

INDIAN EDUCATION SERIES: ENSURING THE
BUREAU OF INDIAN EDUCATION HAS THE
TOOLS NECESSARY TO IMPROVE

HEARING

BEFORE THE

COMMITTEE ON INDIAN AFFAIRS

UNITED STATES SENATE

ONE HUNDRED THIRTEENTH CONGRESS

SECOND SESSION

MAY 21, 2014

Printed for the use of the Committee on Indian Affairs



U.S. GOVERNMENT PRINTING OFFICE

92-271 PDF

WASHINGTON : 2015

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512-1800; DC area (202) 512-1800
Fax: (202) 512-2104 Mail: Stop IDCC, Washington, DC 20402-0001

COMMITTEE ON INDIAN AFFAIRS

JON TESTER, Montana, *Chairman*

JOHN BARRASSO, Wyoming, *Vice Chairman*

TIM JOHNSON, South Dakota

MARIA CANTWELL, Washington

TOM UDALL, New Mexico

AL FRANKEN, Minnesota

MARK BEGICH, Alaska

BRIAN SCHATZ, Hawaii

HEIDI HEITKAMP, North Dakota

JOHN MCCAIN, Arizona

LISA MURKOWSKI, Alaska

JOHN HOEVEN, North Dakota

MIKE CRAPO, Idaho

DEB FISCHER, Nebraska

MARY J. PAVEL, *Majority Staff Director and Chief Counsel*

RHONDA HARJO, *Minority Deputy Chief Counsel*

CONTENTS

Hearing held on May 21, 2014	Page 1
Statement of Senator Barrasso	2
Statement of Senator Heitkamp	16
Statement of Senator Johnson	13
Statement of Senator Murkowski	14
Statement of Senator Tester	1

WITNESSES

Benally, Timothy, Acting Superintendent, Navajo Nation Department of Diné Education	31
Prepared statement	33
Brady, Thomas M., Director, Department of Defense Education Activity, U.S. Department of Defense	6
Prepared statement	7
Brewer, Hon. Bryan, President, Oglala Sioux Tribe; accompanied by Dayna Brave Eagle, Director, Tribal Education Department	21
Prepared statement	24
Monette, Melvin, President-Elect, National Indian Education Association	41
Prepared statement	43
Roessel, Charles M., Director, Bureau of Indian Education, U.S. Department of the Interior	3
Prepared statement	4

APPENDIX

Horse, Jon Whirlwind, President, Dakota Area Consortium of Treaty Schools, prepared statement	60
Nez, Angela Barney, Executive Director, Diné Bi Olta School Board Associa- tion, Inc., prepared statement	53
Response to written questions submitted by Hon. Jon Tester to: Melvin Monette	66
Charles M. Roessel	69
Response to written questions submitted by Hon. Tom Udall to Charles M. Roessel	71
Tuba City Boarding School Governing Board, letter to Sally Jewell	64
Yazzie, Albert A., President, Crystal Boarding School Board of Education, prepared statement	62

INDIAN EDUCATION SERIES: ENSURING THE BUREAU OF INDIAN EDUCATION HAS THE TOOLS NECESSARY TO IMPROVE

WEDNESDAY, MAY 21, 2014

U.S. SENATE,
COMMITTEE ON INDIAN AFFAIRS,
Washington, DC.

The Committee met, pursuant to notice, at 3:03 p.m. in room 628, Dirksen Senate Office Building, Hon. Jon Tester, Chairman of the Committee, presiding.

OPENING STATEMENT OF HON. JON TESTER, U.S. SENATOR FROM MONTANA

The CHAIRMAN. Now I want to call the Committee to come to order. Today the Committee will examine the issues and challenges facing the Bureau of Indian Education at the Department of the Interior.

About 41,000 students are educated in BIE schools each year. It is critical that we make sure those students are getting the support they need to succeed in the classroom. This will be the Committee's third hearing on Indian education this Congress. The previous two hearings looked at early childhood education and education of our Indian students in public schools. I look forward to continuing these hearings and identifying a path forward, whether that is through legislation or administrative solutions, to improve education across Indian Country.

Last year, the secretaries of Education and Interior convened at the American Indian Education Study Group to propose reforms to the BIE system that seeks to improve student achievement. Today, we will hear from the BIE on their proposal of redesign.

I would like to note that while the Committee appreciates Dr. Roessel's attendance here today, we are disappointed that Secretary Jewell was not able to attend in person. It was one year ago that she testified before this Committee and stated that Indian education is an embarrassment. This Committee has had hoped she would appear today to discuss the efforts being made by the Department to improve BIE and provide us a renewed commitment to improving Indian education.

In addition to the BIE, we will hear from the Director of the Department of Defense Education Activity. The DoDEA and the BIE are the only two federally-operated school systems operating in the United States. While they have no schools in Indian Country, the

Department of Defense has approximately the same number of schools as the BIE. Yet their proposed replacement school construction budget for next year is \$315 million, compared to the BIE's request of \$2 million. Clearly, there is a need for school construction in Indian communities. I am disappointed that we continue to have this conversation year after year. I hope the DoD can share with us information about their programs and perhaps provide some ideas on how to help the BIE improve their school systems.

The Department of the Interior is not solely to blame for the challenges that the BIE faces. I often say that when you point a finger at someone there are three fingers pointing right back at you. So I look forward to working with our Committee members, tribes, tribal leaders and BIE and the Office of Management and Budget to ensure that every student in Indian Country has the tools necessary to succeed.

I want to thank our witnesses for joining us today. I look forward to the testimony. Senator Barrasso, you have the floor.

**STATEMENT OF HON. JOHN BARRASSO,
U.S. SENATOR FROM WYOMING**

Senator BARRASSO. Thank you, Mr. Chairman.

I would just like to second the comments that you made, and I appreciate your holding this hearing. We both know Indian children have a remarkable capacity to learn. Many Indian children excel at school, grow up to become teachers, business owners, doctors, lawyers, and government leaders. The Federal Government has important responsibilities in educating Indian children. But what we do not see is consistent, successful academic achievement at the Bureau of Indian Education schools.

As you mentioned, Mr. Chairman, on May 15, 2013, in testimony before this very Committee, Secretary of Interior, Secretary Jewell, referred to Indian education as an embarrassment. In recent years, both the Government Accountability Office and the Department of the Interior Inspector General have echoed her comment. These offices have found a lack of consistent leadership. They have found deteriorating facilities. They have found poor management at the Bureau of Indian Education.

So I look forward to hearing what progress the Department has made in addressing these issues and improving student achievement.

With that, I want to welcome the witnesses and look forward to their testimony. Thank you, Mr. Chairman.

The CHAIRMAN. Do any other members have opening statements?

Okay, I would like to welcome our first panel. I would like to remind the witnesses, you have five minutes. Your entire testimony will be part of the written record. If you stick close to that five minutes, we will be able to ask you some interesting questions.

Dr. Roessel is the Director of the Bureau of Indian Education at the Department of the Interior, our first panelist. And then Mr. Thomas Brady, who is the Director of the Department of Defense Education Activity. These folks are going to be representing the Administration as the only two federally-operated school systems in the Nation.

Before you start your testimony, Dr. Roessel, well, go ahead. Just go ahead with your testimony.

STATEMENT OF CHARLES M. ROESSEL, DIRECTOR, BUREAU OF INDIAN EDUCATION, U.S. DEPARTMENT OF THE INTERIOR

Dr. ROESSEL. Good afternoon, Chairman Tester, Vice Chairman Barrasso and members of the Committee. Thank you for the invitation to testify and provide the Department of the Interior's vision for Indian education.

Indian education runs through my blood. I am a Navajo from Round Rock, Arizona, and I come from a family of educators. My parents helped begin the first tribally-controlled school and the first tribal college. I attended Rough Rock Demonstration School and later became the superintendent of this tribally-controlled school.

I have taught at Navajo Community College, which is now Dine College. I view the Bureau of Indian Education not as just another school system, but my school system.

Today we are here to answer, does BIE have the tools to improve. This begs the question: what are we crafting with these tools? Let me say what we are not trying to build with these tools. We will not build a bigger bureaucracy that ignores outcomes and accepts mediocrity. We will not bombard tribes with endless mandates and infringe on their sovereignty. We will not continue to fail.

Every tool that the BIE employs must be for the explicit use of creating successful American Indian students to take on an ever-increasing global society with a passion and pride, knowing their Native language, history and culture.

