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**CHEROKEE NATION™**  
P.O. Box 948 • Tahlequah, OK 74465-0948 • (918) 453-5000

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Chad "Cornstassel" Smith  
Principal Chief  
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Joe Grayson, Jr.  
Deputy Principal Chief

June 17, 2010

**United States Senate**  
**Hearing before the Senate Committee on Indian Affairs**  
**OVERSIGHT HEARING on Indian Education: Did the No Child Left Behind Act Leave Indian Students Behind?**

**Testimony of Chad Smith, Cherokee Nation Principal Chief**

Chairman Dorgan and Vice Chair Barrasso, on behalf of the Cherokee Nation, I thank you for hosting this discussion on the No Child Left Behind Act and the subsequent effect it has had on students in Indian Country. My name is Chad Smith and I am the Principal Chief of the Cherokee Nation. The Cherokee Nation is the second largest American Indian nation in the United States, with approximately 280,000 citizens. The Cherokee Nation Tribal government is seated in Tahlequah, Oklahoma with a territorial jurisdiction spanning 14 counties in northeast Oklahoma.

We have a 100 year plan and believe the vision or "designed purpose" of the Cherokee Nation is to become a happy and healthy people. Our strategy is to become economically self-reliant, revitalize our language as the vessel of cultural intelligence and develop cohesive place and interest communities. We execute our strategy with leadership. We acquire leadership through education.

Education has always been a major priority to the Cherokee people. The history of our tribe is adorned with many great scholars and intellectual minds. One of the first governmental acts after the Trail of Tears was an appropriation by the Cherokee Nation to set up numerous day schools in the Cherokee Nation decades before the formation of the state of Oklahoma. The Cherokee Female Seminary was the first institute of higher learning for women west of the Mississippi, established in 1851. Today we are continuing this portion of our legacy through the success of our education programs at Sequoyah Schools and our Cherokee Nation Immersion School. Sequoyah Schools, an Indian boarding school, originated in 1871 when the Cherokee National Council passed an act setting up an orphan asylum to take care of the many orphans who came out of the Civil War. In 1914, the Cherokee National Council authorized Chief Rogers to sell and convey the property of the Cherokee Orphan Training School, including 40 acres of land and all the buildings, to the United State Department of Interior for \$5,000. In 1925, the name of the institution was changed to Sequoyah Orphan training School in honor of Sequoyah, the Cherokee citizen who developed the Cherokee Syllabary.

The Cherokee Nation resumed operation of Sequoyah in 1985 and added 7<sup>th</sup> and 8<sup>th</sup> grades in 2006 when it became known as Sequoyah Schools. From a school with one building and 40 acres of land, Sequoyah Schools has grown into a modern institution covering more than 90 acres and a dozen major buildings nestled on a beautiful campus five miles southwest of the Cherokee Nation capital city of Tahlequah, Oklahoma. It is regionally and state accredited for grades 7-12 and currently enrolls 400 students representing 42 tribes and 14 different states. Students are eligible to attend if they are members of a federally recognized Indian tribe or one-fourth blood descendants of such members.

The purpose of Sequoyah is singular: to develop leadership so our graduates can lead themselves with sound decisions, and lead their families, communities, Nation and Country to be happy and healthy people.

It is an honor to be accepted to Sequoyah Schools. To be considered, students must have a 2.25 grade

point average, three letters of reference, and no incident reports at their previous school. School administration feels that setting a standard for entrance requirements motivates students at an early age to perform their best in order to work towards attending Sequoyah Schools. It creates an expectation of success. This has been attested to by many elementary and junior high principals from surrounding school districts. Sequoyah Schools offers an academic curriculum that focuses on preparing students for college success. The majority of graduates from the School go on to higher education.

Many students have earned scholarships as a result of their academic success and their heavy involvement in community service and volunteering. Some of the recent success stories include students being accepted to West Point, The Air Force Academy, The Naval Academy, Dartmouth and Mercer.

For several years, there has been a moratorium on expansion of grade levels at Bureau of Indian Affairs Schools. This moratorium has chilled growth at Sequoyah High School, since no funding is allowed for 1<sup>st</sup> through 8<sup>th</sup> grade. Sequoyah Schools has become the primary school of choice in Northeastern, Oklahoma for Indian students. Students at Sequoyah consistently perform at higher levels than their peers in the Oklahoma public school system. Over 25% of Sequoyah seniors are enrolled in concurrent college courses. Excellence in academics and extra-curricular activities has elevated Sequoyah as a leader in Indian education. Sequoyah is continually producing record numbers of Gates Millennium Scholarships as well as many state athletic titles. Within the last five years we have had 32 Gates Scholars.

Sequoyah Schools has enjoyed many successes in the area of extra and co-curricular areas. Student athletes have advanced in every sporting arena consistently on an annual basis. Team leadership, self-motivation, commitment, and cohesiveness valued above individual talent. The school also offers Robotics, Drama and Speech, Junior Achievement (a class designed to allow students to become entrepreneurs), and many other beneficial classes, clubs, and organizations.

One of the reasons for success at Sequoyah and why my daughter attends is the sense of family, community and security. Each month I get a report of disciplinary incidents, last month the most significant number of infractions was 4 abuses of cell phones.

The Cherokee Nation believes that teaching success begins at birth and that in order for our young Native American students to have the greatest likelihood to succeed that we need every opportunity to have a positive impact at the beginning. In order to build a continuum, from cradle to career, we have recently begun a Cherokee Language School beginning with preschool age students that not only focuses on the Cherokee language but covers all the core academic areas as well.

