

TESTIMONY
OF TONY DEARMAN
DIRECTOR – BUREAU OF INDIAN EDUCATION
U.S. DEPARTMENT OF THE INTERIOR
BEFORE THE
COMMITTEE ON INDIAN AFFAIRS
U.S. SENATE
MAY 16, 2018

Good afternoon Chairman Hoeven, Vice Chairman Udall, and Members of the Committee. I am Tony Dearman – the Director of the Bureau of Indian Education (BIE). On behalf of the BIE and the U.S. Department of the Interior, thank you for the invitation to appear again before the Committee to update you on our work. The Administration is committed to providing access to high-quality educational opportunities for all students at BIE-funded schools. As such, it is imperative that we provide students and staff the support needed to succeed, whether it be access to mental and behavioral health services or ensuring classes are held in a safe, well-constructed school facility. Every day we are working to effectively and efficiently utilize public resources and improve accountability to better support our schools.

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 as well as two postsecondary institutions – Haskell Indian Nations University and the Southwestern Indian Polytechnic Institute. Of the 183 schools, the BIE directly operates 53 schools and dormitories while tribes, through local control, operate the other 130 schools and dormitories through grants or contracts. In total, BIE-funded schools serve approximately 46,810 K-12 American Indian and Alaska Native students and residential boarders. Approximately 3,400 teachers, professional staff, principals, and school administrators work to support students served by BIE-operated schools.

We recognize that BIE-funded schools face unique and urgent challenges in providing a safe, high-quality education to our students. As I have mentioned in my previous appearances before this Committee, with challenges come tremendous opportunities for improvement in the way we operate on a day-to-day basis. We are working to think outside the box to expand best practices and address shortcomings. As such, the BIE is in the early stages of working with state education leaders from across the country through the Council of Chief State School Officers (CCSSO) to determine resources, best practices, and potential partnerships for improving safety and security in our schools. Because BIE schools are located across 23 states, it is critical that the BIE actively works with tribal, state and local leaders to ensure all students at BIE-funded schools have access to educational opportunities in a safe learning environment and the necessary mental and behavioral health supports to assist them as they work to succeed. BIE also collaborates with the Substance Abuse and Mental Health Services Administration (SAMHSA), which has expanded eligibility in its funding programs to include education agencies serving tribal youth.

In addition, BIE and SAMHSA have developed a behavioral health initiative called “Culture and Meth Don’t Mix,” a drug prevention curriculum for middle school youth.

Strategic Performance Management to Support School Safety

As highlighted by U.S. Government Accountability Office (GAO) reports, a lack of consistent leadership and the absence of regular and consistent strategic planning have limited the BIE’s ability to improve its core service delivery. In response, the BIE prepared a Draft Strategic Plan Proposal, and on October 17, 2017, published a notice in the Federal Register to initiate tribal consultation on the proposal. The BIE completed five tribal consultation sessions across Indian Country and hosted three listening sessions throughout the fall of 2017 to gather substantive input from tribes and Indian education stakeholders.

To ensure that the Strategic Plan is effective, the BIE collaborated with external subject matter expert organizations, including WestED, the South Central Comprehensive Center, the Building State Capacity and Productivity Center, and the CCSSO. These organizations provided BIE with technical expertise throughout the process and shared best practices in developing an effective, long-term strategic plan that guides the work of the organization for the next five years. As BIE works to implement the Strategic Plan and the associated work around safety, it will provide tribes, school boards, employees, and other stakeholders a mid-cycle status update during Year Three of the implementation phase. As part of its effort to execute mid- and long-term goals and strategies, including supports centered on student safety, the BIE will implement milestones and actions with progress tracked and transparently reported through a strategic performance management system.

The BIE is currently in the final stages of formalizing the Strategic Plan, which includes supports specifically centered on emotional preparedness and facility safety as well as one of six Mission Areas directly addressing wellness, behavioral health, and student safety. Upon final approval, the BIE plans to aggressively implement its safety-related strategies.

