

**TESTIMONY  
OF  
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U.S. DEPARTMENT OF THE INTERIOR  
ON  
“EXAMINING THE COVID-19 RESPONSE IN NATIVE COMMUNITIES: NATIVE  
EDUCATION SYSTEMS ONE YEAR LATER”**

**BEFORE THE  
COMMITTEE ON INDIAN AFFAIRS  
U.S. SENATE**

**APRIL 28, 2021**

Good afternoon Chairman Schatz, Vice Chairman Murkowski, and Members of the Committee. Thank you for the invitation to appear again on behalf of the Bureau of Indian Education (BIE). I am glad to join you today to discuss the BIE regarding “Examining the COVID-19 Response in Native Communities: Native Education Systems One Year Later.”

As you may know, COVID-19 death rates for Native people are disproportionately higher than for other demographic groups. BIE has had its own personnel losses from COVID-19 over the last year. So, please know that BIE, Indian Affairs, and Department of the Interior leadership considers any single death related to COVID-19 as one too many. I am also personally cognizant, from my own family experiences, that such loss can affect an entire school and local community, so BIE is working to provide personnel supports, where appropriate, as well as help our schools and staff as we all work to recover from the last year.

BIE career and school staff across the country also understand well the toll the pandemic has taken on our schools and communities as many work locally and have experienced hardships alongside many of our students and school staff. As such, I want to acknowledge the faculty and staff we have lost to, or have been personally affected by, COVID-19. We pay our respects to those lost and to their families. We lost nine school staff members and tracked nearly 200 cases of COVID-19 to-date.

Our school leaders have dedicated themselves each day to ensure students have as normal a learning environment as possible as schools work to physically reopen their local sites. BIE staff across the organization are actively working with their schools, communities, states and tribal leaders to better understand local conditions as well as to address behavioral health and wellness needs of our students during these trying times.

Across the organization, BIE staff are working with tribal communities to ensure we emphasize collaboration among school administration, parents, staff, tribal leaders, and their communities. We respect tribal public health orders, we reaffirm our commitment to tribal sovereignty, and active and ongoing coordination helps us support our tribal, school and community leaders.

## **Student and School Support: COVID-19 Recovery**

Through the pandemic, BIE has been, and continues to be, focused on supporting our students, schools, tribal communities, and stakeholders by meeting a broad range of challenges. BIE staff across the organization are dedicated to supporting the following priorities as a result of direct engagement and consultation with Indian Country over the last year, including:

- School Site Closures and School Year 2021-2022 Reopening Planning
- Mental and Behavioral Health Supports and IHS Coordination
- Student Connectivity and IT Infrastructure
- COVID-19 Relief Funding
- Native Language Supports

I also include several congressional recommendations that may assist with ensuring BIE is better situated to continue its support to our schools and students. We want to help increase parity among BIE students with their non-Native peers under these unique circumstances.

### **School Site Closures**

As the COVID-19 pandemic spread, BIE and its Indian Affairs partners worked to transition school sites to remote learning operations as quickly and safely as possible. BIE worked to provide distance learning supports and critical services at the local level such as providing onsite school lunches where it was safe. When tribes requested additional support, such as at Navajo Nation, BIE worked with its partners across Indian Affairs to directly provide specific guidance that addressed the requests of the tribe and the needs of the local community. We did this collectively to protect our students, educators, staff and communities to the extent practicable during the quickly changing COVID-19 environment.

As part of the site closure work in the spring 2020, BIE used its emergency management (EM) team and its dedicated personnel with specific roles and responsibilities to support schools and address mitigation needs. Using the BIE chain of command, the EM team and support staff from BIE's School Operations Division provided dedicated support to schools and has continued that support. BIE leadership communicated specific points of contact for the field to improve BIE support to schools, such as providing additional personal protective equipment (PPE) or mitigation services for instances of COVID-19.

