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Testimony of David Beaulieu, Ph.D., President
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before the
Senate Committee on Indian Affairs
on the FY 2006 Budget Request
February 16, 2005

Chairman McCain and Vice Chairman Dorgan and Members of the Senate Committee on Indian Affairs, thank you for this opportunity to submit testimony on behalf of the National Indian Education Association with regard to the FY 2006 budget.

Founded in 1969, the National Indian Education Association is the largest organization in the nation dedicated to Indian education advocacy issues and embraces a membership of over 3,000 American Indian, Alaska Native and Native Hawaiian educators, tribal leaders, school administrators, teachers, parents, and students.

NIEA makes every effort to advocate for the unique educational and culturally related academic needs of Native students, and to ensure the Federal government upholds its immense responsibility for the education of American Indian and Alaska Native through the provision of direct educational services. This is incumbent upon the trust relationship of the United States government and includes the responsibility of ensuring educational quality and access. Recognition and validation of the cultural, social and linguistic experiences of these groups is critical in order to guarantee the continuity of Native communities. The way in which instruction and educational services are provided is critical to the achievement of our students for them to attain the same standards of students nationwide.

Although the National the National Indian Education Association supports the broad based principles of No Child Left Behind, there is widespread concern about the many obstacles that the NCLB present to Indian communities, who often live in remote, isolated and economically disadvantaged communities. There is no one more concerned about the accountability and documenting results than the membership of our organization, but the challenges many of our students and educators face on a daily basis make it difficult to show adequate yearly progress or to ensure teachers are the most highly qualified.

The requirements of the statute and its time frame for results do not recognize that schools educating Native students have an inadequate level of resources to allow for the effective

development of programs known to work with Native students. For example, the appropriation available under Title VII of the No Child Left Behind Act provides only a few hundred dollars per student to meet the special education and culturally related needs of our students.

The implementation of the statute does not include within the definition of “highly qualified teacher” the idea that teachers educating Native students actually have the training and demonstrated experience in order to be effective teachers of Native students. Not only is there inadequate funding for NCLB, there are serious concerns about confused guidance on adequate yearly progress mandates, inadequate assessment examples for limited English proficient students, weakened protections to prevent high dropout rates to occur, a lack of focus on parental involvement, recognition of paraprofessional’s qualifications, and a basic denial of civil rights.

Department of Education Budget Request

The Department of Education funds the education of Native American students by operating Native American targeted programs and setting aside funds within programs open to all students and transferring funds to BIA for BIA- Managed schools. Department of Education Native American Programs are often funded at the minimum level established by Congress, never the maximum. The federal government has not upheld its legal and moral obligation to provide sufficient funding for the education of Native American students.

President Bush’s budget proposes a \$529 million or .9% decrease to education equaling \$69.4 billion in total budget authority for the Department of Education. The request for Alaska Native Education Equity and Education for Native Hawaiians is reduced to by 5% and 8% despite the fact that NIEA and native educators have been asking for 5% increases in all native education program funding. Indian program funding remains at the same level as FY 2005 at \$119.9 million and down from FY04 and FY03 levels. Inadequately funding Indian education programs will diminish, if not undo, the progress that has been made. Within the past several years OIE has suffered from inconsistent funding, had never received full funding, and many subprograms have never been funded.

Title VII Programs

The purpose of Title VII programs, are to “meet the educational and culturally related academic needs of American Indian and Alaska Native students.” The funds for these programs signify the only sources of funding that specifically address the cultural, social, and linguistic needs of Indian students. At current levels, these programs are under funded and the proposed levels would provide approximately \$233 a student. NIEA recommends at least \$250 per student is needed as such programs motivate students, support improved academic performance, promote a positive sense of identity and self, and stimulate favorable attitudes about school and others Native students are more likely to thrive in environments that support their cultural identities while introducing different ideas. The importance of such environments cannot be overstated.

Arizona State University recently completed a study that concluded while funding for Limited English Proficient students, including Native students, has increased overall, the funding has been spread so thin resulting in less dollars per eligible student. Additionally, the study reports that the pressure of raising scores of these particular students discourages instruction focusing on the true needs of bilingual students. This example demonstrates some of the inconsistencies in the NCLB Act. Title VII and Title III are explicit in the purpose of providing programs related to culture and language, however this sentiment is not expressed throughout the entire NCLB Act and the resulting practice is “teaching to the test.”