In September, 2013, Secretary Jewell and Education Secretary Duncan convened the study group. To begin this process, we listened to more than 300 tribal leaders, principals, teachers, school board members, parents and even students from BIA operated schools as well as tribal schools. A lot of what we heard was not new. These challenges include difficulty attracting effective teachers to BIE schools in remote locations, attempts to comply with 23 different States' academic standards, resource constraints, organization and budgetary fragmentation, and finally, funding tribal grant support costs at only 67 percent.

Based on the internal discussions and tribal consultations, the proposed redesign of the BIE focuses on the following four pillars of reform: highly effective teachers and principals, agile organization environment, budget that supports capacity-building mission, and a comprehensive support through partnerships. At the core of all four of these recommendations is the belief that tribes are full partners in the education of their students.

I would like to take a minute to explain how these four pillars support each other and are not separate. Let's look at pillar one, highly effective teachers and principals. The most important tool to students' success is the teacher. BIE and tribes need tools to recruit, train and retain highly effective teachers. BIE and tribes also need an agile organization that is able to respond to the unique challenges with purpose and vision, to see around the corner so they can understand and analyze the demographic data that might

be needed in order to hire another kindergarten teacher or a change in standards where you may need another science teacher.

But to make this work, we also need budgets that are aligned to the priorities of tribes, schools and the BIE. If the focus is on training the teachers we already have, then our BIE and tribal budgets must reflect the need for specific training in, say, the Common Core State standards. Once students, teachers and principals have done their jobs, assessments tell us how well. Yet in more than 60 percent of our schools we lack the IT infrastructure, both in computers and bandwidth, to administer online assessments that are linked to Common Core standards.

And without parental, community and tribal support, these efforts are doomed for failure. Our students need the collective support from not just schools, but from the tribal and Federal community. This is but one example of how these pillars are integrated to reform the BIE.

In conclusion, the tools addressed today are not the tools we need for the new BIE. The BIE that reflects a gradual evolution from a direct provider of education to a provider of customized support to meet the unique needs of each school and tribes as they exercise their sovereignty through self-determination. We are building alongside the tribal nations the schools that reflect tribal self-determination as we fulfill our commitment to American Indian students attending our schools.

Thank you for the opportunity to testify today. I would be happy to answer questions.

[The prepared statement of Mr. Roessel follows:]

PREPARED STATEMENT OF CHARLES M. ROESSEL, DIRECTOR, BUREAU OF INDIAN
EDUCATION, U.S. DEPARTMENT OF THE INTERIOR

Good afternoon Chairman Tester, Vice Chairman Barrasso, and Members of the Committee. Thank you for the invitation to appear today.

I appreciate the opportunity to testify and provide the Department of the Interior's ("Department") vision for Indian education in schools operated or funded by the Bureau of Indian Education (BIE). This is an exciting time for the BIE. We have made a lot of progress during the past year and we are hopeful that we have reached a turning point in the BIE's history. This Administration is committed to providing high-quality educational opportunities for students educated in BIE-funded elementary and secondary schools throughout Indian Country.

The 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. Currently, the BIE directly operates 57 schools and dormitories and tribes operate the remaining 126 schools and dormitories through grants or contracts with the BIE. During the 2013–2014 school year, BIE-funded schools served approximately 48,000 individual K–12 American Indian and Alaska Native students and residential boarders. Approximately 3,800 teachers, professional staff, principals, and school administrators work within the 57 BIE-operated schools. In addition, approximately twice that number work within the 126 tribally-operated schools.

The BIE has the responsibilities of a state educational agency for purposes of administering federal grant programs for education. BIE responsibilities include providing instruction that is aligned to the applicable State academic standards set forth in the regulations; working with the Department of Education to administer education grants; and providing oversight and accountability for school and student success. BIE is also responsible for ensuring compliance with the Elementary and Secondary Education Act of 1965 (ESEA) and the Individuals with Disabilities Education Act (IDEA), among other federal laws pertaining to educating students.

The BIE faces unique and urgent challenges in providing a high-quality education. These challenges include: difficulty attracting effective teachers to BIE-funded schools (which are most often located in remote locations), the current Interior regulatory requirement that BIE-funded schools comply with the (23 different) states' academic standards in which they are located, resource constraints, and organizational and budgetary fragmentation. A lack of consistent leadership—evidenced by the BIE's 33 directors since 1979—and strategic planning have also limited the BIE's ability to improve its services. Furthermore, over the years, federal American Indian education has been contracted or granted to tribes in approximately two-thirds of the BIE school system, but the BIE's management structure and budget have not evolved to match the BIE's long-term trajectory of increased tribal control over the daily operation of schools. Currently, the Department is funding approximately 67 percent of the need for contract support costs for tribally-controlled schools. Each of these challenges has contributed to poor outcomes for BIE students.

A New Vision for the BIE

The challenges before us are daunting; however, we must have the courage to do what is morally right. The Department and the Obama administration are fully committed to improving American Indian education. In fact, in September 2013, Secretary Jewell and Education Secretary Duncan appointed a set of experts to identify the challenges and problems faced by the BIE-funded schools, and to develop and propose recommendations that will help promote tribal control while ensuring that all BIE students are ready for college and career. The team combines management, legal, education, and tribal expertise, ensuring that the recommendations are grounded in a comprehensive understanding of the federal government's trust responsibility as well as the elements of effective teaching and learning.

The team immediately went to work and conducted extensive listening sessions with tribal leaders, educators, and community members across Indian Country, and analyzed a wide range of primary and secondary data. Based on those discussions and that analysis, the team began work on a proposal to redesign BIE that reflects the BIE's gradual evolution from a direct provider of education to a provider of customized support to meet the unique needs of each school and tribe. The BIE redesign would re-prioritize existing staff positions and resources to meet capacity-building needs in a timely manner, particularly in the areas of hiring effective teachers and leaders, strategic and financial management, and instructional improvement.

In April, the team issued draft recommendations for purposes of tribal consultation that discuss the systemic challenges facing the BIE and how to resolve them. The proposed recommendations aim to provide an agile organization that is focused on three core areas:

- **Sovereignty and Indian Education:** Building the capacity of tribes to operate high-performing schools and shape what children are learning about their tribes, language, and culture in schools.
- **School Improvement:** Providing targeted, highly customized technical assistance to schools through School Improvement Solutions Teams that are embedded in the regions and in close proximity to schools.
- **Responsive Business Operations:** Focusing on teacher and principal recruitment, acquisition and grants, facilities, educational technology, and communications under the direction of the Director, BIE, to ensure that the educational requirements in these business lines are addressed appropriately.

We conducted four tribal consultations regarding the preliminary recommendations at BIE-funded schools in Arizona, South Dakota, Washington, and Oklahoma. The consultations provided valuable insight and comment on the team's draft report and recommendations. The final report will incorporate feedback from tribal leaders and other BIE stakeholders. Although much work needs to be done, we have taken an important first step—the BIE and tribes have agreed on a general path forward for the BIE.

Outline of the Proposed Recommendations

Based on internal discussions and tribal consultation, the proposed redesign of the BIE focuses on the following four pillars of reform:

- **Highly Effective Teachers and Principals**—We would identify, recruit, retain and empower diverse, highly effective teachers and principals to maximize the highest achievement for every student in all BIE-funded schools.
- **Agile Organizational Environment**—We would develop a responsive organization that provides the resources, direction and services to tribes so that they can help their students attain high-levels of student achievement.

- Budget that Supports Capacity Building Mission—We would develop a budget that is aligned with and supports BIE's new mission of tribal capacity building and scaling up best practices.
- Comprehensive Supports through Partnerships—We would foster parental, community, and organizational partnerships to provide the emotional and social supports that BIE students need in order to be ready to learn.

By focusing relentlessly on the four pillars identified above, the proposed redesign would allow us to achieve our ultimate goal: world-class instruction for all BIE students delivered by tribes and the BIE.

This effort will focus especially on supporting and building the capacity of the tribally-controlled grants schools to improve educational outcomes. Tribally-controlled schools face numerous challenges in administering programs. DOI and the BIE will work with tribally-controlled schools to support implementation of improvements initiated from within tribal communities.

The BIE faces numerous infrastructure challenges. Of the 183 BIE schools, 34 percent (63 schools) are in poor condition, and 27 percent are over 40 years old. These substandard conditions are not conducive to educational achievement, and impact learning opportunities for students. As part of the transformation strategy we will develop a six-year plan aimed at improving school facility conditions, similar to the six-year strategy used by the Department of Defense Education Agency to successfully replace and upgrade 70 percent of its schools in poor condition.

