



NATIONAL INDIAN EDUCATION ASSOCIATION

**Written Testimony of Kerry D. Bird
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For the United States Committee on Indian Affairs
Oversight Hearing on the Impacts of Government Shutdowns and Reductions in Force
on Native Communities**

On behalf of the National Indian Education Association (NIEA) and students, educators, and Tribal Nations we serve, thank you for this opportunity to provide testimony regarding the challenges we face in the ongoing federal government shutdown. NIEA was founded to advance comprehensive, culture-based educational opportunities for American Indians, Alaska Natives, and Native Hawaiians and to advocate for educational excellence by working to ensure that students receive high-quality academic and cultural education.

Rooted in treaties between Tribal Nations and the federal government, the U.S. Constitution, federal law, and U.S. Supreme Court decisions, the federal government has a direct fiduciary responsibility to Tribal Nations and their citizens. The trust and treaty responsibility is an acknowledgement that the debt paid for by our ancestors through the loss of life and land, is to be paid for, in part, with education. Currently, Tribal Nations, Native education, and the programs which serve them face an escalating crisis. The disruption of critical federal operations, delays in funding, and deteriorating capacity of federal offices due to Reductions in Force (RIF) are threatening the very core of educational obligations to Native children. The federal government is at risk of directly violating the United States' trust and treaty obligations to Tribal Nations by dismantling the very offices charged with carrying them out.

I. Department of Education

The Department of Education (ED)'s Office of Elementary and Secondary Education (OESE) has been hollowed out. According to the court documents filed on October 10th in the U.S. District Court for the Northern District of California, ED eliminated 132 positions within OESE. These RIFs follow an already thinned agency following the 47% reduction in staff on March 10, 2025. Of the 282 full-time employees who staffed OESE in 2024, fewer than 100 remain. Those who remain are largely political appointees, office directors, and staff whose roles align with the administration's priorities. As far as NIEA has been notified, the Office of Indian Education (OIE) has not been exempted from these RIFs, and if they are carried out to their fullest, are at risk of being functionally eliminated. The entire OIE staff, including its director, were furloughed at the beginning of the shutdown and now face the potential that they will be formally terminated as soon as the government reopens, or as soon as they are legally allowed to access their emails.

The Office of Impact Aid, which primarily exists to care for school districts which serve military families and Native children on federal lands, has reportedly been entirely laid off except for its

director. Nationwide, every school district which relies on Impact Aid, including the 537 Indian land school districts are feeling an extreme tightening of their budgets as Impact Aid is not forward funded. Annually, Impact Aid provides approximately \$895 million to school districts with federal Indian trust lands, most of which are in western and rural states. The National Indian Impacted Schools Association reports that there are school districts in Minnesota, Montana, and South Dakota who have reached out in frustration as they may reach a critical funding tipping point in the coming weeks. Without these payments, schools are now drawing down reserves and as the shutdown continues could face cutting essential staff and services, with many reporting a tipping point in the coming weeks. Further, the elimination of the Impact Aid staff means that payment calculations, reimbursements, and compliance reviews will not be processed in a timely manner and face not being processed at all. These schools not only need the federal government's help, they are owed it.

The United States' trust and treaty responsibility for education is not discretionary. Through binding treaties, statutes, and court decisions, the federal government promised to provide educational opportunities for Native children, obligations prepaid with Tribal lands and resources. The Office of Indian Education and other positions across ED, exist to uphold those promises. OIE administers Title VI of the Every Student Succeeds Act, providing over \$110 million in annual grants to more than 1,200 school districts and Tribal entities serving roughly 423,000 Native students nationwide. These programs sustain Native language and culture, academic enrichment, and community-driven educational priorities. With OIE staff furloughed or terminated, no one remains to process or disburse funding agreements, approve carryover budgets, or provide technical assistance. As a result, Tribal Education Departments, school districts, and Indian Parent Committees would be forced to suspend programs, cancel services, and delay hiring, placing schools and students in limbo across Indian Country.

The situation is equally dire for Alaska Native and Native Hawaiian Education programs, which together support roughly \$80 million in local education projects focused on Native language revitalization, cultural restoration, and STEM education in remote and rural areas. If program administrators are lost, there would be no one to monitor active grants or process new awards. The Office of Rural and Native Education, which includes the Alaska Native Education and Native Hawaiian Education programs, will at the very least feel the strain of significantly diminished staff across OESE, and at worse face the potential of also having their administrators terminated. For communities already grappling with difficulties in some of the most remote districts of the United States, this abrupt disruption undermines years of progress and the self-determination these programs were designed to support.

II. Administration for Children and Families

Beyond the Department of Education, the shutdown and related workforce reductions have also severely disrupted Tribal early childhood, child welfare, and family support systems administered through the Administration for Children and Families (ACF) within the Department of Health and Human Services (HHS). Head Start remains one of the most critical federal investments in Native communities, providing culturally grounded early childhood education, nutrition, and family support services that lay the foundation for lifelong learning and wellbeing—services which are irreplaceable, especially in rural Tribal areas where there are no alternatives. As the shutdown drags on, the already difficult situation for Head Start programs

continues to worsen. On November 1st, 12 AIAN Head Start grantees, serving almost 2,500 students and employing almost 600 staff members, face a dire funding gap. Tribes across Arizona, California, Michigan, Minnesota, Montana, Oklahoma, and Washington are looking for contingencies to cover the gap the federal government has left them with. In the best case, Tribes which have the funding to cover the gap in the meantime are able to step in. The largest November 1 grantee, the Cherokee Nation, is prepared to do just that. However, if any Tribes are stretched too thin, covering these programs alongside nutrition and other critical services to their communities, these Head Start programs would face closure. At least one AIAN Head Start program in Michigan is facing such a situation. Tribal Nations should not be forced to choose between food for their communities and keeping educational and child care institutions open. The longer the shutdown continues, the more we will be forced to make impossible decisions.

