

**S. 2304, S. 2468, S. 2580, AND S. 2711**

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**HEARING**

BEFORE THE

**COMMITTEE ON INDIAN AFFAIRS  
UNITED STATES SENATE**

ONE HUNDRED FOURTEENTH CONGRESS

SECOND SESSION

ON

- S. 2304, A BILL TO PROVIDE FOR TRIBAL DEMONSTRATION PROJECTS FOR THE INTEGRATION OF EARLY CHILDHOOD DEVELOPMENT, EDUCATION, INCLUDING NATIVE LANGUAGE AND CULTURE, AND RELATED SERVICES, FOR EVALUATION OF THOSE DEMONSTRATION PROJECTS, AND FOR OTHER PURPOSES**
- S. 2468, A BILL TO REQUIRE THE SECRETARY OF THE INTERIOR TO CARRY OUT A FIVE-YEAR DEMONSTRATION PROGRAM TO PROVIDE GRANTS TO ELIGIBLE INDIAN TRIBES FOR THE CONSTRUCTION OF TRIBAL SCHOOLS, AND FOR OTHER PURPOSES**
- S. 2580, A BILL TO ESTABLISH THE INDIAN EDUCATION AGENCY TO STREAMLINE THE ADMINISTRATION OF INDIAN EDUCATION, AND FOR OTHER PURPOSES**
- S. 2711, A BILL TO EXPAND OPPORTUNITY FOR NATIVE AMERICAN CHILDREN THROUGH ADDITIONAL OPTIONS IN EDUCATION, AND FOR OTHER PURPOSES**

APRIL 6, 2016

Printed for the use of the Committee on Indian Affairs



U.S. GOVERNMENT PUBLISHING OFFICE

20-548 PDF

WASHINGTON : 2016

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**S. 2304, S. 2468, S. 2580, AND S. 2711**

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**WEDNESDAY, APRIL 6, 2016**

U.S. SENATE,  
COMMITTEE ON INDIAN AFFAIRS,  
*Washington, DC.*

The Committee met, pursuant to notice, at 2:20 p.m. in room 628, Dirksen Senate Office Building, Hon. John Barrasso, Chairman of the Committee, presiding.

**OPENING STATEMENT OF HON. JOHN BARRASSO,  
U.S. SENATOR FROM WYOMING**

The CHAIRMAN. Good afternoon. I call this hearing to order.

Before we get started, the Committee would like to recognize the wonderful life of Joe Medicine Crow of the Crow Nation who passed away at the age of 102. He was awarded the Presidential Medal of Freedom in 2009, as well as numerous honorary doctorate degrees.

I join Senators Tester and Daines of Montana and all of Indian country in celebrating this true American hero.

Senator Tester.

Senator TESTER. Yes, and I think Senator Daines has something he would like to say after me. That would be fine also. I am going to ask for a moment of silence for Dr. Joe Medicine Crow in a second.

As the Chairman said, Joe received the Presidential Medal of Freedom in 2009 from President Obama.

He lived a remarkable life and left an incredible legacy. He was an incredible American and an incredible Native American. He advocated for issues that impact every Native American in this country.

He was a special man I had the opportunity to meet and was continually impressed by his humbleness and his directness.

I think after Senator Daines has a word or two we will just have a moment of silence for him.

The CHAIRMAN. Senator Daines.

Senator DAINES. Thank you, Senator Tester.

We lost a treasure in Montana with Dr. Joe Medicine Crow. He was a Chief and to be a Chief, going through that process, is a very, very high standard. He was also a decorated World War II veteran.

I echo Senator Tester's remarks in terms of his true humility. It was an honor to meet Dr. Medicine Crow, Chief Medicine Crow, on

the Crow Reservation. He will be dearly missed. Our condolences are with the family and the entire Crow Nation.

Senator TESTER. May we have a moment of silence for him, please.

[Moment of silence.]

The CHAIRMAN. Thank you.

I saw the obituary in today's New York Times. Much has been written about the Chief but it says, "Joe Medicine Crow, 102, Tribal War Chief." I will ask, without objection, to have today's obituary from the New York Times included in the record.

Senator TESTER. Thank you, Mr. Chairman.

The CHAIRMAN. Today, the Committee is going to receive testimony on four education bills. Senator Tester has introduced two bills: S. 2304, the Tribal Early Childhood, Education, and Related Integration Act of 2015 and S. 2468, the Safe Academic Facilities and Environments for Tribal Youth Act.

Senate Bill 2304 establishes a demonstration program that would provide funding for early childhood infrastructure and workforce development. It would also expand certain benefits of the Federal Stafford Loan Forgiveness for Teachers Program.

S. 2468 focuses on school construction needs for Indian children.

I will turn to Senator Tester in a moment to explain the bills.

Senator McCain has introduced S. 2711, the Native American Education Opportunity Act. We will turn to Senator McCain as well in a few seconds. This bill would allow students who attend a Bureau of Indian Education school the option to attend another school of their choice, using existing Federal dollars.

Finally, I have introduced S. 2580, the Reforming American Indian Standards for Education Act of 2016, otherwise known as the RAISE Act. Last May, the Committee held an oversight hearing on the organizational challenges facing the Bureau of Indian Education.

The BIE school system includes 183 elementary and secondary schools and dormitories on 64 reservations in 23 States, with an estimated 47,000 students. We have heard from the Government Accountability report that the bureaucracy at the Department of the Interior and the Bureau of Indian Affairs has created administrative and staffing problems for these schools.

Some of the most important functions like school construction, facility management, and budget planning do not directly fall under the director of the Bureau of Indian Education. Instead, the BIA manages these functions.

As many of my colleagues on this panel know, the BIA is failing in that responsibility. In fact, just last month, the GAO issued another eye-opening report on the safety and health at Indian school facilities.

One disturbing statistic GAO uncovered is that 54 schools have received no safety or health inspections during the past four fiscal years. In addition, the Committee learned late last week that the current BIE Director, who was scheduled to testify today, has been removed from his position as a result of a recent Inspectors General investigation.

If the BIA is not going to be accountable in ensuring a child's school is safe to attend, then we must act. Simply put, my bill

would move all education-related responsibilities to a new independent agency in the Department of the Interior.

The new Indian education agency would be headed by a presidentially-appointed and Senate-confirmed director. It would also create two new assistant directors who would oversee education curriculum and facility management. This would streamline decision-making process, reduce the bureaucracy, and provide a more suitable structure than what currently exists.

There are many challenges to improving Indian education beyond management. That is why I have introduced the RAISE Act today. This bill is a start toward a more responsible and responsive agency.

All of the bills before us today have a goal of creating a better environment for Indian students, whether they are attending a BIE-funded school, a public school, or a tribal college or university. To that end, I look forward to our witnesses' testimony.

Senator Tester, I know you have an opening statement. Then I will turn to Senator McCain.

**STATEMENT OF HON. JON TESTER,  
U.S. SENATOR FROM MONTANA**

Senator TESTER. Thank you, Mr. Chairman.

I want to express my appreciation for you holding this legislative hearing focusing on Indian education legislation that is pending before this Committee, including two bills that I have sponsored.

These two bills focus on two very important areas of Indian education, early childhood education and education infrastructure needs in Indian country. These bills are based on input I have received from tribal leaders and Indian education advocates and were composed with assistance from national tribal organizations.

I am proud to submit for the record a number of letters of support from Native education stakeholders for each of these bills.

The first of my two bills, the Tribal Early Childhood, Education, and Related Integration Act would create a demonstration program at the Department of Health and Human Services to coordinate tribal early childhood programs.

This demonstration would provide more local control over those programs and would reduce government red tape. Similar to other programs like NAHASDA and 477, this bill promotes tribal sovereignty over education by allowing tribes to locally determine their early childhood needs while maintaining commonsense accountability and goal standard program requirements.

To make sure these programs have the resources they need to be successful, this bill would also create an authorization for construction of tribal early childcare facilities and expand support for early childhood educators by providing access to more Federal student loan forgiveness programs.

The other bill, the Safe Academic Facilities and Environments for Tribal Youth Act or the SAFETY Act, seeks to address the enormous amount of needs school facilities have in Indian country. It fulfills these needs with commonsense measures and improving the living environments for Indian students from kindergarten through higher education.

These school facility needs are well documented at the Bureau of Indian Education. While I applaud the department for releasing its new school replacement priority list yesterday, we still need a solid, comprehensive plan to improve the entire BIE system in a timely manner.

We cannot make another generation of Native students wait for us to get our act together. That is why this bill would mandate that the BIE and the OMB develop a ten year plan to bring all BIE facilities to good condition. The bill also looks to provide Federal support for teacher housing on reservations and authorizes funding for tribal colleges and universities to add more classrooms and community spaces.

Finally, given that we know over 90 percent of the Native students in this country attend local public schools, I think this Committee should have a better understanding of the facility needs of the impact aid schools they attend. That is why this legislation will require a report by the GAO to examine the needs of those districts.

Before we begin, I would like to thank Dr. Boham for appearing here today to testify. Dr. Boham is a fellow Montanan and president of the Salish and Kootenai College in Pablo, Montana.

While I know the loss of the former SKC President DePoe is deeply felt, I am glad that Dr. Boham has taken up Dr. DePoe's mantle in continuing the excellent progress SKC has achieved.

We have work to do to improve the state of Indian education. Moving these measures forward is a step towards fulfilling the promises and commitments that the Federal Government has made to Native Americans.

I want to thank you again, Mr. Chairman, for calling this hearing. I look forward to the testimony.

The CHAIRMAN. Thank you, Senator Tester.  
Senator McCain?

**STATEMENT OF HON. JOHN McCAIN,  
U.S. SENATOR FROM ARIZONA**

Senator McCAIN. Mr. Chairman, I am compelled to raise an issue about a Committee field hearing scheduled for April 22, 2016 in Phoenix, Arizona concerning EPA's failing government-to-government relationship with Indian tribes. The April 22 oversight hearing has a particular focus on the Gold King Mine spill that devastated farmers and families on the Navajo reservation in August. Believe me, this was devastating and there is no doubt about the responsibility that rests with the EPA.

Therefore, we have requested, as part of the hearing, Mr. Chairman, that the EPA send a witness so that we can talk about the reclamation and healing of the Native Navajo lands that were absolutely devastated by this toxic spill. Three million gallons of toxic wastewater were unleashed on the Navajo reservation.

It is my understanding that the EPA has decided not to send a representative to this field hearing. EPA's response is unacceptable. It is a violation of our obligation to protect the interest of Native Americans and their tribes. EPA must be present at this hearing. I respectfully request the Committee issue a subpoena for EPA



Administrator Gina McCarthy to appear at the field hearing scheduled for April 22, 2016 in Phoenix, Arizona.

The CHAIRMAN. Senator McCain, you are correct. The EPA has declined to send anyone to the field hearing. The field hearing you referred to was requested by you on behalf of the Navajo Nation as a top priority of this Committee.

This is not a partisan issue. It is a Native American issue. I will work with you and others on this Committee to issue a subpoena for Administrator Gina McCarthy to appear. She is the one in charge at the EPA. The Senate has confirmed her nomination with the understanding that the EPA would be responsive to Congress. This is not being responsive.

Thank you, Senator McCain.

Are there other comments with regard to your bill that we will be discussing today?

Senator MCCAIN. No, Mr. Chairman.

I would like to point out again this toxic spill of three million gallons of toxic wastewater, I have to be very blunt as I have been known to do, suppose this had happened in a non-Indian area? The representatives would have been up in arms. This is a national scandal.

Instead, not only hasn't the issue been resolved, the devastation is still there, but the EPA has not challenged the fact that it was EPA that caused the spill, but does not even want to send a representative to a hearing that needs to be held on behalf of these Navajo families whose lands, livelihood and lives have been devastated. Is that what the EPA is all about? I hope not.

I would urge the support of all members of the Committee on behalf of the Navajo Nation which has urgently asked that the EPA be there because there is a lot more work to do to repair the damage of three million gallons of toxic wastewater that has been dumped onto their sacred lands.

I thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator McCain.

Are there other statements? Senator Schatz?

**STATEMENT OF HON. BRIAN SCHATZ,  
U.S. SENATOR FROM HAWAII**

Senator SCHATZ. Thank you, Mr. Chairman.

I thank the Chair and the Vice Chairman for your work on these issues. I wanted to say that among the most promising best practices in Native education at every level are programs that integrate Native language and cultural revitalization. That is why I am such a strong supporter of S. 2304.

I am also a strong supporter of self determination and S. 2304 will empower Native Americans to make decisions most beneficial to their communities in an educational context.

In the interest of time, I would like to submit a longer statement for the record.

The CHAIRMAN. Without objection, so ruled.

[The prepared statement of Senator Schatz follows:]

PREPARED STATEMENT OF HON. BRIAN SCHATZ,  
U.S. SENATOR FROM HAWAII

First I'd like to thank Chairman Barrasso and Vice Chair Tester for your leadership, and your work on key issues impacting native communities.

Among the most promising best practices in native education—at every level from early childhood to university—are programs that integrate Native language and culture revitalization. That is why I am a strong supporter of S. 2304, the Tribal Early Childhood, Education, and Related Services Integration Act, aimed at improving the quality of early childhood development opportunities in native communities. I am also a strong supporter of self-determination and S. 2304 will empower Native American tribes and educators to make decisions most beneficial to their communities. I look forward to the testimony from the witness panel today.

Over the past three decades, the Native Hawaiian community has developed an extensive array of educational programs delivered through comprehensive culturally-informed curricula and instructional delivery methods. Some of the programs are taught in English, others are taught in the medium of Hawaiian, and still others have lessons in both English and Hawaiian.

At the foundation of many of the most successful Native Hawaiian education programs are comprehensive early education initiatives. Another key component is the focus on developing the “whole child” as part of an extended family and community grounded in Hawaiian culture, values and practices.

Many programs recognize the importance of inter-generational family members—not only parents, but grandparents, aunts, uncles, and other primary caregivers—as first teachers for their children, and as part of a community of other parents, family members, and teachers working together. The curriculum is organized around learning themes and cultural aspects, as well as those values that continue to influence the lives of Hawaiian children. Some innovative programs have developed the capacity to travel to where they are needed.

An internationally accredited and recognized indigenous language medium program, began almost 30 years ago when the community realized that the Native Hawaiian language was about to be lost—is now a model followed throughout the United States. But in the beginning the program started when young parents and elders came together to establish centers where the Hawaiian language and Hawaiian cultural traditions central to family life would be reestablished and maintained—starting with toddlers. Expansion of this preschool program progressed through elementary and high school into the university and eventually to graduate programs to form a comprehensive and integrated P–20 Native language educational system.

Now with three decades of data and experience—three generations of Native language speakers, a second generation of Hawaiian medium teachers and administrators, and an accredited college dedicated to teacher preparation and education in the Native language—the benefits of this form of education are clear.

We have also learned that a unique strength of Hawaiian medium preschools is early literacy development. The children in these schools learn to read approximately two years earlier than children in English medium schools. This early literacy is possible in part because of the syllabic methodology in the Native Hawaiian language, and due to the reliance on culturally-based instructional delivery methods to form literacy foundations and building blocks.

There are distinct advantages in learning initial reading in the contemporary writing systems developed for Native American languages. Native American writing systems are more aligned with scientific linguistic principles central to teaching early reading than is the highly irregular English writing system. Once the skill of reading is mastered, it easily transfers to reading in English and other languages.

The CHAIRMAN. Senator Franken?

**STATEMENT OF HON. AL FRANKEN,  
U.S. SENATOR FROM MINNESOTA**

Senator FRANKEN. Thank you.

A very good thing happened for the Bug-O-Nay-Ge-Shig School, the announcement of \$11.9 million in funding to replace the Bug-O-Nay-Ge-Shig School. During this hearing, I will ask Mr. Roberts some questions to get a bit more clarity on when that money will get where it is going.

It is something I have been working on since I got here essentially. I want to thank Interior Secretary Jewell for her work in getting that money. It speaks to the larger issue of school construction and maintenance in this country in Indian country.

I am looking forward to today's hearing.

Thank you.

The CHAIRMAN. Thank you, Senator Franken.

With that, we will bring the witnesses forward and ask them to testify. We will hear from Mr. Lawrence Roberts, Acting Assistant Secretary, Indian Affairs, U.S. Department of the Interior; the Honorable Carlyle Begay, Arizona State Senator, District 7, Arizona State Senate, Phoenix, Arizona; Ms. Patricia Whitefoot, President, National Indian Education Association; and Dr. Sandra Boham, who Senator Tester already introduced.

Welcome to each of you. I want to remind you that your full written testimony will be made a part of the official record. Please try to keep your statements to about five minutes so that we have time for questions.

Mr. Roberts, please proceed.

**STATEMENT OF LAWRENCE S. ROBERTS, ACTING ASSISTANT SECRETARY, INDIAN AFFAIRS, U.S. DEPARTMENT OF THE INTERIOR**

Mr. ROBERTS. Good afternoon, Chairman Barrasso, Senator McCain, Senator Franken, Senator Schatz, and members of the Committee.

Thank you for the opportunity to testify on a number of bills that impact the Bureau of Indian Education. I want to thank each and every one of you for your dedication to Indian country and in particular, to Indian students. The department appreciates the ideas put forward to set students in BIE schools on a path toward high achievement and success.

I want to thank each of the sponsors of the bills for their leadership and for the time and attention of your staffs to developing creative approaches to fostering student achievement. I know we share that commitment and look forward to continuing to work with all of you on what is truly a bipartisan issue.

I want to start by touching on the recent leadership changes at BIE. Last week, the Inspector General released a report concerning Dr. Roessel. Given the gravity of the issues, Dr. Roessel has been removed from the BIE Director position. As this is an ongoing personnel matter, I appreciate your understanding that I cannot get into more specifics regarding Dr. Roessel today.

However, I am also very pleased to announce that Deputy Assistant Secretary Ann Marie Bledsoe Downes will serve as Acting BIE Director. She is a member of the Winnebago Tribe of Nebraska and has an education background. She previously served as President of the Little Priest Tribal College and on the President's Advisory Board on Tribal Colleges and Universities. She has been engaged in our education reform work and is exceptionally qualified to take on this position.

Our BIE reorganization continues to move ahead and we hope to see most of the reforms completed by the end of this year. As a number of Senators mentioned in opening testimony, the GAO has

released a number of reports on the ongoing management challenges and resulting poor student performance at BIE.

We are addressing each and every one of those issues and are making significant progress towards building an organization that focuses on performance and accountability with an emphasis on tribal self-determination. To address the structural challenges, we are removing red tape so the BIE director can operate effectively on a suite of issues like budget, facilities management and acquisitions. Our ultimate goal is to structure our organization to better meet the academic needs of our students and improve the performance of our schools.

Today's bills cover a spectrum of proposals from creating an independent agency to utilizing BIE appropriations to fund individual accounts for students to attend private schools. There has been a lot of attention, rightly so, on the lowest performing schools funded or operated by BIE.

I want to emphasize that not every school in our system is underperforming. In fact, we have had success stories like the Sequoia School at the Cherokee Nation. I personally had a chance to visit that school with Principal Chief Bill John Baker who has made education a pillar of his administration. The high school is truly exceptional with high achievement by their students and a commitment to fostering tribal culture and tribal languages.

We also have had a number of schools that are bright lights which we are building on as part of our reforms. Many of our kids, when they enter BIE schools are trailing kids nationally at their grade level. The kids in these bright light schools are outpacing State schools on measures of academic growth in terms of math and reading, passing kids they once trailed. With those schools in mind, I want to turn to today's bills.

With regard to your bill, Chairman Barrasso, we appreciate the intention to elevate Indian education. Our BIE reorganization does much of what it can administratively to accomplish the same goal but our concern with the bill, quite frankly, is that an independent agency may require too much growing of the administrative functions and it might take some time to stand up entirely new agency. We would like to work with you to address those concerns.

Senator McCain, turning to your bill, the department does support the goal of providing additional educational opportunities to Native American students. Our concern is how the bill, as drafted, might impact or reduce resources for tribally and BIE operated schools while potentially having an impact on per pupil costs.

With regard to Senator Tester's bill, the department supports that legislation. While we understand many tribes believe it is the Federal Government's sole responsibility to construct, maintain and replace all BIE schools, it provides a choice for those tribes that choose to use their own funds.

Finally, I would like to touch on the recent announcement we made regarding school construction. I know it has been a topic of great interest for many members of the Committee.

Ten BIE schools are now eligible for funding for campus-wide replacement. The release of the list is a necessary step forward to ensure that students have access to quality education. The next step

is to secure funding to replace those schools. We look forward to continuing to work with all of you on that issue.

Separately, as Senator Franken said, we will provide funding to replace a single building at the Bug School. After reviewing the data, this is the only building that is in poor that was never designed to be used as an educational building. This will be accomplished through a separate budgetary line item.

Mr. Chairman, that concludes my testimony. I am happy to answer any questions you may have.

[The prepared statement of Mr. Roberts follows:]

PREPARED STATEMENT OF LAWRENCE S. ROBERTS, ACTING ASSISTANT SECRETARY,  
INDIAN AFFAIRS, U.S. DEPARTMENT OF THE INTERIOR

S. 2468, THE SAFE ACADEMIC FACILITIES AND ENVIRONMENTS FOR TRIBAL YOUTH ACT

Good afternoon, Chairman Barrasso, Vice Chairman Tester, and members of the Committee. My name is Larry Roberts, and I am the Acting Assistant Secretary for Indian Affairs at the Department of the Interior (Department). I appreciate the opportunity to testify on behalf of the Department before this Committee on S. 2468, the Safe Academic Facilities and Environments for Tribal Youth Act, a bill to require the Secretary for the Department to carry out a five-year demonstration program to provide grants to eligible Indian tribes for the construction of tribal schools, and for other purposes. The Department supports S. 2468.

The Bureau of Indian Affairs provides funds for facility programs for 183 academic and resident-only facilities on 63 reservations in 23 states for approximately 48,000 students and two post-secondary institutions, the Haskell Indian Nations University, and the Southwest Indian Polytechnic Institute. Since 2001, the condition of BIA-funded schools has improved. In the last 10 years, Congress provided over \$2.5 billion for construction, repair, and maintenance to reduce the number of schools in "poor condition" by nearly 50 percent. The number of schools in poor condition went down from more than 120 in 2001 to 63 today. We were pleased to receive funding in FY 2016 to complete work on the last two schools on the 2004 replacement school priority list. While significant progress has been made in the correction of education facility deficiencies, the fact that 63 schools remain in poor condition is unacceptable.

S. 2468 proposes a demonstration program that would allow for tribal contributions to accelerate the construction of education facilities in the BIE system. While such facilities are a Federal responsibility, some tribes have chosen to use their own funds. Therefore, the Department supports S. 2468 as an option for tribes if they choose to contribute their own funds.

S. 2468 aims to improve Indian Country education-related facilities by directing the Secretary to establish a five-year demonstration program that would allow for tribal contributions to accelerate the construction of education facilities in the Bureau of Indian Education system. S. 2468 also would amend the Tribally Controlled Colleges and Universities Assistance Act of 1978 to improve and expand federal grants for the construction of new postsecondary facilities. Additionally, S. 2468 would authorize the BIE to provide housing assistance to Native communities with BIE schools and public schools with large American Indian/Alaska Native populations. Finally, S. 2468 would require the BIE and the Office of Management and Budget to develop a 10-year plan to bring all BIE schools into "good condition" within the Facilities Condition Index, and would require the Government Accountability Office to conduct a study on the Impact Aid school-construction program administered by the Department of Education.

The Department understands that S. 2468 would establish a separate, and potentially duplicative, program from our current BIE construction program. This new program would be outside the BIA's current process for new school construction and outside the Indian Affairs' improvement and repairs program.

The Department supports the goal of improving the management of the education construction portfolio by developing a 10-year plan for school construction and repair. Implementation of that plan would be contingent upon future appropriations.