Increasing the Department of Education budget for Native education programs by 5 percent would provide a step forward in helping Native students achieve the same high standards as other students nationwide, while at the same time preserving and protecting the integrity and continuity of Native cultural traditions. We realize that 5 percent will not address all of our needs, but we find the request to be reasonable and sensitive to the current budget environment.

Programs proposed for elimination that have a direct effect on native students include TRIO Talent Search, TRIO Upward Bound, Even Start, Perkins Loans, Exchanges with Historic Whaling and Trading Partners, and School Dropout Prevention, to name a few. While these programs may not have had the desired results across the board, they have provided an enormous benefit to Native students and served their intended purpose in Indian communities. Even Start serves a vital role in Native Communities, helping to break the cycle of poverty and illiteracy by providing assistance with writing and language skills to disadvantaged communities. Upward Bound and Talent Search programs have increased the skills and motivation for Indian students to pursue post-secondary education. These programs have had focused on the needs of our children and to eliminate the programs would cause a disparate impact to Native students. NIEA recommends restoration of these programs targeted for low- income students.

Title I Programs

Nearly 90% of the approximately 500,000 Indian children attend public schools throughout the nation. Indian students who attend these schools often reside in economically deprived areas and are impacted by programs for disadvantaged students. The President’s FY 2006 budget fails to fully fund the Title I low- income school grants program, critical to closing achievement gaps. A modest increase of \$602.7 million for this program still leaves more than \$7 billion below the authorized level for NCLB. If the FY 2006 budget is enacted, this will be the first cut in education in a decade and would completely disregard Native students’ critical needs.

There is a concern that education funds for Native students do not always reach the students they are intended to serve. While the set aside for BIA schools presumably is spent on Native students, it is not clear that this is the case with grants to local education agencies. Most Native students are educated in non-tribal public schools, not BIA schools and a large share of funding does not flow directly to Native students. Often times Title VII funds, whose purpose are related to language and culture, are being used

for before school, after school and tutorial programs, essentially Title I programs. In other words, Title VII monies are being used to fund Title I programs because the Title I funding is inadequate and Indian students are not receiving the cultural components that are mandated in Title VII.

Higher Education

Within the Department of Education Budget, the Tribally Controlled Postsecondary Vocational and Technical Institutions and Strengthening Tribally Controlled Colleges and Universities requests remain level with the 2005 levels of \$23.8 million, while the Strengthening Alaska Native and Native Hawaiian Institutions receives a 45% decrease from FY05 levels to \$6.5 million. Tribally controlled colleges and universities receive just under \$3000.00 annually per student, less than half of the amount annually provided per student to other community colleges, and do not have access to other state and local dollars, exacerbating the situation. NIEA requests a 10% increase in funding to tribally colleges based on tribal colleges relying on federal funding to meet core operational needs.

Impact Aid

The Impact Aid program directly provides resources to state public school districts with trust status lands within the boundaries of a school district for operational support. Funding that affects schools that serve Indian children who reside on or near federal land has been decreased by \$3 million.

Department of Interior Budget Request

The overall Interior budget is proposed to be cut by 1%. Within that budget, there is a \$108.2 million reduction in funding for the Bureau of Indian Affairs, reducing that agency's budget to \$1.9 billion. BIA's budget has historically been inadequate to meet the needs of Native Americans and, consequently, our needs have multiplied. The FY 2006 BIA budget fails to fund tribes at the rate of inflation, thus exacerbating the hardships faced by Native American students.

There are only two education systems for which Federal government has direct responsibility: the Department of Defense Schools and Federally and Tribally operated schools that serve American Indian students. The federally supported Indian education system includes 48,000 students, 29 tribal colleges, universities and post-secondary schools. The federal government's responsibility for the education of Native peoples is in response to specific treaty rights; however to us, the FY 2006 budget signifies an increased negligence if its trust responsibility.

Perhaps the clearest example of unmet needs among Native American is the disparity between the amounts spent per student at BIA schools compared with public schools. BIA schools will spend about \$3,000 per student, less than half the amount that public schools nationally will spend. The amount currently spent per student at BIA schools is equivalent to public school per student expenditures during the 1983-1984 school year. In 2006, BIA schools will spend an amount per student that public schools were spending over 20 years ago, while expecting our students to perform at levels of 2006.

Indian School Construction Funding

The inadequacy of Indian education facilities is well documented and well known. Education construction funds the construction of new buildings, replacement of structurally unsound ones, and repair and maintenance of existing ones. In 1997, GAO issued a report “Reported Condition and Costs to Repair Schools Funded by the Bureau of Indian Affairs” that documented an inventory of repair needs for education facilities totaling \$754 million. In 2004 the backlog for construction and repair was reported to have grown to \$942 million.