School Safety, Monitoring, and Compliance

GAO High-Risk Status and School Safety

In February 2017, GAO listed the BIE on its High-Risk Report (GAO-17-317 High-Risk Series). The GAO highlighted a number of weaknesses noted in prior reports that inhibit the agency from efficiently executing its mission to serve Indian students, including safety-related issues:

- Indian Affairs’ (IA) oversight of school safety and construction, as well as how the BIE monitors the way schools use Interior funds;
- The impact of limited workforce planning in several key areas related to BIE schools on service delivery;
- The effects of aging BIE school facilities and equipment and how such facilities contribute to degraded and unsafe conditions for students and staff; and
- How the lack of internal controls and other weaknesses hinder IA’s ability to collect complete and accurate information on the physical conditions of BIE schools.

Recently, GAO issued three additional reports that included several new safety-related recommendations. As I have testified previously, BIE is committed to addressing all GAO recommendations, both outstanding and more recent. As of May 2018, GAO has closed five GAO recommendations. Additionally, BIE has cross collaborated with partners from across IA

to address its remaining safety-related GAO recommendations. The BIE is committed to working with IA, the Secretary's office, and our colleagues at the GAO to ensure that the BIE systematically and comprehensively addresses each recommendation for improving services.

Further, through an IA collaborative working group to address outstanding safety issues, BIE has administered safe-school audits with a 100 percent completion rate in both 2016 and 2017. We are also on track to complete 100 percent of inspections in 2018 and are monitoring whether schools have established required safety committees. We are also working to ensure employee performance standards on inspections are consistently incorporated into the appraisal plans of personnel with safety program responsibilities and are on schedule to formally require safety inspectors to document when inspection reports are sent to schools and establish a process to routinely monitor the timeliness of such reports. Further, we have drafted and recently implemented the "*Indian Affairs Safety Health and Accessibility Inspection/Evaluation Guidelines*" (Guidelines) which will comprehensively address many of GAO's safety related recommendations.

Office of the Inspector General Reports and School Safety

Similar to addressing the GAO recommendations, there are a number of outstanding Office of the Inspector General (OIG) report recommendations regarding local-level emergency plans, training, emergency drills and other safety measures in BIE-funded schools. The BIE and its partners across IA are now working diligently to address these recommendations. More recently, the OIG has highlighted concerns regarding school violence at BIE-funded schools as well as the need for increased scrutiny for background checks. As such, the BIE has convened working groups to develop the necessary policies and procedures to address such recommendations. To-date, employees across BIE have responded to these report recommendations by implementing effective crisis emergency plans, conducting a variety of emergency drills, and providing high-quality conflict resolution, bullying, gang prevention, and substance abuse trainings.

Safety Policies, Procedures, and Awareness

As BIE works to address the GAO and OIG recommendations and improve security at its schools, the agency is focusing much-needed support on improving threat assessments, protocols and procedures as well as increasing access to guidance information for preventing and responding to instances of school violence. The BIE utilizes its School Safety Specialist to partner with key BIE staff in providing safety supports to BIE-funded schools as well as to coordinate with BIE Central Office to manage activities when threats are identified.

To ensure the welfare and safety of students and staff at BIE-funded schools, the agency also utilizes safety personnel to provide national protocols and guidance throughout the BIE school system uniformly in reference to issues that are national in scope. As such, the BIE provided guidance via a February 15, 2018 memorandum to schools and BIE staff regarding armed intruder policy and procedures.

In the memo, the BIE called on schools and staff to review their 2009 Safe School Planning Guides and perform the following duties:

- Review and update contact information;
- Share emergency plan information with staff and students;
- Provide current and updated information concerning emergency response techniques and plans;

- Provide re-unification information;
- Highlight student needs; and
- Review threat assessments.

