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Testimony of Verlie Ann Malina Wright, President
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before the
Senate Committee on Indian Affairs
on the President's FY 2008 Budget Request
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Chairman Dorgan, Vice- Chairman Thomas 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's FY 2008 budget request.

Founded in 1969, 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, 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 for them to attain the same standards as students nation-wide.

A pattern has developed in recent years where Native education programs get smaller increases in years where overall funding is up and bigger cuts in years when overall funding is down. This is not just and should be corrected. Over the years, the President's budget requests have proposed many significant cuts in Native education, which have deepened the negative effects of previous cuts. If these cuts to Native education are not reversed, then Native children and Native communities will be further harmed as well as future generations, especially given the tragic reality that the standard of living in Native communities continues to be far lower than any other group in the United States. Native communities continue to experience the highest rates of poverty, unemployment, morbidity, and substandard housing, education, and health care.

Despite all of the funding needs for educational services for American Indian, Alaska Native, and Native Hawaiians, the President's FY 2008 flat funds or eliminates many of the programs critical to Native academic achievement.

Department of Education Budget Request

The 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 BIA for BIA- managed schools. 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.

Within the Department of Education budget, none of the programs specifically for Native students received an increase. Rather, Indian education funding received level funding from Fiscal Year 2006/ Continuing Resolution 2007 levels \$118.7 million, resulting in de facto decreases in light of inflation. Additionally, the President's FY 2008 budget proposes eliminating funding for several programs that benefit Native students, including Alaska Native Education Equity in Title VII of NCLB (\$33.9 million), Education for Native Hawaiians in Title VII of NCLB (\$33.9 million), and Strengthening Alaska Native and Native Hawaiian- serving Institutions (\$11.8 million). Other programs proposed for elimination that have a direct effect on Native students include Exchanges with Historic Whaling and Trading Partners, Even Start, Tech Prep Education State Grants, and Teacher Quality Enhancement and School Dropout Prevention, to name a few. These programs have provided an enormous benefit to Native students and served their intended purpose in Native communities. Even Start serves a vital role in Native communities, helping to break the cycle of poverty and illiteracy by providing assistance with writing and language skills to disadvantaged communities. These programs have focused on the needs of our children and the proposed elimination of these programs would cause a negative disparate impact on Native students. NIEA recommends restoration of these programs targeted for low- income students.

The rationale for the elimination of Alaska Native Education Equity, Education for Native Hawaiians, and Strengthening Alaska Native and Native Hawaiian Serving Institutions is based on the assertion that these programs are duplicative of uses under Title I (Alaska Native Education Equity and Education for Native Hawaiians) and Title III of the Higher Education Act (Strengthening Alaska Native and Native Hawaiian Serving Institutions).

Title VII Programs

In consideration of the tight domestic budget, NIEA requests a **moderate 5% increase of \$9.3 million** over the FY 2007 continuing resolution level of \$186.5 million for a total of \$195.8 million for NCLB Title VII funding. \$186.5 million was the FY2006 enacted level for Title VII (all subparts), which is the estimated funding level for FY 2007. \$188.3 million was the enacted level in FY 2005. The President's FY 2008 budget proposes reducing Title VII by \$67.8 million from the FY 2006/FY 2007 level by

eliminating funding in Title VII for Education for Native Hawaiians (\$33.908 million) and for Alaska Native Education Equity (\$33.908 million). The President's FY 2008 budget requests a total of \$118.683 million for Title VII with the purpose of funding Indian education. **NIEA urges the Congress to restore the funding for Education for Native Hawaiians and Alaska Native Education Equity and to provide the overall modest increase it proposes for Title VII.** The level funding and elimination of Native education programs will diminish, if not undo, the progress that has been made. Within the past several years, the 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 underfunded and the proposed levels would only provide approximately \$204 a student (Indian education grants). An increase in funding could be used to motivate students, support improved academic performance, promote a positive sense of identity and self, 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 \$4 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 the NCLB present to Indian 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 90% of the approximately 500,000 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 President's FY 2008 budget proposes an admirable increase of \$1.2 billion for Title I

grants to be used for school improvement, state assessments, increased Pell grants, and English language acquisition. 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 the 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 agencies. Most Native students are educated in non-tribal public schools, not BIA 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.

