

**Testimony of Cecelia Firethunder, President  
of the Oglala Lakota Nation Education Coalition  
Before the  
Senate Committee on Indian Affairs  
Protecting the Next Generation: Safety and Security at BIA Schools.  
May 16, 2018  
628 Dirksen Senate Office Building**

**Introduction.** Chairman Hoeven, Vice Chairman Udall and honorable members of the Committee, wopila (thank you) for this opportunity to provide testimony on behalf of the Oglala Lakota Nation Education Coalition. My name is Cecelia Firethunder, a member of the Oglala Sioux Tribe. I am speaking on behalf of the Oglala Lakota Nation Education Coalition (OLNEC), which represents the Oglala Sioux Tribe's six tribally operated grant schools.<sup>1</sup> The schools operate pursuant to "Tribally Controlled Schools Act of 1988" (Public Law 100-297) and the Indian Self Determination and Education Assistance Act of 1975 (ISDEAA), as amended. We are located on the Pine Ridge Reservation in southwestern South Dakota. Our Tribal Council has given us the authority to be responsible for the administration and operation of all tribal school functions. Members of individual school boards are elected from the communities they serve.

**I. A Fundamental Requirement: Adequate and Proper Allocation of Federal Funds**

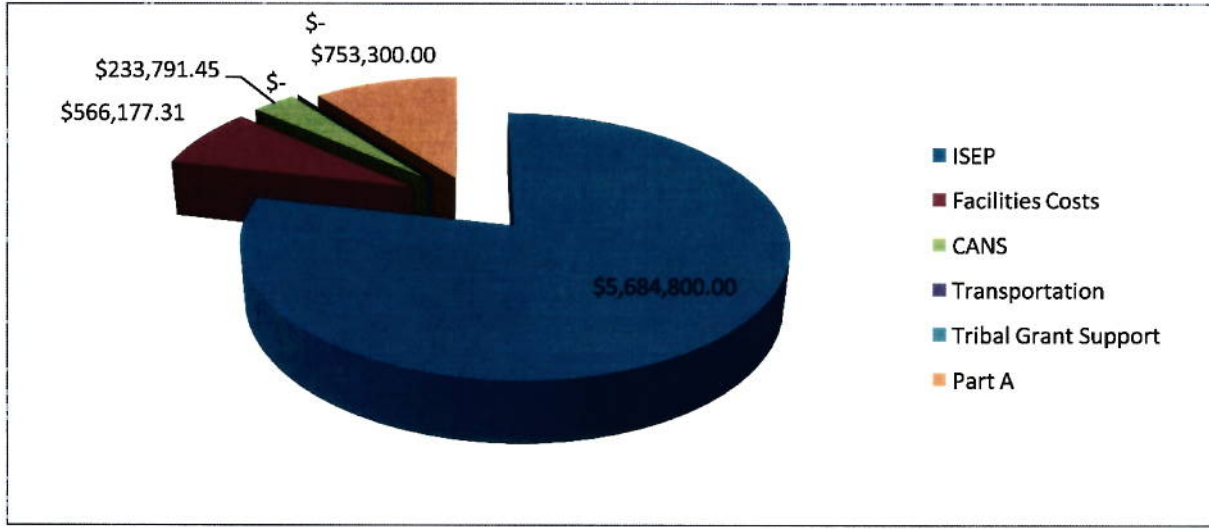
The Pine Ridge Reservation is located in southwestern South Dakota, covering an area of approximately 3 million acres and home to over 45,000 people. Connecting tribal youth to quality educational services across these great distances is a constant challenge for families and our tribal government. Assuming that they make it through the daily safety hazards posed by our inadequate and under-developed road infrastructure, tribal youth must then overcome the effects of years of underfunding and under-resourcing that have left our schools woefully unfit to address their needs.

Indian School Equalization Program (ISEP) formula funds provide critical support for instructional services at BIE-funded elementary and secondary schools, including tribally operated grant schools. The most pressing concerns we have right now are the chronic underfunding of and constraints on existing Facilities Operations and Maintenance accounts, which have resulted in a significant strain on our school resources. To fill gaps in funding, our schools are using ISEP dollars to cover non-instructional service costs, particularly in Facilities Operations and Maintenance, which have seen a decline over the years in necessary funding (see pie chart below). This reduces an already overloaded ISEP budget with our high costs for facilities and staff benefits. When we use our ISEP funds to cover the costs for other programs, we reduce available funds for teacher hires and curriculum needs in the classroom. This, in turn, directly affects the consistency and quality of the educational services our students receive.

The chart below provides a visual representation of how ISEP dollars have been put to other uses at the Little Wound School during the 2015–2016 academic year. Each of our six tribally operated grant schools has experienced similar circumstances and continue to face the diversion of ISEP funds to varying degrees.

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<sup>1</sup> Little Wound School, American Horse School, Wounded Knee District School, Loneman Day School, Porcupine Day School, and Crazy Horse School.



