



**Testimony of the President, Patricia Whitefoot
on behalf of the National Indian Education Association
Submitted to the United States Senate Committee on Indian Affairs**

Legislative Hearing on Senate Bills 2468, 2580, 2711, 2304

April 6, 2016

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."¹ 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% of Native students age 25 and older held at least a bachelor's degree in comparison to 33% of White students.

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

- In 2015, the national high school graduation rate reached an all-time high at 82%, while American Indian and Alaska Native students experienced a stagnant rate of 69.6%. Unfortunately, Native students, attending BIE funded and operated schools experienced even lower graduation rates at 53%, nearly 30% below the national average.²
- 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.³

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.⁴ 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

² 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

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

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

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 "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, online 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% 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 innovative 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.

For additional information, please contact NIEA Executive Director Ahniwake Rose at arose@niea.org or 202-544-7290.

Appendix

- Resolution 2011-18
- Resolution 2013-09
- Resolution 2013-12
- Resolution 2013- 13
- Resolution 2014-11
- Resolution 2014-17
- BIE Reorganization Letter of Support



National Indian Education Association

110 Maryland Avenue, N.E., Suite 104
Washington, DC 20002
Ph: (202) 544-7290 / Fax: (202) 544-7293 / Email:
resolutions@niea.org

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



NATIONAL INDIAN EDUCATION ASSOCIATION

110 Maryland Avenue, N.E., Suite 104, Washington, DC 20002
(202) 544-7290 (Phone) (202) 544-7293 (Fax) NIEA@niea.org (E-mail) www.NIEA.org

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.

A handwritten signature in black ink, appearing to read 'Pam Agoyo', with a stylized flourish at the end.

Pam Agoyo
President



NATIONAL INDIAN EDUCATION ASSOCIATION

110 Maryland Avenue, N.E., Suite 104, Washington, DC 20002
(202) 544-7290 (Phone) (202) 544-7293 (Fax) NIEA@niea.org (E-mail) www.NIEA.org

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.

A handwritten signature in black ink, appearing to read 'Pam Agoyo', with a horizontal line extending from the top left of the signature.

Pam Agoyo
President



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(202) 544-7290 (Phone) (202) 544-7293 (Fax) NIEA@niea.org (E-mail) www.NIEA.org

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 secondary 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 dully considered and passed by the National Indian Education Association on November 2, 2013 at which a quorum of the membership was present.

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Pam Agoyo
President



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1514 P Street, NW, Suite B, Washington, DC 20005
(202) 544-7290 (Phone) NIEA@niea.org (E-mail) www.NIEA.org

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 dully 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

1514 P Street, NW, Suite B, Washington, DC 20005
(202) 544-7290 (Phone) NIEA@niea.org (E-mail) www.NIEA.org

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
Advancing Excellence for All Native Students



November 10, 2015

The Honorable Sally Jewell, Secretary
U.S. Department of the Interior
1849 C Street NW
Washington, DC 20240

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%, BIE schools have an overall graduation rate of 53%. 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.

National Indian Education Association
1514 P Street, Suite B Washington, DC 20005
Ph. (202) 544-7290 Fax (202) 544-7293
Email: NIEA@niea.org
NIEA.org

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.

For more information or inquiries, please contact Ahniwake Rose, NIEA Executive Director, at arose@niea.org.

Sincerely,



Patricia Whitefoot
President