

**Written Testimony of Chairwoman Carri Jones, Leech Lake Band of Ojibwe
United States Senate Committee on Indian Affairs
May 13, 2015**

My name is Carri Jones, and I am the Chairwoman of the Leech Lake Band of Ojibwe (Band). Our Band is located on the Leech Lake Reservation in northern Minnesota. I want to thank Chairman Barasso, Vice Chairman Tester, and Members of the Subcommittee for holding this oversight hearing entitled "*Bureau of Indian Education: Examining Organizational Challenges in Transforming Educational Opportunities for Indian Children.*" My testimony is focused on the Band's long struggle to replace the Bug O Nay Ge Shig High School (High School) facility, which is administered and funded by the Bureau of Indian Affairs' (BIA) Bureau of Indian Education (BIE). We believe this to be emblematic of the significant challenges related to school facilities throughout Indian Country.

I would like to specifically thank Senator Franken for his tireless efforts to assist the Band in addressing our priorities. The School not only serves a critical role providing a quality, culturally relevant education to the Band's children, but also serves as an economic engine for the entire community. We are deeply grateful for their support.

Replacement of the High School has been a top priority of the Leech Lake Government and the entire Leech Lake community for many years. The Band has many critical needs on the Reservation on which it could testify; however, given the serious safety and health risks posed at the sub-standard High School facility, the Band has steadfastly focused its testimony solely on the need to replace the High School. Our hope is that this is the year that the Bureau of Indian Affairs (BIA), which handles construction of BIE facilities, begins the process to replace High School facility.

History of Indian Education

After the formation of the United States, Indian tribes ceded hundreds of millions of acres of our homelands to the federal government to help build this nation. In return, the U.S. made promises to make the resulting reservations permanent livable homes, including providing for the education, health, and general welfare of reservation residents. These treaty promises were made in perpetuity, remain the supreme law of the land, and do not have an expiration date. However, as you know and as tribal leaders are stating in these hearings today, these promises have not been kept, and our children suffer because of it.

Dire Need to Replace High School Facility at Bug O Nay Ge Shig School

The Bug O Nay Ge Shig School is located in Bena, Minnesota, operated by the Band and governed by its School Board. It is named in honor of Bug-O-Nay-Ge-Shig (Hole in the Day), an Ojibwe man who lived in the area at the turn of the century. He is revered for his commitment to fight for our land, our people, and for our children. Some of the kids ride school buses for 2 hours each way every day to attend school. Founded in 1975, the School started modestly with 35 Ojibwe students from the Reservation in response to parental concerns that public schools were not meeting the academic and cultural needs of our students. Since that time, the School has transformed itself into a magnet school, teaching state-approved curricula with Ojibwe cultural

components. Existing enrollment is a testament to the passion of the students, parents and teachers who are committed to strong academic achievement despite the significant deficiencies and health and safety hazards present at our High School.

The High School is in dire need of replacement. Unlike other schools in the BIE inventory, the High School facility was not originally built for use as an academic space. It is a metal-clad pole barn originally built to house an auto mechanic school and bus garage. When the building was transformed into the High School, the intention was that it would only be a temporary space. However, generations of students have attended school in this makeshift building. The facility has serious structural and mechanical deficiencies and lacks proper insulation. The facility does not meet basic safety, fire, and security standards due to the flimsiness of the construction materials, electrical problems, and lack of alarm systems. Further, the building lacks a communication intercom system, telecommunication technology, and safe zones, which puts students, teachers, and staff at great risk in emergency situations. The police and emergency responders have dubbed the high school building as “Killer Hall” because an emergency would likely have tragic results. In addition, in high wind situations over 40 M.P.H., the students must evacuate outside into the winds because of the structural flaws with the flat metal building.

The High School facility presents a continuing threat to the health and safety of our students and faculty due to poor indoor air quality that contains mold, fungus, and a faulty HVAC system. The facility also suffers from rodent and bat infestation, roof leaks and sagging roofs, holes in the roofs from ice, uneven floors, exposed wiring, poor lighting, sewer problems, lack of handicap access, and lack of classrooms and other space. These are just a few of the facility’s numerous deficiencies. Due to the unsafe surroundings, many students have withdrawn from our High School and have transferred to public high school. Students report being embarrassed about the condition of the High School, which results in a negative image of the School and a lower matriculation rate. Despite these challenging conditions, the students perform well. For example, the School has won many awards for its language immersion program and our students are successful compared to their performance at other area schools.

U.S Responsibility to Provide for the Education of American Indian Students

Several federal laws, treaties, and policies acknowledge the federal government’s obligation to provide for the education of American Indian children. The Band’s Reservation was established through a series of treaties with the U.S. and presidential executive orders. *See* Treaties of February 22, 1855 (10 Stat. 1165) and March 19, 1867 (Article I, 16 Stat. 719); Executive Orders of October 29, 1873; November 4, 1873; and May 26, 1874.