Federal support for tribally operated schools needs to be sufficient to meet our students' academic needs and to cover administrative and facilities costs. Without adequate and properly allocated funds, ISEP dollars will continue to be diverted to cover the costs of emergencies, staff benefits, and other non-instructional matters associated with operating a school. OLNEC communicates with our Tribal Education Committee and the BIE to keep them apprised of these matters.

## **II. Facilities: Infrastructural Insecurity - A Persistent Challenge in Tribally Operated Schools**

We continue to suffer negative effects from constraints on Facilities Operations funding. For the 2016 school year, the percentage of funds received in comparison to the need at our schools was 61%. As a result, we must use ISEP funding to pay for custodians, security officers, and supplies since the Facilities Operation funding to pay for basic costs is not sufficient to maintain our facilities. Three of our six schools are older and require additional costs to maintain them, and our Wounded Knee School needs to be completely replaced.

As our school facilities continue to age, costs will inevitably continue to increase. We note that federal regulations state: "*The Assistant Secretary [of Indian Affairs] shall arrange for full funding for operation and maintenance of contract schools by fiscal year 1981.*" 25 C.F.R. § 39.1203 ("Future consideration of contract school operation and maintenance funding") (emphasis added). Yet, since 1981, we have received 100% of funding only once; funding streams do not meet annual need.

None of the six schools on the Pine Ridge Reservation have been given any Maintenance Improvement & Repair (MI&R) funding in over a year and half. Our schools continue to degrade over time. Not having monies to repair the schools as needs arise increases overall maintenance costs. The Wounded Knee School is at the point of being unsafe for our students due to its age. It needs to be replaced. The Wounded Knee and Little Wound Schools are our top priorities for facilities maintenance and replacement. Little Wound School has 900 students. It serves 7 of the 9 communities on our Reservation with buses bringing the students to the school. Wounded Knee



has 300 students. Together, they serve over 1200 students, currently in conditions that pose significant health and safety hazards. Dilapidated school facilities are not only unsafe for our students, but they are also not productive learning environments. The chart below provides an overview of the facilities funding shortfalls at the Little Wound School.

YEAR	CALC NEED	FUNDED AMT	SHORT FALL	CONSTRAINT
2000-01	\$1,005,509.00	\$792,482.00	\$213,027.00	21.19%
2001-02	\$1,005,508.00	\$875,804.00	\$129,704.00	13.20%
2002-03	\$899,819.00	\$765,354.00	\$134,465.00	14.90%
2003-04	\$906,861.00	\$731,415.00	\$175,446.00	19.30%
2004-05	\$1,000,257.00	\$810,507.00	\$189,750.00	18.97%
2005-06	\$988,056.00	\$732,382.00	\$255,674.00	26.00%
2006-07	\$1,051,707.00	\$708,229.00	\$343,478.00	33.00%
2007-08	\$1,036,109.00	\$705,906.00	\$330,203.00	32.00%
2008-09	\$1,115,895.00	\$742,709.00	\$373,186.00	49.00%
2009-10	\$1,083,684.00	\$709,325.00	\$374,359.00	52.00%
2010-11	\$988,394.00	\$723,296.00	\$265,098.00	43.00%
2011-12	\$1,358,458.00	\$913,303.00	\$445,155.00	45.00%
2012-13	\$1,192,285.00	\$767,303.00	\$424,982.00	49.00%
2013-14	\$1,177,400.00	\$732,000.00	\$445,400.00	51.00%
2014-15	\$1,250,999.00	\$800,270.00	\$450,729.00	49.00%
2015-16	\$1,239,750.00	\$921,895.00	\$329,104.00	61.00%
TOTAL	SHORT FALL		<b>\$4,879,760.00</b>	

The chronic underfunding of tribally operated schools – as demonstrated by the above chart – is further complicated by the BIE's use of Indian Affairs-Facility Management System (Maximo) to track facilities needs. Because of the way Maximo operates, we are no longer able to determine the shortfall percentage. As a result, we rely on the annual BIE budget justification for such information. Regardless of the source, the outcome is clear: tribally operated schools need increased support. While we recognize that appropriations do not fall under this Committee's jurisdiction, we want to share that we believe an increase of 31.5% in BIE funding and a 100% increase for Facilities Operation and Maintenance are urgently needed to address facility safety concerns. We ask this Committee to support these funding levels in your discussions with the appropriators.

Specifically, for security purposes, all of our schools need metal detectors at the main entry of its facilities. Many of our schools have taken steps to control who enters our buildings along with additional resources for cameras to document any activity within the school. The Tribe has a K-9 unit that visits our schools on both a regular and as needed basis. But, due to the continued loss of funding for the Tribe's Public Safety Department, we have lost manpower and law enforcement presence for our schools. Further, given that the Tribe has only 34 officers for our entire Reservation, police response times are unduly and unacceptably long. In the event of a student or public safety emergency at one of our schools, it is unclear when help would realistically be able to arrive. The lack of tribal law enforcement officers and resources leaves our schools and thereby our students vulnerable.