Today, BIE-funded school opening status is different from the initial onset of COVID-19. BIE is now using Department of Education (ED) and Centers for Disease Control and Prevention (CDC) reopening guidance<sup>1</sup> for our schools as they look to reopen activities and support the mix of students learning on-site, remotely, or through a hybrid model that combines distance and on-site learning. As has been the case throughout the pandemic, the goal remains to support on-site learning. This decision is made locally at the school level, in coordination with our field staff and public health officials, and alongside tribal governments as we honor their sovereignty and decision-making authority. The below statistics relate to the status of BIE-funded schools as of mid-April 2021. These numbers change weekly based on the priorities and direction of tribal governments and the needs of local communities. BIE continues to support local and tribal

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<sup>1</sup> *Volume 1: Strategies for Safely Reopening Elementary and Secondary Schools* and *COVID-19 Handbook, Volume 2: Roadmap to Reopening Safely and Meeting All Students' Needs.*

coordination as BIE staff honors the best path forward to keep students and community members safe.

Bureau Operated Schools: Of the 22 Bureau Operated Schools, no schools are operating under a traditional, on-site classroom setting, while seven schools are operating with a hybrid learning model consisting of onsite and remote learning models. The remaining 15 schools are operating completely remotely using distance learning educational models to support educational continuity for students.

Tribally Controlled Schools: Of the 98 Tribally Controlled Schools, 15 schools are operating under a traditional, onsite classroom setting, while 32 schools are operating with a hybrid learning model consisting of onsite and remote learning models. The remaining 51 schools are operating completely remotely using distance learning educational models to support educational continuity for students.

BIE Navajo Schools: To adhere to local Tribal orders, of the 64 schools serving the Navajo Nation (both Bureau Operated and Tribally Controlled Schools), 62 schools are operating remotely using distance learning educational models to support educational continuity for students and one school site is now operating under a hybrid model. Richfield Residential Hall, a Tribally Controlled peripheral dormitory facility that supports a local public high school, is open for onsite services for Native youth.

### **School Year 2021-2022 Reopening Planning**

BIE staff are working to address the needs of students who have been disrupted by the pandemic. BIE is determining the best means for assessing the gaps in learning due to the lack of traditional face-to-face instructional hours. As such, we plan to consult with tribes and stakeholders on May 4-5 regarding the extent to which BIE-funded schools can administer BIE's assessments this year and whether BIE should request an assessment waiver from ED. BIE will also host school reopening consultations on May 10 for Grades K-12 and BIE residential facilities and May 11 for post-secondary institutions to determine if supplemental reopening guidance is needed due to the unique nature of our system. BIE staff is also working with schools to identify summer school options with eight tribally controlled schools and 17 Bureau Operated Schools that have plans to host summer school. BIE is implementing plans to expand operational capacity through BIE's first-ever bureau-wide learning management system (LMS), which will align student data, communications, and curriculum for learning inside the classroom and in a remote environment interchangeably. We are also providing additional hotspots and other hardware, working across Indian Affairs to provide dedicated Information Technology (IT) support staff, and improving BIE's IT infrastructure more broadly that will support BIE schools, students and families for years to come.

Through consultation with tribal leaders and stakeholders, BIE will work to identify gaps in existing ED and CDC reopening guidance respective to our unique education system, such as BIE's residential facilities. As BIE staff gathers recommendations for reopening, they will work with schools to assist in the updating of locally and culturally responsive individual school reopening plans to prepare for the 2021-2022 school year. Further, BIE is partnering with states with high Native populations through our ED-funded comprehensive center to exchange best

practices for reopening and also supporting school leaders by providing opportunities for cross-collaboration and professional development. Directives provided from Washington, DC must allow for local flexibility to be successful due to the unique local needs of tribes and BIE schools.

