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Testimony of Ryan Wilson, President
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before the
Senate Committee on Indian Affairs
on the FY 2007 Budget Request
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Chairman McCain, Vice Chairman Dorgan, 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 2007 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 and to ensure that the federal government upholds its responsibility for the education of American Indians, Alaska Natives, and Native Hawaiians 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. Recognition and validation of the cultural, social and linguistic experiences of these groups is critical in order to guarantee 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.

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. For example, the

appropriations available under Title VII of the No Child Left Behind Act provides only an inadequate amount of a few hundred dollars per student to meet the special educational and culturally related needs of our students.

Despite all of the funding needs for educational services for American Indian, Alaska Native, and Native Hawaiians, the President's FY 2007 budget request calls for a **reduction** in discretionary funding for the Department of Education of about 5.5% and a **reduction** in funding for the Bureau of Indian Affairs of about 2.4%.

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 the minimum level established by Congress, 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.

President Bush's budget proposes a \$3.1 billion or 5.5 % decrease for education spending, leaving \$54.4 billion in total discretionary appropriations for the Department of Education. Within the Department of Education budget, none of the programs specifically for Native students received an increase. Rather, several programs for Native students received decreases in funding while the rest received level funding from Fiscal Year 2006 levels, resulting in de facto decreases in light of inflation.

Title VII Programs

Due to the tight federal budget for this year, NIEA requests a moderate **5% increase of \$9.3 million** for a total of \$195.8 million in FY 2007 for NCLB Title VII funding for American Indian, Native Hawaiian, and Alaska Native education. Funding for Title VII in FY 2006 was \$186.5 million. This figure includes Indian Education, Education for Native Hawaiians, and Alaska Native Education Equity.

The President's FY 2007 request for Indian Education and Alaska Native Education Equity calls for level funding, and the request for Education for Native Hawaiians is reduced by 8% despite the fact that NIEA and Native educators have been asking for 5% increases in all Native education program funding. Indian Education program funding remains at the same level as FY 2006 at \$118.7 million and down from FY 2005, FY 2004 and FY 2003 levels despite our increased needs. Inadequately funding 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, had never received full funding, and many sub-programs have never been funded.

The purpose of Title VII programs in NCLB are 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). NIEA recommends an increase in funding to \$250 a student. This 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.

Increasing the Department of Education budget for Native education programs by 5% would provide a giant step forward in helping Native students achieve the same high standards as other students nationwide while at the same time preserving and protecting the integrity and continuity of Native cultural traditions. We realize that a 5% increase will not address all of our needs but we recognize the current tight budget climate.

Programs proposed for elimination that have a direct effect on Native students include Gaining Early Awareness and Readiness for Undergraduate Programs, TRIO Talent Search, TRIO Upward Bound, Even Start, Perkins Loans, Exchanges with Historic Whaling and Trading Partners, 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. Upward Bound and Talent Search programs have increased the skills and motivation for Native students to pursue post-secondary education. 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.

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 2007 budget request fails to fully fund the Title I low-income school grants program, which is critical to closing achievement gaps. Level funding of \$12.7 billion still leaves Title I programs at more than \$7 billion below the authorized level for NCLB. Outside of fully funding Title I, NIEA advocates for an increase that would at least keep pace with inflation so that none of the grants would receive a de facto decrease.

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. Often times, Title VII funds, whose purposes are related to language and culture, are being used

for before school, after school, and tutorial programs -- essentially Title I programs. In other words, Title VII monies are being used to fund Title I programs because the Title I funding is inadequate, and Indian students are not receiving the cultural components that are mandated in Title VII.

Higher Education

Within the Department of Education budget, the Tribally Controlled Postsecondary Vocational and Technical Institutions and Strengthening Tribally Controlled Colleges and Universities requests remain flat funded at the 2005 levels of \$24 million; while, the Strengthening Alaska Native and Native Hawaiian Institutions program receives a 30.9% decrease from FY06 levels to \$9 million. 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 a 10% increase in funding to tribal colleges 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. Funding for Impact Aid remains at FY06 levels, a \$15.4 million decrease from FY05 levels. Out of the Impact Aid funding, the construction funds have received the largest decrease (\$30.7 million from FY 05 levels), disparately impacting the schools that benefit most from the construction dollars -- those serving Native students. NIEA recommends restoration of the Impact Aid construction dollars to the FY05 level of \$48.5 million.

Department of Interior Budget Request

There is a \$52.4 million reduction in funding for the Bureau of Indian Affairs (BIA). BIA's budget has historically been inadequate to meet the needs of Native Americans and, consequently, our needs over time have multiplied. The FY 2007 BIA budget request fails to fund tribes at the rate of inflation, exacerbating the hardships faced by Native American students.

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. The federal government's responsibility for the education of Indian people is in response to specific treaty rights; however, to us, the FY 2007 budget signifies an increased negligence of its trust responsibilities.