Information Technology (IT) infrastructure is another major challenge. The current lack of broadband access in the majority of the BIE school system presents enormous challenges for the BIE. Many BIE-funded schools are located in the most remote locations in the country. Most schools have only a T-1 level of connectivity—entirely inadequate to meet the demands of 21st century teaching and learning. By helping connect teachers to students and parents—and helping schools share classes, curricula, and other resources—broadband-enabled teaching and learning has expanded educational opportunities for many students. Broadband access is particularly important for schools in remote locations because it can mitigate the devastating impact that geographic isolation can have on student achievement. It is especially critical for the BIE to effectively implement the Common Core State Standards as well as a 21st century, computer-based online assessment aligned to these new standards. Less than 30 percent of BIE-funded schools have the bandwidth and computers necessary to administer these assessments. Through this transformation, we will be looking at ways to improve broadband access.

Conclusion

This collective vision for BIE—a vision rooted in the belief that all children can learn and that all tribes can operate high-achieving schools—would allow the BIE to achieve improved results in the form of higher student scores, improved school operations, and increased tribal control over schools.

Thank you for the opportunity to testify today. I would be happy to answer any questions the Committee may have.

The CHAIRMAN. Thank you for your testimony, Dr. Roessel.
You are up, Mr. Brady.

STATEMENT OF THOMAS M. BRADY, DIRECTOR, DEPARTMENT OF DEFENSE EDUCATION ACTIVITY, U.S. DEPARTMENT OF DEFENSE

Mr. BRADY. Good afternoon, Chairman Tester and Vice Chairman Barrasso, and distinguished members of the Committee. Thank you for the invitation to appear today.

The Department of Defense Education Activity is responsible for ensuring that children of our Nation's active duty military families have the knowledge and skills required to meet the demands of today's highly-globalized society. DoDEA is a quality school system built over the past 60 years to provide specific and critical service to our military and DoD civilian families across the globe.

We have done this through the extraordinary efforts of our dedicated teachers, administrators, support staff and educational leaders. DoDEA schools are highly regarded by our military families for

the quality of life they provide worldwide, and our school system is recognized as a contributing factor in the military services' ability to recruit and retain our high quality all volunteer force.

I appreciate the opportunity to participate in this hearing and discuss the strategic initiatives DoDEA is implementing over the next five years to achieve our vision of becoming a world-class school system. We realize that achieving our vision requires improvement in two key fundamental areas. We must improve what we are teaching our students and we must improve how we are teaching it.

To initiate this process we are increasing the rigor within our school system by implementing new and college career-ready academic standards. Our new standards will be complemented by new curriculum, instructional strategies and assessments. The three components will be closely aligned to the academic standards to ensure that teaching and learning in every classroom is focused on student mastery of not only grade-essential content knowledge, but also higher order thinking and communication skills.

We are also assessing organizational changes to improve the support provided to our schools. Through these changes we will increase the instructional support provided to our teachers and students and improve the effectiveness and efficiency in which we provide those services.

We recognize that for DoDEA to achieve new levels of excellence in student achievement, we must raise expectations and strengthen accountability throughout our organization. We will do so by creating an organization culture that stresses two essential conditions: a common belief that all our students can and will meet higher standards and a collective sense of urgency and obligation that focuses organizational capacity on achieving universal academic success.

DoDEA's increasingly constrained resource environment has underscored the need for our planning and budget process to be better aligned. We are not only striving to project program costs over the long term more effectively, but in anticipation of further budget cuts, we continue to identify and pursue opportunities to operate our school system more efficiently.

DoDEA's vision is ambitious and not without real challenges. But the Department of Defense and the DoDEA team stand committed to meeting those challenges. Within the next five years, we intend to be the national leader in preparing students for success at the next higher grade level and meet the high demands of today's colleges, career and citizenship responsibilities upon graduation from high school.

Thank you again for the opportunity to testify today. I would be happy to answer any questions you may have.

[The prepared statement of Mr. Brady follows:]

PREPARED STATEMENT OF THOMAS M. BRADY, DIRECTOR, DEPARTMENT OF DEFENSE
EDUCATION ACTIVITY, U.S. DEPARTMENT OF DEFENSE

Introduction

Chairman Tester, Vice Chairman Barrasso, and distinguished members of the committee, I would like to thank you for inviting me today to discuss the Department of Defense Education Activity (DoDEA). DoDEA, as one of only two Federally-operated school systems, is responsible for planning, directing, coordinating, and

managing prekindergarten through 12th grade educational programs on behalf of the Department of Defense (DoD). DoDEA is globally positioned, operating 191 accredited schools in 14 districts located in 12 foreign countries, 7 states, Guam, and Puerto Rico. DoDEA employs approximately 8,000 educators who serve more than 82,000 children of active duty military and DoD civilian families. DoDEA is committed to ensuring that all school-aged children of military families are provided a world-class education that prepares them for postsecondary education and/or career success and to be leading contributors in their communities as well as in our 21st century globalized society.

DoDEA—A Unified School System

The DoDEA Headquarters (HQ) serves in several capacities that facilitate DoDEA's ability to operate as a unified school system. In addition to serving as a DoD Field Activity, DoDEA HQ fulfills responsibilities commonly performed by State Education Agencies (SEA) and Local Education Agencies (LEA). Similar to an SEA, DoDEA HQ establishes system-wide policies, academic standards, assessments, and accountability. Similar to an LEA, DoDEA HQ establishes system-wide curriculum, instructional frameworks, professional development programs, and performs system-wide resource management, facility recapitalization, and strategic planning. By virtue of the HQ performing the functions of both an SEA and LEA, DoDEA is able to operate as a unified school system, achieving system-wide coherence and unity of effort in spite of its global geographic dispersion.

Over the course of the next five years, DoDEA will implement its new strategic plan for achieving new levels of school system excellence, most importantly in the areas of school performance and student achievement. I would like to share with the committee the strategic reforms DoDEA is preparing to undertake that are essential to achieving excellence in these two areas.

Pursuit of Excellence

DoDEA's path to achieving new levels of excellence in school performance and student achievement will largely be determined by our ability to successfully achieve three conditions in every DoDEA school: we must establish and communicate high expectations for all students; we must ensure all students have access to high-quality educational opportunities; and, most importantly, we must ensure all of our students achieve high academic standards. To achieve such aspirations, we have determined that we must focus our strategic efforts on mastering research-based fundamentals essential to improving what we teach and how we teach. A key facet of our strategic approach is the implementation of a school improvement model that establishes the capacity in each school to be an effective catalyst for higher-level student learning. The fundamental components of our school improvement model are summarized below.

Standards-Based System: To fulfill our obligation to prepare all students to meet the higher demands of today's colleges, careers, and citizenship responsibilities, we are taking necessary actions to establish a coherent standards-based educational system. Our standards-based system will enable our students to progressively master knowledge, skills, and dispositions essential for success at the next grade level and postsecondary success upon graduating. A complex yet critical condition of success for our standards-based system is to ensure system components—rigorous academic standards, curriculum, instruction, assessments, professional development, and technology—are properly aligned.

Rigorous Academic Standards: Over the course of the next five years, DoDEA will join the majority of states in implementing the Common Core State Standards (CCSS) in mathematics and English language arts/literacy. Compared to DoDEA's current academic standards, the CCSS are more rigorous and better define the essential content knowledge and higher-order thinking skills students should possess at the end of a course and/or grade level in order to remain on path for college and/or career readiness upon graduating from high school. As such, the CCSS will form the foundation from which all other components of DoDEA's standards-based system are aligned.

Curriculum: To ensure our curriculum (course/subject area content) remains aligned to the new standards, we will further develop and implement a comprehensive, vertically- and horizontally-aligned prekindergarten through grade 12 curricular framework. The framework, by providing high-quality course content in sequenced units of instruction that establish a teaching and learning focus on targeted standards, will achieve quality and consistency in what is taught and learned in each course, grade level, and in each of our schools.

Instruction: We recognize that the success of our curriculum ultimately depends on the ability of our teachers to deliver rigorous and relevant standards-based in-

struction that progressively develops student knowledge, skills, and dispositions. In order for our students to master rigorous standards, instruction must be equally rigorous in actively engaging and challenging students so that they develop a deep understanding of content knowledge and improve higher-order thinking and communication skills. Likewise, we will emphasize the importance of students understanding the relevance of what they are learning. To the greatest extent possible, lessons will require students to apply and demonstrate targeted knowledge, skills, and dispositions.