ACF, alongside the Bureau of Indian Affairs, provide the primary federal funding that allows Tribal child welfare programs to keep children safe and families intact. If the shutdown extends beyond 30 days, those critical services face disruption, including the assistance that Tribes provide to state child welfare cases involving Native families. At ACF, continuing staff reductions, regional office closures, and now the shutdown have created an unrelenting cycle of disruption. According to the National Indian Child Welfare Association, Tribal Nations have been unable to access timely information on FY 2026 funding applications, reporting requirements, or technical assistance. The cancellation of two Tribal consultations on the Supporting America's Children and Families Act (P.L. 118-258), along with the cancellation of the November ACF Tribal Advisory Committee meeting, has further cut off communication. ACF had planned to share critical updates on technical assistance and the approval process for Tribal Title IV-B Child Welfare grant applications, but that information remains unavailable. The lack of communication, access, and timely funding has left Tribal Nations in an untenable position, while vulnerable Native children, families, and state partners are left wondering whether Tribal services and support will be available at all.

These impacts bleed across servings and are acutely felt in Tribal communities. All members of the ACF Tribal Engagement Team, the five Native staff who collectively advised all ACF divisions on how to better serve Tribal Nations, have been furloughed. Their absence leaves a critical void in agency coordination and cultural understanding across child welfare, early childhood, and family support programs. Meanwhile, we know that the US Department of Agriculture (USDA) and the Department of Justice (DOJ) are continuing forward with their consultations. Our children deserve the same.

III. Bureau of Indian Education

While we are deeply concerned about the effects of the shutdown across federal agencies, we are grateful that nearly all Bureau of Indian Education (BIE) staff have been designated as “excepted” or “exempted” employees and have continued reporting to work to sustain critical school operations. In direct contrast to the widespread furloughs and Reductions in Force (RIFs) now affecting the Department of Education and ACF, BIE staff have been rightfully protected. Their continued presence reflects the importance of education as a trust responsibility and ensures that instruction and student services continue uninterrupted across both BIE-operated and Tribally Controlled Schools.

However, the shutdown still reveals critical vulnerabilities within the BIE system. While core school operations are forward funded, ensuring that teachers and staff can be paid, Operations and Maintenance (O&M) appropriations are not forward funded and depend on annual appropriations which have now expired. These dollars pay for essential services such as heating, electricity, water, sanitation, safety inspections, and emergency repairs for more than 180 BIE-funded school facilities. Without new appropriations, O&M funds cannot be obligated or reimbursed, leaving superintendents and facilities managers scrambling to maintain safe and healthy learning environments. Many schools, especially in northern, rural states, rely on these funds for fuel deliveries and winterization contracts. A prolonged shutdown could delay those contracts, resulting in facility closures, unsafe conditions, or costly emergency responses later in the fiscal year.

The *Indian Programs Advance Appropriations Act* would directly address this issue by ensuring that the entirety of the BIE receives not only forward funding but advance appropriations, fully insulating Tribal schools from the disruptions of annual funding lapses. This measure represents the final step in safeguarding BIE schools and students from shutdowns and the political uncertainty of continuing resolutions.

As early as 1934, Congress acknowledged that the Federal trust and treaty obligations to education require the need to provide support for all Native students, regardless of where they attend school. Public school students also feel the strain of non-forward funded accounts under the Johnson-O'Malley (JOM) program. JOM supports supplemental academic, cultural, and youth programming for nearly 300,000 Native students enrolled in public schools nationwide. During a shutdown, payments and reimbursements to Tribal contractors and parent committees are frozen, preventing the continuation of after-school programs, tutoring, and cultural activities that are already planned and budgeted for the school year.

As mentioned previously, changes and furloughs within the ED affecting Impact Aid and Title VI programs, have left Native-serving education programs and funding at public schools extremely vulnerable. As early as 1934, Congress recognized that the federal trust and treaty obligation to education must support all Native students, regardless of where they attend school. The Johnson-O'Malley (JOM) program was created to support students in public schools, and unlike the rest of the BIE program funds, JOM is not forward-funded. The JOM program supports supplemental academic, cultural, and youth programming for nearly 300,000 Native students nationwide. During a shutdown, payments and reimbursements to Tribal contractors and Indian Parent Committees are frozen, halting tutoring, after-school programs, and cultural activities that have already been planned and budgeted for the school year.

While the BIE is in the better of the scenarios of each of these agencies, it is by no means completely protected. BIE schools also receive funds from the Department of ED, funds which may be slowed or paused as the shutdown continues. BIE schools may struggle to pay for last minute maintenance costs. And public schools serving Native students may not receive funding from JOM or Impact Aid and even face the possibility of Title VI and related funding being severely diminished if RIFs are fully implemented in OIE. It is clear Indian education needs a path forward with an open and operational federal government.

IV. CONCLUSION

Across the board, it is clear that Indian Country needs support immediately. By issuing RIFs that may eliminate a department's primary Tribal liaison office, the federal government would effectively sever its own consultation channel. In another department, cancelling consultations amidst the moment which Tribal Nations most need to be heard is not only frustrating, it is failing their needs. The moral and legal implications could not be clearer. The United States' trust obligations to provide education to Native children were not negotiated as temporary or conditional. Congress must act immediately to reopen the government, and we urge this Committee to work with the Administration to walk back any planned or executed reductions to Tribal-serving staff as soon as possible. Thank you for your attention to this urgent matter and for your continued commitment to upholding the United States' obligations to Tribal Nations and Native students.