The memo also emphasized the levels of preparedness schools can take to maintain security, including, but not limited to, lock-down drills; table-top exercises with stakeholders; drills with stakeholders; and how to receive BIE technical assistance.

The BIE is also working to improve its safety procedures by providing schools and staff guidance on pertinent mandatory and recommended trainings to ensure that safety is the highest priority at BIE-funded schools. The All Academic Staff Training and Preparedness guidance was most recently updated on January 12, 2018 and was provided to schools by BIE Education Program Administrators who work directly with school leaders. The form lists mandatory and recommended trainings and provides checklists for school leaders to plan and complete such trainings. These trainings include, but are not limited to: Child Abuse/Suspected Child Abuse or Neglect Training; Emergency Management Plan and Procedures; Continuity of Operations Plan; Bomb Threat Procedures; Conflict Resolution Plans; De-escalation Techniques; and School Security Reviews. Further, as part of the implementation of the Strategic Plan, the BIE plans to comprehensively review and update relevant policy and procedures to improve service delivery and safety.

BIE safety personnel provide information in a similar manner to both tribally controlled and Bureau-operated schools. However, levels of autonomy differ among tribally controlled and Bureau-operated schools. Bureau-operated schools are required to follow all national BIE policy memoranda, whereas tribally-controlled schools have the authority to create their own school policies and procedures, pursuant to any applicable law(s). Since the majority of BIE funded schools are directly managed by tribes or locally controlled school boards, the BIE's ability to oversee the implementation of safety policies is necessarily limited by their autonomy. However, the BIE does review grant assurances to ensure tribally controlled schools follow statutory and regulatory defined minimum requirements regarding necessary procedures for background checks as well as other safety measures. Additionally, the BIE regularly provides support and technical assistance, where requested, to improve safety procedures and local education delivery.

Safety Monitoring and Reporting

BIE utilizes a data system for tracking incidents of school violence, including threats. BIE schools work to document incidents by entering data into the Native American Student Information System (NASIS), which allows the BIE to collect data from schools that submit such information. NASIS is a centralized system for supporting teachers, school staff, students, parents, and the BIE Central Office. NASIS provides statistical reports based on school submissions that are necessary for addressing the various requirements of federal programs as well as critical incidents.

School-level employees and BIE NASIS specialists have access to the NASIS system for reporting and tracking such issues as well as providing pertinent information to the BIE Central Office. The Suspected Child Abuse/Neglect (SCAN) Program Specialist collects information through Critical Incident Reports once submitted by schools. In addition to reporting through the NASIS system, schools are instructed to contact key BIE personnel directly if such an issue occurs. As such, schools are directed to complete Critical Incident Reports, describing the issue

in detail, and immediately contact the BIE Central Office, their respective Associate Deputy Director (ADD), Education Resource Center staff, and the SCAN Program Specialist.

Professional Development and Safety Partnerships

Professional Development

The BIE has increased focus on professional development in the last two years to ensure BIE employees and school personnel have the training necessary to address the various safety needs of students and personnel in BIE-funded schools. The BIE will hold regional trainings this summer to assist BIE employees with understanding the latest policies and procedures for addressing local safety needs.

BIE has also provided suicidal ideation recognition trainings resulting in an increase in identification of at-risk students as well as the timely delivery of services. Through trainings and an increased awareness of resources, BIE personnel have increasingly utilized the U.S. Department of Education's Project SERV program when BIE-funded schools respond to suicide attempts and completions. Project SERV funds have also been used by BIE schools to hire mental and behavioral health professionals to return the school environment to pre-incident conditions as much as possible. Individual schools may also utilize ISEP base funding to provide for student safety services as well as Project SERV funds to support short- and long-term education-related services to help students and staff recover from a violent or traumatic event.