Assessment: We will also establish a more comprehensive assessment system that provides the means to effectively and efficiently measure the level at which our students are learning to the more rigorous standards. We will consider a full range of assessments to accommodate the need for classroom assessments used by teachers to frequently check for student learning and the need for common assessments that objectively measure the level of student mastery of course and/or grade-level academic standards against established performance benchmarks. In short, our assessment system will be considered fully developed when it serves to effectively: (1) measure student-level proficiency in applying/demonstrating targeted knowledge, higher-order thinking and communication skills, and dispositions; and (2) improve the quality, consistency, and rigor of curriculum and classroom instruction.

Teacher and Principal Professional Development: Research clearly demonstrates that teachers and principals have the most influence on student achievement within a school. For this reason, we will make the professional development of our teachers and principals a top priority. Our professional development effort will focus on ensuring our teachers and our principals, as instructional leaders, have the requisite skills, knowledge, strategies, and beliefs necessary to provide rigorous and relevant instruction. In addition to a robust professional development program, we will also establish a common instructional framework. The framework will promote and model research-based teacher and instructional leader practices and skills crucial to planning and preparing coherent lesson plans; delivering instruction in a student-focused, individualized manner that actively engages and challenges each student to apply and demonstrate targeted knowledge and skills; and creating a classroom environment that enables student higher-level learning.

Student Capacity and Motivation to Learn: Our students' ability to successfully adapt to the increased rigor within our system will depend, in part, on our ability to build each student's capacity and motivation to meet higher academic expectations. We recognize that there are many external factors that influence student dispositions and contribute to inequities in achievement levels. However, we also recognize there is much we can do in the school environment to better prepare our students for the learning process and once in-process, better meet the unique learning needs of each student. To do so, we will ensure our educators are more cognizant of the need to individualize instruction to account for differences in student learning styles and abilities, to check for student understanding and provide feedback on a more frequent basis, and create respectful classroom environments where students feel valued, safe, and at ease taking intellectual risks.

Technology: We will increase our emphasis on integrating technology throughout our curriculum to improve the ability of our students to learn and create in a digital environment. We will do so by continuing our efforts to improve and standardize the technology infrastructure within our school facilities and by integrating the digital learning resources available to students at every grade level. Our transition from a teacher-centered, rote-learning model to a blended digital environment geared toward student creation hinges on three initiatives. First, we will provide high-quality digital materials that comply with federal accessibility standards and are accessible to all students and teachers, including persons with disabilities and English language learners. Secondly, we are implementing a learning management system where teachers can leverage their creativity in their lesson planning and delivery, providing a consistent student experience. Finally, we will provide teachers training on the use of collaborative digital tools that allow students to show not just what they know, but what they can construct with that knowledge.

Partnerships: We strongly believe that the success of our school system and schools depends on our ability to cultivate the shared commitment of community stakeholders. We strongly emphasize the need to proactively establish partnerships with parents that empower them to be effective advocates and partners in their children's education. As all DoDEA schools are located on military installations and central to our military communities, we place similar emphasis on the value and need for our schools to establish close military-community connections. Through community partnerships, our schools are able to leverage community resources that serve to improve student educational opportunities and help address student social-emotional issues related to the military's transient lifestyle and parental deploy-

ments. We also work closely with the Military Services to remain responsive to their constituents' educational concerns and force restructuring and infrastructure consolidation efforts. Lastly, we will continue to pursue high-value partnerships with public, non-profit, and other DoD components that are an integral part of our strategy for providing relevant instruction that actively engages students, especially in the areas of science, technology, engineering, and mathematics.

Academic Support Systems: In addition to our educational system components, we will also ensure the alignment of two priority academic support systems—the DoDEA Accountability and Data Management Systems. The two systems work together to convert student performance data into meaningful information that clarifies what is impacting student achievement and why, so that appropriate action(s) can be taken by the appropriate organizational level(s).

Accountability System: Over the course of the next several years, we will strengthen our accountability system to focus the organization on achieving standards of excellence in the areas most important to becoming a high-performing school system. The accountability system framework will articulate ambitious (but achievable) performance expectations for our students, schools, and school system. The system will consist of a comprehensive set of school system performance indicators that: (1) provide evidence of student learning and whether students are on track to meet predictive benchmarks along the educational trajectory (e.g., reading proficiency at the end of the third grade); (2) identify students and schools in need of support; (3) establish a laser-like focus on the initiatives, programs, and systems most essential to improving student postsecondary readiness for all students, including students with disabilities and English language learners; (4) provide evidence of improved workforce and system capacity; and (5) facilitate acknowledgment of exceptional individual and organizational achievement.

Data Management System: At the core of our school system's continuous improvement efforts is the need for valid, reliable, and timely student performance data that reflects each student's academic performance and progress by content area, grade, and standardized assessment. To ensure essential performance data is consistently available to the right system stakeholders in a meaningful way, especially teachers to facilitate timely instructional decisions, we plan to develop and implement a more comprehensive and responsive system-wide data management system. This system will serve as the "integrity linchpin" that reliably provides critical student performance data from our assessment system to our accountability system.

Culture of Accountability and Raised Expectations: An imperative for achieving excellence throughout our school system is an organizational culture of accountability and raised expectations for all students and their families. We recognize that to grow from good to great, every part of our school system must become more accountable for improving student and school performance. We must also establish a common belief that all students with appropriate services and supports are capable of achieving higher academic standards and that our higher expectations will positively influence student outcomes. Furthermore, for students to achieve their full academic potential, we understand that our school system must also meet higher expectations in not only ensuring equal access to a rigorous curriculum, but in achieving universal student accomplishment and academic success as well. An important first step in "reculturing" our organization will be to develop the cultural competence of our workforce and to provide training that will enable the workforce to educate all children successfully.

Educational Facility Capital Investment Program: DoDEA's Educational Facility Capital Investment Program coherently identifies and prioritizes the sustainment, restoration, modernization, and replacement of our school facilities worldwide. By 2021, DoD and DoDEA are committed to ensuring all DoDEA school facilities meet DoD's acceptable condition standards and are accessible to persons with disabilities. The program includes centrally managed inspection, requirements determination, and prioritization processes that facilitate the inclusion of DoDEA's facility capital investment requirements in the DoD Future Years Defense Program, which details DoD's five-year (current year and following four years) program requirements. The DoD's investment demonstrates its shared commitment with DoDEA to achieve and sustain quality DoD school facilities that provide safe and secure 21st century learning environments that are accessible to all of our students, staff, and their families.

In summary, the strategic reforms DoDEA plans to implement over the next five years are ambitious and complex. While we understand the challenges in implementing the reforms are real and should not be underestimated, we clearly understand our moral obligation to be resolute in their successful execution. The stakes are too high for our students and our Nation not to be successful in this endeavor.

Conclusion

Mr. Chairman, in conclusion, I want to thank you and the members of this committee for the opportunity to provide an overview of DoDEA and our most important strategic reform initiatives. It is our honor and privilege to contribute to the education of the children of our military families. The education of all of the children of our Nation's heroes must not be among the sacrifices our country asks of them. I look forward to your questions.

The CHAIRMAN. And thank you for your testimony, Mr. Brady.

I will start with teaching vacancies. The BIE has about 183 schools, DoDEA has about 193 schools. Mr. Roessel, how many teaching vacancies do you have in the BIE schools?

Dr. ROESSEL. Teacher vacancies?

The CHAIRMAN. Yes, how many positions do you have that aren't filled?

Dr. ROESSEL. I would not know that number off hand. It changes. Right now is when contract renewals are taking place.

The CHAIRMAN. Any idea? Can you give me a ballpark figure? Can you give me a number, a percentage?

Dr. ROESSEL. I would say based on previous knowledge, we probably have 15 to 20 percent vacancy right now.

The CHAIRMAN. Okay, so you don't have that broken out by elementary and high school and that kind of stuff?

Dr. ROESSEL. No, we do not.

The CHAIRMAN. How about DoDEA? How many vacancies do you guys have?

Mr. BRADY. Thank you, Mr. Chairman. At the beginning of the year it is usually about 7.5 percent. But during the year it is limited to about 1.5 percent because of people's retirements and health issues.

The CHAIRMAN. I got you. I believe both of you have housing programs, is that not correct?

Dr. ROESSEL. That is correct.

Mr. BRADY. We do not provide housing for our teachers. We provide housing allowances.

The CHAIRMAN. You provide a housing allowance, not a house.

Mr. BRADY. That is correct.

The CHAIRMAN. So this question is more for the BIE. What percentage of your teachers live in tribal-supplied housing?