During President Bush’s first term, he promised to remove the backlog for new Indian school construction. Between 2001 and 2005, funding was appropriated for 34 replacement schools and since that time, nine of the schools have been completed and are operating with 25 in design and construction. The FY 2006 Budget proposes to cut Indian school construction by \$90 million with the rationale that the focus must remain on schools already funded for construction and school construction has fallen behind. We understand and support the Committee’s views that money for programs and construction must be managed appropriately and efficiently, however with school construction, our children are forced to shoulder the burden of contracting delays at the BIA and tribal levels. Completing the construction of 9 schools since 2001, while progress, is not enough.

Indian Education Facilities Improvement and Repair Funding

The continued deterioration of facilities on Indian land is not only a federal responsibility; it has become a liability of the federal government. The FY 2006 Budget Request cuts facilities improvement and repair to \$128.4 million. Old and exceeding their life expectancy by decades, BIA schools require consistent increases in facilities maintenance without offsetting decreases in other programs if 48,000 Indian students are to be educated in structurally sound schools.

Of the 4,495 education buildings in the BIA inventory, half are more than 30 years old and more than 20% are older than 50 years. On average, BIA education buildings are 60 years old while 40 years old is the average age for public schools serving the general population. 65% of BIA school administrators report one or more school buildings in inadequate physical condition. Although education construction has improved dramatically over the last few years, the deferred maintenance backlog is still estimated to over \$500 million and increases annually by \$56.5 million.

There is a known backlog of hundreds of millions of dollars in critical repair needs. The purpose of education construction is to permit BIA funded schools to provide structurally sound buildings in which Native American children can learn without leaking roofs and peeling paint. We urge not only restoration of funds to the FY 2005 level, but an increase that will realistically address the needs of Indian children who must try to learn in buildings that are not conducive to learning. It is unjust to expect our students to succeed academically if we don’t provide them with a proper environment to achieve success.

Johnson O'Malley Funding

In 1995 a freeze was imposed on Johnson O'Malley funding through the Department of Interior, limiting funds to a tribe based upon its population count in 1995. The freeze prohibits additional tribes from receiving JOM funding and does not recognize increased costs due to inflation and accounting for population growth. In the FY06 proposal, JOM funds are decreased by 50%. Prior to the 50% decrease, funding for JOM was calculated to equal \$85 per student based on criteria established by the tribal priority allocations system and a decade old count of the number of Native American students per state. JOM funding per student is currently 65.4 percent less than it was during the early 1970's when per student funding was \$246.

NIEA urges that the Johnson O'Malley funding freeze be lifted, and other formula drive and head count based grants be analyzed to ensure tribes are receiving funding for their student populations at a level that will provide access to a high quality education for Indian students. Additionally we request that \$8.8 million be restored in the JOM program.

Tribal Colleges and Universities

Under the Bureau of Indian Affairs Budget, Tribally Controlled Community Colleges a decrease of \$9.76 million is proposed with zero funding for United Tribes Technical College in Bismarck, North Dakota and Crownpoint Institute of Technology in Crownpoint, NM. NIEA requests an increase of 10% of amounts appropriated in FY05 for programs affecting higher education of native students in both the DOE and BIA budgets.

The average funding level per full time students for non tribal community colleges was \$7,000.00 in 1996. By comparison, the 26 tribally controlled colleges under BIA are receiving \$4,447.00 per full time enrolled Indian student. Although this is the highest per student level to date, it is still only about 75% of the authorized level. The conditions under which tribal institutions must educate Native students are constrained by the lack of tax base to support them. To make up for the lack of money caused by inadequate funding, tribal college tuitions are typically so high that many Native American students cannot afford them.

Lastly, NIEA would like to mention the \$2 million set aside to pilot leadership academies within the BIA budget. NIEA supports the notion of a program dedicated to building positive attitudes about learning, but we feel that the money could be best spent supporting existing programs within tribal college and university programs. NIEA recommends reinvesting the money designated for leadership academies into strengthening existing programs within tribal colleges that already provide many of the benefits to primary education students a leadership academy is expected to offer.

Department of Health and Human Services

The Head Start/Early Head Start programs are vital to Indian Country. Over the last 40 years, Indian Head Start has played a major role in the education of Indian children and in the well-being of many tribal communities. Of the approximately 575 federally

recognized Tribes, 28% participate in Head Start/Early Head Start Programs, with a funded enrollment of 23,374 children. These programs employ approximately 6,449 individuals, of whom 3,263 are either former or current Head Start/Early Head Start parents. There are another 35,395 volunteers, 22,095 of whom are parents.