The Department understands that it may be difficult for any tribe to commit up to 25 percent of its own resources toward a BIE school, especially considering that the Federal Government would retain ownership. The Department further understands that many of those tribes that currently have BIE schools and BIE dor-

mitories on their lands believe it is the Federal Government's sole responsibility to construct, replace, repair, and maintain all BIE schools.

The Department supports grants to Tribal Colleges and Universities (TCUs) but suggests that the bill also consider how Operation and Maintenance funding will be addressed after the buildings are constructed under the five-year demonstration program, and whether those buildings would become part of the BIE inventory that the Federal Government would be required, in the future, to replace. The Department recommends clarifying whether the new education facilities and teacher housing constructed under the demonstration program would be owned by the Tribe or the Federal Government so that it is clear which entity would be responsible for managing, maintaining, and eventually replacing the facilities.

Again, the Department supports S. 2468. The Department would like to work with the Committee to address our concerns. I am prepared to respond to any questions the Committee may have.

#### S. 2580, REFORMING AMERICAN INDIAN STANDARDS OF EDUCATION ACT OF 2016

Good afternoon, Chairman Barrasso, Vice Chairman Tester, and members of the Committee. My name is Larry Roberts, and I am the Acting Assistant Secretary for Indian Affairs at the Department of the Interior (Department). I appreciate the opportunity to testify on behalf of the Department on S. 2580.

The Department recognizes the challenges we face in providing high-quality education to American Indian students in schools that are operated by tribes or directly operated by the Bureau of Indian Education (BIE). S. 2580 would replace the BIE with the Indian Education Agency (IEA) and elevate the current career Director position to a Presidentially appointed political position. S. 2580 would transfer all the current employment positions and functions of BIE to the IEA. The Department appreciates the Chairman's commitment to improving the education of Native students; however, the Department does not support S. 2580 for the reasons outlined below.

#### **The Bureau of Indian Education**

The BIE supports education programs and residential facilities for Indian students from federally recognized tribes at 183 elementary and secondary schools and dormitories. Currently, 51 tribes operate 129 schools and dormitories through grants or contracts with the BIE and the BIE directly operates 54 residential and non-residential schools. During the 2015–2016 school-year, BIE-funded schools served approximately 48,000 American Indian students and residential boarders in grades K–12. Approximately 3,800 teachers, professional staff, principals, and school administrators work within the 54 BIE-operated schools. In addition, approximately twice that number work within the 129 tribally operated schools.

161 BIE schools are located in communities with a population of 10,000 or less. The average distance of BIE schools to the closest urban center is 164 miles. Only five of our schools are located in an urban center. BIE schools are typically located in the heart of rural America. The rural and remote locations of the schools are most often in areas of concentrated poverty with insufficient housing and services. The geographical dispersion of the schools makes it difficult to achieve economies of scale in terms of staffing for both instructional and school operational support. Federal funding addresses infrastructure needs such as water, roads, fire departments, housing, and high-speed broadband access. When taken together, these factors and the unique educational and instructional-support requirements have contributed to the higher than average U.S. public school per-pupil costs.

The Department of the Interior and the Department of Education worked together to form the BIE Study Group (Study Group) to diagnose the educational conditions that contribute to academic challenges in BIE-funded schools, and to recommend strategies for tackling these complex issues. The Study Group combined management, legal, education, and tribal expertise to ground its recommendations in a comprehensive manner to improve how schools work in Indian country, including effective teaching practices and student learning.

The Study Group visited schools and met with tribal leaders, school boards, educators, parents, and other stakeholders from numerous tribes across the country. The impact of not having an education system tailored to the needs of 21st century learning is seen first-hand in the lack of technology, aging school structures, difficulties in attracting and retaining teachers, inadequate socio-emo≥tional support networks, and out-of-sync curricula. Yet, amidst these challenges, many promising signs of change were seen, growing from grassroots solutions and best practices that can be scaled up to other schools.

Recommendations, published in the Blueprint, are focused on five pillars of reform: Comprehensive Supports through Partnerships, Self-Determination for Tribal Nations, Highly Effective Teachers and Principals, Agile Organization Environment, and Budget that Supports Capacity Building. These five pillars bring together the evidence and expertise from the reviews, analysis, tribal consultations, tribal listening sessions, visits, and research. Our course is one in which the BIE moves away from a “command and control” regime and instead partners with tribes to provide the services, resources, and technical assistance that tribes need to directly operate high-achieving schools.

With an organizational structure better suited to the fact that tribes operate the majority of BIE schools, the restructured BIE will result in schools that can better prepare their students for college and the workforce. Further, the restructured BIE will be able to strengthen and support the efforts of tribal nations to exercise self-determination. The BIE will fully maintain its trust and treaty responsibilities by supporting schools in not only meeting the demands of 21st century teaching and learning, but also building the capacity of tribal education departments to manage their own BIE-funded school systems.

#### **S. 2580, Reforming American Indian Standards of Education (RAISE) Act**

A year ago, this Committee held a hearing on the BIE Blueprint recommendations for reform. I am pleased to report that BIE’s reform implementation is under way. As we work together with our tribes, teachers, administrators, students, and families, we remain inspired by the dignity, strength, pride, and resolve in the tribal communities to do whatever it takes to give their children the education system they need and deserve.

The BIE reforms embody the ideas contained in S. 2580, focusing on improved student performance and accountability. The BIE reforms will address major components of S. 2580. Like S. 2580, BIE’s redesign locates decisionmaking authority for the educational and operational support functions, including school facilities management, with the Director of BIE. The restructure reduces the current bureaucracy so schools can leverage resources and talent to raise student academic performance, and enables principals to focus on their primary mission of instructional leadership. The BIE’s goal is to be a more responsive organization that provides resources, guidance, and services to tribes so that they can help their students attain high levels of achievement.

S. 2580 and the Department’s ongoing reform seek to bring not only the education functions under the Director of BIE, but all the school support functions as well. The BIE reform does this without creating an agency-level organization, as BIE will leverage investments from the BIA and other Departmental resources such as data systems and databases, consolidated administrative or “back-room” functions; reporting processes, and overall Department-wide policy and oversight functions.

During the reform effort, the Department considered creating a BIE agency. Based on tribal consultations and review, we concluded that a full BIE agency is not the best-fit organizational improvement model. Much of this conclusion is based on the fact that the higher percentage of BIE schools are Tribally operated and that percentage is likely to increase. Tribes will continue to run their schools, with BIE providing technical assistance, services, support, and required compliance and accountability responsibilities.

The Department has the following concerns with S. 2580.

- The current Departmental reorganization right-sizes BIE and incorporates construction and maintenance functions while avoiding the creation of a full agency and the additional FTEs which would be required under that model. Under the Assistant Secretary for Indian Affairs, education will remain a critical component of tribal community development and support, with a coordinated and collaborative approach to the delivery of programs and services. Similar to the Department of Defense schools, which are a field activity under the Assistant Secretary for Personnel and Readiness, BIE students and families benefit from the broader community portfolio of the Assistant Secretary for Indian Affairs.
- Creation of a new agency could take years to fully implement. BIE is currently implementing the reform and is on track to transition much of the reform this year. If S. 2580 were to become law, undoubtedly, Indian Affairs or the Department will need to engage in tribal consultation in accordance with Executive Order 13175. Consultation has been a longstanding foundation to provide the dialogue between the Federal Government and tribal nations. The strategy, plan, resources, and impact on schools will be areas on which tribes will likely and rightly want to provide input.

- The bill does not appear to include the Education Resource Centers (ERCs) and the School Improvement Teams, which are already in the process of being implemented. The ERCs and School Improvement Teams provide resources directly to teachers, principals, and students, which is critical. School systems that have achieved significant improvement in student outcomes have organized their school improvement specialists to be closer to schools. These experts can work frequently and consistently with the school community to identify and apply the interventions that will work best for their population.
- The bill could increase costs significantly. S. 2580 is unclear as to what functions would remain with the Department as a whole versus the IEA. There is also the potential of adding more costs by establishing an IEA with its own parallel institutions.

For too long, tribes did not have a voice in the direction of the BIE schools on their reservations. A foundational principle of the Blueprint is that the Federal Government is fostering tribes to run their BIE schools with the resources and support that are necessary to have successful students in those schools. This reform implementation accomplishes many of the goals of S. 2580 without the increased expense or implementation time that establishing an independent agency would entail. I am happy to answer any questions the Committee may have.

#### S. 2711, THE NATIVE AMERICAN EDUCATION OPPORTUNITY ACT

Good afternoon, Chairman Barrasso, Vice Chairman Tester, and members of the Committee. My name is Larry Roberts, and I am the Acting Assistant Secretary for Indian Affairs at the Department of the Interior (Department). I appreciate the opportunity to testify on behalf of the Department on S. 2711, the Native American Education Opportunity Act.

The United States' trust and treaty obligations include the education of Native youth. The Nation's history in this respect has often fallen short. Beginning in the 19th century, the United States government implemented a policy of placing Native youth in boarding schools, which had devastating impacts on Native children and tribal communities. During the 20th Century, Native children and communities endured Federal policies of relocation and termination. Since the 1970s, the United States has repudiated those failed policies of earlier eras and replaced them with policies promoting tribal self-determination and self-governance.

Through legislation, Congress has enabled the Department to contract with Tribes to deliver Federal services relating to education. Today, Tribes run nearly 70 percent of the BIE funded schools. Whether tribally or BIE-operated, over 80 percent of the schools are in rural areas. The rural setting presents additional challenges in providing high-quality education to American Indian students in BIE schools.

S. 2711 would expand opportunities for Native children by providing funding for an Education Spending Account (ESA), "an account controlled by a parent from which the parent may purchase goods and services needed for the education of the student." These ESAs could include spending for private school tuition, or church-operated schools, for example. 90 percent of federal funding for each student could be transferred to the non-BIE school. Although S. 2711 may provide options for the parents of BIE students, S. 2711 impacts Tribes and those students who remain in BIE schools. S. 2711 would essentially transfer Federal funds from tribally and BIE-operated schools to non BIE schools. For these reasons, the Department cannot support S. 2711.

#### **The Bureau of Indian Education**

The BIE supports education programs and residential facilities for Indian students from federally recognized tribes at 183 elementary and secondary schools and dormitories. The BIE serves approximately 8 percent of Native youth, while public schools serve 90 percent. Currently, the BIE directly operates 54 schools and dormitories, while 51 tribes operate the remaining 129 schools and dormitories through grants or contracts with BIE. During the 2015–2016 school year, BIE-funded schools served approximately 48,000 individual American Indian students and residential boarders in grades K–12. Approximately 3,800 teachers, professional staff, principals, and school administrators work within the 54 BIE-operated schools. In addition, approximately twice that number work within the 129 tribally-operated schools.

The BIE and tribes are confronted with unique and urgent challenges in providing high-quality education to Indian students. Based on a recent BIE rural school analysis, 161 BIE schools are located in communities with a population of 10,000 or less. The average distance of BIE schools to the closest urban center is 164 miles, and



only five BIE schools are located within an urban center. The rural and remote locations of the schools are most often in areas of concentrated poverty with insufficient housing and services. The geographical dispersion of the schools makes it difficult to achieve economies of scale in terms of staffing for both instructional and school operational support. Federal funding addresses infrastructure needs such as water, roads, fire departments, housing, and high-speed broadband access. When taken together, these factors and the unique educational and instructional-support requirements have contributed to the higher than average U.S. public school per-pupil costs.

**S. 2711 Native American Education Opportunity Act**

Along with the sponsors of S. 2711, the Department shares the concerns and goals of improving the lives of Indian students by providing a high-quality education. The Department, however, cannot support S. 2711. The vast majority of BIE schools are operated by Tribes and the students served are located in some of the most rural areas in the United States. While transfer to an urban private school may be an option for a few students, doing so would result in further financial strain on the BIE system, including tribally operated schools. S. 2711 would directly impact the 51 tribes that have opted to run the 129 tribally controlled schools. ESA funding provided to an eligible student would decrease by 90 percent the funding available to the BIE school on behalf of that student.

Additionally, we are concerned with how S. 2711 would impact tribal languages, culture, and history. Many tribal and BIE-operated schools incorporate Native language, culture, and history into their curricula. Federal funding currently supports these efforts, and if funding is reduced for tribally and BIE-operated schools, tribes will need to make difficult decisions on how to address those budget challenges. Additionally, the Department is unaware of similar efforts by private schools to promote Native language, culture, and history; this could mean that many private schools may lack the capacity to address this crucial area of Indian student wellness and achievement. Further, tribes have advocated funding for tribal support costs, facilities operations and maintenance, and school construction to implement their vision for tribal education. It is unclear how S. 2711 would impact this funding.

Finally, while S. 2711 provides parents with a choice, it may be a difficult one for many families. As a practical matter, private schools are primarily located outside of Indian reservations. As I mentioned, the average distance of BIE schools to the closest urban center is 164 miles. In evaluating this legislation, the Department conducted a preliminary review of private school locations in Arizona, and found that there are 291 private schools in Arizona but only six<sup>1</sup> are located on Indian reservations. S. 2711 would create an incentive for families of BIE students to move to urban centers or separate the BIE student from the family to attend an off-reservation private school.

The Department agrees with expanding opportunity for Native American children through additional options in education, but those options should promote tribal schools, not private schools. Thank you for the opportunity to testify today. I am happy to answer any questions the Committee may have.

The CHAIRMAN. Thank you very much, Mr. Roberts.

We will next hear from State Senator Carlyle Begay. Thank you very much for being with us today.

**STATEMENT OF HON. CARLYLE W. BEGAY, ARIZONA STATE SENATOR, LEGISLATIVE DISTRICT 7**

Mr. BEGAY. Good afternoon. Thank you, Chairman Barrasso, Vice Chairman Tester, and members of the Committee on Indian Affairs. Thank you very much for giving me this opportunity to testify today regarding one of our Nation's most underserved student populations, American Indian and Alaska Native students.

<sup>1</sup>Arizona's Six Indian Reservation-based Private Schools: 1) Hopi Mission School (Kykotsmovi), 2) Living Word Academy (Sells—Tohono O'odham), 3) Navajo Christian Preparatory Academy (Rock Point), 4) St. Michael Indian School (St. Michael—Navajo), 5) St. Michaels Association for Special Education (St. Michaels—Navajo Nation), 6) Immanuel Mission School (Teec Nos Pos—Navajo Nation). (National Center for Educational Statistic's Private School Universe Survey data (PSUS) for 2013–2014.)

I also will talk today about S. 2711, the Native American Education Opportunity Act and how it will provide additional educational options in certain States for Native American students served today by funds from the Bureau of Indian Education.

By way of introduction, my name is Carlyle W. Begay, State Senator for Legislative District 7 in the great State of Arizona.

[Native Language Introduction].

Arizona has a rich Native American history which spans centuries and today is home to 22 federally-recognized Native American tribes. More specifically, Arizona has the second largest Native American student population in the United States.

Before I talk about the Native American Education Opportunity Act, it is important to point out that for so many of us in this room, Indian education is very personal. In fact, when I was younger, I attended a BIE school in Kayenta, Arizona on the Navajo Nation.

At that time, attending boarding school was the norm for many Native American students like me. In fact, the first boarding school off reservation was Carlisle Indian School. I remember not understanding at the time why I had to attend that school or why I had to stay there. However, my parents, like many other tribal parents, believed this school was the best option because it was the system that the Federal Government established for educating American Indians.

My experience, and many others like mine, is the perfect example as to why America should not focus on the systems of education, but rather ensuring access to educational opportunities that parents want and children need.

Today, the United States is working to replicate and replace failed assimilation policies, including education policies, by promoting tribal self-determination and self-governance. Empowering Native American families to make crucial education decisions for their children is the true essence of self-determination and self-empowerment.

The importance of maintaining the United States' trust responsibility and treaty obligations is more important than ever, but those obligations were penned more than 150 years ago, and nothing should stay the same for 150 years.

We by no means dissolve that obligation; instead it is imperative that we build upon that obligation. The achievement gap for Native American students in Arizona and across this country is very real and the solutions are multi-dimensional and complex. They include a lack of empowerment options.

After 150 years, we cannot solve all the needs and priorities of entire school systems, including BIE overnight. We can create opportunities now for Native American families through policies like the Native American Education Opportunity Act. We must give thanks to many tribal leaders who came before us much like the great Chief Manuelito of the Navajo Nation in the era we now term Hwéeldi or The Long Walk.

My people were marched from confined areas, the Navajo Nation, to an area in New Mexico. At that time, I believe our tribal leaders did not understand what education really meant. Today, it is time for us to explore what is education today in our Native American communities.

I recently spoke to a high school class within an Arizona tribal community. I will never forget the response of a student when I asked, "What are your goals and your ambitions in life? What are your plans after high school?" The student said, "Why does it matter and why do you care? No one cares about me or my people so what does it matter what I want to do or what I end up doing?"

As disheartening as it is, this student represents perhaps the feelings of many of other Native American children living on reservations. This teen carries the burden of hopelessness so common in modern day reservation life.

I encourage all of us here today to look at every option in our efforts to improve educational opportunities so that kids now are prepared for jobs of today and tomorrow. Last year, we implemented we implemented a new program called the Empowerment Scholarship Account in Arizona. That program opened options for Native American families in Arizona's 22 tribal communities.

In four weeks, in a special enrollment period with no outreach or education, almost 300 Native American families applied for this program but denied in this program were children attending at that time federally-funded schools.

Why should students attending federally-funded schools not have the option to be empowered or the option to have better quality options available to them? Many would argue why these options are not available.

I believe the Native American Education Opportunity Act is a step in the right direction. I thank Senator McCain for his leadership and for listening to many Native American families in Arizona to explore these options and essentially not make it about the systems of education but simply like the young kid in Arizona who said, why do you care, giving him the option and opportunity to explore what he thinks is in the best interest of his educational opportunities.

With that, Mr. Chairman and members of the Committee, I am open for questions.

[The prepared statement of Mr. Begay follows:]

PREPARED STATEMENT OF HON. CARLYLE W. BEGAY, ARIZONA STATE SENATOR,  
LEGISLATIVE DISTRICT 7

Thank you, Chairman Barrasso, Vice Chairman Tester and members of the Committee on Indian Affairs. Good afternoon and thank you for inviting me and giving me this opportunity to testify today regarding one of our Nation's most underserved student populations: American Indian and Alaska Native students. I will also talk today about S. 2711 "Native American Education Opportunity Act" and how this Act will provide additional education options in certain states for Native American students served by schools funded by the Bureau of Indian Education (BIE).

By the way of introduction my name is Carlyle W. Begay, State Senator for Legislative District 7 in the Great State of Arizona. Arizona has a rich Native American history that spans centuries and today is home to 22 federally recognized Native American tribes with the third largest population of Native Americans in the United States. More specifically, Arizona has the second largest Native American student population in the United States.

Before I talk about the "Native American Education Opportunity Act" it is important to point out that for so many of us in this room today this work in Indian education is very personal. In fact, when I was younger I attended a BIE boarding school in Kayenta, Arizona on the Navajo Nation. At that time, attending boarding school was the norm for Navajo students, not just in 1860 or the early 1900's, but also all the way up to 1985 and beyond. I attended this boarding school over a hundred years after the first Native American students began attending Carlisle Indian

School, the first boarding school off-the reservation for Native American students. I remember not understanding why I had to attend that school or why I had to stay there. However, my parents, like many other Tribal parents, believed this school was the best option because it was the system that the federal government established for educating American Indians. My experience, and the many others like mine, is the perfect example as to why America should not focus on the systems of education, but rather ensuring access to educational opportunities that children need and parents want.

Today, the United States is working to replace failed assimilation policies, including education policies, by promoting tribal self-determination and self-governance. Empowering Native American families to make crucial education decisions for their children is the true essence of self-determination and self-empowerment.

The importance of maintaining the United States' trust and treaty obligations is more important than ever, but those obligations were penned more than 150 years ago, nothing should stay the same for 150 years. We by no means dissolve that obligation, instead it's imperative that we build upon that obligation. The achievement gap for Native American students in Arizona and across this country is very real and the solutions are multi-dimensional and complex. They include a lack of both community and parental involvement and, in some cases, a general belief that education is not important in many tribal communities. It's no wonder that tribal parents never embraced the government's system of education because it was never the true Native American system of education.

After 150 years we cannot solve all the needs and priorities of entire school systems, including BIE, overnight but we can create opportunities now for Native American families through policies like the Native American Education Opportunity Act.

There's no doubt my elders and ancestors made great sacrifices to get us to where we are today. I was born and raised on the Navajo Nation, one of eight tribal communities that I represent as an Arizona State Senator. My people's history and traditions have taught me cultural relevancy and the importance of working together to continue the advancement and purpose of those I serve.

We must give thanks to the leaders that served before us—like the great Navajo Chief Manuelito—who led the Navajo people home from the brink of extinction. Hwéeldi or The Long Walk, which was much like the Cherokee's Trail of Tears, was a harsh experience for the Navajo people. Two thousand of my Navajo ancestors perished during Hwéeldi as they were starved into submission and forced to surrender. They were then marched to a confined area so that the Spanish settlers could have the finest grazing land and mineral-rich areas in Arizona.

The education being provided to students at tribal schools is akin to modern day Hwéeldi. While our ancestors suffered and were forced off their lands, the reverse effect has taken hold—our students suffer while remaining on our lands as they are required to attend low performing schools, resulting in poor educational outcomes and limited opportunities.

I recently spoke to a high school class within a Arizona tribal community. I will never forget the response of a student when I asked, "What are your goals and aspirations in your life? What are your plans after high school?" The student said, "Why does it matter? Why do you care? No one cares about me or my people so what does it matter what I want to do or what I end up doing?"

As disheartening as it is, this student represents perhaps the feelings of many of our Native American children living on reservations. He feels invisible, unimportant and alienated. This teen carries the burden of hopelessness so common in modern day reservation life.

That exchange forced me to take a deeper look at how we can better educate our Native American kids. The sad reality is that in Arizona, we as Native people are dead last in both math and reading proficiency scores *according to the latest Annual Report on Indian Education released by the Arizona Department of Education*.

Across America, Native Americans have the lowest graduation rate of all other ethnicities at 67 percent. Arizona fairs even worse with a graduation rate of 64 percent, the lowest in the state. These statistics make one thing clear—at least in the area of education, the Federal Government has failed to live up to its responsibilities to Indian children. This is why I was inspired to help expand school choice on tribal lands and offer new educational options to our students. Empowering tribal parents' with the ability to customize their child's education or obtain access to new quality options is one way to build up Native American communities through education.

I encourage all Native American parents, educators and tribal leaders across the nation to begin shaping our own future on our terms. We are in a time where we can raise our children to find their passion to be a doctor, an engineer, a lawyer

or the next Navajo Code Talker. In order to do this, we need to draw in the nation's best schools in partnership with our tribal communities, to create cutting-edge schools, schools that incorporate our culture and languages, schools who employ the best teachers and the best administrators.

No stone should be left unturned in our efforts to improve educational outcomes so that our kids are prepared for jobs of today and jobs of tomorrow.

Last year a new school choice law went into effect in Arizona opening up the Empowerment Scholarship Account program universally to Native American families living on any of the state's 22 reservations. There was so much interest, that we fast tracked the bill implementation and hundreds of families applied within a matter of weeks. Unfortunately, some of the families who hoped to be on the program did not qualify because their children were in BIE funded schools. Why should this opportunity be limited to families attending state public schools and not be afforded to those attending federally funded schools? Sen. McCain understood the plight of these BIE families and immediately offered to fight for them.