Dr. ROESSEL. For the schools, we would not have that number, because a lot of our tribal schools, they operate their schools on their own. So we do not know exactly how many teachers are living in tribal housing or BIE-funded housing or on their own.

The CHAIRMAN. I got you. So here is what I would like to know, so you can get back to me. Get back to me with the solid figures on vacancies, and I don't want to know them at the end of the year, I want to know them on average. You guys do student assessments and how many kids are in your schools, at the same time, tell me how many teachers you have. Tell me how many you are down, how many are out. And give me an idea on how many, what percentage of them housing is provided for.

The point I am trying to make here is that every tribe is a little bit different. But housing is a big deal. If you don't have housing, and it is obviously different in DoDEA schools. But if you don't have housing, you are going to have a heck of a time finding a

teacher, that is all. So I kind of want to get a grasp or my hands around that, so when we are talking about budgeting, we are talking about dollars and how we are going to allocate them. Since money is tight, we need to make sure it works. If there is a big discrepancy here, we might be able to make the case to the folks on this Committee and others to be able to plus up some budgetary items.

With that, I will turn it over to Senator Barrasso.

Senator BARRASSO. I appreciate your line of questioning, Mr. Chairman.

Mr. Roessel, your written testimony recites the significant work undertaken for the proposed redesign of the Bureau. This redesign will allow the Bureau to provide world class instruction for all Bureau students. Could you give me a little further information on the time lines, maybe the milestones, that are developed as part of your redesign?

Dr. ROESSEL. There are some things that we have undertaken currently, things that we can do in-house, administratively, that are just common sense. Along those lines is the adoption of Common Core, aligning curriculum, aligning professional development. These are things that we can do in-house, internally, as well as then talk to tribes and try to work with tribes.

So part of that process then is already undertaken. Now, what we are looking at, trying to do with the study group is that we have a few milestones. But we are hoping to try to get those recommendations, we have just finished consultations. We are still receiving written consultation and comments through June 2nd, so we haven't finalized the actual recommendations. But again, without a definite time line, what we are looking at is trying to look at starting some more of the implementations with the new fiscal year. But we cannot afford to wait any longer, so we are trying to move forward as fast as we can.

Senator BARRASSO. Just following up on what the Chairman had to say, one of the key features of education and the proposed design is recruiting and retaining highly effective teachers and principals. As you said, Mr. Chairman, housing is a big part and component of that. Some States are anticipating a teacher shortage in the near future. So I am interested in how the Bureau of Indian Education is going to implement your recruitment and retention strategy, particularly if there is this teacher shortage.

Dr. ROESSEL. I think one of the things we are looking at is again, the BIE operates 59 schools. The rest are tribally-controlled, and those teachers in that system are sometimes employed by the tribes. So they have that information. We don't necessarily have that information of what happens with the grant schools or tribally-controlled schools.

So when we look at the BIE, we look at the openings that we have and we are looking for the vacancies, the expansion. But when a tribe is looking at trying to hire their teachers, they are not, we are not talking back and forth. They are doing that on their own. So we wouldn't know the specific data from the tribes.

Senator BARRASSO. Mr. Brady, your written testimony notes that teachers or principals really have the most influence on student achievement within a school. So for that reason, your educational

system focuses on professional development of the teachers, as well as the principals. Can you explain what successful recruitment and retention strategies your schools have implemented for these professionals?

Mr. BRADY. Thank you, Senator. The 60 years in DoDEA has indicated that we are looking for high quality teachers who have a passion for service to the Nation, for geographical mobility. And we have a tremendous retention rate of teachers. They find a number of satisfactions, from working with the active duty military and the DoD team.

Senator BARRASSO. And that effort there is one that makes a big difference in the schools for the students?

Mr. BRADY. I believe that mission is instilled in every teacher that I have seen in classrooms.

Senator BARRASSO. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Barrasso. Senator Johnson?

**STATEMENT OF HON. TIM JOHNSON,
U.S. SENATOR FROM SOUTH DAKOTA**

Senator JOHNSON. Thank you, Mr. Chairman.

Dr. Roessel, I have met with several tribal educators from across the State that have repeatedly stated that there are budget shortfalls for facilities and maintenance funds. These schools have had to divert funds from ISEP in order to keep the lights on. Can you go into detail on how the BIE will address this issue?

Dr. ROESSEL. The funding for O&M that comes to the schools passes through the BIE, but it originates from the BIA. Right now, maintenance is funded at 100 percent, while operations is funded at about 50 percent. Because of the uncommonly brutal winter that we had, a lot of our schools had to dip into ISEP. We have a contingency fund that we use to try to help alleviate some of that. But one of the things that we are doing right now is doing an assessment of all of our facilities to validate what is put into what we have as our data base for facilities to see if each school is getting the proper amount of money that they should be generating based on square footage.

Senator JOHNSON. The Affordable Care Act expanded the FEHB coverage for tribal organizations carrying out programs under the P.L. 93-638 contracts. The Pine Ridge Indian Reservation originally gained control over its schools through 638 contracts, and then converted to 297 contracts. Dr. Roessel, can you explain how the Department came to the conclusion that 297 schools are not eligible, even though one of the base findings of the Tribally Controlled Schools Act was to enhance the concepts of the Indian Self-Determination and Education Assistance Act?

Dr. ROESSEL. When the Department looked at that situation, they saw that while the law was specific for the contract support or contract schools, schools under contracts, it was not specific for tribal grant schools. So we are looking, we are working with Committee staff to try to find a remedy for this. I believe it was just an oversight. But we are trying to find a way to get through this.

But I think the other thing that is important is that the tribe has to first be the person, the entity that decides whether it has and wants Federal health benefits. And so we don't want to put the

school in front of the tribe. So that is a concern that we have as we move forward in trying to find a remedy to this.

Senator JOHNSON. As a follow-up, the tribal schools and my office have worked on this issue since 2012, and only just recently were we given the original 2012 Solicitor opinion. Why has the process been so delayed and how can we move forward on this issue?

Dr. ROESSEL. Well, I can't speak to why it has been so delayed. I can get something back to you in writing with that. But we are trying to move forward quickly. It is something that has been brought to our attention and we are trying to find a remedy for that as fast as we can.

Senator JOHNSON. I would appreciate your written statement.

Mr. Brady, as Chairman of the Mil-Con/VA Appropriations Subcommittee, I have been proud to work with DoDEA to fund military school construction. Can you share with the Committee how the DoD establishes priority lists to ensure facilities are in proper condition and what best practices you have learned to complete these improvements in a timely manner?

Mr. BRADY. Thank you, Senator. In 2009, we hired a number of engineering firms to make independent assessments of all 191 of our schools: 134 of those schools were in category three or category four, fair to poor. So we began, thanks to the DoD effort and assistance to devise a five-year capital program that weighted the worst to best, in beginning a systematic approach to each one of those things, overseen by the troop redeployments, et cetera, so that we could best meet the needs of our young men and women.

Senator JOHNSON. I yield back.

The CHAIRMAN. Senator Murkowski.

**STATEMENT OF HON. LISA MURKOWSKI,
U.S. SENATOR FROM ALASKA**

Senator MURKOWSKI. Thank you, Mr. Chairman.

Dr. Roessel, let me ask you, as you know, in Alaska the situation on how we educate our Native students is different than we have here in the Lower 48. The Department of the Interior began pulling out of Alaska, beginning in the 1930s. In 1985 it formally turned over the last BIA school to the State of Alaska. Since that time, with the exception of Johnson-O'Malley funds, Congress has prohibited the Department from expending BIA funds in the State.

The Federal trust responsibility then has flowed through the Department of Education to Alaska's public schools. There is conversation going on now in the State as a result of a statement of regulation coming out of Assistant Secretary Washburn's office that Alaska tribal lands may be considered eligible to be taken into trust. If Alaskan tribal lands are taken into trust by Department of the Interior, would BIE have the capacity to open BIE schools in the State of Alaska or otherwise provide for BIE funding for the education of Alaska Native students living in Indian Country?

Dr. ROESSEL. I would not be the one to make that decision ultimately. But I think I can get back to you in writing in terms of what the Department is looking at with that, with the current funding, I think it would be very difficult to be at that level, just to be honest and frank with you. But I can get back to you in writing.

Senator MURKOWSKI. I would appreciate your looking into it. Because again, this is the discussion that is underway in the State. I have asked some very directed questions to Mr. Washburn about what land into trust for Alaska would mean, it would be a change in policy. So I am trying to understand not only the impact on our ANCSA lands, but the education piece as well. And it doesn't appear to me to be very clear about whether or not there would be sufficient capacity, from everything that I have learned sitting on this Committee, in my 12 years here in the Senate. We are not enlarging the pie. And if we are not enlarging the pie and yet we are adding more to that in terms of responsibility, I am not quite sure how you make that happen.

