department of Education that the BIE would implement NCLB using State definitions of Adequate Yearly Progress (AYP) for BIE-funded schools based on the State in which the school is located. The BIE uses 23 different definitions of AYP that are crafted for each State's public schools and aligned to each State's academic standards, not specifically to BIE schools. As a result, there is no consistent, Bureau-wide measure of academic progress.

BIE's current initiatives address this issue of accountability system fragmentation by developing a single accountability system that emphasizes common standards and a single assessment to measure them. BIE's proposed system concept mirrors the Department of Education's Blueprint for Reform, which emphasizes, measurement of and support for growth in student achievement, reduced time spent in testing through the use of sophisticated assessments, and increased transparency through the improved use of data to guide school improvement. Such a system of accountability would enable better and faster responses to weaknesses in school performance to improve student achievement. For example, BIE has to enter and maintain 23 separate MOUs with each state where schools are located. Each state has cut scores that bring conflict to BIE schools because of differing AYP standards. Schools in State A can make AYP and schools in State B may not make AYP, but may be out performing schools located in State A. This maybe is due to low cut scores and easier standards and assessments in State A.

Bureau of Indian Education Initiatives

A unitary accountability system alone is not sufficient to address the capacity needs of the BIE. A unitary accountability system must be enhanced through other focused efforts to improve staffing, and to address other recognized issues facing the BIE. Many BIE schools are not

merely rural, but geographically isolated from population centers. Consequently, identifying, hiring, and retaining high quality teachers are common barriers to improving instruction at rural BIE schools.

To help address this need, the BIE has partnered with organizations such as Teach for America to recruit teachers to work at rural schools and this has been a priority for the BIE over the last year and a half. Professional capacity, however, is not the only capacity that requires development in the BIE schools.

Some of our continuing initiatives include Safe and Secure Schools, High School Excellence, Strengthening and Sustaining the Postsecondary Program, Family And Child Education, McKinney-Vento Homeless Assistance in Education, the Statewide System of Support, and engaging in partnerships with other federal programs as well as private entities. The BIE has partnered with Clemson University to participate in a drop-out reduction program through the National Center for Drop-Out Prevention and is starting work with the Center for Disease Control and Prevention on the Healthy Schools initiative.

Additionally, consistent with President Obama's initiative to identify areas for improvements in government efficiency, the BIE has commissioned a BIE-wide evaluation of processes and regulations limited to a review of BIE's organization, health, achievement, leadership and faculty. In the meantime, the BIE has sought to bring distinct and typically separate officials, offices and stakeholders to the table to facilitate better communication. The results are already being seen, as the BIE's coordination in the delivery of services to schools has been greatly enhanced.

The last year and a half has seen a marked increase in the collaboration between the Department of Education and the Department of the Interior. With the BIE's increased responsiveness to the advice offered by the Department of Education on program implementation issues, and the BIE's increased capability and improved compliance with the Department of Education's reporting requirements, the BIE has taken considerable strides to increase its accountability for program implementation. This collaboration between Interior and Education is expected to continue into the foreseeable future as relationships forged between the departments continue to strengthen.

S. 1262 was introduced a week ago today. The BIE is still in the process of reviewing the bill and cannot make specific comments at this time. The BIE is committed to working with the Committee on S. 1262 in addressing the educational needs of American Indian and Alaska Native students, especially in BIE schools.

Conclusion

Education in the United States is primarily a State and local responsibility. However, tribal communities have not been afforded appropriate control over education in their own communities in the past. Outside interests have historically imposed their will on tribal communities and defined the futures of Indian communities through their children.

Reauthorization of the ESEA represents a unique opportunity to ensure that the Act works for American Indian and Alaska Native communities. The reauthorized ESEA can support the self-determination of Indian tribes and create an educational system that values tribal cultures and languages.

Thank you for providing the BIE this opportunity to testify. We are committed to working with this Committee, with the tribes and with the Department of Education as the reauthorization of ESEA moves forward through Congress.

I am happy to answer any questions the Committee may have.