The availability of Empowerment Scholarship Accounts gives parents the power to choose the education that best fits their child's needs. The Native American Education Opportunity Act would give the parents of students attending BIE schools and living within tribal communities in Arizona and in three other states where ESA programs are currently implemented the option to take their child out of that school and use any of the ESA choices available to them in their home state. ESA choices may include attending a private school, online curriculum, tutors, home school and other education opportunities. Right now ESAs would provide options to parents like on-line private school programs or they would be able to attend the few private schools that are already open on the reservations. Allow students to enroll in online learning programs or enroll in designated educational therapies or services (especially for kids with special needs or learning disabilities). Or to seek tutoring services.

This Act would allow Native American families to tailor their child's education because one size does not fit all.

There are 185 BIE schools in the nation. Nearly 5 out of 10 students attending these schools will not graduate high school. What if we could give ESAs to those students who would not have made it to graduation otherwise?

This is not saying that we need to do everything we can to support and improve our BIE or public schools. In fact, many of our public and BIE schools across Arizona are doing the best they can with the limited resources they have.

On the reservation, we don't have the luxury of fighting over educational systems vs. school choice options. We are in an on-going crisis when it comes to educating our kids and we welcome any option when it comes to educating our kids.

I don't expect ESAs to be the whole solution to fixing education on or off tribal lands, but myself and other tribal leaders do believe programs like this can spark change. We must build a better future for our Native American families and I believe empowering these parents is a crucial first step.

I ask you today for your help in sending a positive message to tribal leaders, reservation communities and that student who asked, "Why do I matter?" Let's work together to say, "We will end this modern day Hweeldi. We will learn from our past mistakes. We will act today to do whatever it takes to rescue our Native American students in crisis because they DO matter."

The CHAIRMAN. Thank you so much, Senator Begay, for your comments. I appreciate it. We will get to questions in a few moments.

Next, Ms. Whitefoot.

**STATEMENT OF PATRICIA WHITEFOOT, PRESIDENT,  
NATIONAL INDIAN EDUCATION ASSOCIATION**

Ms. WHITEFOOT. Good afternoon, Chairman Barasso and distinguished Committee members.

Let me begin by saying I appreciate the time you took to acknowledge Chief Joe Medicine Crow, a good man. Thank you very much.

It is an honor to be invited to provide testimony before the Senate Committee on Indian Affairs. The National Indian Education Association commends Congress, particularly the members of this

Committee, for ensuring that tribal priorities were a focus of the Elementary and Secondary Education Act Reauthorization and appreciate this Committee's dedication to addressing the state of emergency for Indian education.

I also want to acknowledge Chairman Barrasso, Vice Chairman Tester, and Senator McCain for introducing legislation to improve the educational outcomes of Native students. We are encouraged by the bipartisan efforts and commitment to our Native children.

On a more personal note:

I am a member of the Yakima Nation. My English name is Patricia Whitefoot. I have worked in education for over 40 years. My career covers preschool to higher education. I began my years in education as a parent volunteer in Head Start.

Founded in 1969, the National Indian Education Association represents Native students, educators, families, communities, and tribes. As a member driven organization, NIEA looks to our constituents for resolutions which guide policy at the Federal level.

Although NIEA membership has not brought forth resolutions focused on all the legislation being proposed today, we appreciate the opportunity to provide our viewpoints on Senate bills 2304, 2468, 2580, and 2711. NIEA would like to focus on providing viewpoints that build from the legislation presented today.

NIEA supports both Senator Tester's bills, 2304 and 2468, and has provided suggested amendments to strengthen the language of both in our testimony.

NIEA also appreciates Chairman Barrasso's initiative to make BIE a more efficient agency through the RAISE Act which is the natural next step in BIE's current reform. Our membership supports the BIE reorganization as long as congressional oversight is provided throughout the process as highlighted in our Resolution 2014-11.

The importance of the proposed Indian education agency includes the opportunity for the BIE to establish and fulfill its own budget through the appropriations process which NIEA's membership has continuously voiced support through resolutions like 2014-17.

Identifying solutions to best support our students locally is a NIEA priority and we are looking forward to working with this Committee to further develop them.

Our concerns regarding the RAISE Act include the following. One, how will tribal input, including school leadership, be incorporated? Second, what funding levels will be needed to make this move? Three, will these requests be new funds? Four, how will the RAISE Act align with the current BIE reorganization process?

NIEA acknowledges that a progressive first step in this process is the elevation of the BIE Education Director position from a career to a political appointee. This legislation is an opportunity to take a step forward and build from Congress' focus on Indian education. We look forward to hearing from tribes and tribal schools regarding this change.

Finally, NIEA understands Senator McCain's bill, 2711, is based on providing equal access to BIE students. However, we are concerned with the implications of this bill. Currently, NIEA does not have a resolution specifically for this proposal.

We would like to highlight some of our initial concerns and expect to continue this conversation about the implications of the Native American Education Opportunity Act with a focus on what is best for our students.

Our concerns are, first, protecting self determination. Both Congress and this Committee have shown tremendous bipartisan support for increasing and promoting tribal sovereignty within the education system.

This particular bill takes away funding from BIE-operated schools and from schools directly operated by tribes. In addition, the schools that are eligible to receive tribal education dollars are not required to consult with tribes or to ensure that Native students are receiving education grounded in their culture.

This Committee has continuously supported tribally-driven education. This bill seems to work against the tribal school model that serves our students well.

Second, we are concerned about the potential negative effects on the overall BIE infrastructure. We are concerned this legislation will negatively affect the whole BIE infrastructure. The cost of educating a student attending a BIE school is higher than the average per pupil expenditure for students attending public schools because it is not only a direct educational service cost but also encompasses transportation, housing and much more.

If BIE students leave to attend non-BIE schools, then those who remain will experience exacerbated educational disparities.

Third, is academic performance. Research shows that academic performance of Native students improves when they receive tribally-driven education. Continued investment and support of community-driven initiatives and schools is warranted.

In conclusion, I would like to thank the Committee for holding this hearing. By shining a much needed light on the issues facing Native education, you continue to raise awareness and garner support for critical issues in Indian country on behalf of our students.

Working together we are confident we can build collaborative relationships necessary to strengthen tribal self determination in education. I would like to submit our written testimony including supporting resolutions for the record.

I look forward to any questions you may have.

[The prepared statement of Ms. Whitefoot follows:]

PREPARED STATEMENT OF PATRICIA WHITEFOOT, PRESIDENT, NATIONAL INDIAN EDUCATION ASSOCIATION

### **Introduction**

Good morning Chairman and distinguished committee members. It is an honor to be invited to provide testimony before the Senate Committee on Indian Affairs. I would like to begin by thanking the Committee for its continued efforts to improve the education services delivered to American Indian and Alaska Natives students. I also want to acknowledge Chairman Barasso, Vice Chairman Tester, and Senator McCain for introducing legislation specific to improving the educational outcomes of Native students. We are encouraged by the bi-partisan efforts and the dedication to our Native children.

Founded in 1969, The National Indian Education Association (NIEA) represents Native students, educators, families, communities, and tribes. NIEA's mission is to advance comprehensive, culture-based educational opportunities for American Indians, Alaska Natives, and Native Hawaiians. As the premiere organization advocating for Native students, NIEA works to achieve education equity and excellence,

to ensure all students are provided a high-quality academic and culture-based education.

As a member driven organization, NIEA looks to our constituents for resolutions which are vital forms of organizational policy guiding NIEA at the federal level. Although NIEA membership has not brought forth resolutions focused on specific new legislation, NIEA is prepared to offer recommendations supported by evidence-based data. Comments and recommendations below provide essential strategies helping education systems evolve and meet the unique needs of Native students.

#### **Federal Responsibility to Native Education**

Since its inception, NIEA's work has centered on reversing negative trends within Native education, a feat that is possible only if the Federal Government upholds its trust responsibility to tribes. Established through treaties, federal law, and U.S. Supreme Court decisions, this relationship includes a fiduciary obligation to provide parity in access and equal resources to all American Indian and Alaska Native students, regardless of where they attend school. Under the Federal Government's trust corpus in the field of Indian education, it is important to state that the obligation is a shared trust among the Administration and Congress for federally-recognized Indian tribes.

To the extent that measurable trust standards in Indian education can be evaluated, NIEA suggests this Committee refer to the government's own studies encompassing Native test scores, treaty-based appropriation decreases, and Government Accountability Office (GAO) Reports, among other reports, which illustrate the continued inability of the Federal Government to uphold the trust responsibility and effectively serve our students.

Education is the only way to break the cycle of poverty within our reservation and urban communities. NIEA urges Congress to fulfill its trust responsibility to America's most vulnerable children by ensuring they have access to educational resources they deserve.

#### **The State of Native Education**

The Elementary and Secondary Education Act of 1965 (ESEA) is the largest civil rights education law supporting low-income schools with the funding necessary to provide high-need students with access to an excellent education. With the recent reauthorization, the newly renamed Every Student Succeeds Act (ESSA) marks a new era of state and local innovation to best support our students and has received a tremendous amount of bipartisan support for Native education specifically. We commend Congress particularly the members of this Committee for ensuring that tribal priorities were a focus of the reauthorization.

As we celebrate the signing of the ESSA law, we must continue to shed light on the fact that Native education continues to be in a state of emergency. As Interior Secretary Sally Jewell has stated, "Indian education is an embarrassment to you and to us. We know that self-determination and self-governance is going to play an important role in bringing the kind of academically rigorous and culturally appropriate education that children need."<sup>1</sup> Students attending BIE funded schools experience some of the worst educational disparities across the country, even though the BIE is one of two education systems for which the Federal Government has direct responsibility.

While this Committee is cognizant of the educational disparities Native youth experience, NIEA highlights a few overwhelming statistics:

- Research has shown that by age 2, American Indian students begin to fall behind national scores in tests of specific cognitive skills in vocabulary, listening comprehension, matching and counting.
- By age 4, smaller percentages of American Indian children demonstrate age-appropriate language, literacy, mathematics, and color-identification skills, compared to the total population of children.
- In 2012, 17 percent of Native students age 25 and older held at least a bachelor's degree in comparison to 33 percent of White students.
- In 2015, the national high school graduation rate reached an all-time high at 82 percent, while American Indian and Alaska Native students experienced a stagnant rate of 69.6 percent. Unfortunately, Native students, attending BIE

<sup>1</sup>Hearing before the Committee on Indian Affairs, S. Hrg. 113-92 (May 15, 2013).



funded and operated schools experienced even lower graduation rates at 53 percent, nearly 30 percent below the national average.<sup>2</sup>

- A recent GAO report released in March 2016 highlighted the lack of national information on safety and health deficiencies at BIE facilities, which is highly problematic considering the dire safety hazards at certain schools with the potential to seriously harm students and teachers at these facilities.<sup>3</sup>

Despite the small federal legislative successes, these statistics and historical background demonstrate the critical need to transform Native education systems through innovative legislation discussed today.

### Recommendations

#### *Safe Academic Facilities and Environments for Tribal Youth Act (S. 2468)*

Research has shown that critical investments in BIE are needed in overlooked areas such as school construction and technology. Many Native students attempt to make academic gains in dilapidated, below-standards school facilities. Abandoning school construction funding, in particular, has been extremely detrimental to Native youth, as the GAO has reported that better school facilities are associated with better student outcomes.<sup>4</sup> As such, NIEA appreciates Senator Tester's innovative proposal to support construction efforts for tribal schools through a demonstration program. By allowing tribes to receive grants directly for schools on the construction list, tribes may not be forced to wait decades for the BIE to handle construction.

NIEA membership has consistently stated their support for new school construction. NIEA Resolution 2011–18, which requested the BIE and Federal Government to appropriate full funding for the tribally controlled schools' facilities program, remains a standing request of our organization, until all of our schools provide safe environments for Native students. As such, NIEA supports the SAFETY Act. We provide the following suggested amendments to strengthen the language.

#### Suggested Amendments:

##### 1. Proposed Language

Section 545(a)(2)(D) is amended by adding "residing on tribal lands" in subsection D.

NIEA believes it is important to authorize funding for inadequate housing for tribal educators. We understand the eligibility requirement to be allocated to housing for full-time teachers and administrators at BIE-funded schools and public schools with at least 25 percent Indian students. However, given the disparate need on reservation and tribal lands, NIEA recommends prioritizing funding to these schools and then expanding this opportunity to schools residing on non-tribal lands.

##### 2. Proposed Language

Section 3(5)(B) that the Indian tribe shall be required to contribute towards the cost of the construction a tribal share equal to at least 25 percent of the cost; is amended by deleting it entirely.

Not all tribes have the capacity or funding to invest in construction. Given the trust responsibility the U.S. government has with tribal nations, providing construction costs to repair facilities is an obligation that has yet to be fulfilled. As such, tribes should not be required to contribute 25 percent of these costs.

Lastly, since there is no source of funding identified for these grants, NIEA reiterates its FY 2017 budget request to Congress to fully appropriate construction costs. In addition, we request that the Committee urge the Department of Interior to release the school construction list immediately in order to move forward.

#### *Tribal Early Childhood, Education, and Related Services Integration Act (S. 2304)*

Research supports that integrated, comprehensive, and culturally appropriate education, improves the lives and opportunities for Native youth overall. This kind of culture-based education is especially important at an early age. As such, NIEA appreciates Senator Tester's bill to provide for a new demonstration program which aims to coordinate different kinds of early childhood and education services provided to tribes and tribal communities. The emphasis on community engagement and

<sup>2</sup>National Center for Education Statistics, Institute of Education Sciences, United States Department of Education. 2015. *The Condition of Education* (NCES 2015–144). [http://nces.ed.gov/programs/coe/indicator\\_coi.asp](http://nces.ed.gov/programs/coe/indicator_coi.asp)

<sup>3</sup>See GAO, Key Actions Needed to Ensure Safety and Health at Indian School Facilities, GAO–16–391T (Mar. 16, 2016).

<sup>4</sup>See GAO, School Facilities: Physical Conditions in School Districts Receiving Impact Aid for Students Residing on Indian Lands, GAO–10–32 (Oct. 29, 2009).

“family-based” education programs is vital to supporting our children and our communities.

Several NIEA resolutions (2013–13, 2013–12, 2013–09) support incorporating language and culture into a student’s education. As such, we support Senator Tester’s bill to provide greater coordination amongst various early childhood programs and services. We provide the following suggestions to strengthen the language.

Suggested Revisions:

1. Consolidation of funds should not result in any decrease to other Indian Head Start programs. The few early learning services provided to Native children have limited resources. This piece of legislation has not allocated new funding for the demonstration program, as such, there is the potential that there may be a decrease in funding from existing Indian Head Start programs.

2. The importance of removing supplement and not supplant restriction is crucial for Native communities that would like to take advantage of the proposed program.

Section 805A(c)(5)(B)(ii) prevents the Secretary from waiving “any specific statutory requirement for recipients of Federal funding related to . the use of Federal funds to supplement, and not supplant, non-Federal funds.” Indian Head Start programs often have difficulty meeting non-Federal share requirements due to the nature of tribal funding and the types of contributions that can be counted toward the non-Federal share of funds. This restriction will make it difficult to ensure optimal success of any tribal early childhood demonstration program.

*Reforming American Indian Standards of Education Act (S. 2580)*

NIEA continues to urge for transparency in the design and execution of the BIE reorganization specifically as it relates to the explicit incorporation of tribal participation, including school leadership. We have submitted a letter in support of the BIE’s reorganization with guidance accordingly. NIEA understands the RAISE Act as the next natural step in BIE’s current reform. Our membership supports the BIE reorganization as long as sufficient congressional oversight is provided throughout the process as highlighted in Resolution 2014–11.

The benefits of the proposed Indian Education Agency include the opportunity for the BIE to establish its own budget and work for appropriations towards that budget. Currently, BIE’s budget requests must go through the Bureau of Indian Affairs—this process often dilutes education requests. BIE’s autonomy to function within its own jurisdiction will enable the agency to better meet the needs of Native students attending BIE schools. NIEA’s membership has voiced the need for this through Resolution 2014–17, which requests the establishment of a BIE Tribal Task Force comprised of tribal leaders and federal agency representatives to study the funding constraints BIE schools experience as well as investigate appropriate measures to be taken in order to address such concerns culminated into a final report.

As you all know, the BIE reorganization has been predominantly focused on administration in Washington DC and not as much on the students who will be most affected. Identifying solutions to best support our students locally is a priority that NIEA has and is looking forward to working with this Committee to further develop solutions that serve them best. In the meantime, we also have the following questions regarding the RAISE Act:

1. How will tribal input, including school leadership be incorporated?
2. What funding levels will be needed to make this move? And will these requests be new monies?
3. How will the RAISE Act align with the current BIE reorganization?

Lastly, while the Committee is considering the RAISE Act, NIEA acknowledges that a progressive first step in this process is the elevation of the BIE Director position from a career to a political appointee. This legislation is an opportunity to take a step forward in this direction along with building from Congress’ focus on Indian education. We look forward to hearing from tribes and tribal schools regarding this change.

*Native American Education Opportunity Act (S. 2711)*

NIEA thanks Senator McCain for putting forth legislation that would include students attending BIE schools to have an alternative educational option in Arizona. However, currently NIEA does not have a resolution specific for this proposition. As such, we would like to highlight some of our initial concerns and expect to continue this conversation about the implications of the Native American Education Opportunity Act with a focus on what is best for our students.

Under the Arizona-Empowerment Scholarship Accounts (ESA), parents receive a debit card for a variety of education expenses, including private school tuition, on-line school expenses, textbooks and tutoring from public school funding. The average annual base-funding amount per student ranges from \$4,600 to \$5,400 for students in 1st through 12th grades. This bill will repurpose funds appropriated to BIE schools as formula funding, and require those be put towards ESAs that can be used by eligible students' parents to pay for schooling elsewhere. In other words, up to 90 percent of the \$15,000 per pupil expenditure for students attending BIE-funded schools would leave the BIE system.

NIEA has three main concerns with this bill:

1. Protecting Self-Determination.

Both Congress and this Committee have shown tremendous bi-partisan support for increasing and promoting tribal sovereignty in Native education systems. Through the ongoing support of immersion programs, the newly authorized consultation requirements of state education agencies, and the commitment this Committee has shown in supporting tribally controlled schools, universities, and colleges, Congress and the Administration have taken critical steps to supporting tribal autonomy. This particular bill seems to take a step in the opposite direction. This bill will not only take funding away from BIE operated schools but from schools directly operated by the tribes. In addition, the schools that that will now be eligible to receive tribal education dollars, are not required to consult with tribes or ensure that Native students are receiving an education grounded in their culture or ways of knowing. Considering this Committee's support for a tribally driven education, this bill seems to work against a tribal school model that serves our students well.

2. Potential Negative Effects on BIE Infrastructure.

We are concerned this piece of legislation will not only affect the students who decide to take advantage of the ESA program, but it will also negatively affect the whole BIE infrastructure. There are several reasons as to why the cost of educating a student attending a BIE-funded school is much higher than the average per pupil expenditure of students attending public schools. The \$15,000 amount is not a direct educational service cost only; it encompasses a great deal including transportation, residential fees for students living in BIE dormitories year round, fire services, and so much more. If BIE students leave to attend non-BIE schools, then those who remain at BIE schools will experience exacerbated educational disparities.

3. Academic Performance.

Another concern NIEA has with this legislation is the academic comparison between students attending BIE-funded schools and those attending schools elsewhere. Research shows the school performance of Native students, particularly in Arizona and Nevada, has improved when they receive tribally driven education. With the increase of test scores and proficiency in an environment that is most natural to Native students, a continued investment in supporting community driven initiatives and schools is warranted.

### Conclusion

We thank the Committee for holding this hearing. By shining a much needed light on the issues facing Native education, you help us continue to raise awareness and garner support for critical issues in Indian Country on behalf of our students. All of the resolutions that were referenced in this testimony have also been submitted for the record. The attention that Native youth and education are receiving coupled with your innovate ideas for Indian education, has the potential to make a meaningful impact in the lives of Native students and their communities. Working together, we are confident that we can build the collaborative relationships necessary to strengthen tribal self-determination in education.

### Appendix

#### NIEA RESOLUTION 11-018

TITLE: Requesting the Bureau of Indian Education and Federal Government to Appropriate Full Funding for the Tribally Controlled Schools' Facilities Program.

**WHEREAS**, the National Indian Education Association (NIEA) was established in 1970 for the purpose of advocating, planning, and promoting the unique and special educational needs of American Indians, Alaska Natives and Native Hawaiians; and

**WHEREAS**, NIEA as the largest national Indian organization of American Indian, Alaska Natives and Native Hawaiian educators, administrators, parents and students in the United States, provides a forum to discuss and act upon issues affecting the education of Indian and Native people; and

**WHEREAS**, through its' unique relationship with Indian nations and tribes, the Federal Government has established programs and resources to meet the educational needs of American Indians, Alaska Native and Native Hawaiians, residing on and off their reserved or non-reserved homelands; and

**WHEREAS**, schools operated by tribal governing boards are entitled to receive facilities funding for the purpose of maintaining and managing the safety and regulation standards of day to day operations; and

**WHEREAS**, the BIE schools (like Na' Neelzhiin Ji Olta') Facilities Program has been underfunded for several years which interferes with the maintenance and management of safety and regulation standards of day to day operations. The lack of funding also hinders boilers for heat during the winter, cooking appliances, etc. The buildings alone are quickly deteriorating from age, day to day usage and neglect of maintenance and repair due to lack of funding; and

**WHEREAS**, as well as the unsafe conditions, the lack of maintenance and improvement and repairs to the school, teacher housing also falls in the same category as the neglect of the school due to underfunding. Teacher quarters are "outdated" unites which need to also be brought up to standards. With lack of funding, this too, is inadequate; now

**THEREFORE BE IT RESOLVED**, that NIEA hereby requests to the appropriate entities: Federal Government, Congressmen, Appropriation committees and Standing Committees to provide full funding of this program and to cease the constraint immediately for proper management for the facilities' school wide programs.

Submitted by: Milton Jim

#### NIEA RESOLUTION 2013-09

TITLE: SUPPORT FOR NATIVE LANGUAGE INSTRUCTION AND REVITALIZATION

**WHEREAS**, the National Indian Education Association (NIEA) was established in 1970 for the purpose of advocating, planning, and promoting the unique and special educational needs of American Indians, Alaska Natives, and Native Hawaiians; and

**WHEREAS**, NIEA, as the largest national Indian organization of American Indian, Alaska Native, and Native Hawaiian educators, administrators, parents, and students in the United States, provides a forum to discuss and act upon issues affecting the education of Indian and Native people; and

**WHEREAS**, through its unique relationship with Indian nations and tribes, the Federal Government has established programs and resources to meet the educational needs of American Indians, Alaska Natives, and Native Hawaiians, residing on and off their reserved or non-reserved homelands; and

**WHEREAS**, Native language revitalization is a top priority for tribes, as well as Native education stakeholders and communities; and

**WHEREAS**, funds to support Native language revitalization efforts from current sources are insufficient to address the magnitude of need across the variety of American Indian, Alaska Native, and Native Hawaiian communities committed to expanding their indigenous language revitalization efforts; and

**WHEREAS**, research maintains that the learning of English is improved when one is grounded solidly in the first language from the home and community; and

**WHEREAS**, NIEA has always maintained a policy of supporting what is best for all of Native education and of not pitting one Native community or segment of the Native community over another; and

**NOW THEREFORE BE IT RESOLVED**, that the NIEA will support the efforts of expanding immersion and language revitalization efforts within the Elementary and Secondary Education Act but not at the expense of existing funding and if immersion and language revitalization efforts are expanded within the Native education title, funds and resources shall not be allocated from existing programs so that programs can continue to adequately address the cultural, linguistic, and educational needs of Native students; and

**BE IT FURTHER RESOLVED**, that the NIEA recommends the expansion of funds and services to support the core program of student instruction and to address the critical needs of Native language revitalization efforts by including teacher training, curriculum development, evaluation and assessment, and Native parent and community as well as tribal involvement in a child's education but not at the expense of current students and programmatic funding.