Indian School Construction Funding

The inadequacy of Indian education facilities is well documented and well known. NIEA requests a **\$56.6 million increase** from the FY 2006 enacted level of \$206.8 million for a total of \$263.4 million in FY 2007 for BIA for Indian school construction and repair. The FY 2007 budget request for school construction and repair is only \$157.4 million;

while, in FY 2006, the enacted level of funding for BIA Indian school construction and repair was \$206.8 million despite the President's budget request in FY 2006 to significantly reduce this funding. In FY 2005, the enacted funding level was \$263.4 million, 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 2006, funding was appropriated for 34 replacement schools. Since that time, 10 of the schools are completed and operating with 19 in design and construction. The FY 2007 budget proposes to cut Indian school construction by \$49.3 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, 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. 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 (which is the same justification given in the President's FY 2007 budget request) - "is completely unfounded."

JOM grants are the cornerstone for many Indian tribes in meeting the unique and specialized educational needs of Native students. The purpose of JOM grants is to provide supplementary financial assistance and not take the place of federal, local, or tribal resources. JOM grants are distributed to tribes under Tribal Priority Allocations from the BIA to address Native student needs in local public schools from age 3 until twelfth grade. Because many Indian students do not attend BIA schools, the JOM program provides tribes with an opportunity to address their members' educational needs.

Many Indian children live in rural or remote areas with high rates of poverty and unemployment and funds from JOM have historically added to the quality of student life for many Native students. JOM helps to level the field by providing Indian students with programs that help them stay in school, including remedial instruction, counseling, cultural programs, and small but important personal needs, such as eyeglasses.

In light of the difficult fiscal climate, NIEA requests at least restoration of \$16.4 million for FY 2007. With that said, \$16.4 million will not keep pace with the true needs. In 1995 a freeze was imposed on Johnson O'Malley funding through the Department of Interior, 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 Johnson O'Malley funding freeze be lifted, and 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 for Indian students

Tribal Colleges and Universities

Under the FY 2007 budget request, Post Secondary Education receives a decrease of \$849,000. The \$103.2 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 an increase of 10% over amounts appropriated in FY 2005 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.

NIEA has taken note that BIA is proposing restructuring in the Office of Indian Education Programs and that funding is included in the President's budget supporting this restructuring. NIEA and the rest of Indian Country have not received detailed information regarding this proposal and we believe that extensive consultation has not been conducted. NIEA has met with the Acting Assistant Secretary of Indian Affairs James Cason to discuss the proposed realignment of education line offices, and we believe that while the BIA has some good concepts in mind, but there needs to be additional consultation regarding its implementation in Indian Country. We agree that there needs to be change in the BIA educational programs and look forward to receiving more information on how the proposed restructuring will impact the education of our Native students.

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 2007 budget request calls for a .84% decrease in 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 urges this Committee to recommend a 5% increase in the overall Head Start budget and urge the Appropriations Committees to direct the Department of Health and Human Services to raise the Indian Head Start set-aside from 2.9% to 3.5% as contemplated in the House's Head Start Act reauthorization legislation.

NIEA also requests \$5 million be designated in FY07 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

The preservation of indigenous languages is of paramount importance to Native communities. It is estimated that only 20 indigenous languages will remain viable by the year 2050. In addition to ensuring that Title VII purposes are being fulfilled, we must utilize the legislative process to ensure there is more support in the Native American Languages Act for projects that address the crisis of our language losses. The Native Languages and Preservation program under the Native American Languages Act Amendments of 1992 distributes grants to conduct the assessments needed to identify the current status of Native American languages and to implement preservation language projects.

NIEA requests a **\$6 million increase to \$50 million** in FY 2007 to ANA to support: (1) existing Native American immersion schools and programs through the competitive grant process at ANA; (2) a development effort for new immersion schools and programs through the competitive grant process at ANA; and (3) \$400,000 to enable NIEA to have data collected and a study performed on the effectiveness of Native immersion schools. In FY 2004, 2005, and 2006, ANA received \$44 million but less than \$4 million went toward actual Native language immersion programs. The President's FY 2007 budget requests the same amount from previous years of \$44 million for ANA.

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.

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 respectfully urges this Committee to truly make Native education a priority and to work with the Congressional appropriators and the Administration to ensure that Native education programs are fully funded. Every year Native educators and students are expected to achieve greater results with fewer dollars. Native education struggles to maintain current funding levels after proposed cuts and diminishing proposals year after year. As a result no gains have been made in Indian education funding and restoration of already under funded levels are shallow victories. We encourage an open dialogue and are willing to work with you to build a more reasonable and less punitive approach that takes into account our experience in Indian education since the passage of the Indian

Education Act of 1972. NIEA was instrumental at that time in assisting the Congress in conceiving ideas and recognizing the need for improvement in the effectiveness and quality of education programs from Native students.

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, while working with the Bureau of Indian Affairs, the Department of Education, and tribal leaders to ensure that our children are not left behind. **We cannot expect Native children to meet adequate yearly progress if our funding does not make adequate yearly progress.**