And I guess a further question would be, given the years of complaints about the BIE schools that we have had from Lower 48 tribal communities, the chairman started off this hearing by noting the Secretary of Interior's own comments about the poor shape that our schools are in. And really, the schools' historic inability to prepare a majority of these young people to their full potential. It really does beg the question as to whether or not Alaska tribes and Native organizations should welcome BIE back to the State of Alaska.

So I would appreciate your weighing in on this. There is a lot obviously that we need to discuss. There is clearly a lot that needs to be discussed within Mr. Washburn's office. But if you can help us out with that, I would certainly appreciate it.

One other question for you. You have testified that it is BIE's intention to replace and upgrade 70 percent of these BIE schools that are in poor condition. Do you have a ballpark figure in terms of what that will cost, how many years it will take to complete this overhaul of the school facilities?

Dr. ROESSEL. The school facilities, there was a report that was done through negotiated rulemaking that put that figure at about \$1.3 billion to repair all of our current structures to bring them to a level of acceptable. So that would be about \$1.3 billion. In terms of the IT infrastructure that we are talking about, around \$40 million to \$50 million is what we would need to bring them to a level where they could actually take the current assessment that is online.

Senator MURKOWSKI. Mr. Chairman, I had an opportunity to go to, I was in Point Hope in April, a very small whaling community in the northwestern part of the State. I decided that I wanted to test our fabulous capacity in our Native villages, so I Skyped, not Skype, it was VTC with Anuktuvuk Pass School in Barrow. It is a larger community. But I wanted to hear straight from the kids, because we back here in Washington, D.C. are patting ourselves on the back and saying, we are expanding our broadband capacity, our kids are coming into the 21st century. And to use the teenage vernacular, when I asked, how does this all work, they basically said, it sucks.

And I apologize for the terminology, but this is what the kids are saying. They are saying, look we have great tools, but when you can't access the internet because you have a basketball team from another village that has flown in and they are staying at the school, and 30 additional students tried to get on the system, it crashes. They were in the middle of MAP testing.

The first day, the entire system was down, so they couldn't test. The second day, the system is up, they get 25 minutes into their testing, it goes down. It is out for 20 minutes. Okay, everybody come back again, they are scrambling.

So when we talk about this great equalizer of what can come with broadband capacity, what comes with the tools and the apps, I think we need to be very cognizant that a lot of this is not coming together in application yet. We have a long ways to go before we are patting ourselves on the back when it comes to making sure that there is equal access out there.

Thank you, Mr. Chairman.

The CHAIRMAN. Senator Heitkamp?

**STATEMENT OF HON. HEIDI HEITKAMP,
U.S. SENATOR FROM NORTH DAKOTA**

Senator HEITKAMP. Thank you, Mr. Chairman, and thank you, witnesses. Tough challenges. I know we have kind of glossed over that part of it, but only 52 percent of all Native American kids graduate. You have two-thirds of your schools are in poor or bad condition. We are failing.

So I think we need to say that pretty plainly. We are failing as educators, and we are failing as leaders and really the school board in many ways, which is in this horseshoe. And we have to absolutely focus a razor-like attention on getting this done. Because education has always been the great equalizer in our Country. And these are kids who are getting left behind.

And I just have a quick question, and I know the chairman raised some concerns about what is the level of commitment within the Administration, what is the level of commitment within DOE. These problems aren't new. So when you looked at the President's 2015 budget, were you satisfied that the 2015 budget actually reflected the needs of the BIE schools? Dr. Roessel?

Dr. ROESSEL. The short answer is no.

Senator HEITKAMP. Right. And I think we hear that all the time here at this table, where you represent the Administration, and so we are a little tough on you. But we expect you to be an advocate within that organization and we expect the Administration to respond to these concerns. You will never solve this problem if you don't reflect a solution, not only in collaboration and all the things we are talking about today but in budget.

You can't fix a school on good hope. You can't hire a teacher on please come. You have to be able to get all of the resources put together, and that is going to require an increase in dollars. I forget the number you provided, but 67 percent of total costs, there is no other way to get those costs made up. And when you do have an unseasonably cold winter, and we saw it in our State, where you are taking, you are laying off staff, maybe you are not cleaning the school until Friday because you have to pay the propane bill.

So we want you to be an advocate for education. And I met you in my office, I was very impressed, very hopeful that we are on a path forward. I want to just build on what Senator Murkowski is saying. We talked about the importance of teachers, and everybody knows, in education it really is about teachers. But it also is about facility. It is also about broadband. Can you tell me what you are

doing, the E-RATE program has been successful in connecting some of more remote locations to a broadband opportunity. Obviously libraries, who has a library any more, you have the internet. And if you don't have the internet, you don't have a library. So that is how critical this program is.

Most of us represent, most of us left here represent States that are very remote, not as remote as Alaska, I am learning every day about the challenges of providing services in Alaska. But we want to know what you are doing to encourage the FCC, what you are doing to build up broadband.

Dr. ROESSEL. I think one of the challenges that faces all of our BIE schools, whether it is a BIE-operated school or whether it is a tribal grant school, is that to fill out those E-RATE applications is very difficult. It is very specific. And a lot of our schools, even schools that are in areas where they have a greater capacity, they don't have the people that can specifically look at those applications and build an infrastructure that might be needed at a school.

So what we have done is try to work with the Department to provide that resources to these schools out in the field to allow them to do that. I think the other thing is that we have been working through this study group, working very closely with FCC to try to find a way that we can address this issue. We have to do it in two areas. One is, a lot of our schools don't know what they don't know. So we need to build that capacity so they can build and create the type of school they want. Because a school in Arizona may look different than a school in North Dakota. So that capacity is needed.

At the same time, we need to be able then to link partnerships in terms of what kind of education they want that E-RATE to buy. I think that is something that a lot of schools, they never get to that question. They are too busy fumbling through the application process and then the deadline passes. We need to fix that first problem, which is getting the capacity to fill out these applications, but also to have a concerted effort where we know where we are going with technology.

I think one of the problems is just as bad, is you get all of this and it just sits in a closet somewhere.

Senator HEITKAMP. Is there any capacity-expanding that can be done on private-public partnership or within the philanthropic world that can actually provide that assistance to your agency or the assistance to various schools?

Dr. ROESSEL. That is part of the study group has looked at how we can build those partnerships, pillar four is all about partnerships. And one of those things is to deal with, how do we get those partnerships in those areas. People want to give to areas that are not served some times. So we are trying to build that, and that is a big part of this redesigned BIE.

Senator HEITKAMP. Just one last comment. There is an incredible urgency to this.

Dr. ROESSEL. Yes.

Senator HEITKAMP. An incredible urgency to this. And I will tell you this. You tell kids they are valued every day, but they go to a school that is in poor condition, they don't feel valued. So if we really are going to begin that process, building capacity, building the next generation of powerful leaders, we have to change what

we do in education. I know you personally feel that commitment, and we stand ready to help you in any way we can to make that happen. But we are going to judge this Administration on what goes in that budget document. And we want you to be a strong advocate for these kids.

Dr. ROESSEL. Thank you, Senator.

The CHAIRMAN. I am going to ask another round, if you guys want you can, or we can go to the next panel. But I have some questions.

Mr. Brady, when it comes to rebuilding schools or new school construction, do you have a schedule for that? Do you have a list?

Mr. BRADY. Yes, sir, we do. We have a nine-year projected list, identified by schools, with some capability to, obviously, make changes.

The CHAIRMAN. And that includes retrofit or new construction?

Mr. BRADY. Absolutely, yes, sir. Either renovation or new construction based on projected needs.

The CHAIRMAN. Dr. Roessel, do you have a list of retrofits or new construction from the Department of the Interior?

Dr. ROESSEL. We have a priority construction list from 2004 that we have just now funded for the final school, Beatrice Rafferty School, to begin the design process. Beyond that, we do not.

The CHAIRMAN. Okay, so how many years out do you have it?

Dr. ROESSEL. Well, it was 2004, so you are talking about, we are behind. So we don't have a list going forward for new construction.

The CHAIRMAN. I got you. And I think it is pretty important to dovetail onto what Senator Heitkamp was talking about. Two-thirds of your schools are fair to poor. And if you don't plan for the future, you certainly aren't going to be able to address that issue. I am not saying the DoD is doing a marvelous job, but they are certainly doing a better job in a nine-year program out.