BIA Office of Justice Services

The BIE partners with the BIA Office of Justice Services (OJS) as well as local and tribal law enforcement where necessary to improve safety in BIE-funded schools. Schools like Sherman Indian School also contract with a local private security firms in order to take the burden off school staff in conducting detailed surveys, identifying safety and security deficiencies, and implementing corrective action plans. During the 2017–2018 School Year, approximately \$1.8 million in Safe and Secure Schools funding assisted in school safety audits and supporting onsite School Resource Officers (SROs) that are hired and supervised by BIA OJS.

In addition to OJS providing SROs, OJS provides training and other direct law enforcement safety services to BIE-funded schools, including:

- Gang Resistance Education and Training (GREAT);
- Drug Abuse Resistance Education (DARE); and
- Alert Lockdown Inform Counter Evacuate (ALICE) active shooter response.

Indian Health Services

Significant challenges exist in the delivery of behavioral and mental health services for BIE schools located in rural, geographically isolated locations, including the lack of local Indian Health Service (IHS) resources; lack of private practice and/or local hospital and clinical resources; and difficulty recruiting qualified licensed counselors and behavioral health and safety professionals. To work toward addressing need, BIE actively partners with IHS to better address the behavioral health needs of our schools and instances of suicide among BIE-funded students. BIE leadership recently met with IHS leaders to discuss areas for partnership as well as the continuation of support for local Memoranda of Agreement (MOA) being established by BIE-funded schools and IHS clinics to provide direct counseling services to BIE students.

FY 2018 Funding and School Facilities

In the FY 2018 Omnibus spending package, Congress funded the BIA and BIE at \$3.1 billion – an increase of \$204 million above the FY 2017 enacted level. This included \$129 million in infrastructure increases for schools and law enforcement. Through this funding, IA will work to address the current backlog in school construction and maintenance as well as provide local technical assistance to increase school safety.

At the end of the Second Quarter of FY 2018, total deferred maintenance for education facilities was \$547 million, including \$380 million for buildings and \$167 million for grounds. Deferred maintenance for education quarters was roughly \$75 million. Additionally, the cost to replace the remaining schools on the 2016 replacement list is estimated at \$292 million through a Design-Build approach, which IA has found to be significantly more cost-effective and more efficient in decreasing construction time.

In total, there are 72 replacement eligible schools – 54 eligible due to poor condition and 18 eligible due to school age and proportion of students in portable units. This is in addition to the ten 2016 NCLB schools and the three previously funded 2004 replacement list schools. The President's FY 2019 Budget request includes a legislative proposal to create a Public Lands Infrastructure Fund, which would help pay for repairs and improvements in national parks, national wildlife refuges, and BIE-funded schools. As the U.S. Department of the Interior works to expand its energy program on federal lands and waters, this initiative has the potential to generate much-needed infrastructure and maintenance funding. BIE strongly supports this proposal and looks forward to working with Congress to advance this legislation.

Conclusion

When I served as superintendent of Riverside Indian School and principal of Sequoyah High School, we understood that, as BIE personnel on the front lines, we were there to support the varying needs and safety of our students – often on a 24-hour basis. Between 2016 and 2018, OJS responded to 41 threats of shootings, 19 threats of bombings, seven lockdowns, five evacuations, and three reports of an active shooter at BIE schools.

If students experience a threat or critical incident in their school or a student attempts to take his or her own life, the event creates a widespread ripple-effect on their community. Understandably, those affected then have trouble learning at the same pace as unaffected students. Traumatic events create a lasting and profound experience for students and parents as well as educators and staff in the local community. As such, we are working every day to improve services to our schools, increase employee accountability, and coordinate with tribal, local, state, and federal partners to increase access to safe and secure facilities as well as guard against critical incidents and provide the mental and behavioral supports necessary for students to succeed.

Chairman Hoeven, Vice Chairman Udall and Members of the Committee, thank you again for the opportunity to present testimony today. We appreciate your continued dedication to our students and look forward to working with you to ensure that BIE funded students have a safe and secure learning environment. I would be honored to answer any questions you may have.