## CERTIFICATION

I do hereby certify that the following resolution was dully considered and passed by the National Indian Education Association on November 2, 2013 at which a quorum of the membership was present.

Pam Agoyo President

## NIEA RESOLUTION 2013–12

TITLE: SUPPORT OF EARLY LEARNING MEASURES THAT STRENGTHEN NATIVE CULTURES

**WHEREAS**, the National Indian Education Association (NIEA) was established in 1970 for the purpose of advocating, planning, and promoting the unique and special educational needs of American Indians, Alaska Natives, and Native Hawaiians; and

**WHEREAS**, NIEA, as the largest national Indian organization of American Indian, Alaska Native, and Native Hawaiian educators, administrators, parents, and students in the United States, provides a forum to discuss and act upon issues affecting the education of Indian and Native people; and

**WHEREAS**, through its unique relationship with Indian nations and tribes, the Federal Government has established programs and resources to meet the educational needs of American Indians, Alaska Natives, and Native Hawaiians, residing on and off their reserved or non-reserved homelands; and

**WHEREAS**, the President's Initiative on Early Education is a priority in our Native communities and is an opportunity to advance the unique linguistic and cultural identities of American Indian, Alaska Native, and Native Hawaiians; and

**NOW THEREFORE BE IT RESOLVED**, that the NIEA supports provisions for the promotion, protection, and use of our Native languages—American Indian, Alaska Native, Native Hawaiian—at the earliest stage of child development in any federal legislation as a means to reverse language loss and that set aside funds are established for grant programs for tribes, tribal, and Native Hawaiian organizations; and

**BE IT FURTHER RESOLVED**, that the NIEA supports the requirement that states with significant American Indian, Alaska Native, and Native Hawaiian populations consult with these constituents in the development of their state plans to ensure appropriate assessments in the language of instruction, strong family/parent engagement component, and support for multiple delivery systems are included in the plans.

## CERTIFICATION

I do hereby certify that the following resolution was dully considered and passed by the National Indian Education Association on November 2, 2013 at which a quorum of the membership was present.

Pam Agoyo President

## NIEA RESOLUTION 2013–13

TITLE: SUPPORT OF TITLE VII WITHIN THE ELEMENTARY AND SECONDARY EDUCATION ACT (ESEA)

**WHEREAS**, the National Indian Education Association (NIEA) was established in 1970 for the purpose of advocating, planning, and promoting the unique and special educational needs of American Indians, Alaska Natives, and Native Hawaiians; and

**WHEREAS**, NIEA, as the largest national Indian organization of American Indian, Alaska Native, and Native Hawaiian educators, administrators, parents, and students in the United States, provides a forum to discuss and act upon issues affecting the education of Indian and Native people; and

**WHEREAS**, through its unique relationship with Indian nations and tribes, the Federal Government has established programs and resources to meet the educational needs of American Indians, Alaska Natives, and Native Hawaiians, residing on and off their reserved or non-reserved homelands; and

**WHEREAS**, it is the policy of the United States to fulfill the Federal Government's unique and continuing trust relationship with and responsibility to the Native People of the United States for the education of American Indian, Native Hawaiian, and Alaska Natives and;

**WHEREAS**, Title VII of the Elementary and Secondary Education Act authorizes programs that serve American Indian, Native Hawaiian and Alaska Natives, that are of the highest quality and provide for not only the basic elementary and sec-

ondary educational needs, but also the unique linguistic and culturally related academic needs of American Indian, Native Hawaiian and Alaska Native students; and  
**NOW THEREFORE BE IT RESOLVED**, that the NIEA supports the reauthorization of the Elementary and Secondary Education Act (ESEA), particularly Indian, Native Hawaiian and Alaska Native Education Acts, so that Native Education is left as a distinct and separate title to strengthen Native, tribal, and local control over the education of American Indian, Native Hawaiian, and Alaska Native students; and

**BE IT FURTHER RESOLVED**, that the NIEA does hereby support the requirement that states with significant numbers of American Indian, Alaska Native, and Native Hawaiian populations be required to consult with these constituents and create state plans which directly address the needs of these populations as required under the current Title I of Elementary and Secondary Education Act.

CERTIFICATION

I do hereby certify that the following resolution was duly considered and passed by the National Indian Education Association on November 2, 2013 at which a quorum of the membership was present.

Pam Agoyo President

NIEA RESOLUTION 2014-11

**TITLE: SUPPORT FOR CONGRESSIONAL OVERSIGHT CONCERNING THE BUREAU OF INDIAN EDUCATION RESTRUCTURING AND BLUE PRINT FOR REFORM**

**WHEREAS**, the National Indian Education Association (NIEA) was established in 1970 for the purpose of advocating, planning, and promoting the unique and special educational needs of American Indians, Alaska Natives, and Native Hawaiians; and

**WHEREAS**, NIEA, as the largest national Indian organization of American Indian, Alaska Native, and Native Hawaiian educators, administrators, parents, and students in the United States, provides a forum to discuss and act upon issues affecting the education of Indian and Native people; and

**WHEREAS**, through its unique relationship with Indian nations and tribes, the Federal Government has established programs and resources to meet the educational needs of American Indians, Alaska Natives, and Native Hawaiians, residing on and off their reserved or non-reserved homelands; and

**WHEREAS**, the Obama Administration has asserted broad executive authority in implementing the U.S. Department of the Interior Secretarial Order to Transform the Bureau of Indian Education (BIE) as based on recommendations of the American Indian Education Study Group's Blueprint for Reform; and

**WHEREAS**, there is broad based concern throughout Indian country, and with treaty tribes in particular, that the BIE realignment is creating statutory conflicts and being implemented without a congressional authorization and without congressional oversight; and

**WHEREAS**, The Secretary of the Interior Sally Jewell has not appeared before the Senate Committee on Indian Affairs to provide details concerning the BIE restructuring, nor has the Secretary provided congressional appropriations committees with a detailed budget request to pay for the restructuring; and

**WHEREAS**, Administration officials have erroneously testified to the Senate Committee on Indian Affairs that there is no opposition from Indian country concerning the Blueprint for Reform; and

**WHEREAS**, to meet the Federal Government's continuing trust responsibility and assess measurable trust standards in the field of Indian education including the entire trust corpus for treaty-based educational rights delivered through the BIE, it is essential that committees of jurisdiction in both the U.S. House of Representatives and U. S. Senate provide congressional oversight on executive actions concerning the BIE;

**NOW THEREFORE BE IT RESOLVED**, that the National Indian Education Association directs the Board and Executive Director to request a congressional investigation into the Bureau of Indian Education restructuring and Blueprint for Reform to ascertain if the Secretarial Order creates a statutory conflict and to document Department of the Interior proposed offsets to pay for the restructuring; and

**BE IT FURTHER RESOLVED**, that the National Indian Education Association directs the Board and Executive Director to request oversight hearings by the Senate Committee on Indian Affairs and House Education and Workforce Committee and House Committee on Natural Resources and other appropriate congressional

committees regarding the Bureau of Indian Education restructuring and Blueprint for Reform.

CERTIFICATION

I do hereby certify that the following resolution was duly considered and passed by the National Indian Education Association on October 18, 2014 at which a quorum of the membership was present.

Melvin Monette President

NIEA RESOLUTION 2014-17

TITLE: SUPPORT CREATION OF A BUREAU OF INDIAN EDUCATION TRIBAL BUDGET TASK FORCE

**WHEREAS**, the National Indian Education Association (NIEA) was established in 1970 for the purpose of advocating, planning, and promoting the unique and special educational needs of American Indians, Alaska Natives, and Native Hawaiians; and

**WHEREAS**, NIEA, as the largest national Indian organization of American Indian, Alaska Native, and Native Hawaiian educators, administrators, parents, and students in the United States, provides a forum to discuss and act upon issues affecting the education of Indian and Native people; and

**WHEREAS**, through its unique relationship with Indian nations and tribes, the Federal Government has established programs and resources to meet the educational needs of American Indians, Alaska Natives, and Native Hawaiians, residing on and off their reserved or non-reserved homelands; and

**WHEREAS**, the Bureau of Indian Education (BIE) directly oversees a total of 183 elementary, secondary, residential and peripheral dormitories across 23 states that serve roughly 41,000 Indian students living on or near reservations; and

**WHEREAS**, BIE's mission is to provide Indian students quality educational opportunities starting in early childhood in accordance with a tribe's need for cultural and economic well-being; and

**WHEREAS**, the high school graduation rate for BIE students in 2011 was 61 percent, placing BIE in the bottom half among graduation rates for Indian students attending public schools in states where BIE schools are located; and

**WHEREAS**, BIE schools are primarily funded through the Department of the Interior, however, it also receives annual formula grants from the Department of Education, similar to public schools; and

**WHEREAS**, the structure of funding and administrative bureaucracy for the BIE is causing significant challenges for the BIE and Indian schools to improve student academic performance; and

**WHEREAS**, while the Bureau of Indian Affairs (BIA), which oversees funding for the BIE, has undertaken another realignment of its administrative functions, it is unclear to what extent, if at all, the changes will result in improved services for BIE and its schools; and

**WHEREAS**, the BIA implemented its most recent realignment without seeking input from a broad range of education and BIE stakeholders; and

**WHEREAS**, the BIA failed to develop a strategic plan with specific goals and measures for itself or BIE or strategies to achieve goals; and

**WHEREAS**, the BIA has not updated its workforce plan or assessed Indian Affairs' realignment and its impact on BIE to ensure the agency has the right staff in place with the appropriate skills to effectively meet the needs of BIE schools and their ability to serve Native students; and

**WHEREAS**, the United States Government Accountability Office (GAO) released a report to Congress in September 2013 highlighting issues reducing the effectiveness of the BIE and proposed possible methods to increase effectiveness; and

**WHEREAS**, the GAO stated in that same report that it intends to issue a second report that will compare funding and expenditures for BIE schools to those of nearby public schools;

**THEREFORE BE IT RESOLVED**, that NIEA does hereby call for the establishment of a Tribal/Federal Task Force (Task Force) comprised of tribal leaders and federal agency representatives to study the funding constraints BIE schools face as well as investigate appropriate measures to be taken in order to address such concerns culminated into a final report; and

**BE IT FURTHER RESOLVED**, that NIEA supports that this Task Force be comprised of representation from NIEA, the National Congress of American Indians (NCAI), the American Indian Higher Education Consortium (AIHEC), the Tribal Education Departments National Assembly (TEDNA), the BIA, and the Department

of Education (ED) to complete the study and provide recommendations for next steps to be taken and potential solutions, such as the impacts of shifting funding streams from the BIA to the BIE so that administrative functions and funding allocations are held strictly within the BIE; and

**BE IT FURTHER RESOLVED**, that any potential solutions considered, such as the one aforementioned, must take into account all benefits and consequences arising from each; and

**BE IT FINALLY RESOLVED**, that the NIEA does hereby request that the findings from the Task Force report be disseminated to tribes and their education agencies, the Secretaries of the Interior and Education, the White House Initiative on American Indian and Alaska Native Education, and Congress.

CERTIFICATION

I do hereby certify that the following resolution was duly considered and passed by the National Indian Education Association on October 18, 2014 at which a quorum of the membership was present.

Melvin Monette President

NATIONAL INDIAN EDUCATION ASSOCIATION (NIEA)

November 10, 2015

The Honorable Sally Jewell,  
Secretary,  
U.S. Department of the Interior,  
Washington, DC.

RE: IN SUPPORT OF THE BUREAU OF INDIAN EDUCATION'S REORGANIZATION

Dear Secretary Jewell,

On behalf of the National Indian Education Association (NIEA), the largest and oldest Native organization representing over 2,500 Native educators, students, teachers, parents, and tribal leaders, we thank you for your leadership and support on Native education. NIEA has been cautiously optimistic of the reorganization efforts of the Bureau of Indian Education's (BIE) Blueprint for Reform. As such, we have participated in several consultations regarding the Reform in hopes to maximize transparency and meaningful tribal engagement for our membership.

The importance of such a Reform is both vital and urgent. As you have said in the past, Secretary Jewell, "Indian education is an embarrassment to you and to us." Native students lag far behind their peers on every educational indicator, from academic achievement to college and career ready. According to the 2011 National Assessment of Educational Progress (NAEP), Native students scored significantly lower than their peers on both reading and mathematics in grades 4 and 8. Sadly, the recently released 2015 NAEP data shows no improvement. Furthermore, as the national high school graduation rate reaches an all-time high of 81 percent, BIE schools have an overall graduation rate of 53 percent. This discrepancy is only widening. Now is the time for everyone to stand together, committed to fully investing and supporting this nation's most vulnerable youth. As such, NIEA is formally extending our support for the proposed BIE Reform.

Reports have consistently highlighted the importance of increased tribal engagement in Native education. The first evaluation of formal education for American Indian people occurred in 1928. The study, known as the Meriam Report, harshly criticized the condition of Indian schools and recommended to incorporate essential aspects of Indian life and culture into the curriculum. Thirty years later, President Kennedy pushed for a report entitled, "Indian Education: A National Tragedy—A National Challenge," which vehemently criticized the assimilation policies of the federal school system for Indian students. One of the three key recommendations produced by this report was to increase tribal control in education policies. After eighty years of evidence, the movement that the BIE is taking towards increased self-determination and self-governance in the education of Native students is long overdue.

However, as efforts to reorganize the BIE move forward, they must be done with caution and be mindful of the established trust responsibility which exists between tribes and the Federal Government. Through treaties, federal law, and U.S. Supreme Court decisions, the Federal Government has a moral and fiduciary obligation toward parity in access and equitable resources to Native education. The Reform will only succeed if BIE continues to move forward with a solid foundation of the trust relationship and an inclusive, cooperative framework of tribes and local stakeholders. From that vantage, NIEA provides the following guidance:

1. *Clarification on authority for the Reform.* Tribes have repeatedly questioned whether BIE has the base authority to move forward with the Reform based on the



Tribally Controlled Schools Act (P.L. 100–297). NIEA has requested an opinion from the DOI’s Office of the Solicitor on this matter. However, an opinion has not yet been provided.

2. *BIE-focused budget advisory committee.* NIEA recommends the formation of a tribal budget advisory committee focused specifically on BIE issues to advise the Department of Interior (DOI) on educational issues. Although the Tribal-Interior Budget Council (TBIC) provides an avenue for tribal input on budget issues, TBIC focuses on all issues relevant to Indian Country and therefore lacks the education-specific knowledge required to help transform Native education. A tribal education advisory committee would establish an important point of contact for tribal leaders and tribal educators. Such a committee would be effectively positioned to make recommendations to address both BIE and the Bureau of Indian Affairs (BIA) educational activities.

3. *Increased transparency during the BIE Reform.* As requested, BIE has provided the proposed offsets designated to cover the 2016 Reform budget as well as the revised program and line office changes. NIEA encourages that this transparency continue and that BIE provide the Phase 2 budget for 2017 as well as a timeline for completion of the Reform as soon as possible.

4. *Adhering to GAO recommendation.* Through recently released GAO reports, there have been a number of areas identified as needing reform—many of which involve responsibilities that are directly assigned to the BIA. As such, follow-up is needed, which involves both BIE and BIA officials in order to facilitate dialogue regarding BIE reform and to determine how communication can be strengthened between the two agencies. NIEA requests that the BIE provide an update on how they are addressing each of the GAO recommendations for better interagency cooperation.

5. *Assurance of job security.* As the BIE works with tribes to increase their capacity to run and operate BIE schools directly, current BIE employees, including the 3,000 teachers and school administrators must be provided an assurance of job security. NIEA is requesting a plan from BIE on job retention, placement, and re-training should the tribe ultimately decide to make significant staffing changes.

The BIE Reform process as well as the attention that Native youth and education are receiving, has the potential to make a meaningful impact in the lives of Native students and their communities. Working together, we are confident that we can build the collaborative relationships necessary to strengthen tribal self-determination in education. NIEA will be sharing our support and guidance for the BIE Reform with Congress and tribal leaders.

Sincerely,

PATRICIA WHITEFOOT,  
*President.*

The CHAIRMAN. Thank you very much. We look forward to the questioning. We will submit all of that for the record. Thank you, Ms. Whitefoot.

Dr. BOHAM.

**STATEMENT OF SANDRA BOHAM, Ed.D., PRESIDENT, SALISH  
KOOTENAI COLLEGE**

Dr. BOHAM. Mr. Chairman Barrasso and Committee, thank you for having me here today.

As Senator Tester already said, my name is Dr. Sandra Boham. I am an enrolled member of the Confederated Salish and Kootenai Tribes of the Flathead Reservation and President of Salish Kootenai College in Pablo, Montana.

On behalf of my college and the Nation’s 36 other tribal colleges and universities, I would like to offer testimony on two bills today, S. 2304 and S. 2468. My comments for the other two bills are also included in the written testimony.

First, I would like to thank Senators Tester and Daines for all the work they do on behalf of our seven tribal colleges in Montana

and all the Native people of the State. We value their commitment and hope to continue working with them as we move forward.

As tribal colleges, we support both S. 2304 and S. 2468. We urge the Committee to favorably report these bills. As an Indian educator, I urge you to take action. Our children cannot continue to wait.

First is S. 2304. There is no other group of young people more at risk in this country today in Indian country. Our Native children are involved with gangs at a higher rate than any other racial group. Our youth have the highest suicide rates in the country, 2.5 times the national average.

Our children suffer one of the highest rates of abuse and neglect in the Nation and most often will be found living below the poverty line which means our children often go to bed hungry. We have the highest dropout rate in the country.

These statistics are not acceptable and we cannot continue to tolerate them. As a Nation, we have to do better. Tribal colleges are leading the way in this effort.

Oglala Lakota College and Aaniiih Nakoda Colleges are both running high achieving Native language immersion schools on their campuses without funding from the BIE or their State.

Salish Kootenai College, along with most of the tribal colleges and universities are managing day care programs on their campuses without additional funding. At least two tribal colleges have taken over failing Head Start programs, revitalized dilapidated facilities and introduced culturally relevant educational programming.

Sitting Bull College established an innovative intergenerational Lakota immersion program for its daycare and preschool.

All the tribal colleges are doing Saturday academies, summer and after school enrichment programs. Sixteen of the tribal colleges, including SKC, are partnering with BIE schools to raise high school completion rates and to develop a college-going culture.

These are just a few examples of the way TCUs are transforming the educational and life experience of children through a holistic continuum of culturally-based education. My written testimony contains two broader comments related to TCUs we would ask you to consider as you discuss legislation such as S. 2304. I will mention just one now, the need to reestablish the tribal colleges Head Start Partnership Program.

We ask that Congress allocate up to \$8 million of the \$10 billion that the Head Start Program gets to reestablish the highly successful Head Start TCU Partnership Program which would provide scholarships and stipends for Indian Head Start workers to get training and certification.

Far less than half of all workers in Native serving Head Start facilities meet the required national minimum standards of educational training today. However, when the Head Start TCU Program existed between 2000 and 2007, TCUs trained more than 400 workers.

Native children deserve qualified teachers and aides. We urge you to reestablish this vital program. Taking action would not cost a penny but it will make a lifetime difference to our children.

S. 2468, the SAFETY Act, will help address one of the basic needs of any school or college and in doing so, will enable tribal col-

leges to serve more students and help tribes grow their workforces. In 2009, tribal colleges had \$100 million in shovel ready construction and rehab projects, including academic facilities, faculty and student housing.

I mentioned that the Federal Government's modest investment in tribal colleges has a tremendous return. We have established early childhood, elementary and secondary education programs at the Bachelor's degree level at Salish Kootenai College. We know students do better when they have teachers who come from their communities and look like them.

I have been a lifelong educator. I graduated from St. Ignatius High School, got degrees at the University of Montana and Montana State University. That sounds really easy but it was not. It took me eight years of taking summer classes to get my Master's degree and another 25 before I completed my doctoral degree.

I have worked in a women's prison, in Job Corps, at a mainstream university and other mainstream colleges. I started working at SKC when we were teaching in basements and vacant buildings before we had a campus. I came back and worked with Upward Bound and Gear Up and I was the director of an Indian education program in a public school district for eight years.

My education and professional experiences cover a continuum of education. One thing has been constant: my identity as a tribal member of the Confederated Salish and Kootenai Tribes.

I make every effort I can to try and keep that connection for our students and our children because we know that strength and identity and a solid educational background is what is going to make them the most successful.

In conclusion, we recognize and greatly appreciate the ongoing support of this Committee. We ask you to continue your support as we bring educational excellence to the communities and students we serve.

Thank you.

[The prepared statement of Ms. Boham follows:]

PREPARED STATEMENT OF SANDRA BOHAM, ED.D., PRESIDENT, SALISH KOOTENAI COLLEGE

Mr. Chairman and distinguished members of the Committee, my name is Dr. Sandra Boham. I am an enrolled Confederated Salish and Kootenai tribal member; President of Salish Kootenai College in Pablo, Montana; and a member of the Board of Directors of the American Indian Higher Education Consortium (AIHEC). On behalf of my institution, Salish Kootenai College, the six other Tribal Colleges in Montana and the 30 other TCUs throughout the country, which collectively are AIHEC, thank you for inviting me to testify at this hearing on four bills seeking to enhance American Indian and Alaska Native education.

While four legislative initiatives are included in today's hearing, my testimony will specifically address two: S. 2304, which provides for tribal demonstration projects to integrate certain early childhood programs, and S. 2468, the SAFETY Act, which would provide modest—yet vitally needed—funding for Indian education facility construction.

It is an honor to speak with the members of this Committee about these two pieces of legislation and to share with you a little about the important work that Tribal Colleges are doing to transform Indian Country. First, however, I want to thank Senator Tester for his tremendous work on behalf of the seven tribes in Montana, our seven Tribal Colleges, and all Native people. We appreciate Senator Tester's commitment to working collaboratively with Tribal Colleges to addressing our collective mission of improving the lives of our students through higher education and moving American Indians toward self-sufficiency.

My statement will touch on two topics: first, Tribal College recommendations regarding S. 2304 and S. 2468; and second, the accomplishments and challenges of Tribal Colleges in bringing high quality, culturally appropriate education opportunities to our students and culturally centered programs to our communities.

**Recommendations Regarding S. 2304 and S. 2468**

The nation's Tribal Colleges and Universities, through our collective organization, AIHEC, support and encourage swift enactment of S. 2304 and S. 2468:

*S. 2304, Tribal Early Childhood, Education, and Related Services Integration Act*

There is no other group of young people more at risk in this country today than American Indian and Alaska Native (AI/AN) children and youth. Native kids are more likely to be involved with gangs than any other racial population (National Council on Crime and Delinquency, 2009); Native youth have the highest suicide rate in the country, 2.5 times the national average (*U.S. Department of Health and Human Services, National Center for Health Statistics, Centers for Disease Control, 2010*); Native children suffer one of the highest rates of child abuse and neglect in the nation: 11.4 per 1,000 AI/AN children (Children's Bureau, 2012); we have the highest poverty rate in the nation (*U.S. Department of Commerce, 2009*), which means many of our children go to bed hungry; and Native kids have the highest high school dropout rate in the country.

These statistics describe a situation that cannot be tolerated. As a nation, we can and must do better. Tribal Colleges are already leading the way: Oglala Lakota College and Aaniiih Nakoda College are running high achieving Native language immersion schools on their campuses without funding from the BIE or the state; Salish Kootenai College, along with most of the TCUs are managing our own day care centers at considerable cost to the college every year because students often cannot afford to pay; OLC and Cankdeska Cikana Community College each took over failing Head Start programs and revitalized dilapidated facilities and introduced culturally relevant programming; Sitting Bull College established an innovative intergenerational Lakota immersion program for its day care center and pre-school; nearly 20 TCUs are conducting Indigenous, community-based participatory research on behavior health needs in the community; all TCUs are running Saturday academies, summer and after-school enrichment programs; and 16 TCUs, including SKC, are partnering with BIE schools to raise high school completion rates and develop a college-bound culture; Sitting Bull College has a model summer Native Language Institute—professional development for all pre-K–12 teachers (and anyone else who is interested and committed) on the Standing Rock Reservation that has proven so successful that at least three other TCUs are now implementing the model on their own reservations. We are doing much more—these are just a few examples of the strategies TCUs are implementing and integrating to transform the educational and life experience of our children through a holistic continuum of culturally-based education.