### **Mental and Behavioral Health Supports and IHS Coordination**

The BIE, through the efforts of our Student Health Program Specialist, implemented the agency's first-ever comprehensive behavioral health and wellness program to support those in need during and post-pandemic. The \$2.1 million proposal is providing behavioral health/crisis support services for students, families, and staff in Bureau-Operated and Tribally Controlled Schools as well as at the agency level to meet their unique and local needs presented as a result of the COVID-19 pandemic. The Student Health Program Specialist researched and met with other federal agencies before finalizing the proposal. The supports under the contract will work to address the following at a national level:

- The expansion of BIE's current Employee Assistance Program (EAP) contract to include students and Tribal school staff for a minimum of five months (approximately \$1.5 million). Services would include a BIE-specific 24/7 toll-free number connecting individuals to a licensed mental health professional; virtual counseling sessions (three sessions per individual); and proactive mental health/suicide prevention screenings.
- The creation of a specific wellness, emotional support, and telehealth contract (approximately \$2 million) with a Native-owned vendor focusing on: weekly virtual wellness events/trainings, a resource library specific for BIE staff and students, and telehealth counseling support with licensed clinicians from the University of New Mexico.
- The creation of a specific clinical/therapeutic service contract (approximately \$400,000 for 200 hours of service delivery) with a Native-owned clinical provider. This vendor employs the following types of mental health service providers: adult/child psychiatrists (MD), licensed clinical social workers, adult/child psychologists (Both PhD and Masters level clinicians), traditional counseling (using Native specific traditional interventions), and case managers.

Additionally, BIE initiated communication with the Indian Health Service (IHS)-Division of Behavioral Health (IHS Headquarters) and IHS Regional Office behavioral health consultants in 2020 to begin COVID-19 coordination for BIE off-reservation boarding schools. BIE is also hiring additional behavioral health staff members in each of its three divisions (Bureau Operated, Tribally Controlled, and Navajo Schools) to expand capacity to better support schools while coordinating nationally with BIE Central Office. BIE also continues to coordinate with IHS at the occurrence of a student or employee death to support counseling services that IHS may have available for students, families, and school employees.

Through our partnership with IHS on various issues, a weekly coordination call has expanded direct coordination with IHS on counseling/crisis support and local memoranda of agreement for specific behavioral health supports in Bureau-operated schools. BIE leadership also meets weekly with IHS personnel and leadership, as necessary, to support IHS COVID-19 vaccination

efforts to prioritize BIE school staff and employees due to their essential status, which will support local school reopening, where feasible.

### **Student Connectivity and IT Infrastructure**

Due to the geographical isolation of BIE schools, we understand connectivity challenges well. We are coordinating across Indian Affairs to support high-speed broadband access at all BIE school sites. We made rapid gains over the last year to provide high-speed internet to BIE students in remote environments. To further support this work, the funding request in the President's American Jobs Plan proposal for broadband expansion as well as inter- and intra-Departmental coordination will also help BIE and tribal communities address gaps in access. We are not content to rely solely on hotspots and jetpacks to expand access. Our goal is to support the better, more expansive solution of full connectivity infrastructure in the communities we serve as outlined more broadly under the American Jobs Plan.

In the near term, BIE staff are responding to issues pertaining to internet connectivity as well as having the correct device, often dictated by the age of the student, to access the internet for learning. BIE not only ordered more than 8,000 hotspots or jetpacks that provide internet for students at home, but we also piloted a project to create 25 "smartbuses" for the BIE's 25 longest bus routes that can also be parked near centralized housing locations or in parking lots for students to access Wi-Fi while remaining socially distant during the pandemic. BIE ordered more than 10,000 laptops, and to date, 99 percent have been delivered to schools for school leaders to determine how best to deliver the new hardware to their respective students. BIE staff coordinated and continue to hold calls several times per week with Indian Affairs staff to plan for new students and potential hardware repair needs as identified by school leaders.

We also continue to focus support for IT through implementation of BIE's LMS as described above. However, we face continued challenges, including the inability of jetpacks to receive a signal in student homes and powering devices in homes without electricity. To meet these challenges, BIE staff used school check-in calls to assist with Wi-Fi extension supports and investigated how solar chargers might be used to support distance learning.