In 2001, Tsalagi Tsunadeloquasdi was begun as a Language Preservation program. Twenty-six students and four staff members paved the way to revitalizing the language with our young people. Today we have over 80 students with our first class now entering the 5<sup>th</sup> grade this fall. Our students have excelled in the areas of technology and communication skills. The students in the school are being taught all of the core academic subject areas and are moving yearly towards higher standards. As a result of this program many adults have also been inspired to make a stronger commitment towards working to become more proficient in the Cherokee language. The mission of Tsalagi Tsunadeloquasdi is to promote the revitalization and usage of the Cherokee language while educating children in a safe and cultural environment. The Immersion School provides a culturally relevant foundation for education as well as prepping students to move on to Sequoyah Schools.

The implementation of NCLB/ESEA at Sequoyah Schools has had both positive and negative impacts on our school and others. Many of the positive outcomes can be attributed to the increased

accountability mandates. On the other hand holding everyone to general teaching and testing standards discourages creativity and critical thinking skills. Administrators often hold teachers accountable for test scores and many teachers in turn teach specifically narrow their focus and teach to the test objectives leaving many other beneficial skills and objectives out.

We have identified from our language and cultural intelligence twelve attributes of Cherokee leadership and we are striving to align our curriculum, activities, teaching and learning to achieve for each student these attributes: respectful, determined, integrity, lead by example, communicate, confidence, cooperative, responsible, teach others, patience, humility and strength.

The NCLB Act specifically has increased our accountability through standardized testing, highly qualified teacher requirements, specific teaching objectives in the core academic subject areas, and higher levels of transparency. Also as result general teaching and testing standards has discouraged creativity and the importance of teaching critical thinking skills. School Administrators are forced to hold teachers accountable for test scores and many teachers in turn specifically narrow their focus and teach to the test objectives leaving many other beneficial skills and objectives out. For this reason, criticisms of NCLB have often centered on why a high test score is more valuable than a well-rounded education that may include learning outcomes that are often not required by the common core areas.

The Cherokee Nation feels that adjustments need to be included in the reauthorization of NCLB to better address the needs of Indian students. The Nation would specifically like to see less emphasis on testing and more flexibility in establishing our own measurables. We feel that a more diverse curriculum will better fit the needs of our students by including increased focus on Native Culture and Language. Culturally relevant education is successful with Indian students because there are certain inherent qualities that are interwoven that have helped us to face adversity, adapt, survive, prosper, and excel for generations. Our younger children, Immersion students included, are also forced to take tests in English while many students in rural areas are English Language Learners (ELL), meaning they arrive at school knowing little or no English which causes them to test poorly. We would like Uniform Standards that include Tribes as active participants in uniform standards development. If assessment is tied to standardized testing, tribes need to be heard so curriculum is relevant to native students. American Indian Language and History should be included in the standards.

The Cherokee Nation believes that Johnson O'Malley (JOM) and similar programs should be utilized to supplement NCLB initiatives with updated formulas and funding to account for increased numbers of native students. Currently, the Nation receives funding for 19,000 students, but has over 22,000 students in the program. In years past, JOM funding has been omitted completely by the presidential budget request. The Cherokee Nation requests implementation of an updated funding formulary that will take into account the increased numbers of American Indian students, as well as proportional increases in funding to accommodate the increased numbers.

Teacher Quality should be defined in a way that captures tribal concerns for teacher development and certification. The blueprint sets forth the modified requirement for "effective" teachers, mandating that states define effectiveness based on student performance. No Child Left Behind standards that require a Bachelor's Degree or its equivalent have eliminated the ability for many teachers in rural areas and tribal communities to achieve state certification. Tribes should be involved in the process of defining requirements for "effective" teachers, as the needs for teachers in tribal communities will differ from metropolitan areas. The definition of "effective" should take into consideration the unique barriers facing rural and tribal communities, and should allow creative solutions that encourage teacher development and student performance, while increasing accessibility for tribal teachers to enter the classroom.

Programmatic changes necessary to smooth the way for certification and classroom teaching should be implemented to address when defining “Highly Qualified” status. Access to technology and additional tribal specific grants are needed for tribes to assist their citizenry bridge between those having and those not having access to technology and internet within Indian Country. We request appropriate funding for carrying out all mandates of the reauthorization of ESEA.

It is imperative that tribes are enabled to function in a governmental capacity, on par with state and local authorities in developing education systems. The Cherokee Nation has the necessary expertise to address the unique needs of Native American students as evidenced by the success of our schools. Active tribal input into the development of standards, curricula, and protocol is absolutely necessary if the United States wishes to see successful, culturally relevant education for Native students. Furthermore, Indian education is not a one-agency issue. Tribes need inter-agency collaboration to adequately plan for the future of Indian education.

In closing I would like to thank the committee for conducting this hearing on an issue that is of utmost importance to the Cherokee Nation and Indian Country as a whole. Indian education is a labor intensive issue that requires continual solidarity between tribal, state, local, and the federal government. The Cherokee Nation is optimistic that, as we move forward, the fruits of our labors and the inclusion of tribal concerns will lead to effective education policy that addresses the specific needs of American Indian students. Should you require further information, I invite you to contact the Cherokee Nation Washington Office, 202-393-7007.

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