We are pleased that S. 2304 includes Tribal Colleges, and we would like to make two broader, yet relevant, recommendations to address the needs of our youngest learners:

(1) *Recognize the Inherent Role of TCUs in Training Educators of Native Learners:* Congress should specifically and clearly reinforce the lead role of Tribal Colleges in the U.S. Department of Education's Professional Development Program (American Indian Teacher Preparation) by requiring applicants to have as a key component of their program a partnership with one or more TCUs designed to increase the number of American Indian/Alaska Native teachers and administrators serving tribal communities and provide a minimum of \$10,000,000 to fund these critically needed competitively awarded grants.

TCUs need to be recognized and adequately supported so that they can continue to play a fundamental role in developing a critical mass of educators for Native learners. As Tribal institutions, TCUs should be the primary training sites for pre-service and in-service educators who work with Native learners. Since the primary goal of Professional Development for American Indian Teachers/Administrators program is to increase the number of effective Indian teachers and administrators for schools with large Indian populations, the TCUs need to be lead institutions in the efforts funded under this program.

(2) *Expand the TCU-Head Start Partnership Program:* Congress should allocate up to \$8 million of the \$10 billion Head Start Program to reestablish the highly successful Head Start-TCU Partnership Program, which would provide scholarships and stipends for Indian Head Start workers to get vitally needed training and certification.

With the reauthorization of the Head Start program in the mid-1990s, Congress imposed new performance and professional competency requirements. Specifically, at least 50 percent of Head Start teachers nationwide were to have a baccalaureate or advanced degree in Early Childhood Education or a baccalaureate or advanced degree in any subject and coursework equivalent to a major relating to early childhood education with experience teaching preschool-age children, and 50 percent of all teacher assistants were to have an associate degree or enrolled in an associate degree program. While we may be prepared to declare that this nationwide goal has been achieved, far less than half of Head Start teachers in the American Indian/Alaska Native Head Start Program area hold an associate or bachelor's degree.

AI/AN children deserve the best, and the TCUs are ideal catalysts for preparing Indian Head Start teachers so that they might offer these children the Head Start programs they deserve. We know this is true because from 2000 to 2007, the U.S. Department of Health and Human Services provided modest funding for the TCU-Head Start Program, which helped TCUs build capacity in early childhood education by provided scholarships and stipends for Indian Head Start teachers and teacher's aides to enroll in TCU early childhood programs. Before the program ended in 2007 (ironically, the same year that Congress specifically authorized the program in the Head Start Act), TCUs had trained more than 400 Head Start workers, many of whom have since left to higher paying jobs in elementary schools.

*S. 2468, Safe Academic Facilities and Environments for Tribal Youth Act (SAFETY Act)*

All children, no matter where they go to school, deserve to have safe, high quality learning environments. Feeling safe, being warm, and having clean drinking water are fundamental to a quality learning environment. Yet, many American Indian and Alaska Native students attend schools that lack even these basic requirements, and when tribes, states, or even Tribal Colleges step in with repairs or rehabilitation, the school risks being removed from the BIE repair list. Meanwhile, Tribal Colleges operating Head Start programs for their tribes are taking out loans for which the college itself is responsible and forgoing higher education construction to rehabilitate classrooms for our youngest children. If the TCU did not do this, another generation of young American Indian children would be forced to begin their educational path in rundown, unsafe, sometimes rodent infested educational facilities.

We need an accurate accounting of the facilities needs of schools serving AI/AN youth, early childhood through postsecondary, and more important, we need reliable and equitable resources to begin addressing these needs.

The SAFETY Act will help address one of the most basic needs of any education institution and in so doing, will enable TCUs to provide more students with the opportunity to complete a degree program and help our tribes grow their Native workforce and advance the economies of Indian Country. In 2009, TCUs had at least \$100 million in shovel-ready construction and rehabilitation projects, including Science, Career/Technical, and other academic facilities; student and faculty housing; and libraries, day care centers, and wellness centers. Recent surveys show that the need persists in all of these areas. To continue to provide high quality, culturally relevant postsecondary education opportunities, all TCUs must continue to build and expand their facilities and infrastructure.

We look forward to working with Senator Tester and the Members of this Committee toward enactment of S. 2304 and S. 2468 and other important measures related to excellence, safety, and success for all American Indian and Alaska Native students.

**Background: The Tribal College Movement**

Mr. Chairman, as I mentioned earlier, I am an enrolled Confederated Salish and Kootenai tribal member. I am also a lifelong educator. I was raised in St. Ignatius, Montana—I am a graduate of St. Ignatius High School. I earned undergraduate and doctorate degrees from the University of Montana and in between, a graduate degree from Montana State University. Sounds tidy and smooth when I say it like that. But it was not: it took me about eight years, taking summer classes, to earn my master's degree after college. Another 25 years passed before I completed my Ph.D. In between, I worked across the educational spectrum: I taught in a women's prison, a Job Corps site, and mainstream colleges. I also worked at Salish Kootenai College, first in its early days when there were no buildings and classes were taught anywhere we could find a spot—including a church basement, empty buildings, and shared facilities. (So I have experienced, first hand, the need for legislation like the SAFETY Act.) I came back to work at SKC years later for the college's Gear Up

and TRIO programs, reaching out to high school and middle school students. I also worked in an urban state public school system in Montana, and finally, I came home to Salish Kootenai College as an administrator. My professional life spans the continuum of learning.

Throughout my life and career, one thing has remained constant: my identity as a Salish and Kootenai tribal member. No matter where I was, it was important to remain connected to my tribe and community and to nurture that connection with my children. My children danced in pow wows, and we even formed our own family drum group to keep our songs and stories alive. As parents, my husband and I took these steps to ensure that our children never questioned their identity; but many parents cannot do this. They do not have the resources, or maybe they have lost touch with their own tribal identity. It's important for our schools to fill this gap, because without the strength of identity, it is difficult for our children to succeed in education. A strong connection to tribal culture and language is critical. I noticed that many young Native students were missing this connection when I went to work for the Great Falls Public School System. The Indian community was isolated, even from one another. We were losing many students. So we started drumming and singing. We reconnected. When I left Great Falls to come back to SKC, 125 students were singing and five drum groups had been formed. Our youth are finding their identity.

Tribal Colleges make this connection every day, one student at a time. We build confidence, self-esteem, and identity: at SKC and all TCUs, our students learn our stories and songs, our history and our language, and from these, they gain the courage, the tools and the confidence to shape a better world on our own land. Being around other tribal students and experiencing education from a Native perspective brings a connection to family and culture that is critical to the success of our students. As some of the most poorly funded institutions of higher education in the country, our struggle is a daily one, but our successes are generational. We are changing the lives and future of our students and their families through nurturing educational environments that are culturally-based and uniquely relevant to our students, we are building stronger and more prosperous Tribal nations through the restoration of our languages, community outreach programs and applied research on issues relevant to our land and our people, workforce training in fields critical to our reservation communities, and community-centered economic development and entrepreneurial programs. TCUs are a vital and essential component of the AI/AN education continuum.

Currently, 37 TCUs operate more than 75 campuses and sites in 16 states, within whose geographic boundaries 80 percent of all American Indian reservations and federal Indian trust land lie. We serve students from well over 250 federally recognized tribes, 85 percent of whom receive federal financial aid. In total, TCUs annually serve more than 160,000 AIs/ANs through a wide variety of academic and community-based programs. In Montana, 50 percent of all American Indians enrolled in higher education attend one of seven TCUs in our state. In fact, according to all available statistics on American Indians enrolled in federally recognized Indian tribes and currently engaged in higher education nationally, more than 50 percent attend TCUs.<sup>1</sup>

TCUs are public institutions accredited by independent, regional accreditation agencies and like all U.S. institutions of higher education must periodically undergo stringent performance reviews to retain their accreditation status. Currently, all TCUs offer associate degrees; 13 TCUs offer multiple bachelor's degrees, and five TCUs offer master's degrees. Each TCU is committed to improving the lives of its students through higher education and to moving American Indians toward self-sufficiency.

Tribal Colleges are first and foremost academic institutions, but because of the number of challenges facing Indian Country—high unemployment, poorly developed economies, poor health status, and lack of stable community infrastructures, our colleges are called upon to do much more than provide higher education services. TCUs often run entrepreneurial and business development centers; many TCUs are the primary GED and Adult Basic Education provider on our reservations, and most if not all TCUs provide a variety of evening, weekend training and para-professional programs for tribal employees, BIA and IHS staff, K-12 schools, tribal courts and justice system staff, and many others. TCUs run day care centers and Head Start programs, health nutrition education programs, community gardens, and often, the community library and tribal museum or archives.

<sup>1</sup>This statistic excludes self-reporting, which despite having been shown in studies to be unreliable, is the measure used by the Department of Education's White House Initiative on American Indian and Alaska Native Education.

Perhaps most important, Salish Kootenai College and all of the TCUs are actively and aggressively working to preserve and sustain their own tribal language and culture. All TCUs offer Native language courses. In some cases, the tribal language would have been completely lost if not for the local Tribal College. Turtle Mountain Community College in Belcourt, North Dakota, was established primarily for this purpose, and over the years, its success in writing and revitalizing the Turtle Mountain Chippewa language has been remarkable. As I mentioned earlier, Aaniiih Nakoda College in Harlem, Montana runs a K–8 language immersion school, right on campus. At the White Clay Immersion School, children learn the White Clay language and culture in addition to subjects they would routinely study at any other school. One of our goals at Salish Kootenai College is to launch a high school on our campus to improve high school and college completion rates among our youth.

AIHEC recently commissioned an internationally known economic impact firm to investigate the TCU return on investment: for every \$1 the federal government invests, taxpayers get at least \$2.40 back—with an average annual rate of return of 6.2 percent. Students get \$4.20 back for every dollar they invest; and tribes, states/regions receive a \$5.20 return for every dollar. Further, TCUs save the federal government nearly \$200 million every year in social program savings, and our alumni generate at least \$2.3 billion in added income every year. This number is actually much higher, but it is the best data we have currently.

In closing, Mr. Chairman, we recognize and greatly appreciate the ongoing support of this Committee. Now, more than ever, we need to strengthen our commitment to action. TCUs are sound and stable tribal institutions; TCUs have a proven high return on investment; TCUs are transforming Indian Country. We ask for your support as we continue to bring educational excellence to the students and communities we serve. Thank you.

The CHAIRMAN. Thank you to each of you for your compelling testimony today. We will now start with a round of questions. First will be Senator McCain.

Senator MCCAIN. Thank you, Mr. Chairman. Thank you for your courtesy.

Mr. Roberts, is it true that 50 percent of BIE students do not graduate?

Mr. ROBERTS. I believe it is, Senator.

Senator MCCAIN. Is it true that BIE student test scores trail by double digits compared to the Native American students who attend public schools?

Mr. ROBERTS. I believe that is true also, Senator.

Senator MCCAIN. Here we have a proposal to allow, if the parents desire, another opportunity to provide their children with an education.

Overall, Senator Begay, do you believe the Navajo families are satisfied with BIE schools?

Mr. BEGAY. I think your indication of the five out of ten students attending BIE schools do not graduate from high school is a startling statistic. What if we could give ESAs to those students who would not have made it to graduation otherwise?

The Navajo Nation, St. Michael Indian School has been on the Navajo Nation since 1902. They have a 99 percent graduation rate; 98 percent of their graduating class goes on to some post-secondary institution.

Essentially, this is a time where we should not focus on the systems of education but rather focus on empowering Native American families to choose. I think the term choose is rightfully a correct term to use because no one is forcing Native American families out of BIE schools. This is a choice they would make themselves and they have the choice to come back. This is an opportunity in the true essence of opportunity, a form of self-determination.

Senator MCCAIN. Ms. Whitefoot says that another concern NIEA has with this legislation is the academic comparison between students attending BIE funded schools and those attending schools elsewhere.

I think that is a real concern, Ms. Whitefoot. That is the reason why we are looking at Senator Begay's proposal. That is a terrible comparison. In fact, only 50 percent, and Mr. Roberts agrees, of BIE students graduate.

Believe me, I am not surprised at your opposition. I have never met anyone associated with your organization who would give parents and children an opportunity to leave a school that has a 50 percent graduation rate.

I am not surprised but I think it is very hard to allege that somehow the infrastructure would be harmed if a student now costing \$15,000 a year for a BIE school to attend another school such as St. Michael on the Navajo Reservation which graduates 99 percent of their students.

I certainly am not surprised at your opposition. I would be astounded if you did. I have never seen an organization such as yours support an opportunity for Native American children or American children to have another opportunity.

Senator Begay, have you talked to other tribal members and the tribal council about this proposal of yours? Have you had a conversation with the tribal leadership?

Mr. BEGAY. Yes, we have. There has not been any formal positions of support by tribal governments themselves but tribal leaders have come out in support of the proposal.

I think it is important to mention that it is important to continue to support our public and BIE schools across the country. They are truly doing the best they can with the limited resources they do have but we do not have time to fight and we do not have the luxury of fighting over educational systems versus school choice options.

I will give you one example. There is a school near the Navajo Nation that has a graduating class this year of 62 high school seniors, only 4 of the high school seniors right now have a GPA of over 3.0.

What do we expect for the future of this community? Should we not give them the option or choice for an alternative or an opportunity to empower themselves or their families to enroll in online schools, to enroll in home tutoring or to enroll in private schools if that is something they choose to do?

This is a choice and I think this is truly an essence of what self determination is by empowering Native American families to decide what they think is in the best interest of their own child.

Senator MCCAIN. Mr. Roberts, I think it is really remarkable that according to GAO the last time the BIE inspected the safety of a BIE school in Arizona was in 2011. Maybe you can supply for the record a rationale. Five years have elapsed and there has not been a safety investigation of a BIE school.

I will let you respond right now if you would like.

Mr. ROBERTS. Sure, Senator. I am happy to provide that information for the record. I do want to say that when that GAO report came out, it was obviously very concerning to me as well.



We will, I pledge to this Committee and I pledged to the House Appropriations Committee as well, that we will have every school inspected this year. Not only that, it is in the performance plans. After that report came out, we put it in the performance plans of every regional director that those be inspected. We are hiring seven new inspectors that will be reporting to the Director of BIE.

I appreciate your concerns.

Senator MCCAIN. I am really happy to hear that you are going to take those actions. Has anyone been fired for the fact that it has been five years?

Mr. ROBERTS. No one has been fired, Senator.

Senator MCCAIN. Mr. Chairman, I ask your indulgence. Mr. Roberts wanted to respond to something else I said.

The CHAIRMAN. Yes, certainly.

Mr. ROBERTS. Senator, as I said in the opening statement, I think we are with you on the goals of your legislation. A concern that we have is that we have a number of schools of the 183 schools that BIE administers, 122 have less than 300 students and 50 have fewer than 150 students.

Our concern is that if money is removed from BIE to support these accounts, the cost per student will rise because many of these schools have only say one third grade class, so if you take four kids out of a 15-kid class for fourth grade, the cost per student is going to rise. BIE is going to be without those resources. That is a concern.

The other concern is that while those funds are transferred to private accounts, at the end of the process, if it is a tribally-operated school, we are going to have to go back to that tribe, take that money and transfer it to the State. We also have questions about that.

I just wanted to let you know that a lot of our schools are small schools. We appreciate the goals you are trying to put forward but the impacts on the students in BIE schools is concerning.

Senator MCCAIN. I thank you for that. I understand your concern. I think a lot of us are also fiscally conservatives but when you have a 50 percent graduation rate, we are going to have to think outside the box.

I have been a member of this Committee for many, many years. We have not seen a significant improvement. It is not because of dedicated men and women who work in these BIE schools but it is a system, I think, that deserves some new approaches.

I would suggest that Senator Begay has come up with a proposal that deserves all of our consideration. Hopefully thanks to this hearing, Mr. Chairman, maybe we could work to resolve some of those concerns you have.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator McCain.

Senator Franken?

Senator FRANKEN. Thank you, Mr. Chairman.

Mr. Roberts, as you know, the children at the Bug-O-Nay-Ge-Shig School at Leech Lake have faced horrendous conditions in their classrooms for years. While this took a number of years, I am glad that I can finally get some good news which is we are going to begin replacing, as I understand, the school.

Yesterday, your agency announced a plan to put nearly \$12 million into fixing and improving the Bug School, the high school. Thank you. Please extend my sincere thanks to Secretary Jewell.

This took a lot of work from lawmakers, the tribe and the Obama Administration and I am thrilled that we have taken this huge step toward rebuilding the school and after so many years, we are able to claim victory.

Going back to 2009, I have been fighting for funding to fix the school. The facility has mold, leaks, was cold, structurally unsound, the kids had to run from the school if the wind exceeded 40 miles an hour, sometimes in 20 degree below weather, to another building because it was a pole barn that was not structurally sound.

I want to make sure that the process of fixing the Bug-O-Nay-Ge-Shig School moves quickly and efficiently. Can you give me your assurances there will be no obstacles in getting this funding to the school this year?

Mr. ROBERTS. Senator, I will do everything I can to make sure this building gets replaced and that the money gets out this year. We have the money to do it. We want to get it replaced. We do not want to get it fixed. We want it replaced and we are going to work as closely as we can with the tribe to get that done as quickly as we can.

Senator FRANKEN. Thank you. I just want to make sure there are no hurdles for replacing the school.

Senator McCain talked about the success rate at BIE schools. It seems to me this is so circular. I have discussed this at so many of our Committee hearings where we have unemployment in some of these tribes.

Dr. Boham talked about the suicide rate. If you look at the housing on the reservations I have been to, there are shortages, substandard, families living with other families, the incidence of children living with other families being exposed to trauma, sexual assault, neglect, drug abuse, witnessing those things and witnessing domestic violence. Unemployment rates on reservations are as high as 65 to 75 percent.

This is not all about the schools. Ms. Whitefoot and Dr. Boham, I want to ask you about housing, trying to get teachers to come, trying to get a teacher to convince his or her spouse to come and bring their children when the housing is substandard.

Can you talk to that issue and the discussion we have had today about failure and success rates at schools because this is not as simple as it sometimes is made to sound. Can you speak to that, Dr. Boham and Ms. Whitefoot?

Dr. BOHAM. Mr. Chairman and Senator Franken, yes, it is a very complicated and interconnected set of issues because they are community issues. Yes, our reservation is situated better than many but it is an issue to find housing to recruit, particularly people with Master's and doctoral degrees for tribal colleges to come and be faculty.

Many of us have started training elementary, preschool and secondary teachers from the community so that they will be interested to stay in the community and are grounded there already.

As people move into an area, in our area, for example, many of the houses that were in home ownership have gone into fore-

closure, so we have a large number of homes that are for sale. Those people then moved into the rental market. That closed a great deal of the rental market to students.

We do have student housing on our campus. We have some dorms and we have family housing but there is a moratorium right now for building any additional student housing because the Pablo City and Water Company does not have adequate water.

Senator FRANKEN. Can I get the more general feeling of Indian country, Ms. Whitefoot?

Ms. WHITEFOOT. Last year, this Committee heard testimony from Chairwoman Karen Diver of the Fond du Lac Band of Lake Superior Chippewa in Minnesota. She testified that close to 20 percent of her tribe's service population lives in overcrowded homes. This is not unusual to this particular tribe; it is all over Indian country.

I do understand the importance of having teachers and school administrators in the community. I was challenged by living and teaching on the Navajo Reservation at a public school where housing was not available.

The work we are doing, particularly with the bill you have around early childhood education, we really need to take a look at those kinds of opportunities because it begins by beginning with the parents and the children and even our grandparents who are raising these children as well as foster care.

It begins there but we also make certain that a lot of the legislation that is out there, I have been on tribal council from my own tribe and in various elected positions for my own tribe as well and have overseen our NAHASDA project on behalf of our tribe.

In many of our situations, the housing conditions are such that we do not allow the opportunity to provide for education even in our housing programs, HUD houses we are talking about. You are limited in what you can do.

I think we need to work to get some of the bureaucratic red tape out of the way that you are doing with the early childhood education in some of these other programs such as the Native American Housing Assistance Act so that we can provide those kinds of services that we do need.

Typically in HUD housing, you have young people, young families wanting a place to live to get a start in life, so they go to the HUD homes. That is where we need to be providing the education and support for these young people to continue educating their own children and families.

Senator FRANKEN. Thank you.

Sorry, Mr. Chairman, for going over. I just want to say to Senator Begay, the kid you talked about saying, what does it matter, why do you care, I think we on the Committee have to answer that kid and say we care. My frustration has been that we do not show that we care. We do not show it by levels of funding.

Thank you.

The CHAIRMAN. Thank you, Senator Franken.  
Senator Daines?

**STATEMENT OF HON. STEVE DAINES,  
U.S. SENATOR FROM MONTANA**

Senator DAINES. Thank you, Chairman Barrasso and Ranking Member Tester. Thank you for pulling together this hearing.

I would first like to welcome Dr. Sandra Boham. It is good to have you here, the President of the Salish and Kootenai College from the great State of Montana.

Dr. BOHAM. Thank you.

Senator DAINES. It is good to have you here. Thank you for making the trip.

Montana is home to three Bureau of Indian Education facilities and seven tribal colleges and universities. In a recent conversation with Liberty Erickson, Superintendent of the Northern Cheyenne Tribal School, my office was horrified to learn that the school had a broken fire alarm system and not a single disability accessible bathroom.

It gets worse. There is no drinkable tap water on campus. In fact, the school was forced to purchase bottled water for the classrooms.

There was one week this year when the purchase order for bottled water got held up, leaving teachers with no other choice than to bring in bottled water themselves for their students on their own dime.

That kind of environment is not conducive to learning

Mr. Roberts, there are 225 students at that school. How, in good conscience, can we allow small children to be in a building like that?

Mr. ROBERTS. We absolutely cannot. That is unacceptable. That is why when the GAO report came out, we moved swiftly to hiring seven new safety inspectors, having every school inspected this year, and it is going to be in the performance plan for those folks responsible.

Senator DAINES. I think Senator McCain brought up the GAO report showed there had not been a single health and safety inspection at any of Montana's BIE facilities from 2012 to 2014.

I appreciate the follow-up. The question is, what else is out there? If that was missed, have we gone through a thorough review of all the expectations? I assume this was codified somewhere that these inspections need to take place. What else has not taken place?

Mr. ROBERTS. The other thing we are doing is we have contracted with a company to prepare a report to look at what it will take over the next five years to bring all of the poor schools into good condition. I expect to have that report in a couple months. That is number one.

Senator DAINES. Were these inspections part of an expectation that says this is something you should do, conduct these annually?

Mr. ROBERTS. Yes.

Senator DAINES. That was missed. I assume you went through and audited all your other requirements. What other inspections beyond this one were not being completed or requirements not being met?

Mr. ROBERTS. I do not know the answer to that today, Senator. I can certainly provide an answer for the record. I do want to say

that part of our reorganization right now as BIE operates, as this Committee is well aware, the functions for facilities are operated under our Deputy Assistant Secretary for Management and BIA, particularly out in the regions.

Our reorganization, as we are moving forward to implement it now, all of those folks responsible for facilities will report directly to the BIE director so that they have line authority to address these issues rather than having to go across the department. Reorganization is key to addressing these situations going forward.

Senator DAINES. I appreciate the reorganization. I would ask as a follow up item what other requirements are set in the standards would not be met? I assume this is like a tip of the iceberg issue. I have to believe there are other requirements that also are not being met. It would be great to see what else you found and what action is being taken to remedy that.