Through these treaties and executive orders, our ancestors ceded to the United States significant tracts of our homelands. In return, the U.S. promised to provide for school buildings, teachers, and the education of our youth. Hundreds of thousands of additional acres of our homelands were taken from us pursuant to the land allotment mandates of the federal Nelson Act in 1889, which is the Minnesota version of the General Allotment Act. As with the various treaty promises made to our people, one focus of the Nelson Act was to dedicate funds generated from these lands for “the establishment and maintenance of a system of free schools among said Indians, in their midst and for their benefit.” These treaty promises have no expiration dates and remain the law of the land. Sadly, these promises have not been kept.

High School Rated in “Poor Condition” in Need of Replacement by BIA

The BIA categorizes this facility in “poor” condition. In 2007, the BIA Midwest Regional Office for the Office of Indian Education Programs issued a report expressing strong concerns about electrical problems, potential fire issues, and student safety. The BIA Office of Facilities, Environmental Safety, and Cultural Management had documented the numerous and serious deficiencies of the High School.

In a February 28, 2011, in a letter responding to Ranking Member Moran’s inquiry about the High School, former Interior Assistant Secretary for Indian Affairs Larry EchoHawk stated:

The Bug O Nay Ge Shig High School shows evidence of continuing deterioration . . . Due to the type of construction of the Bug O Nay Ge Shig High School, improvements to the school such as expansion or construction of one building for classrooms or administrative space is not an optimum solution. **Preliminary evaluations indicate that the building should be replaced** (emphasis added). The estimated date of replacement will depend on the priority ranking of the high school and amount of funds available to correct school facility deficiencies through education construction appropriations.

Working collaboratively with our community and with architects, we have developed construction and design plans for a new High School that will serve as a local anchor for cultural, environmental and economic sustainability. To meet these objectives, we must first provide our children with a learning environment conducive to academic achievement. We are ready to move forward, but we need the Subcommittee’s help.

Lack of Funding for BIE Facilities Replacement Construction

The U.S. spends billions of dollars on the construction of buildings for federal uses but somehow can’t seem to budget sufficient funding to ensure that American Indian children go to school in buildings that are not only safe, but also conducive to learning. The President’s FY13, FY14, and FY 2015 budget requests violated their treaty and trust responsibilities, as they sought to essentially impose a moratorium on replacement school facilities construction by requesting funding only for repairs and improvements and the construction of one school. We are extremely appreciative of this Committee’s work to increase funding for construction of BIE schools over the past couple of years and believe the Administration is starting to take note of the extreme need throughout Indian Country. Although we believe some progress has been made, there is much more to be done.

For the President’s FY16 budget request, the BIA requests a “\$58.7 million increase is requested for Education Construction to support the education transformation. This includes a \$25.3 million increase for replacement school construction to complete construction of the final two schools on the 2004 replacement school construction priority list: Little Singer Community School and Cove Day School, both in Arizona. A \$17.7 million increase for facilities improvement and repair is requested for repairs to building structures and components that are necessary to sustain and prolong the useful life of education buildings. Additionally, \$11.9 million is requested to address major facility repair needs at schools like the Bug-O-Nay-Ge-Shig school on the Leech Lake Band of the Ojibwe reservation”

We are pleased that the President recognizes the significant needs at the Bug O Nay Ge Shig High School in his budget and that the Administration is making efforts to identify additional funding to address some of the backlog. With this said, the FY16 budget request does not offer enough funding to clear out the current backlog and admits that there are many schools, such as our High School, that are rated in “poor condition” with the potential for life, safety, and health hazards. Our High School is among the more than 63 schools funded by the BIE that are in poor condition. At this time, the BIE construction backlog is more than \$1.3 billion and this number keeps growing.

Instead, the Administration should be requesting at least \$200 million for FY16 for school **and** facilities replacement with a plan to request at least \$200 million each year until the BIE school construction backlog is addressed. The Bush Administration had requested over \$200 million each year in FY05-FY07 for BIE school and facilities construction and was able to make progress in reducing the BIE construction backlog. Only through consistent and sustained funding will the BIA be able to make a dent in its BIE school facilities backlog. Our hope is that the Subcommittee could consider addressing the BIE construction backlog by developing a plan to significantly reduce it over a period of time.

Conclusion

The Leech Lake students and students throughout Indian Country deserve the opportunity to attend school in a safe environment that provides them with educational opportunities afforded to other students. The United States owes them this. Instead, our students attend high school in a sub-standard, dangerous environment that is not conducive to learning. This impacts their self-worth, creates feelings of inferiority, and sends a message to them that their education and even their lives are unimportant.

Congress and the Administration must develop a comprehensive plan to fully fund the construction needs at the Leech Lake High School and fix organizational barriers which are preventing this. In addition, Congress and the Administration must work in consultation with tribal leaders, educators, and others to develop innovative ways of funding and building Indian reservation schools.

We appreciate all the work that this Committee, its Members, and our Representatives have done to raise awareness and advance the replacement of the school to date and we look forward to continuing to work with you. Thank you for the time to testify and discuss this important topic.