Higher Education

Within the Department of Education budget, the budget for Tribally Controlled Postsecondary Vocational and Technical Institutions remains flat funded at \$7.4 million and the budget for Strengthening Tribally Controlled Colleges and Universities is decreased by \$5 million for a total of \$18.5 million. Also, as noted above, the Strengthening Alaska Native and Native Hawaiian Institutions program receives zero funding. Tribally controlled colleges and universities receive just under \$3,000 annually per student, less than half of the amount annually provided per student to other community colleges, and do not have access to other state and local dollars, exacerbating the situation. NIEA requests full funding for tribal colleges and universities and for scholarships for Native students. NIEA also supports restored funding for the Strengthening Alaska Native and Native Hawaiian-serving institutions because these colleges rely on federal funding to meet core operational needs.

Impact Aid

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. NIEA supports the National Indian Impacted Schools Association in jointly requesting \$1.342 billion for impact aid. The President's FY 2008 budget request proposes funding impact aid at \$1.228 billion, a \$29 million decrease from the proposed FY 2007 continuing resolution level of \$1.257 billion with facilities construction allocated at only \$17.8 million compared to the proposed continuing resolution level for FY 2007 at \$46.6 million. Even at the FY 2007 level, the need for new school facilities far exceeds the funding provided to build new facilities. Many public schools on reservations are crumbling and should be replaced. An increase of \$85 million for a total of \$1.342 billion over the FY 2007 continuing resolution level would allow for some progress to be made in meeting the mushrooming public school construction needs on reservations.

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 and, consequently, our needs over time have multiplied. NIEA was pleased to see increased funding for education under the Operation of Indian Programs. NIEA is supportive of increased funds for school transportation and education program enhancements at lower performing schools. NIEA notes that BIA has requested funding to move forward with the restructuring of the Office of Indian Education programs. The President's FY 2008 budget request calls for increasing funding in the amount of \$3.6 million to support a skilled national team under the new organizational structure.

Last year, Indian country learned that DOI planned to use funds that would otherwise be used for early literacy efforts under the Baby FACE and FACE programs. DOI requested that these programs dollars be reprogrammed to support the restructuring efforts. NIEA does not support the use of program or classroom dollars to fund the restructured organization at the Department of Interior.

Indian School Construction Funding

The inadequacy of Indian education facilities is well documented and well known. NIEA **requests a \$106 million increase** from the FY 2007 continuing resolution level of \$157.441 million for a total of \$263.4 million in FY 2008 to the BIA for Indian school construction and repair. BIA's budget has historically been inadequate to meet the needs of Native Americans and, consequently, Indian school needs have multiplied. In FY 2006, funding for BIA Indian school construction and repair was a large reduction from FY 2005 due to the BIA's position that it wanted to finish ongoing projects. The FY 2006 funding amount was \$206.787 million; however, this funding amount failed to fund tribes at the rate of inflation, thus exacerbating the hardships faced by Native American students. The President's FY 2007 budget requested only \$157.4 million for BIA school construction and repair. The President's FY 2008 budget request proposes funding school construction and repair at an even lower level at \$139.844 million. The funding proposed in the FY 2007 continuing resolution and for FY 2008 will not keep pace with the tremendous backlog of Indian schools and facilities in need of replacement or repair. \$263.4 million was the funding level in FY 2005, which was instrumental in reducing the construction and repair backlog.

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. During President Bush's first term, he promised to remove the backlog for new Indian school construction. Between 2001 and 2007, funding was appropriated for 34 replacement schools. Since that time, 10 of the schools are completed and operating with 19 in design and construction. Two schools will be completed under the FY 2008 funding. The FY 2008 budget proposes to cut Indian school construction by \$67 million from the FY 2006 enacted level with the rationale that the focus must remain on schools already funded for construction and

school construction has fallen behind. We understand and support the Committee's views that money for programs and construction must be managed appropriately and efficiently; however, our children are forced to shoulder the burden of contracting delays at the BIA and tribal levels. Completing the construction of 10 schools since 2001 (2 more in 2008), while progress, is not enough. We believe that we must keep pace with the FY 2005 level of funding in order to finally make some headway in the construction backlog. The purpose of education construction is to permit BIA funded schools 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 if we don't provide them with a proper environment to achieve success.

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 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 BIA inventory, half are more than 30 years old and more than 20% are older than 50 years. On average, BIA education buildings are 60 years old; while, 40 years old is the average age for public schools serving the general population. 65% of BIA school administrators report one or more school buildings in inadequate physical condition. 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 BIA Indian schools, 1/3 of Indian schools are in poor condition and in need of either replacement or significant repair.