Countless studies have shown that academic achievement is linked to building conditions. It is crucial that we foster an environment best suited for learning for the sake of our tribal children, especially when we get into potentially life threatening situations.

I am going to pivot over to a happier conversation, Dr. Boham, and the work you are doing to preserve Native American languages. All Americans have a stake in the fight to preserve Native languages. They are a shared part of our national heritage.

Last year, Senators Schatz, Murkowski, Sullivan and I introduced an amendment which was subsequently enacted into public law to study the benefits of Native American language immersion education.

Dr. Boham, I understand SKC is doing quite a bit of work on language and cultural revitalization. I would like to hear about those efforts.

Dr. BOHAM. We are. We have been partnering over this last year to really revitalize and build the language effort in our community. We do have a language immersion school. It is a private tribal school. Our Head Start program is requiring now that all of their teachers have a year of language.

We have been working with those schools in preparing language teachers. We will be putting forward a two year degree in language teacher preparation. Montana has a Class VII certification for language teachers but it is all around the language and culture piece. It does not require the methods, strategies and curriculum development that teachers need.

This program we are putting together will address that specifically. Our goal is to create language teachers in Salish and Kootenai because right now with the need for language teachers, we cannot meet it.

Senator DAINES. With the investment you are making, what in your eyes as a professional educator makes Native language education so important?

Dr. BOHAM. Native language education is critical because that language contains the essence of our culture. It is what allows for our spiritual, ceremonial and cultural life to flourish. There are many aspects of the culture that have no English translation, so we need to keep those Native languages.

The other part of it is that it reinforces and builds that sense of student identity which we know contributes to their persistence and resilience in schools. Many times students will begin a language path and then they take that home and educate their parents. It reinforces that strength within their parents.

Many people in our community around the issue of language are dealing with effects of historical trauma. Building that strong sense of identity and how it contributes to their academic success is why language is critical as is culture.

Senator DAINES. I have one quick question. I am out of time but I will try to make this one fast.

There has been some challenge I know with three tribal colleges participating in Federal student loan programs. I have supported maintaining that participation on a voluntary basis to alleviate the potential burdens on tribal college students.

Could briefly describe why it is difficult for TCU students to take on Federal student loans?

Dr. BOHAM. There are only now two tribal colleges that currently do student loans. We are one of them. We have a person dedicated 100 percent to helping to keep our student loan default rate below 30 percent. Thirty percent for three years and you are ineligible for all scholarships, Pell grant and all of that.

What happens is because we have small numbers of students, it does not take very many to put you into that 30 percent. Greater than that, we work very hard to have scholarship opportunities for these students because we want them to graduate with their under graduate degree, be it a two year or one year certificate or baccalaureate, with the least amount to no debt that they possibly can because we are educating people we want to contribute within our own communities across the country. Every tribal college will tell you this.

If they leave our schools and have debt and then work in our communities, which typically have lower wages, they are not going to be able to do that. It is critical that we keep their debt level low, particularly if we want them to go on to graduate programs which tribal colleges need students to do.

We want them to come out, go to work, be able to contribute and not be suffering under that debt.

Senator DAINES. Thank you, Dr. Boham. I appreciate it.

The CHAIRMAN. Thank you, Senator Daines.

Senator Schatz?

Senator SCHATZ. Thank you, Mr. Chairman.

I am struck, Dr. Boham, by a phrase you used earlier in the hearing, strengthen identity. I wanted you to talk a bit about language immersion both from the perspective of your expertise as a tribal member but also from the perspective that you have as an educator.

It seems to me that what happens in Native communities, including the State of Hawaii, is this disconnection from culture, from land and from community, this sort of disengagement that I actually think a lot of young people are experiencing also in non-tribal communities, but especially in Native communities.

Could you talk, first, on a personal level about what happens with a kid experiencing an immersion school and how they avoid

becoming a statistic, how they chart a path for themselves based on pride in who they are?

Dr. BOHAM. I am going to start with something that sounds very simple which is motivation. We know our students are not necessarily motivated by personal gain. They are motivated more by how their personal success is going to impact their family and community.

When we talk to students, contained within that language and the cultural world view is how does what they are doing going to impact in a positive way their families and communities? That is the beginning.

Many times in these immersion schools, it is the first time that world view aligns with why they are doing what they are doing. It creates that relevance so that in a language immersion school, you are taking your language, understanding pieces about your history, culture and identity that you may not have had the opportunity to be exposed to before, whether it is a child or adult working in that environment.

That begins to build that sense of belonging and sense of identity that this is a place for me and I can be successful here and I have an obligation to do this. I have an obligation to be successful, to contribute to my community and my family.

It allows students to have a stronger sense of themselves which leads to that resiliency. That resiliency helps them to persist and overcome barriers that they might not have been able to overcome previously.

In schools that do not provide culture and language, students do not have that core strength oftentimes to deal with those barriers on a daily basis. In immersion schools, those barriers are removed.

Senator SCHATZ. Thank you. I appreciate that.

This is a question for both Ms. Whitefoot and Dr. Boham. Part of the reason for immersion schools and culturally grounded education is exactly what you discussed but the other part is self determination.

I am wondering about the balance between developing expertise and best practices and how that kind of interacts and intersects with self determination? In other words, we do want national standards and national best practices in terms of immersion and culturally appropriate education.

On the other hand, there can be some friction and it can run counter to the desire for communities to chart their own course when it comes to education and culture. Starting with Ms. Whitefoot, please?

Ms. WHITEFOOT. I am pleased to have come here today as a participant in the Department of Education's negotiated rulemaking meeting held this morning and was able to witness that friction that does occur, particularly when it comes to English language proficiency as well as assessments.

In the discussion around English language proficiency, when you take a look the new reauthorization of the ESSA, it does not really address the needs of Native children. The representatives we had in there were advocating for Native language immersion.

At the same time, the chairman on the negotiated rulemaking committee spoke to the importance of sovereignty and self deter-

mination. In terms of determination, when it comes to schools, it is through the language immersion programs that we have the language programs we have in our schools and that we are able to realize true self determination and sovereignty.

You should know that best too, coming from the State of Hawaii. We have gone over there and studied some of the work that you are doing. Tribes are looking at those best practices and the research being done now.

It was no surprise that we also have our Native Hawaiian sister attending this meeting because we are also working together to address these issues and also to get some of the assessment tools being used.

We are not always involved in those processes at the Federal or State level. We just finished our legislative session in Washington State, so I think what ESSA is doing is motivating us to have that conversation with one another, with American Indians, Alaska Natives and Native Hawaiians on this topic alone.

I could go on and on but I will not.

Senator SCHATZ. Thank you, Ms. Whitefoot.

Dr. Boham, quickly. My time has expired but I do want to hear from you.

Dr. BOHAM. I cannot speak a whole lot to the rulemaking Ms. Whitefoot discussed, but I can tell you that right now we have outcomes every student is expected to meet. We have determined what it means to be a proficient language teacher, the tribes have.

We have been out of the fray in that way a great deal and I would imagine what you will see is a continued push around the local control issues of what those outcomes and standards should be for those language schools. I think that is where the discussion is really going to come out for those schools.

Senator SCHATZ. Thank you very much.

The CHAIRMAN. Thank you, Senator Schatz.

Senator Tester?

Senator TESTER. Thank you, Mr. Chairman.

First of all, thank you all for your testimony. I very much appreciate you coming and testifying.

I will start with you, Larry. The BIE released its list of the next ten replacement schools earlier this week. You obviously have a plan for those schools but there are still way too many schools that are in poor condition at the BIE.

The SAFETY Act that I introduced would require the department and OMB to come up with a ten year plan to get all the BIE facilities, not into fantastic condition, but good condition. I want to thank you for supporting that idea.

Does the department have its own larger, long term plan on how to address the remaining backlog, ASAP?

Mr. ROBERTS. It is something we are actively working on. As I mentioned earlier, we are waiting for a report I should have in about 60 days that will set a pathway forward for those schools in poor condition to get them to good condition.

After that it is done, we have asked them to look at basically what you have asked for, sort of a longer, comprehensive plan to keep these schools in good condition.



Senator TESTER. We look forward to it. Senator Daines talked about it and Senator Franken has talked about it. The bottom line is in a lot of these schools, you could be a top notch student or have a top notch teacher but if the conditions are not there to learn, the classrooms just are not adequate. I do not want to reiterate it, you know the issues.

Your testimony mentions that you heard about the idea of creating BIE as a standalone agency during the tribal consultation process for designing the current reorganization. What did you hear exactly from the tribes during consultation about the idea of making BIE a standalone agency?

Mr. ROBERTS. Senator, I was not involved with those consultations. What I heard exactly I will have to submit for the record.

Generally, there was a greater focus from tribes in terms of strengthening our existing organizations as opposed to an independent agency.

Senator TESTER. Have you heard anything from the tribes about vouchers?

Mr. ROBERTS. I have not. Another concern we have about the vouchers is that it is easy to over imagine the promise of a private school but the fact of the matter, Senator, is that they are selective so not every kid is going to get into that private school.

Senator TESTER. That is true.

Mr. ROBERTS. It is hard to get data from those private schools because they are not going to provide that type of data. I just want to say that while it may help some students, it is certainly not a cure all.

Senator TESTER. My understanding is those vouchers would take money away from current BIE schools, is that correct?

Mr. ROBERTS. It would take money away from current tribally-operated schools, Senator.

Senator TESTER. Has BIE done an estimate about how funded or underfunded those BIE schools are already?

Mr. ROBERTS. I do not have those numbers off the top of my head but I think everyone knows they are underfunded, Senator.

Senator TESTER. Thank you.

Others have mentioned the change in leadership at BIE and the director being demoted last week in response to an IG investigation. How is that change in leadership going to impact BIE reform moving forward?

Mr. ROBERTS. We are moving full steam ahead, Senator.

Senator TESTER. It will have no effect?

Mr. ROBERTS. It will have no effect.

Senator TESTER. What do you see as the path forward for rebuilding tribal trust in the BIE management?

Mr. ROBERTS. It is going to take a lot of one-on-one conversations with tribal leadership. We are actively doing that right now. Deputy Assistant Secretary Ann Marie Bledsoe Downes is going to be meeting with Southern Governors Pueblo Council next week. That is a start but we are going to extensive outreach with all tribal leaders.

Senator TESTER. That is a ton of tribes.

Mr. ROBERTS. Senator, they care about this when we hear from them.

Senator TESTER. I am going to go to you, Dr. Boham. Your testimony mentioned having classes at SKC in church basements, empty buildings and shared facilities. I appreciate your creativity but that is a problem.

What overall facility needs does SKC have? Have you done an assessment? Can you tell us what you need?

Dr. BOHAM. That was previous when it was first beginning in the early, early days. Today, we have a beautiful campus with amazing facilities.

Senator TESTER. Good.

Dr. BOHAM. Yes.

Senator TESTER. That is good news. I think Senator Daines talked about the fact that we have a tribal college on every reservation.

Dr. BOHAM. Yes.

Senator TESTER. Seven reservations, seven tribal colleges and they are split up. That is good news. You would say your facilities are above average and adequate?

Dr. BOHAM. Yes, but that is not the case for all tribal colleges across the Nation.

Senator TESTER. I agree. It speaks well of your tribal leadership, I will tell you that. It also speaks well of the fact you guys are prioritizing education at SKC and that is the key to breaking the cycle of poverty, in my opinion.

Senator TESTER. Regarding early childhood programs, Salish Kootenai College has a thriving early childhood education program as well as its own childcare center for students and faculty. You have my applause for that.

Dr. BOHAM. Yes.

Senator TESTER. How has that program impacted the quality and availability of early childhood education within the Flathead Reservation and the State of Montana as a whole?

Dr. BOHAM. Our childcare center is currently being used both as a childcare center and as a preschool laboratory facility. It has improved childcare within the reservation drastically because it makes childcare available for our students. Most of them would not be able to afford childcare if they had to find it someplace else. Finding quality childcare with educated caregivers is very difficult.

Montana just implemented pre-K-3 teacher licenses. We have a curriculum now to offer that licensure. We are anticipating an increase in seeing people who are skilled in teaching children between preschool and third grade which is a very different group of children to teach than elementary school.

I think it will have a huge impact on our Head Start, our pre-schools and our pre-schools operating in conjunction with our public schools.

Senator TESTER. Thank you, Doctor. I appreciate your leadership. From one Montanan to another, thank you very much for that.

One again, thank you all for your testimony and thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Tester.

Mr. Roberts, your testimony reflects that the Administration really does not fully support the RAISE Act. Your concern is the

creation of an independent agency within the Department of Interior.

The purpose of the independent agency within the department would clearly define the trust responsibility to Indian students. Can you talk a bit about how we can get the Administration support when we both want reforms that are going to raise academic achievement and economic opportunity when young people graduate?

Mr. ROBERTS. We do appreciate a number of different aspects of your bill. You focused on the one that gave us concern, the independent agency. We would like to work with you and your staff because I think we both have the same goals in mind which is empowering the BIE director to have that line authority over the various offices that he needs to have to be able to function effectively.

I would like to have someone from my staff at a high level work directly with your staff to see if we can get there.

The CHAIRMAN. I appreciate that. We look at the GAO report that was released. There are a lot of concerns. I think anyone who reads it has those concerns. I know everyone here on the panel and people on both sides of the aisle have concerns.

They focus on safety inspections. The report concluded the agency "cannot ensure that the learning and work environments at BIE schools are safe." How will the BIE ensure the safety of these schools? What steps are currently being taken to address the concerns from the report?

Mr. ROBERTS. We are going to have every one of those schools inspected this year. We have advertised seven new positions for safety inspectors. Once all those inspections are completed, as they are being completed, we will move forward in a timely fashion to address those, providing the funding that we have.

The CHAIRMAN. Ms. Whitefoot, the Department of Interior has been working on restructuring the Bureau of Indian Education for the past two years. The department's proposed restructuring appears to neglect the GAO's recommendation in its 2013 report on some of the deficiencies.

Those recommendations include, among other things, clear lines of decision-making authority processes. How did the BIE reach out to you, to the National Indian Education Association, regarding the restructuring?

Do you think the current structure, whereby the facilities, the personnel and the procurement decisions are made by another agency, not the Bureau of Indian Education but another agency, is appropriate for student achievement and safety?

Ms. WHITEFOOT. BIE has worked intimately with the National Indian Education Association regarding the reform. However, it has been mostly on communication and network with our constituency.

About three years ago at our annual convention in Rapid City, we did host a planning meeting with the BIE. During the past two conventions we have held more recently in Portland, Oregon, we held a town hall meeting with the Bureau of Indian Education.

I do want to say also, because I have been in education for about 40 years, I have also been a BIE-funded school administrator as

well, these are not short term issues but are long term issues that have been going on for many, many years.

We have had a direct ask from our NIEA membership asking for a timeline that lays out the entire plan for the reorganization, a budget specific to the reform itself and also the proposed 2,000 changes as well.

We also want to know how the BIE will assist school personnel in the event that a tribe will make significant staffing changes because we all know that tribes can take over these funds as well.

It is important for us to know what proposals are out there. It is important for communication to be open and transparent during this process.

The CHAIRMAN. Thank you so much.  
Senator Cantwell.”

**STATEMENT OF HON. MARIA CANTWELL,  
U.S. SENATOR FROM WASHINGTON**

Senator CANTWELL. Thank you, Mr. Chairman. Thank you for having this hearing. It is very important for those at the witness table. There probably is not a more important issue in Indian country than exactly how our education system is working or lack thereof and transparency.

I know before I got here there was some discussion of the exact process and the new list being published about schools. I wanted to ask Mr. Roberts about that list. Catching up on the 60 schools or so that you gave a guesstimate to before I got here, what do you think the cost is? What is the cost it would take to address this backlog of necessary school construction?

Mr. ROBERTS. Senator, I do not have an answer for you on that today. I can look to see. We are studying what it would take to bring all of the schools in poor condition up to good condition. I expect to have that report within 60 days.

When the negotiated rulemaking committee forwarded the list of schools, the 10 schools to be replaced, they suggested that we move forward with some subset of those schools. We are in a crisis, we cannot wait. I said we need to move forward with all 10 of these schools, some of which, Senator, are in your home State, but there are other schools across the country.

We do have a crisis here. We have to move forward quickly. Obviously that is going to take appropriations as well.

Senator CANTWELL. I am definitely very interested. For example, the Quileute School made that list but there is no timeline, as you just said, there is no funding, so they are in a tsunami zone. I am glad they are on the list but I also want to understand what that means.

I feel there is too much mystery left here. For an issue that all our colleagues care about, it would be much better to know what the backlog is and what it is going to take to clean it up.

I also want to bring up the Yakimas because that is another example of kind of confusing criteria. They thought the criteria of being 50-plus years old with 75 percent of their classes in modular buildings, they had been in the building for 37 years but found out the building was actually older than that.

All I am saying is I think this is about dilapidation or unacceptable conditions and then telling us what they are. I feel like every year it is a mystery. It is just a mystery.

Mr. ROBERTS. Every one of these 10 schools is on the list. We have funding to provide them for planning to start the planning process for replacement. That will happen this year.

Senator CANTWELL. For full construction?

Mr. ROBERTS. Planning for construction, that is right. The planning dollars they will receive this year. Then we will move forward subject to appropriations based on the readiness after that planning.

We are moving full steam ahead. We are going to be working with each of these tribal schools not only on this list but on the 2004 list that we have closed out to move forward as quickly as possible.

Senator CANTWELL. Mr. Roberts, do you think this process is working?

Mr. ROBERTS. I think there has been a lot of criticism about the process. We are fixing it is the short answer.

Senator CANTWELL. I hope so because I think when it is mysterious, by that I mean you do not know what you are going to get, what year you are going to get it, whether you meet the criteria or not, how can you build a momentum here in Congress to support the backlog if we said we really have a backlog of 50 to 60 schools that are in this very unacceptable condition which I think every one of our colleagues shows up here and says at one time or another?

Tell us what it is that we need and how long that would take and then let us work together across the aisle to try to get the funding so that we can understand the need. I think the fact it is not categorized in a way that is transparent enough leaves us short of the resources for Indian country. I think we really do need to focus in on this.

Thank you. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator Cantwell.

With that, there are no further questions today but members may still submit follow up written questions for the record. I would ask that you respond quickly. The hearing record will be open for two weeks.

I want to thank each of you for being here today, for your time and your testimony.

With that, the hearing is adjourned.

[Whereupon, at 3:52 p.m., the Committee was adjourned.]



## A P P E N D I X

PREPARED STATEMENT OF HON. BILL JOHN BAKER, PRINCIPAL CHIEF, CHEROKEE NATION SUBMITTED TO THE HOUSE INTERIOR APPROPRIATIONS SUBCOMMITTEE—MARCH 18, 2016

Chairman Calvert, Ranking member McCollum, Chairman Cole, and distinguished members of the subcommittee:

Osiyo.

My name is Bill John Baker, and it is my deep honor to serve as Principal Chief of our country's largest Native American tribe, the Cherokee Nation. Thank you for granting me an opportunity to speak with you today.

The state of Oklahoma held its presidential primary earlier this month, and in the days and weeks leading up to Election Day the good people of Oklahoma were inundated with a host of television and radio ads that said Washington is broken. Congress doesn't work for the benefit of the people, the President doesn't listen to Congress—Washington just can't get things done.

About the same time these ads were airing, the Cherokee Nation was in the process of finalizing an historic agreement with the Indian Health Service that will dramatically increase the capabilities of Indian Country's largest tribal health care system and usher in a new era of health care in northeast Oklahoma.

Washington isn't irreparably broken—as our story shows, it can get things done.

A few years ago I sat before this subcommittee and asked you to urge IHS to receive a round of new applications for the Joint Venture Construction Program. Many of you then signed onto a bipartisan letter led by Chairman Cole and Ranking member McCollum that called on IHS to reopen the program. This subcommittee pushed the full committee to include language in its committee report stressing the program's importance. Members of both parties augmented this effort with calls and letters to IHS and the administration.

Last year, IHS reopened the Joint Venture Construction Program and we submitted an application.

And later this year, the Cherokee Nation will break ground on what will be the largest facility ever built under the JV program. This 450,000 square foot facility will be constructed in our capital city of Tahlequah at an estimated cost of more than \$150 million. Per our agreement with IHS, we will provide the upfront construction costs, alleviating IHS of its trust responsibility for health care facility construction and saving valuable federal resources. Once the facility is completed, IHS will provide annual funding packages to cover staffing and operations costs. This agreement—approximately \$80 million a year for a minimum of 20 years—is the largest ever struck between IHS and a tribe.

This health care facility, which we expect to complete in late 2019, will be absolutely transformative for the entire Cherokee Nation and future generations of tribal citizens in northeast Oklahoma. It will expand our ability to deliver world-class health care and allow for the introduction of specialty services in the fields of surgery and endocrinology. The facility will also house many additional new upgrades to our ambulatory care, podiatry, audiology, dental care, eye care, primary care, specialty care, behavioral health, health education, nutrition, and diagnostic imaging capabilities.

During my tenure as Principal Chief, no issue has been more important to me than the continued expansion of our health care services. It has been my mission to help drive down the extreme health disparities that plague our region and the entirety of Indian Country. Over the past five years we have wisely invested more than \$100 million of our business profits in clinic construction, expansion, and renovation in an aggressive effort to improve the wellness of our citizens, both individually and collectively.

The new state-of-the-art health center will be the cornerstone of this effort and the crown jewel of our health care system. When we envisioned an expansion of the W.W. Hastings complex, we planned to take a big step forward—instead, we're taking a giant leap.

This is a monumental undertaking. This facility is far and away the largest project IHS has ever approved. It will be twice as large as the next largest IHS joint venture facility. In three short years, when we dedicate this new complex, we will know that future generations will live better and healthier lives.

But there is far more work to be done.

Everyone in this room knows the dire need for facility construction and facility repair in Indian Country goes far beyond the health care sector.

For instance, the construction and rehabilitation backlog for BIE schools is an estimated \$1.3 billion, and considering that estimation was based on just 68 schools, not the 78 that recently applied for school construction and rehabilitation funding, the figure may be somewhat conservative. Fifty-five of those 78 schools are deemed to be in “poor” condition, and the other schools were at least five decades old and educating the vast majority of their students in portable buildings.

We applaud the subcommittee for highlighting this issue and dramatically increasing the education construction account in the FY 2016 appropriations measure, and urge you to continue that momentum with additional funding for this purpose in FY 2017.

That said, we also need to be realistic about how far that funding will go. The schools that applied for education construction funds last year are in need of immediate repair—or in some cases, total replacement. BIE, however, is still working to complete a priority list created over a decade ago. If today 55 schools are considered to be in “poor” condition, how bad will they be in a decade or two or three when BIE has worked through enough priority lists to finally reach all of them?

We further understand the fiscal challenges you face when putting together your bill. If you were to appropriate the necessary amount to repair or replace all of these schools, every other program under the subcommittee’s jurisdiction would face the prospect of flat funding or cuts.

It is time for Congress, the administration, and Indian Country to consider new ways of tackling this vital issue and new solutions for school construction. Otherwise, we will never be able to address all of the needs. We applaud the subcommittee for urging the administration to “consider alternative funding mechanisms appropriations for replacing schools and facilities, including the use of bonds” in last year’s House committee report.

**One possible solution could be a BIE equivalent of the IHS Joint Venture Construction Program.**

We operate Sequoyah High School, a BIE school in Tahlequah, OK. Sequoyah has an enrollment of 367 students from 24 tribes and has a strict focus on academic success. Last year, Sequoyah ranked fourth nationally in the number of Gates Millennium Scholars per capita, and the 2014–15 graduating class earned over \$3.7 million in college scholarships. Additionally, Sequoyah High School has a 100 percent graduation rate.