We have to demand better. We just have to demand better. If we don't, we are never going to pull Indian Country out of poverty. It is never going to happen. It is just never going to happen. Maybe it is because I am a former teacher that I say that, but the truth is, this is the key. And by the way, the Department of Defense has some advantages you don't have, truthfully. A lot of folk here don't understand trust responsibility. They do understand what happens when you put soldiers in the field. But that is not an excuse. You have to stay diligent.

I have another question. It deals with the study group on education that was done with the Department of the Interior and Department of Education. They were issued some recommendations. I am sure you are familiar with the study group. Propose incentives for tribes to assume school operation functions from the Bureau, can you give me any idea what kind of incentives we are talking about, are we talking money or are we talking something else?

Dr. ROESSEL. We are talking about money. We are talking about trying to get tribes to assume, I think tribes have historically been able to operate schools, but now we are trying to get them to do additional things.

The CHAIRMAN. So are we talking a per student allowance, or are we talking per tribe allowance? How are these incentives allocated?

Dr. ROESSEL. I think the incentives we are looking at right now is to begin by offering it as a competitive grant. Because only those tribes that would want to engage in that process to be able to initiate those reform efforts.

The CHAIRMAN. So it would be a lump sum figure?

Dr. ROESSEL. Yes.

The CHAIRMAN. I am just trying to flesh out how far along they are. Have they developed criteria to determine which tribes are ready for it? Because some tribes could take it over and it would be worse. Some tribes could take it over and it could be a heck of a lot better.

Dr. ROESSEL. Yes. Well, we have looked at that. We have looked at a way to not only start that process, but it also has to be sustainable. One of the problems we have is that we give a grant, we start and then it ends. So what we have looked it is trying to find, how do we make that sustainable. We have done that by saying, a tribe that has three or more schools, they inherently are able to probably operate as a school district and then it becomes sustainable.

The CHAIRMAN. Were you in on the consultation that happened on this proposal?

Dr. ROESSEL. Yes.

The CHAIRMAN. What was the tribe's perspective on the grant process? On granting dollars versus per pupil?

Dr. ROESSEL. In terms of this incentive grant, most of them were supportive of it. They were supportive of that, yes.

The CHAIRMAN. Of the incentive grant?

Dr. ROESSEL. The idea behind at least the concept of it.

The CHAIRMAN. Okay. One more thing here. This is for you, Mr. Brady. It deals with what you are doing as a federally-operated school versus what the Department of the Interior is doing. And I know we are comparing apples and oranges. We are comparing areas that are in much more severe poverty than others. But are there things that you do from a DoDEA standpoint that you could offer to the Department of the Interior that might offer them some success, opportunity for success, I should say?

Mr. BRADY. Thank you, Mr. Chairman. We are certainly working and coordinating with the BIE. It is a remarkably complex issue, but I think in the strategic planning area and the commitment to resourcing area and the excellence at the school level, we can certainly pass along our best practices, absolutely.

The CHAIRMAN. I would appreciate that.

Senator Johnson, do you have anything else?

Senator JOHNSON. One more question for Mr. Roessel. I noticed you made reference to competitive grants. It sounds like to me Race to the Top, which is entirely unpopular in South Dakota. Because they tend to reward great grant writers and great grant writers don't necessarily lead to education improvements where they are needed.

Could you comment on that? Is there a correlation between grant writers and grants?

Dr. ROESSEL. Well, I agree with the comment. I think though what we are trying to do here is something which is a little different in that the purpose of this grant would be to actually allow

tribes that ability to operate and exercise sovereignty over their school system. So it is not so much a grant-writing process, it is looking at, what are those ideas, what are those problems and challenges that have kept our school systems from succeeding. And some of them are structural. Some of them are that we have 127 directions.

So what we are trying to do is see how we can help the tribe be able to better control and operate their schools. That is a very different concept than Race to the Top. What we are saying to tribes is, how can we try to help you do a better job of operating your schools, not having the BIA come in and tell you, do this or do that. So I think it is not so much based on a grant writer, it is more based on the idea. I think tribes know how to exercise their sovereignty, they understand what it means for self-determination.

So I think what we are trying to do is something very different from rely on just a grant writer. But we are trying to actually empower by saying, what do you want. How do you want to control your education. What do you want your students to look like at the end of the sixth grade, twelfth grade, college. And empowering them to give that money so that they can create that structure within their tribe.

The CHAIRMAN. Thank you, Senator Johnson.

Before I let you go, I love you both. I think you both do great work. But let me give you some statistics. My staff contacted the Department of the Interior 30 days ago to let the Department know this hearing was going to take place. We sent an official invitation 19 days ago. I took this issue up with Secretary Jewell when she was in Montana a few months ago. The Department once again was unable to provide this Committee with testimony in a timely manner.

And I will tell you, Committee aside, it almost appears that we have a systemic problem here. The problem is that we don't have lists on school construction, we don't have lists on teachers that are not there, this is pretty basic stuff. We don't get our Committee hearing stuff in on time so we can take it and scrutinize it. And I am telling you, I don't like to beat up on administrative officials. You guys have a tough job. I have an incredible amount of respect for Secretary Jewell.

But by the same token, sitting beside you is the Department of Defense, who was able to provide the testimony by the requested deadline, and quite frankly, I am growing weary of the fact that when we have hearings, the Department should know by now we have an Indian Affairs Committee meeting every week. It is a rare exception when we don't. And we would like to get the testimony in one time. I think it is a courtesy to my staff, to the minority staff and to the members of this Committee that it gets in on time.

I would just like you to take that message back. Because it is not going to get better with time if we continue to be tardy with this stuff. It is important. We need it. And I appreciate your work, I really do. You do good work and I appreciate both of your work. We need to be prouder of it.

So thank you both. I appreciate your coming in very, very much. Thank you.

Now we will get the second panel up. I would like those folks to come forward. Our first witness is the Honorable Bryan Brewer, President of the Oglala Sioux Tribe in South Dakota. Our second witness is Mr. Timothy Benally, who is the Acting Superintendent of the Navajo Nation Department of Dine Education. And finally, Mr. Melvin Monette is the President-Elect of the National Indian Education Association from the Turtle Mountain Band of Chippewa Indians of North Dakota.

I want to welcome you here today. I would ask Senator Johnson if he has any comments about Bryan Brewer, and I would also ask Senator Heitkamp if she has any comments about Melvin Monette. Senator Johnson?

Senator JOHNSON. President Bryan Brewer is an excellent leader of the Oglala Sioux Tribe. He has been at it for several years, and welcome, President Brewer.

Senator HEITKAMP. I would just say that the Turtle Mountain Band of Chippewa have a rich history of producing greater tribal leadership, especially in education. We know your people well. My niece and nephew were enrolled. And I certainly appreciate all the leadership you provide, especially on this critical issue. Thank you.

The CHAIRMAN. Thank you, both Senator Johnson and Senator Heitkamp. I want to welcome all of you. You have five minutes for your testimony. Your full written testimony will be a part of the record. If you can keep it to five minutes, it would be good.

With that, you may begin, President Brewer.

STATEMENT OF HON. BRYAN BREWER, PRESIDENT, OGLALA SIOUX TRIBE; ACCOMPANIED BY DAYNA BRAVE EAGLE, DIRECTOR, TRIBAL EDUCATION DEPARTMENT

Mr. BREWER. Thank you. [Greeting in native tongue.]

I would like to thank you, Mr. Chairman, Vice Chairman, and I would like to thank the members of the Committee. It is an honor to be here. This is my first time ever, and I must say that I am a little nervous.

I would like to say that I have been the President of our tribe for a year and a half. I am a formally educated teacher, principal, just like Mr. Tester. So I think we both know the challenges of those positions.

I would like to also say that I am the Secretary of the Great Plains Tribal Chairmen's Association, and I am speaking for many of those tribes.

The first thing I want to say is, and I know we get tired of saying this, but we are here because of our treaties. And we ask the Federal Government to honor that, to meet our treaties, to meet that trust responsibility. This hearing, the title of this hearing, I believe is wrong. I believe it should be, how do we ensure that our tribal schools have the tools necessary to improve educational opportunities for our students.

I worked for the BIE for many years. I have been frustrated a good part of those years with the funding that we received. It was not good. One of the things that we fail to note, the Pine Ridge Reservation, we are the second largest tribe in the United States, next to the Navajo. But yet Pine Ridge is the poorest tribe in the

United States. With that comes the poverty and the many problems and the ills that go with that.

I see our children coming to school every day with problems. They come in abused, physically abused, mentally abused, sexually abused. They come to school hungry.