### III. Unmet Behavioral Health Needs Threaten Student Safety

Senators, we are talking about the safety of our children. Unfortunately, the greatest dangers our children face on a daily basis come from within their families, homes, and community. The severe underfunding of tribal public safety and social service programs on the Pine Ridge Reservation and in Indian Country has been a chronic problem on the congressional radar since at least the 1980s. Decades later, the Great Plains is experiencing unprecedented violent criminal activity and recent upsurges in drug trafficking, as well as a crisis level drug epidemic. Tragically, these public safety threats are linked to increases in violent crime, suicide, and child neglect.

Suicide is the second leading cause of death for Native youth aged 15-24 years old. Native youth attempt suicide at rates 3-10 times that of the national average, depending on the reservation. As shocking as these statistics are, the numbers may be even worse. According to a CDC study, suicide rates for American Indian and Alaska Native youth may be underreported by as much as 30%. Poverty, unemployment, inadequate health care, and substance abuse are just the first layer of factors affecting the mental and emotional well-being of our youth. Underlying issues of social despair, cultural loss, and historical trauma affect our communities as a whole.

The CDC-Kaiser Permanente Adverse Childhood Experiences (ACEs) Study measures the effect of these and other stressful and traumatic factors on tribal youth.<sup>2</sup> ACEs are strongly correlated with the development of diverse health problems including learning challenges, substance misuse, and behavioral and mental health issues. Both ongoing ACEs and unaddressed past ACEs affect the ability of our tribal youth to focus on and engage in learning activities in the classroom. Our schools, however, do not have the resources to respond to our students' needs. We do not have the funds to support full-time behavioral health specialists or to provide targeted programming to address the emotional, behavioral, spiritual, and cultural needs of our students.

Unfortunately, recent public safety statistics show that many of our children must overcome numerous ACEs that directly affect their ability to engage in the classroom. The chart below details the Oglala Sioux Tribe's Department of Public Safety's annual report on certain public safety offenses for 2015–2017.

	Child Abuse/Neglect	Domestic Violence/Spouse Abuse	Sexual Abuse	Intoxication Liquor Violation
2015	870	429	84	14,225
2016	643	314	25	10,405
2017	465	281	30	5818

I have been advised and reminded that there is frequently more than one child in a household and/or involved in any emergency call that is reported. Thus, the numbers above can be significantly higher, along with the many other unreported incidents that occur each day. These

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<sup>2</sup> <https://www.cdc.gov/violenceprevention/acestudy/about.html>. Additional information on ACEs and its use in addressing and advancing behavioral health needs in Indian Country is available at <https://www.samhsa.gov/capt/practicing-effective-prevention/prevention-behavioral-health/adverse-childhood-experiences>.

events have a significant effect on a child's well-being. Over the past years our schools have collectively shared information and found resources to help make our teachers and staff aware of these incidents and the impacts of them on our students. Some of our schools have found ways to work with children and families to help students. The BIE does not provide therapeutic services and the Indian Health Service, unfortunately, is not able to help because its professional staff are primarily trained to provide therapeutic services for adults with few trained to work with children.

The influence of ACEs on our students, when coupled with the demoralizing effects and health hazards of our crumbling school facilities, place our youth at unacceptable risk. Their physical safety is compromised by crumbling facilities, their academic achievement is compromised by understaffed school faculties, their emotional and psychological well-being is compromised by multiple traumatic factors, and the list goes on.... In essence, our children face threats to their safety and welfare every time that they attend class in one of our six tribally operated grant schools. We need to rectify this situation.

To safeguard our students and protect our next generation, we need to address this issue from all sides. We need to provide our youth with the support they need to learn well and live full and meaningful lives. This means that adequate funding must be provided to support on-reservation mental and behavioral health services, substance abuse intervention, and PSAs to confront social forces like bullying and abuse. Moreover, long-term epidemiological studies need to be funded to analyze the underlying historical trauma that plagues our people and to design and implement appropriate and effective responses to it.

Due to the level of financial poverty on our Reservation, many of our children are covered by Medicaid. Our schools are looking for ways to provide therapeutic healing services for our little ones and their families. We have learned that many students and tribal members have found healing from these experiences. We know that it works. Senators, our old healing ways do work and many of us have benefitted from them. We need to ensure that our students have the therapeutic services and behavioral health treatment and counseling they need, and that these services are readily available in our schools. Addressing these essential needs of our students will allow them to become better learners and provide them the foundation they need to go forth and achieve their dreams.

**Conclusion.** The Oglala Lakota Nation Education Coalition greatly appreciates this opportunity to request support for the many pressing needs from our school administrators and school boards of our six tribally operated schools. However, we also know many schools from our relatives on Turtle Island are not here today to speak for their needs; therefore, we respectfully request you to remember them as well as you continue your important work.

Ho hecetu, Pilaunyapi.