Understanding the need to continue local support, BIE plans to provide extensive professional development for educators that support improvements in instructional design. Staff members are working to empower teachers, academic aides, and school administrators to effectively use technology to support student learning. BIE's LMS is expected to be in place later this year to facilitate and support student learning. BIE-funded Tribally Controlled Schools will continue to use their own systems. Field staff are working to engage families in using technology by providing support, such as tutorials on the use of technology and platforms provided by the school. And, BIE, through coordination with Indian Affairs, also identified a dedicated IT support group to assist schools with IT problems as they arise.

### **COVID-19 Relief Funding**

BIE-U.S. Department of the Interior (DOI) funds under the Coronavirus Aid, Relief, and Economic Security (CARES) Act has targeted immediate student needs related to mental health and safety, staff training, and IT investments. The identified goals of the more than \$46 million in DOI CARES funding targeted for K-12 schools are distinct but complementary to ED

Education Stabilization Funding (ESF) of \$153 million. When I testified last year, we discussed the importance of getting BIE funding to communities and schools as quickly as possible to make the most impact.

Our entire team has worked to ensure that our BIE direct appropriations are helping communities and improving operations as effectively and efficiently as possible. As of early April, I can report that 92 percent of the BIE direct appropriations have been obligated. Of the initial \$153 million ED Stabilization dollars, more than 90 percent has been obligated. The ED ESF-2 funding of \$409 million under the Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) is 33 percent obligated. The American Rescue Plan (ARP) funding also provides an additional \$850 million, on which BIE consulted, in coordination with Indian Affairs, to receive further input from Indian Country on BIE uses of relief funding. The ARP funding was routed to recipients by April to meet the 45-day funding deadline.

The relief funding equips individual schools with the necessary resources to provide customized solutions to locality-specific reopening challenges. In locations where a school has unfortunately had COVID-19 related cases and/or deaths, the relief funding equips school leaders with the ability to provide staff and students critical mental health support through contract services. Other relief funding, such as that from ED, is designed to provide schools the ability to plan for and address mid-to-long-term challenges in providing continuation of instruction, such as gaps in IT infrastructure. Because each BIE-funded school faces unique COVID-19 related challenges, and pursuant to current ED guidelines, specific percentages of expenditures vary by school location. Providing schools with this flexibility to match funding to the immediate reopening needs of each school is critical to ensuring that schools expedite a return-to-traditional operations as quickly and safely as possible.

### **Safe and Modern Facilities**

Reopening schools safely also requires safe and modern school facilities. BIE coordinated with our Indian Affairs public health and safety program for a School Reopening Health and Safety Training Summit. The Summit addressed a wide range of needs and guidance regarding safe practices to mitigate transmission of COVID-19, face coverings, social distancing, cleaning, disinfecting, ventilation systems, and appropriate measures for water systems like flushing and testing, as well as procedures for COVID-19 related requests, emergency preparedness, and opportunities for one-on-one virtual site visits and consultation. The Public Health and Safety Program is also moving forward with a third party to conduct school ventilation system assessments and provide recommendations. CARES Act and ARP funding will help address these needs.

In the long term, the President's American Jobs Plan will also help modernize our nation's schools and upgrade federal facilities that service our students. We are modernizing our schools through additional resources provided under the Great America's Outdoor Act and improved management actions, such as our new site assessment and capital investment process and the use of smart acquisition vehicles. However, modernizing our schools will take time. There are currently 86 Grades K-12 schools in poor condition, 44 schools prioritized for action, and 73 unfunded schools. Resources are a key factor in our ability to provide modern, inspiring schools.

The average cost of replacing a school in poor condition is \$62 million, putting the total cost of replacing BIE schools in poor condition at roughly \$4.5 billion.

### **Native Language Supports**

During formal tribal consultation in March 2021 a tribal leader from the Fort Belknap Indian Community told BIE staff that “tribes are deeply invested in educating our children because we know these kids are our future community leaders, cultural protectors, and language speakers.” Unfortunately, COVID-19 has also disproportionately affected elder populations who are most often a community’s remaining Native speakers.