Our students achieve in spite of Sequoyah’s aging and generally insufficient facilities. Sequoyah consists of 17 structures, 13 of which are more than 40 years old. The main high school and the science classrooms are 49 years old, and the robotics classroom is 85 years old and located more than a quarter-mile from the main high school. In the face of these challenges, the robotics team recently captured the state championship.

Approximately a third of Sequoyah students live on campus. At present, however, the residential dormitories have been relegated to a temporary dormitory due to the discovery of significant mold deposits throughout the entirety of both the boys and girls dormitories. This has placed a limit on the number of dormitory units available to students, which in turn negatively impacts enrollment (about 50 students per year have been denied admission to Sequoyah simply due to a lack of dormitory space). Mold has been caused by leakage in roofs and plumbing systems and asbestos has been discovered in many facilities, requiring extensive abatement.

A key problem at Sequoyah is major plumbing issues virtually campus-wide, resulting in a substantial amount of water leakage incidents. Aged plumbing systems have caused leakage issues in all but one building. This greatly contributes to the mold concerns that require extensive abatement and repair.

BIE’s Operation and Maintenance funding is not enough to meet the needs of the school, and, as such, the buildings continue to degrade, space continues to be an issue, and enrollment continues to fall.

Like so many BIE schools, Sequoyah requires immediate assistance. Yet because of the great need throughout Indian Country, and the great cost to the Federal Government to replace many of these facilities, earlier this year BIE selected just 10 schools to move forward with the application process for school construction funding, and eventually will select just five to move forward with repairs. Sequoyah was not one of the schools selected to continue with this process.



And considering the backlog, I find it hard to believe we will be selected any time soon under the current criteria and program guidelines. The need for repair, however, will still be there.

This is why we need new ideas and solutions. If tribes were able to incur construction costs for these facilities in exchange for fixed operations and maintenance costs—like the IHS joint venture—we might be able to begin to alleviate some of the significant backlog and create new educational opportunities in Indian Country. If we maintain the status quo and wait for BIE to go through the entire list, we'll be in the same place year after year.

We cannot simply wait for funding that is unlikely to come. The challenges are too great, and the consequences of delay are too much. Therefore, we urge the subcommittee and all of Indian Country to rally around new solutions to the problem of school construction, including a new joint venture-like program for BIE.

Finally, we continue to support full funding of IHS and BIA contract support costs, and continue to call for acceptance of the proposal to reclassify CSCs as mandatory appropriations. As you know, the Cherokee Nation has long been a leader in the self-governance arena. We were among the first tribes to enter into self-governance compacts: our compact with the Department of the Interior was signed in 1991, and we followed that with a compact with Indian Health Service in 1993.

We filed our first claim for contract support costs in 1994. For more than 20 years, the Cherokee Nation and other tribes have been litigating contract support cost issues to establish that the federal government's legal obligation to fully fund these costs is necessary to fulfill the policy of tribal self-determination. The U.S. Supreme Court has, on three occasions, confirmed this principle through rulings in *Cherokee Nation et al. v. Leavitt*, *Salazar v. Ramah Navajo Chapter*, and *Arctic Slope Native Association v. Sebelius*.

Despite these rulings, the Federal Government has not always lived up to its obligations. When the United States does not fully pay contract support costs, we must find ways to make up the shortfall. This means realigning our priorities and reducing funds budgeted for critical health care, education, and other tribal services. For every \$1 million that the Cherokee Nation must divert from direct patient care to cover contract support costs, we are forced to forego about 6,000 patient visits. Failure to fully fund these costs impedes our ability to meet the tribal health care needs and the other needs of Cherokee citizens.

Thank you again for this opportunity to testify.

Wado.

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PREPARED STATEMENT OF DINÉ B'OLTA SCHOOL BOARD ASSOCIATION, INC.  
(DBOSBA)

S. 2468

This bill is proposed for the purpose of establishing a 5 year demonstration project to provide grants to eligible Indian tribes for the construction of tribal schools. It proposes activity in five (5) related areas as follows:

### **1. Tribal School Construction Demonstration Program**

This program would include construction or renovation of one or more facilities at a school or a complete school replacement. "Tribal schools" would include BIE funded schools whether they are operated by the BIE or by a tribe or tribal organization.

Grants would be provided to "each eligible tribe" and "highest priority" would be given to tribes on Interior's priority list. Grantees would be required to provide at least 25 percent of the construction costs.

*COMMENT:* This Demo Program is set up in a way that is very similar to the Bureau's construction program with two exceptions:

1. It provides a separate track for schools that are either operated by a tribe or by tribal organizations or BIE operated schools who make an arrangement with the tribe to apply for the construction grant and
2. It provides a separate track for tribes who agree to come up with at least 25 percent of the cost of construction. This track would necessarily be available for tribes that could afford to provide such a matching share.

### **2. Construction funding for Tribal Colleges Program**

This program would provide funding for new construction, as well as renovations, and auxiliary programs such as health centers, libraries, day care centers, etc. It is a wide open program with no particular requirement except those that may be

established later by the Secretary. There is no matching requirement. \$5,000,000 per year for 5 years would be authorized.

### 3. Housing Assistance for Educators in schools with Indian Students

This program is designed to address the pressing need for adequate housing for educators in remote areas.

Schools covered under this section include:

- BIE funded schools, both BIE operated and tribally controlled
- public schools with at least 25 percent Indian enrollment

However, “eligible applicants” includes only Indian tribes and Indian organizations under the definitions in PL 93–638 (25 USC 450b) and PL 95–561 (25 USC 2021) and tribally designated housing entities as defined by the Native American Housing Assistance and Self-Determination Act of 1996. (25 USC 4103) \$5,000,000 per year is authorized over the next five (5) years for this program.

*COMMENT:* This Program would add public school educator housing to the substantial backlog that already exists for BIE funded schools. As written, the law does not even limit this program to public schools ON reservation lands. It would put the Bureau in a tough position when it comes to the distribution of resources. It can be assumed that the Bureau would currently have no information concerning the housing situation at public schools. For several reasons, including public schools housing needs as a Bureau responsibility is a bad idea.

Furthermore, the law would seem to create a situation where there would be two housing priority lists; one for the tribally controlled schools, and the other for BIE operated under the current system. Perhaps, the option of using NAHASDA would lessen the impact and permit BIE schools to apply; but it might well be a long and trying process to make it work. The Bureau should be required to create a priority list for housing construction and renovation. Schools should be able to apply for employee housing projects separately from overall school construction. The Bureau should also explore the option of using modulars (not trailers) in the replacement process to reduce cost and speed up construction. Also opportunities for using the local workforce in renovations should be included.

### 4. BIE and OMB Plan

This provision would establish a mandate for the BIE and OMB to develop a 10 year plan to bring ALL the BIE school facilities up to compliance with all applicable requirements and submit this Plan to the appropriate committees of the Congress.

*COMMENT:* DBOSBA supports this bill language.

#### 1. GAO Report

*COMMENT:* DBOSBA appreciates the GAO for its reports and recommendations for improvement of schools particularly their visits at the school sites and field level.

S. 2580

S. 2580 would terminate the Bureau of Indian Education (BIE) and transfer its authority to a new “independent” agency within the Department of the Interior (DOI). This Bill fails to understand that this transfer already occurred in 1978 under PL 95–561. One of the reasons why this is not well understood is that the DOI has failed to implement various portions of the existing law. Many of the frustrations of the Congress and Indian country alike with the performance of the Bureau are due to this failure to establish a complete education system, as well as provide the opportunity for tribes to do the same using the provisions of the self-determination laws, P.L. 93–638 and P.L. 100–297.

25 USC 2006 (a) through (e) is key to understanding the importance of the 1978 reforms of PL 95–561.

- 25 USC Section 2006 (a) contains the provision that first established line authority for the Director of what is now BIE.
- 25 USC Section (b) makes it clear that the Director is to “direct and supervise the operations of all education program services by the Bureau, including school or institution custodial or maintenance personnel, and personnel responsible for contracting, procurement, and finance functions connected with school operation programs.” This language is clear!
- 25 USC Section 2006 (c) makes it clear that functions and positions at the agency and area level are subject to contract by tribes and tribal organizations unless the functions involved are determined to be “inherently federal.” This is a concept that has been refined under Interior’s Tribal Self-Governance Program.

- 25 USC Section 2006 (d) makes it clear that BIE must monitor and evaluate BIE programs, must provide all services and support functions involving personnel matters, and must provide technical and coordinating assistance related to contracting, budgeting, personnel, curriculum and O & M.
- 25 USC Section 2006 (e) provides detail on how the construction program is to function.

The law established a new contract educator system that operates in a manner very similar to that of most states. (25 USC 2012) This system was a dramatic improvement over the civil service system (title 5) that was in place before it and has generally worked well as long as BIE management understood it and was committed to implement it. The law established the requirement for an equalization formula for the distribution of funding. (25 USC 2007) This formula (ISEP), developed by a combination of tribal and Bureau educators and a few expert consultants, was a great improvement over the previous method that was rife with favoritism and inequity.

The law also calls for a Division of Budget Analysis (25 USC 2009) which the Bureau has ignored. The law (25 USC 2001 (h)) also called for studies of various funding formulas (Transportation, ISEP, Administrative Cost Grants, small schools adjustments, O & M funding, etc. Failure to conduct such studies has made it more difficult to form an objective justification for funding increases.

Local input and control of education is provided for in BIE operated schools for those school boards and communities who do not wish to assume more complete control under a contract or grant. The process, which involves decisionmaking by the school board but also providing an appeal option for the local school supervisor, is found in 25 USC 2012 (d) (4) for hiring of personnel and 25 USC 1130 (b) (3) (B) for approval of the school's budget and expenditures. This process again works well when principals and supervisors implement it in good faith. Currently, it appears that the law is being deliberately violated.

Much more could be said concerning provisions of law that have not been implemented by Interior. Regarding the support/administrative services that should long ago have been transferred to Education (BIE), it seems that the BIA has resisted these transfers because it (the BIA) would almost undoubtedly be forced to relinquish staff and funding to the BIE. While the GAO and Congressional oversight committees have often pointed to the Bureau's poor results, the idea that it is DOI's failure to move forward with a restructuring that is at the heart of the problem is usually missed. Currently the BIE is undergoing a restructuring that once again ignores the authorizing legislation. This is very disappointing and greatly increases the potential for failure.

*DBOSBA Recommendation:* Rather than moving forward with S. 2580, DBOSBA believes that the Committee should conduct a thorough review of the Interior's implementation of PL 95-561 and PL 100-297 (25 USC 2000 through 2021) and provide a set clear suggestions/directives to DOI concerning implementation of these laws. A great deal of thought and good sense went into the statute and the lengthy rule making process that followed. DBOSBA believes there is a good foundation there that needs to be given a chance. Included in these suggestions to Interior should be one that calls for an independent budget justification (Greenbook) for BIE, put together by its own new Budget Division, in cooperation with the affected tribes and school officials.

S. 2711

This is a very strange piece of legislation. It authorizes the Secretary to disperse funds to states that are participating in a program known as Education Savings Accounts (ESA) for eligible students. States in turn would provide grants to accounts controlled by a parent or guardian who would use the funds to "purchase goods and services needed for the education of the student."

**Eligible students for ESA include:**

- students who attended a BIE funded school the semester before the student first applied for the ESA program, or
- a child who is eligible to attend a BIE funded school for kindergarten or other elementary school grade in the semester after the child first applied for the ESA program
- a student who lives on the reservation of a tribe
- a student who will not be attending a BIE funded school or other public elementary or secondary school during the school year when the student is participating in the ESA program, and

- the student must meet any eligibility requirements of the state's ESA program for which the student is applying

Furthermore a student who is eligible by these criteria will be deemed eligible until he/she graduates from high school or reaches the age of 21.

#### Payments

The Bureau would be obligated to pay the state/s an amount for each grant, which is the lesser of

1. the amount of the grant provided by the state for the ESA program for the applicable school year, or
2. 90 percent of the amount the Secretary would provide to a BIE funded school on behalf of each student for the applicable school year under the ISEP formula.

*COMMENTS:* It is difficult to imagine this in practice. The primary purpose of Education Savings Accounts seems to be investment planning by parents to pay for college expenses at a future point in time. S. 2711 would have the BIE giving money to the states to pay parents for educational programs not operated by either the BIE or the state. This would seem to allow parents to pay for school tuition and expenses at private/alternative/charter schools that were participating in the state's ESA program. It remains a question where the ESA students would attend school.

There would be many logistical challenges. The BIE's funding formula is based on student count. Schools already on tight budgets would resist being a collection agency for a state program and there is a legal question whether a school could count a student who was not in attendance.

Furthermore, if a state has a recognized ESA program, most if not all Indian students residing in the state would already be eligible to participate in it without going through the hassle of enrolling through the BIE.

DBOSBA questions the rationale for this bill, believes that it would be very cumbersome to implement, and feels that much more detail is necessary to properly consider such a bill.

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NATIONAL CONGRESS OF AMERICAN INDIANS (NCAI)  
March 17, 2016

Hon. Jon Tester,  
Hon. Maria Cantwell,  
Committee on Indian Affairs,  
U.S. Senate,  
Washington, DC.

Dear Vice Chairman Tester and Senator Cantwell:

On behalf of the National Congress of American Indians (NCAI), the oldest, largest, and most representative organization of American Indian and Alaska Native tribal governments, I write to express our support for the introduction of S. 2468, the *Safe Academic Facilities and Environments for Tribal Youth Act (SAFETY Act)*. The *SAFETY Act* recognizes the various schools that contribute to the future prosperity of our nation and Indian Country, including Impact Aid schools, Tribal Colleges and Universities (TCUs), Department of Education, and Bureau of Indian Education (BIE) schools, and creates federal agency accountability to address education-related facility needs for both students and teachers.

No resource is more important to the future of our nation and Indian Country than our children. For Native communities specifically, strengthening human capital to improve social welfare is a necessity to advance tribal sovereignty and maintain tribes' cultural vitality. Ensuring all students, including Native students, have a safe and healthy learning environment is a national duty, pivotal for lifelong academic and personal success. Within safe and healthy learning environments, and equally important, must be the delivery of high-quality education through qualified and consistent teachers, whose concerns need not consist of inadequate housing in the area they commit to teaching. Equal educational opportunity is not only a matter of fairness, but essential in creating jobs, advancing personal wellness and empowering communities.

NCAI's membership strongly supports the *SAFETY Act*, and we applaud your commitment to tribal youth with the introduction of the legislation. NCAI will continue to stand in support of the *SAFETY Act* as the legislation moves through the legislative process to be signed into law.

I also write to express our support for S. 2304, the Tribal Early Childhood, Education, and Related Services Integration Act of 2015. The legislation addresses technical assistance and training needs for tribes to exercise their sovereignty and administer their own early childhood education programs, while ensuring access to educational and infrastructure resources, requiring federal agency coordination, and retaining school teachers.

Providing a high-quality, culturally-appropriate education is imperative to the development and success of Native children, especially to our youngest students. By providing opportunities for success early on in the educational process, a student's chances to progress to the next grade level, attend college, and reach their full potential drastically increase. Adequate facilities and educator consistency also are critical factors for the academic success of our students, essential in establishing uniform educational standards for all students while protecting and advancing tribal sovereignty.

NCAI's membership strongly supports the *Tribal Early Childhood, Education, and Related Services Integration Act of 2015*, and we applaud your commitment to tribal sovereignty and tribal youth with the introduction of this legislation. NCAI will continue lend our support of the Act as the legislation moves through the Senate and this Congress.

Sincerely,

JACQUELINE JOHNSON PATA,  
*Executive Director, NCAI.*

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THE NATIONAL INDIAN IMPACTED SCHOOLS ASSOCIATION (NIISA)

Hon. Jon Tester,  
Hon. Maria Cantwell,  
Committee on Indian Affairs,  
U.S. Senate,  
Washington, DC.

Dear Senator Tester and Senator Cantwell:

The National Indian Impacted Schools Association (NIISA) enthusiastically endorses S. 2468, the "Safe Academic Facilities and Environments for Tribal Youth Act" or SAFETY Act. NIISA represents over 635 federally impacted public school districts that receive funding through the Impact Aid Program. This revenue source provides critical funding to school districts that educate children residing on Indian treaty, federal trust or Alaska Native Claims Settlement Act land.

The initiatives in the SAFETY Act recognize the need for adequate facilities in federally impacted Indian lands public schools by recommending a GAO Study; Bureau of Indian Education (BIE) schools by requiring OMB to develop a ten year plan; tribal colleges and universities construction initiative and will provide housing assistance for educators serving in BIE and public schools with significant American Indian enrollment. A first class workforce in America begins with a first class education that is provided in first class facilities! The SAFETY Act will be foundational to identifying the backlog of facility renovation and construction needs in these education systems.

NIISA is especially pleased to see federally impacted public school's facility needs prioritized. These school districts educate over 90 percent of American Indian students; however, as a result of federal presence, they have limited taxing authority for general operation and bonding for construction and renovation purposes. A GAO Study that evaluates the facility needs of these districts will be an important first step in documenting the backlog of need. Further, the Act directs the GAO to examine the adequacy of funding in Section 7007 subparagraphs (A) and (B) of ESSA to document current levels of federal appropriations for facility upgrades, an equally important piece to reaching a long-term solution.

Finally, NIISA wishes to express its gratitude to Senator Tester and Senator Cantwell for initiating this authorization. Please accept NIISA's endorsement of the SAFETY Act, S. 2468.

Sincerely,

DAN HUDSON, *President*,  
BRENT GISH, *Executive Director*,  
NIISA.

BROWNING PUBLIC SCHOOLS  
*April 4, 2016*

Hon. Jon Tester,  
Committee on Indian Affairs,  
U.S. Senate,  
Washington, DC.

Dear Senator Tester:

I write this letter on behalf of the Browning School District located in Browning, Montana in support of 2468: the Safe Academic Facilities and Environments for Tribal Youth Act—SAFETY ACT. Please know that the facility needs of our schools are as we indicated in the brief we left with you on our last visit to D.C. Specifically our lack of teacher housing makes it difficult for our district to not only attract teachers, but impacts our ability to retain them as well.

We support S. 2469 in total as we fully recognize the construction needs of BIE schools, the tribally controlled community colleges as well as teacher housing. As public schools enrolling children residing on Indian Trust and Treaty land as well as Alaska Native lands, we are particularly interested in Section 7 of the bill calling for a GAO study of Section 7007 of the Impact Aid law (Title VII of Every Child Succeeds Act of 2015). Our district like others that depend on Title VII funding does not have the bonding capacity to fund our capital projects. Although Section 7007 provides funding for facility repair and modernization; the funding level is inadequate (\$17 million per year) to meet the needs of Indian land districts and is shared by both our districts as well as districts serving military dependent children. Unfortunately there is little national data available supporting the need for facility funding for our schools. Although the Department of the Interior maintains a school facility condition index for all BIE schools and the Department of Defense recently completed an inventory documenting the facility needs of public schools located on a military installation, there is no national equivalent list that catalogs the infrastructure and maintenance needs of Impact Aid school districts. It is important to take notice of the fact that approximately 90 percent of Native students attend local public schools. Over 115,000 of those Native students are enrolled in one of 630 public school districts operated on or near a reservation.

A GAO Study that evaluates the facility needs of districts such as ours will be an important first step in documenting the backlog of need. On behalf of our district and the community we serve, I would ask that S. 2468 be made a committee priority and that the legislation be enacted prior to the conclusion of this Congress. Please know as well that should the committee be in need of further documentation of our facility needs, I would be happy to provide you with additional information including photos.

Thank you again for your support of the Browning Public School District.

Sincerely,

JOHN P. ROUSE,  
*Superintendent.*

INDEPENDENT SCHOOL DISTRICT NO. 38  
*April 4, 2016*

Hon. Jon Tester,  
Hon. Maria Cantwell,  
Committee on Indian Affairs,  
U.S. Senate,  
Washington, DC.

Dear Senator Tester and Senator Cantwell:

I write this letter on behalf of the Red Lake School District located in Red Lake, Minnesota in support of 2468: the Safe Academic Facilities and Environments for Tribal Youth Act—SAFETY ACT. Please know that the facility needs of our schools are in need of repair and in some cases modernization if not new construction. In addition our capacity with regard to high speed connectivity is lacking.

We support S. 2469 in total as we fully recognize the construction needs of BIE schools, the tribally controlled community colleges as well as teacher housing. As

public schools enrolling children residing on Indian Trust and Treaty land as well as Alaska Native lands, we are particularly interested in Section 7 of the bill calling for a GAO study of Section 7007 of the Impact Aid law (Title VII of Every Child Succeeds Act of 2015). Our district like others that depend on Title VII funding does not have the bonding capacity to fund our capital projects. Although Section 7007 provides funding for facility repair and modernization; the funding level is inadequate (\$17 million per year) to meet the needs of Indian land districts and is shared by both our districts as well as districts serving military dependent children. Unfortunately there is little national data available supporting the need for facility funding for our schools. Although the Department of the Interior maintains a school facility condition index for all BIE schools and the Department of Defense recently completed an inventory documenting the facility needs of public schools located on a military installation, there is no national equivalent list that catalogs the infrastructure and maintenance needs of Impact Aid school districts. It is important to take notice of the fact that approximately 90 percent of Native students attend local public schools. Over 115,000 of those Native students are enrolled in one of 630 public school districts operated on or near a reservation

A GAO Study that evaluates the facility needs of districts such as ours will be an important first step in documenting the backlog of need. On behalf of our district and the community we serve, I would ask that S. 2468 be made a committee priority and that the legislation be enacted prior to the conclusion of this Congress. Please know as well that should the committee be in need of further documentation of our facility needs, I would be happy to provide you with additional information including photos.

Sincerely,

ANNE LUNDQUIST,  
*Superintendent.*

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SANTEE COMMUNITY SCHOOL  
*April 4, 2016*

Hon. Jon Tester,  
Hon. Maria Cantwell,  
Committee on Indian Affairs,  
U.S. Senate,  
Washington, DC.

Dear Senator Tester and Senator Cantwell:

I write this letter on behalf of the Santee Community School District located in Nebraska in support of 2468: the Safe Academic Facilities and Environments for Tribal Youth Act—SAFETY ACT. Please know that the facility needs of our schools are remodeling to provide a safe entrance into our building and to allow the rest of our school to be in a safe locked method. In addition, we have two buildings that are in need of connecting so that our students may safely travel back and forth between buildings especially when exposed to weather elements. We do offer limited teacher housing in order to attract and retain teaching staff, but they are in desperate need of updating including new roofs and facility updates.

We support S. 2469 in total as we fully recognize the construction needs of BIE schools, the tribally controlled community colleges as well as teacher housing. As public schools enrolling children residing on Indian Trust and Treaty land as well as Alaska Native lands, we are particularly interested in Section 7 of the bill calling for a GAO study of Section 7007 of the Impact Aid law (Title VII of Every Child Succeeds Act of 2015). Our district like others that depend on Title VII funding does not have the bonding capacity to fund our capital projects. Although Section 7007 provides funding for facility repair and modernization; the funding level is inadequate (\$17 million per year) to meet the needs of Indian land districts and is shared by both our districts as well as districts serving military dependent children. Unfortunately there is little national data available supporting the need for facility funding for our schools. Although the Department of the Interior maintains a school facility condition index for all BIE schools and the Department of Defense recently completed an inventory documenting the facility needs of public schools located on a military installation, there is no national equivalent list that catalogs the infrastructure and maintenance needs of Impact Aid school districts. It is important to take notice of the fact that approximately 90 percent of Native students attend local public schools. Over 115,000 of those Native students are enrolled in one of 630 public school districts operated on or near a reservation.

A GAO Study that evaluates the facility needs of districts such as ours will be an important first step in documenting the backlog of need. On behalf of our district

and the community we serve, I would ask that S. 2468 be made a committee priority and that the legislation be enacted prior to the conclusion of this Congress. Please know as well that should the committee be in need of further documentation of our facility needs, would be happy to provide you with additional information including photos.