The President's budget calls for "flat funding" of Head Start. This means another year of stagnant funding for Head Start programs, which according to researchers at the National Head Start Association could result in cuts in enrollment next year of at least 25,000 kids (calculated at 23,700 for Head Start and 1,700 for Early Head Start). The Indian Head Start program would experience a cut of approximately 725 kids. The only way to save these slots for kids under the Administration's proposal would be to take critical funding from the Head Start training and technical assistance budget. The President's budget will require programs to cut the number of children served, reduce services, lay off teachers and decrease the length of the school year or turn full day programs into half day programs.

The only increase in the President's budget for Head Start is the money the administration wants to use to turn over the program to nine states without requiring the states to maintain the strict national standards that Head Start programs must deliver (or are required to provide) to children and families. The transfer of the program to the states is universally opposed by the Head Start community.

In the 108th Congress, as a part of its work on the reauthorization of the Head Start Act, the Senate Health, Education, Labor, and Pensions Committee marked up a bill (S. 1940, Sect. 6(a)(1)(A), 108th Congress) that set forth a number of provisions favorable to Indian Head Start including increasing the Indian Head Start set-aside, currently set by the Department of Health and Human Services at approximately 2.9% of Head Start funding, to 4% of Head Start funding. This increase would boost funding for Indian Head Start by approximately \$70 million.

NIEA urges this Committee to recommend a 5% increase in the overall Head Start budget and urge the Appropriations Committees to direct the Department of Health and Human Services to raise the Indian Head Start set-aside from 2.9% to 4% as contemplated in the Senate's Head Start Act reauthorization legislation discussed above.

NIEA also requests \$5 million be designated in FY06 for the TCU Head Start partnership program, to ensure the continuation of current TCU programs and the resources necessary to fund additional TCU partnership programs.

Additional Funding Needs

Tribal Education Departments

True success can only be attained only when tribes can assume control of their children's educational future. As mandated in many treaties and as authorized in several federal statutes, the education of Indian children is an important role of Indian tribes. The authorization for TED funding was retained in Title VII, Section 7135 of the No Child Left Behind Act. Despite this authorization and several other prior statutes, federal funds

have never been appropriated for Tribal Education Departments. Achieving control of education through TEDs will increase tribal accountability and responsibility for their students, and will ensure that tribes exercise their commitment to improve the education of their youngest members.

Native American Languages Act

The preservation of indigenous languages is of paramount importance to Native communities. It is estimated that only 20 indigenous languages will remain viable by the year 2050. In addition to insuring that Title VII purposes are being fulfilled, we must begin the legislative process to ensure there is some substance in the Native American Languages Act for projects that address the crisis of our language losses. NIEA urges support for additional funding that will address language needs of communities with less than a handful of elderly fluent speakers. NIEA, in partnership with other organizations, is willing to assist in the identification of needs and funding required for this process to begin.

IDEA

The Individuals with Disabilities Education Act (IDEA), is proposed to be funded at \$508 million, an increase but still less than half of the full funding level proposed in 1975. NIEA urges this committee to fund the Act at original funding levels proposed 30 years ago.

Conclusion

In summary, overall Indian education funding is receiving a 10% decrease (\$114 million) while overall discretionary spending in the budget has received a 2% increase. This is a direct violation of the federal trust responsibility. Every year our funding is decreased and the educational mandates that we must meet are increased.

NIEA respectfully urges this Committee to truly make Indian education a priority and to work with the Congressional appropriators and the Administration to ensure that Indian education programs are fully funded. Every year Indian educators and students are expected to achieve greater results with fewer dollars. Indian education struggles to maintain current funding levels after proposed cuts and diminishing proposals year after year. As a result no gains have been made in Indian education funding and restoration of already under funded levels are shallow victories. We encourage an open dialogue and are willing to work with you to build a more reasonable and less punitive approach that takes into account our experience in Indian education since the passage of the Indian Education Act of 1972. NIEA was instrumental at that time in assisting the Congress in conceiving ideas and recognizing the need for improvement in the effectiveness and quality of education programs from Native students.

Please join with NIEA and other organizations established to address the needs of Native students to put our children at the forefront of all priorities. We must acknowledge our children, who are our future, our triumph, and our link to the past, and their educational achievement, while working with the Bureau of Indian Affairs, the Department of Education, and tribal leaders to ensure that our children are not left behind.