Through this loss, COVID-19 has taken away primary support structures for our students. Native language immersion and nest programs are also directly supported through the U.S. Department of Health and Human Services’ Administration for Native Americans (ANA), Native American Language (NAL) grants from ED under Title VI of the Elementary and Secondary Education Act (ESEA), and Native American and Alaska Native Children in School Program (NAM) Grants from ED under Title III of the ESEA. Also, the BIE, ANA, and ED collectively have hosted an annual Native Languages Summit to provide cross departmental language support resources.

The BIE continues to focus its Native language development funding through Indian School Equalization Program (ISEP) and Education Program Enhancements. Due to the pandemic, local implementation may have varied over the last year in delivery. But, in general, schools conduct classes aimed at increasing Native language proficiency during the instructional day. Schools also provide teachers with professional development to incorporate Native language use in their curricula and integrate language and culture into instruction. The Education Program Enhancement subactivity enables BIE to provide services and necessary resources to meet the unique needs and priorities of individual tribes and their schools. BIE local Education Resource Centers use the Enhancement Program to fund professional development and technical assistance at all levels of the BIE school system to improve student outcomes.

The ISEP funding formula generated \$27.9 million for Language Development in BIE-funded schools in School Year 2018-2019, and \$27.6 million in School Year 2019-2020. In accordance with the congressional set-aside for Native language immersion, the BIE also distributed \$2 million in grant funds in each of Fiscal Year 2018 and 2019 to 30 Bureau-funded schools to increase oral Native language proficiency by expanding or creating language immersion programs. For this year, BIE has awarded \$14 million in language immersion awards to 17 schools. Of the 17 schools, 16 were tribally controlled schools like Navajo Prep School, Hopi Junior High and High School, Pine Hill School and one BIE-operated school.

### **Conclusion**

Throughout the pandemic, I have consistently witnessed the dedication of our local-level school staff and our employees in the field. It has been a difficult year for all, but whether they are essential staff providing direct on-site services at a school or support staff working virtually to indirectly support our agency’s mission, BIE employees have continued to improve our services. BIE has worked to improve school-level supports and has ensured Bureau-wide projects continued under often stressful conditions by continuing to increase our agency-level capacity even during the pandemic. This includes a position filled rate of just 43.6 percent filled in 2018

to a high of 70.3 percent filled in recent months with more hires in process. Staff have also continued their work to implement the BIE's first-ever Standards, Assessment, and Accountability System to better align academic supports to the needs of our students and schools.

Through this work and support for other national Bureau priorities, BIE staff are focusing attention on the needs of our schools and communities as well as upholding our trust responsibility to Indian Country and our dedication to tribal sovereignty. Whether our employees were making sure students had food, bus drivers were making photocopies and delivering paper packets to students with poor connectivity, or field employees had to work virtually, the support of BIE staff members for our communities has been dedicated and always cognizant of the need to partner and support the students and tribes we serve.

However, no system is perfect and the unique environment under COVID-19 required coordination on an unprecedented scale and consistent support from BIE leadership and the field to school leaders. Early on, BIE Central Office and field staff like Education Program Administrators held calls directly with school leaders to improve communication and identify solutions to problems in real time. Through direct engagement with our schools and support to our field staff, I am proud that when nearly 46 percent of the BIE workforce was retirement eligible in 2018, and with that eligibility rate increasing annually, our staff has remained on the job, our capacity is increasing, and we are resilient to provide improved education services to BIE students.

Chairman Schatz, Vice Chairman Murkowski, and Members of the Committee, thank you again for the invitation to appear today. I look forward to answering your questions and our continued partnership in improving educational services to BIE students as we plan for the 2021-2022 school year. I appreciate the opportunity to share the needs of BIE students in our schools and the supports BIE provided over the last year. Thank you again for your leadership and the continued support you provide for our students and BIE schools.