Sincerely,

KRISTY MACKEPRANG,  
*Business Manager.*

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STANDING ROCK COMMUNITY SCHOOL/FORT YATES PUBLIC SCHOOL  
*April 4, 2016*

Hon. Jon Tester,  
Hon. Maria Cantwell,  
Committee on Indian Affairs,  
U.S. Senate,  
Washington, DC.

Dear Senator Tester and Senator Cantwell:

I write this letter on behalf of the Fort Yates Public School District located in Fort Yates, ND, in support of 2468: the Safe Academic Facilities and Environments for Tribal Youth Act - SAFETY ACT. Please know that the facility needs of our schools are in dire need of repair and in some cases modernization, if not new construction. In addition our teacher housing continues to be in need of repair/replacement. Currently our lack of teacher housing makes it difficult for our district to not only attract teachers, but impacts our ability to retain them as well.

We support S. 2469 in total as we fully recognize the construction needs of BIE schools, the tribally controlled community colleges as well as teacher housing. As public schools enrolling children residing on Indian Trust and Treaty land as well as Alaska Native lands, we are particularly interested in Section 7 of the bill calling for a GAO study of Section 7007 of the Impact Aid law (Title VII of Every Child Succeeds Act of 2015). Our district like others that depend on Title VII funding does not have the bonding capacity to fund our capital projects.

Although Section 7007 provides funding for facility repair and modernization; the funding level is inadequate (\$17 million per year) to meet the needs of Indian land districts and is shared by both our districts as well as districts serving military dependent children. Unfortunately there is little national data available supporting the need for facility funding for our schools. Although the Department of the Interior maintains a school facility condition index for all BIE schools and the Department of Defense recently completed an inventory documenting the facility needs of public schools located on a military installation, there is no national equivalent list that catalogs the infrastructure and maintenance needs of Impact Aid school districts. It is important to take notice of the fact that approximately 90 percent of Native students attend local public schools. Over 115,000 of those Native students are enrolled in one of 630 public school districts operated on or near a reservation.

A GAO Study that evaluates the facility needs of districts such as ours will be an important first step in documenting the backlog of need. On behalf of our district and the community we serve, I would ask that S. 2468 be made a committee priority and that the legislation be enacted prior to the conclusion of this Congress. Please know as well that should the committee be in need of further documentation of our facility needs, I would be happy to provide you with additional information including photos.

Sincerely,

ROBYN BAKER,  
*Superintendent.*

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NATIONAL INDIAN CHILD CARE ASSOCIATION (NICCA)  
*April 1, 2016*

Hon. John Barrasso,  
Committee on Indian Affairs,  
U.S. Senate,  
Washington, DC.

Dear Senator Barrasso:

On behalf of the National Indian Child Care Association (NICCA), I am writing to express our support, as well as important considerations, for Senate Bill 2304,



the Tribal Early Childhood, Education, and Related Services Integration Act of 2015.

NICCA is the representative American Indian and Alaska Native (AI/AN) organization serving the 260 Tribal Child Care and Development Fund (CCDF) grantees that serve Tribal children and families across the nation. We have been representing Tribal children and families and the programs that serve them since 1991.

This bill, if enacted, would support Tribal programs in promoting early child development through a more comprehensive approach to service delivery and continuity of care for AI/AN children. While NICCA supports the general provisions of the bill, we suggest strengthening the bill in the following areas.

**Consolidation of Funds, Waivers, and Funding Matches**

NICCA would like to ensure that the consolidation of funding to implement the demonstration project does not lead to a decrease in Tribal Child Care and Development Block Grant (CCDBG) funding. S. 2304 does not indicate that any Tribal CCDBG regulations, policies, or procedures are waived or amended, so it is important to ensure that programs will have the resources to successfully implement all of their programs in accordance with the demonstration project. Additionally, we recommend that the bill be amended to remove language in section 805 A(c)(5)(B)(ii) that prevents the Secretary from waiving “any specific statutory requirement for recipients of Federal funding relate to the use of Federal funds to supplement, and not supplant, non-Federal funds.” Tribal programs often have difficulty in meeting non-Federal share requirements and we encourage the Committee to consider waiving the match requirement as funding flexibility is tantamount to the success of any Tribal early child education project.


**Tribal Early Childhood Work Group**

NICCA supports the development of the Tribal Early Childhood Work Group and is grateful for the inclusion in the group. We are prepared to share our knowledge with the Work Group and the Administration. However, missing from the list of Work Group members is the National Indian Education Association—a key partner and stakeholder in Indian education, including early education. We urge this addition to the Work Group.

NICCA thanks the Committee, especially Senator Tester, for the development and introduction of this bill and for the opportunity to provide our comments on the bill.

Sincerely,

KIM NALL,  
*Chair.*



**National Association  
of Federally Impacted Schools**

444 N. Capitol St., NW, Ste. 419 | Washington, DC 20001 |

| [www.NAFISDC.org](http://www.NAFISDC.org)

March 1, 2016

The Honorable John Tester  
United States Senate  
Washington, DC 20510

The Honorable Maria Cantwell  
United States Senate  
Washington, DC 20510

Dear Senators Tester and Cantwell:

We write today on behalf of the National Association of Federally Impacted Schools (NAFIS) in support of provisions in S. 2468, the "Safe Academic Facilities and Environments for Tribal Youth (SAFETY) Act of 2016." In particular, NAFIS supports the focus on improving public school facilities on Indian lands, as well as teacher housing to assist with recruitment and retention.

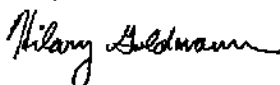
NAFIS represents Impact Aid-recipient school districts nationwide. Impact Aid is a partnership between communities and the Federal government where there is non-taxable property, such as military installations, low-rent housing, and national parks, and Indian Trust, Treaty, and Alaska Native Claims Settlement Act lands.

As an organization that, in part, represents public schools that educate American Indian students, we have a vested interest in this legislation. NAFIS and our subgroup, the National Indian Impacted Schools Association (NIISA), hear frequently from school administrators that challenges around teacher recruitment and retention are exacerbated by the lack of adequate, affordable housing. This bill recognizes the unique need for housing assistance for educators for public Indian lands school districts.

The lack of federal Construction funding for Indian lands districts means students and staff spend their days in unsafe learning environments. This is unacceptable. We support the bill's request for GAO to conduct a study on the age, condition, and utility of public school facilities on Indian lands districts and to comprehensively examine the unmet funding needs under Impact Aid Section 8007 Construction.

These issues are complex, but we believe progress can be made with broad commitment from the various constituencies represented in this bill, as well as a federal commitment to address these issues directly with legislation and appropriations. Thank you for prioritizing Impact Aid and public Indian lands school districts. NAFIS is please to support the identified provisions in the SAFETY Act.

Sincerely,



Hillary Goldmann  
Executive Director



Jocelyn Bissonnette  
Director of Government Affairs



April 3, 2016

The Honorable Jon Tester  
United States Senate  
311 Hart Senate Office Building  
Washington, DC 20510

The Honorable Maria Cantwell  
United States Senate  
724 Hart Senate Office Building  
Washington, DC 20510

Dear Senator Tester and Senator Cantwell:

I write this letter on behalf of the Cook County School District located in Grand Marais, MN in support of 2468: the Safe Academic Facilities and Environments for Tribal Youth Act – SAFETY ACT. Please know that the facility needs of our schools include roof repairs, science room modernization, rekeying facility, high speed internet connectivity to all homes and cafeteria modernization. Additionally our lack of affordable teacher housing makes it difficult for our district to not only attract teachers, but impacts our ability to retain them as well.

We support S. 2469 in total as we fully recognize the construction needs of BIE schools, the tribally controlled community colleges as well as teacher housing. As public schools enrolling children residing on Indian Trust and Treaty land as well as Alaska Native lands, we are particularly interested in Section 7 of the bill calling for a GAO study of Section 7007 of the Impact Aid law (Title VII of Every Child Succeeds Act of 2015). Our district like others that depend on Title VII funding does not have the bonding capacity to fund our capital projects. Although Section 7007 provides funding for facility repair and modernization, the funding level is inadequate (\$17 million per year) to meet the needs of Indian land districts and is shared by both our districts as well as districts serving military dependent children. Unfortunately there is little national data available supporting the need for facility funding for our schools. Although the Department of the Interior maintains a school facility condition index for all BIE schools and the Department of Defense recently completed an inventory documenting the facility needs of public schools located on a military installation, there is no national equivalent list that catalogs the infrastructure and maintenance needs of Impact Aid school districts. It is important to take notice of the fact that approximately 90 percent of Native students attend local public schools. Over 115,000 of those Native students are enrolled in one of 630 public school districts operated on or near a reservation.

A GAO Study that evaluates the facility needs of districts such as ours will be an important first step in documenting the backlog of need. On behalf of our district and the community we serve, I would ask that S. 2468 be made a committee priority and that the legislation be enacted prior to the conclusion of this Congress. Please know as well that should the committee be in need of further documentation of our facility needs, I would be happy to provide you with additional information including photos.

Sincerely,

Beth A. Schwarz  
Superintendent, ISD 166  
Cook County School District

Mahnomen Public Schools  
Jeff Blasek, Superintendent

Jim DeVries, Chairperson  
Jon McArthur, Vice-Chairperson  
Judy Hanson, Clerk

Independent School District No. 432  
P.O. Box 319  
Mahnomen, Minnesota 56557

David VanDenEinde, Treasurer  
Melissa Buck, Director  
Nichole Ose, Director

April 5, 2016

The Honorable Jon Tester  
United States Senate  
311 Hart Senate Office Building  
Washington, DC 20510

The Honorable Maria Cantwell  
United States Senate  
724 Hart Senate Office Building  
Washington, DC 20510

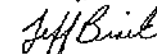
Dear Senator Tester and Senator Cantwell:

I write this letter on behalf of the Mahnomen School District located in Minnesota in support of 2468: the Safe Academic Facilities and Environments for Tribal Youth Act – SAFETY ACT. Please know that the facility needs of our schools are in need of repair and modernization of infrastructure as well as a need for improvement of safe secured entrances to our school facilities.

We support S. 2468 in total as we fully recognize the construction needs of BIE schools, the tribally controlled community colleges as well as teacher housing. As public schools enrolling children residing on Indian Trust and Treaty land as well as Alaska Native lands, we are particularly interested in Section 7 of the bill calling for a GAO study of Section 7007 of the Impact Aid law (Title VII of Every Child Succeeds Act of 2015). Our district like others that depend on Title VII funding does not have the bonding capacity to fund our capital projects. Although Section 7007 provides funding for facility repair and modernization; the funding level is inadequate (\$17 million per year) to meet the needs of Indian land districts and is shared by both our districts as well as districts serving military dependent children. Unfortunately there is little national data available supporting the need for facility funding for our schools. Although the Department of the Interior maintains a school facility condition index for all BIE schools and the Department of Defense recently completed an inventory documenting the facility needs of public schools located on a military installation, there is no national equivalent list that catalogs the infrastructure and maintenance needs of Impact Aid school districts. It is important to take notice of the fact that approximately 90 percent of Native students attend local public schools. Over 115,000 of those Native students are enrolled in one of 630 public school districts operated on or near a reservation.

A GAO Study that evaluates the facility needs of districts such as ours will be an important first step in documenting the backlog of need. On behalf of our district and the community we serve, I would ask that S. 2468 be made a committee priority and that the legislation be enacted prior to the conclusion of this Congress. Please know as well that should the committee be in need of further documentation of our facility needs, I would be happy to provide you with additional information including photos.

Sincerely,

  
Jeff Blasek, Superintendent

## *The Pine Point Public School*

Phone 218-673-4100

Ponsford, Minnesota 56575

P.O. Box 8

April 4, 2016

The Honorable Jon Tester  
 United States Senate  
 311 Hart Senate Office Building  
 Washington, DC 20510

The Honorable Maria Cantwell  
 United States Senate  
 724 Hart Senate Office Building  
 Washington, DC 20510


Dear Senator Tester and Senator Cantwell:

I write this letter on behalf of the Pine Point School District located on the White Earth Reservation in Ponsford, MN in support of 2468: the Safe Academic Facilities and Environments for Tribal Youth Act – SAFETY ACT. Please know that the facility needs of our school are in need of repair – mainly our roof. Our roof is 16 years old and we continue to battle leaks on a yearly basis. We have made some minor repairs (a temporary fix) since we moved into our building. We do not have the ability to fund this project. In addition our capacity with regard to high speed connectivity is somewhat lacking. We are updating on a yearly basis.

We support S. 2469 in total as we fully recognize the construction needs of BIE schools, the tribally controlled community colleges as well as teacher housing. As public schools enrolling children residing on Indian Trust and Treaty land as well as Alaska Native lands, we are particularly interested in Section 7 of the bill calling for a GAO study of Section 7007 of the Impact Aid law (Title VII of Every Child Succeeds Act of 2015). Our district like others that depend on Title VII funding does not have the bonding capacity to fund our capital projects. Although Section 7007 provides funding for facility repair and modernization; the funding level is inadequate (\$17 million per year) to meet the needs of Indian land districts and is shared by both our districts as well as districts serving military dependent children. Unfortunately there is little national data available supporting the need for facility funding for our schools. Although the Department of the Interior maintains a school facility condition index for all BIE schools and the Department of Defense recently completed an inventory documenting the facility needs of public schools located on a military installation, there is no national equivalent list that catalogs the infrastructure and maintenance needs of Impact Aid school districts. It is important to take notice of the fact that approximately 90 percent of Native students attend local public schools. Over 115,000 of those Native students are enrolled in one of 630 public school districts operated on or near a reservation.

A GAO Study that evaluates the facility needs of districts such as ours will be an important first step in documenting the backlog of need. On behalf of our district and the community we serve, I would ask that S. 2468 be made a committee priority and that the legislation be enacted prior to the conclusion of this Congress. Please know as well that should the committee be in need of further documentation of our facility needs, I would be happy to provide you with additional information including photos.

Sincerely,



Chris Schulz  
 Superintendent



HOME OF THE BOBCATS  
April 8, 2016

The Honorable Jon Tester  
United States Senate  
311 Hart Senate Office Building  
Washington, DC 20510

## IGNACIO SCHOOL DISTRICT 11 JT

P. O. Box 460 Ignacio, Colorado 81137

[www.ignacioschools.org](http://www.ignacioschools.org)

The Honorable Maria Cantwell  
United States Senate  
724 Hart Senate Office Building  
Washington, DC 20510

Dear Senator Tester and Senator Cantwell:

I write this letter on behalf of the Ignacio School District located in Ignacio, Colorado in support of 2468: the Safe Academic Facilities and Environments for Tribal Youth Act – SAFETY ACT. Please know that the facility needs of our schools are limited at this time because a community of under 700 people passed a \$ 50,000,000 bond in 2011 to build all new facilities. This month we are finishing this long project by opening a new transportation building. Our concern is the constant maintenance and up-keep of these facilities so they can last for at least the next 50 years. One major issue in our community is the lack of housing. Currently our lack of teacher housing makes it difficult for our district to not only attract teachers, but impacts our ability to retain them as well.

We support S. 2469 in total as we fully recognize the construction needs of BIE schools, the tribally controlled community colleges as well as teacher housing. As public schools enrolling children residing on Indian Trust and Treaty land as well as Alaska Native lands, we are particularly interested in Section 7 of the bill calling for a GAO study of Section 7007 of the Impact Aid law (Title VII of Every Child Succeeds Act of 2015). Our district like others that depend on Title VII funding does not have the bonding capacity to fund our capital projects since we maximized our limit in bonding capacity and we will not be able to ask our community for another bond in the near future. Although Section 7007 provides funding for facility repair and modernization; the funding level is inadequate (\$17 million per year) to meet the needs of Indian land districts and is shared by both our districts as well as districts serving military dependent children. Unfortunately there is little national data available supporting the need for facility funding for our schools. Although the Department of the Interior maintains a school facility condition index for all BIE schools and the Department of Defense recently completed an inventory documenting the facility needs of public schools located on a military installation, there is no national equivalent list that catalogs the infrastructure and maintenance needs of Impact Aid school districts. It is important to take notice of the fact that approximately 90 percent of Native students attend local public schools. Over 115,000 of those Native students are enrolled in one of 630 public school districts operated on or near a reservation. Ignacio School District serves approximately 800 students of which 40% are Native American students.

A GAO Study that evaluates the facility needs of districts such as ours will be an important first step in documenting the backlog of need. On behalf of our district and the community we serve, I would ask that S. 2468 be made a committee priority and that the legislation be enacted prior to the conclusion of this Congress. Please know as well that should the committee be in need of further documentation of our facility needs, I would be happy to provide you with additional information including photos.

Sincerely,

*Rocco Fuschetto, Ed. D.*

Rocco Fuschetto, Ed. D., Superintendent of Schools



INCHELLIUM SCHOOL DISTRICT No. 70

April 8, 2016

The Honorable Jon Tester  
United States Senate  
311 Hart Senate Office Building  
Washington, DC 20510

The Honorable Maria Cantwell  
United States Senate  
724 Hart Senate Office Building  
Washington, DC 20510

Dear Senator Tester and Senator Cantwell:

I write this letter on behalf of Inchellium School District No. 70, located in Inchellum, WA, the easternmost portion of the Colville Indian Reservation, in support of 2468: the Safe Academic Facilities and Environments for Tribal Youth Act – SAFETY ACT. Please know that the facility needs of our schools are in need of modernization based on the completion and recommendation of a recent Study & Survey through the Washington State Office of Superintendent of Public Instruction (OSPI). The current school facility was constructed in 1978 through a grant from the US Department of Commerce. There have been a few minor modifications the building completed through annual maintenance funding. When I arrived in July 2013, a Study & Survey had never been completed. The SCAP (School Construction Assistance Program) authorizes a Study & Survey to be completed every seven (7) years to help determine capacity and needs.

The most recent Study & Survey indicated a need to improve the educational facility through modernization by updating fire suppression, electrical systems, plumbing systems, the heating ventilation and cooling system, as well as technology infrastructure. This is a challenge because the district does not have the ability to capture all potential SCAP local match funding because of its location on trust land with tax exempt status.

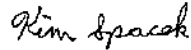
At this time, SCAP match Funding Assistance Match Percentage is 82.65%. This means that for every local \$1 raised the state will match it approximately \$0.83. However, a high percentage of property within the district is trust property that is unable to be taxed for the purposes of running a bond election to create the local funds needed for the match, thus making it virtually impossible to modernize the aging facility. Current estimates for a complete modernization are \$22,000,000. Around half must be obtained through local match. Asking for voters to approve a bond by taxing deeded property will yield maximum bonding of \$8,000,000 for a tax rate of \$8.61/1000 valuation for a project that is slightly less than \$6,000,000, which is not enough to complete the update needed.

In addition, teacher housing continues to be in need of repair/replacement. Currently our lack of teacher housing makes it difficult for our district to not only attract teachers, but impacts our ability to retain them as well. Any support in this area would be appreciated as well.

Inchelium School District No. 70 supports S.2468 in total as we fully recognize the construction needs of BIE schools, the tribally controlled community colleges as well as teacher housing. As public schools enrolling children residing on Indian Trust and Treaty land as well as Alaska Native lands, we are particularly interested in Section 7 of the bill calling for a GAO study of Section 7007 of the Impact Aid law (Title VII of Every Child Succeeds Act of 2015). Our district, like others that depend on Title VII funding does not have the bonding capacity to fund our capital projects. Although Section 7007 provides funding for facility repair and modernization, the funding level is inadequate (\$17 million per year) to meet the needs of Indian land districts and is shared by both our districts as well as districts serving military dependent children. Unfortunately there is little national data available supporting the need for facility funding for our schools. Although the Department of the Interior maintains a school facility condition index for all BIE schools and the Department of Defense recently completed an inventory documenting the facility needs of public schools located on a military installation, there is no national equivalent list that catalogs the infrastructure and maintenance needs of Impact Aid school districts. It is important to take notice of the fact that approximately 90 percent of Native students attend local public schools. Over 115,000 of those Native students are enrolled in one of 630 public school districts operated on or near a reservation.

A GAO Study that evaluates the facility needs of districts such as ours will be an important first step in documenting the backlog of need. On behalf of our district and the community we serve, I would ask that S. 2468 be made a committee priority and that the legislation be enacted prior to the conclusion of this Congress. Please know as well that should the committee be in need of further documentation of our facility needs, I would be happy to provide you with additional information including photos.

In Education,



Kim Spacek  
Superintendent



**The INTER-TRIBAL COUNCIL of the FIVE CIVILIZED TRIBES**

*A Resolution Supporting a Joint Venture-Like Program for Bureau of Indian Education Schools*

Resolution No. 16-98



Bill John Baker  
Principal Chief

**WHEREAS,** the Inter-Tribal Council of the Five Civilized Tribes (ITC) is an organization that unites the tribal governments of the Cherokee, Chickasaw, Choctaw, Muscogee (Creek), and Seminole Nations, representing over 500,000 Indian people throughout the United States; and



Bill Anoatubby  
Governor

**WHEREAS,** the construction and rehabilitation backlog for the Bureau of Indian Education (BIE) schools is an estimated \$1.3 billion, which is an estimate that is based 68 schools, not the 78 that applied for school construction and rehabilitation funding; and



Gary Batton  
Chief

**WHEREAS,** 55 of those 78 schools are deemed to be in "poor" condition, and the other schools were at least 50 years old and are educating the majority of their students in portable buildings; and

**WHEREAS,** the schools that applied for education construction funds last year are in need of immediate repair or total replacement; and



James R. Floyd  
Principal Chief

**WHEREAS,** BIE is still working to repair schools that are on a priority list that was created over a decade ago; and

**WHEREAS,** with the limited funding available and the backlog of schools that are in desperate need of repair or replacement, there is a need for an innovative solution; and

**WHEREAS,** the US House Interior Appropriations Sub-Committee urged the administration to "consider alternative funding mechanisms appropriate for replacing schools and facilities; and



Leonard M. Harjo  
Principal Chief

**WHEREAS,** some tribes are willing and able to partner with the BIE by incurring some construction costs; and

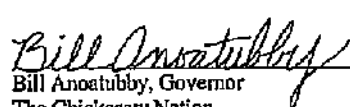
**WHEREAS,** a school repair and replacement program through the BIE could be structured similarly to the Joint Venture program offered by the Indian Health Services; and

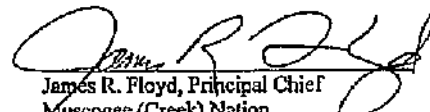
**WHEREAS,** a BIE Joint Venture-like program would allow tribes to shoulder some of the burden for construction and repairs at BIE schools in exchange for fixed operations and maintenance costs.

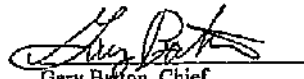
**NOW THEREFORE BE IT RESOLVED**, the Inter-Tribal Council of the Five Civilized Tribes recognizes that the consequences of waiting for the BIE to address the challenges faced by these schools are too great, and we urge all of Indian Country, and our allies, to rally around innovative solutions for school construction, including a new Joint Venture-like program for BIE.


**CERTIFICATION**

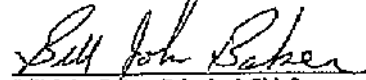
The foregoing resolution was adopted by the Inter-Tribal Council of the Five Civilized Tribes meeting in Catoosa, Oklahoma on this 8<sup>th</sup> day of April, 2016, by a vote of all for 0 against and 0 abstentions.

  
Bill Anoatubby, Governor  
The Chickasaw Nation

  
James R. Floyd, Principal Chief  
Muscogee (Creek) Nation

  
Gary Burton, Chief  
Choctaw Nation of Oklahoma

  
Leonard M. Harjo, Principal Chief  
Seminole Nation of Oklahoma

  
Bill John Baker, Principal Chief  
Cherokee Nation