Johnson O'Malley Funding

The President's FY 2007 budget requests total elimination of Johnson O'Malley (JOM) grants. NIEA and the Johnson O'Malley Association Board urge the BIA to continue to fund JOM under the FY 2007 continuing resolution, especially considering that its funding under the FY 2007 CR is based upon FY 2006 levels, which contains funding for JOM. We are very concerned that the Department of Interior is considering not funding JOM in FY 2007. We seek your assistance on this matter.

For FY 2008, NIEA supports the Johnson O'Malley Association Board and jointly urges the Congress to not only restore JOM but also to increase funding for it by \$7.6 million for a total of \$24 million, which was the amount of funding for JOM in FY1994. Even back then, the needs of Indian children far exceeded the amount of funding. This does not factor in inflation, growing populations, and growing needs. As in the President's FY 2007 budget request, the President's FY 2008 budget request proposes elimination of funding for JOM. The FY 2006 enacted level was \$16.4 million, and the FY 2005 enacted level was \$16.51 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 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 2008 budget request restates its same justification as in FY 2006 that JOM is duplicative of other government programs.

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 is used to provide vital programs designed to build self-esteem, confidence, and cultural awareness so that Indian students can grow up to become productive citizens within their communities. 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 Dept. 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

Under the FY 2008 budget request, Post Secondary Education receives a decrease of \$4.6 million. The \$98.5 million BIA request for post-secondary schools is expected to support two BIA and 24 tribal colleges and universities as well as scholarships for Indian students. NIEA requests full funding for programs affecting higher education of Native students in both the DOE and BIA budgets.

The average funding level for full time students for non tribal community colleges was \$7,000.00 in 1996. By comparison, the 26 tribally controlled colleges under BIA are receiving \$4,447.00 per full time enrolled Indian student. Although this is the highest amount per student level to date, it is still only about 75% of the authorized level. The conditions under which tribal institutions must educate Native students are constrained by the lack of a tax base to support them. To make up for the lack of money caused by

inadequate funding, tribal college tuitions are typically so high that many Native American students cannot afford them.

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 approximately 575 federally recognized Tribes, 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.

The President's FY 2008 budget request calls for level funding of Head Start. This means another year of less than adequate funding for Head Start programs, which, according to researchers at the National Head Start Association, could result in cuts in enrollment next year of at least 25,000 kids (calculated at 23,700 for Head Start and 1,700 for Early Head Start). The Indian Head Start program would experience a cut of approximately 725 kids. The only way to save these slots for kids under the Administration's proposal would be to take critical funding from the Head Start training and technical assistance budget. The President's budget would require programs to cut the number of children served, reduce services, lay off teachers and decrease the length of the school year or turn full day programs into half day programs.

NIEA supports full funding allocation for Indian Head Start. NIEA also supports raising the Indian Head Start set-aside from 2.7% to 4% with no exceptions and no equivocations as proposed by the Indian Head Start community.

NIEA also requests \$5 million be designated in FY 2007 for the TCU Head Start partnership program to ensure the continuation of current TCU programs and the resources necessary to fund additional TCU partnership programs.

Administration for Native Americans

NIEA requests a **\$10 million increase to \$54 million** for FY 2008 to ANA to support Native language immersion and restoration programs. In previous years, ANA has received \$44 million per year as a lump sum but less than \$500,000 went toward actual Native language immersion programs due to other grant programs that ANA administers. The President's FY 2008 budget requests flat funding for ANA at \$44 million.

NIEA requests that the \$10 million increase to ANA be allocated toward Native language immersion and restoration programs at ANA authorized by the Esther Martinez Native American Languages Preservation Act of 2006. The President signed the bill into law this past December. The Act preserves and fosters fluency in Native American languages. The Act amends the Native American Programs Act of 1974 to allow ANA to award three new grants to tribes, tribal organizations, schools, and universities called language restoration grants, language nest grants, and language survival school grants.

Research shows that Native children who participate in immersion 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 BIA 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 both DOI and DOE fund TEDs at \$5 million each. \$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

The continued decrease in Indian education funding is a direct violation of the federal trust responsibility. Every year our funding is decreased and the educational mandates that we must meet are increased.

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.

Please join with NIEA and other organizations established to address the needs of Native students to put our children at the forefront of all priorities. We must acknowledge our children, who are our future, our triumph, and our link to the past, and their educational achievement.