As an educator, this is very difficult. Because of everything that we already do, and all the rules that we have to follow, the laws, we are not able to meet those students' needs, our children's needs. How can they learn when they come to school with these problems?

Yet the BIE does not recognize this, and makes no attempt to meet the needs of these children that come to school with those problems. How can our children learn when they are hungry or they have been abused?

Yet we don't worry about that. We talk about other things. No Child Left Behind, we need another assessment. We have many problems.

One of the things the BIE, they control, they administer. This has been one of the problems that we face. It is time that the Native people, we say it is time for us to decide what our children will learn and how they will learn it. Because it has been a failure so far.

We said that 50 percent of our children do not graduate from school. That is even worse for our children that live off the reservation. As the president of the tribe, I am concerned about the children on the reservation, and I am also concerned about our children who live off the reservation. In Rapid City, there are 15,000 Indians who live there, and the dropout rate is 85 percent.

They are going to Rapid City, and not to point fingers, but what can we do, even with our problems, we have our children in Rapid City and urban areas that we are losing. They are receiving a lot of Impact Aid monies, but where does our money go? Does it go to help the children? No, it builds new track fields, new buildings, things like that. So there are a lot of things.

Mr. Roessel is here, and I want to work with him, we need to work with him. But I want Mr. Roessel to be our superstar. Because we haven't had a superstar in a while. We need someone to come before this, we need someone to fight for us and demand. I know it is difficult and I talked to Dr. Roessel about this before, and we have our own people. It makes it tough because we have to protect the program. But he has to protect the BIE. I think it is time that the BIE work with the tribes and become the fighter for us, give us our rights. We have trust responsibility of our people.

So I am asking Mr. Roessel, be our superstar. Work hard for us and demand that our treaties be met. Demand that our children be given what they need. That is what is going to happen, and I have faith in him. Because he has been through this. He has experience and he has the background.

One of the things I want to talk about is the immersion. I know Mr. Ryan Wilson has been before all of you. And in 25 years, the Lakota in Pine Ridge are going to lose their language. We need help. We need help with this. Yet the BIE has been teaching the Lakota language in our school since the early 1970s. And the BIE

has not produced one single speaker yet. Because they don't listen to us.

Turn that over to the tribes. Let us decide how our children will be taught the Lakota language. Right now they are getting schools, when they are babies, we are getting them into our day care centers, and we have Lakota speakers with them. So the babies, they are listening to the Lakota language and they are learning. And most of the parents are young, and we would like to see our young people learn with their children, learn our language, have programs for them. Then when they do get to school, there will be a curriculum built for them. When all of our curriculum on the reservation, the things that I would really like to talk about is getting tribal control of our schools. One of our six different schools plus the BIE, the BIE, my mind is going everywhere here, the schools, we have to control, we have to say what is there. They are doing different curriculums. We are not meeting the needs of our children. We have so many children that go from school to school, just because of the housing.

I testified that last year, on housing, I said my tribe, we need 4,000 homes. When I got back and I got accurate data, which it is hard to get, and I found out that I don't need 4,000 homes, I need 12,000 homes to meet our needs of our people. It is very difficult when you have three families living in a home. I feel for our young ladies that don't have a room of their own.

I know when my daughter was growing up, I was lucky, my daughter had her own room, she had her own space, which many of our children don't. And then there is alcohol and drugs and this is where we get some of our problems with our young girls being abused.

[The prepared statement of Mr. Brewer follows:]

PREPARED STATEMENT OF HON. BRYAN BREWER, PRESIDENT, OGLALA SIOUX TRIBE;
ACCOMPANIED BY DAYNA BRAVE EAGLE, DIRECTOR, TRIBAL EDUCATION DEPARTMENT

Chairman Tester, Vice Chairman Barrasso, and Members of the Committee, please accept my thanks on behalf of the Oglala Sioux Tribe for your invitation to testify today on the issue of Indian Education. I hope to use this testimony to relay to you the importance of education to our Tribe, how critical it is for our self-determination, and how this Committee and the Congress must redouble its efforts to support our schools and our students.

Furthermore, I am also the Secretary of the Great Plains Tribal Chairman's Association (GPTCA) and I bring forth the message that the sixteen Tribes in the states of South Dakota, North Dakota, and Nebraska which comprise the GPTCA wish to thank you for your interest in and attention to tribal education.

The Great Plains Tribal Chairman's Association was formed to promote the common interests of the sovereign Tribes and Nations and their members in the Great Plains Region. The Great Plains Tribes have the responsibility and obligation to provide tribal education to their enrolled members. The Reservations in the Great Plains comprise the largest geographical land base and trust land of any Region in the United States next to Navajo. The total acreage comprising the Reservations and homelands within the Great Plains that are Indian Country pursuant to 18 U.S.C. 1151, is over 10 million acres. The total population of the Great Plains Region Tribes, we understand, is second only to the Navajo Nation. Unemployment rates in the Great Plains Region are far above the national average and many of our members, even those who work, live below the poverty level. Jobs and economic development are desperately needed on our Reservations.

Significantly, for today's hearing, the Great Plains Region has approximately one-third of all tribal schools in the United States and 8 of the Tribal Colleges. Tribal education in the Great

Plains Region is at the center of our Region's tribal priorities, because of its impact on and connection with other issues, but also because the education of our children and the manner in which we educate them determines the future of our people.

The 1868 Treaty of Fort Laramie, which serves as a foundation of my Tribe's relationship with the United States, explicitly states that the United States promises to provide an education to Indian students. Such provisions were normal for Indian treaties, yet we are here 150 years later to remind the government of its continuing obligation to support our schools. To that end, I would like to mention the title of this hearing: "Ensuring the Bureau of Indian Education has the Tools Necessary to Improve." I think the more appropriate question to ask is: "How Do We Ensure that Tribal Schools have the Tools Necessary to Improve Education Opportunities for Our Students?"

Tribally and Community Controlled Schools are an Expression of Sovereignty

Education is both a trust and treaty right, and must be upheld by both the Government and Indian people. Self-determination and sovereignty are equally important values to uphold. Accordingly, Congress enacted both the Indian Self-Determination and Education Assistance Act in 1975 (P.L. 93-638) and the Tribally Controlled School Act in 1988 (P.L. 100-297), recognizing in the latter that "true self-determination in any society of people is dependent upon an educational process that will ensure the development of qualified people to fulfill meaningful leadership roles," and that "to achieve a measure of self-determination [is] essential to [Tribes'] social and economic well-being." Together with these federal laws, Tribes across the country have embraced the idea of running our own schools to achieve the educational objectives and priorities we value in our communities, seeking to use our own criteria for success, and making school a place where we can teach our language, culture, and history to our children.

There are thirteen schools and 6,275 K-12 students on the Pine Ridge Reservation, but there are four separate education systems. From largest to smallest, they are six Tribally Controlled Grant Schools, one BIE operated school, four county-run public schools, and two parochial schools. We also have 11 Headstart Centers with 469 students operated by Oglala Lakota College, which itself has more than 1,400 students. Counting the rest of the students in schools in neighboring towns and in off-reservation boarding schools, we have more than 9,300 students in our Tribe—nearly one third of our citizens on Pine Ridge. It is not hard to comprehend that we see tribal control of our schools as a critical part of ensuring our Tribe's future as a sovereign people, and as a way to strengthen our Tribe today.

In that way, we see the BIE's role not as one that should be controlling or administering education in Indian Country. That role is best filled by tribes themselves. The tools we must ensure the BIE has are tools that are employed only to serve tribal and local schools. We see little value in "improving" the BIE in a sense of reforming the bureaucracy there. For years we have had problems with the BIE's non-funded mandates in its ever-present need for more reporting, more data, more paperwork, and more confusing systems. Worse, even when we find it possible to fulfill the BIE's onerous requirements, we have seen little to show for it in terms of student achievement or funding. You only need to look at the now-disgraced "Reading First" program from No Child Left Behind for an example of how these programs do nothing for tribal

member students. That program was used as a cudgel against tribal schools that had to implement it or risk the loss of funding. Two years after it began, the nationwide Reading First Impact Study found it did not improve students' performance at all, and it was later zeroed out in the budget. Yet the BIE still pushes the program as "BIE Reads," despite proof that it does not work.

Let me tell you what does work: tribally controlled educational criteria like Native language and cultural education. We have found that our students who receive immersion instruction in Lakota do better in other subjects like math, science, and reading. Those students are not only more engaged at school, they become more engaged in their community. This is the kind of motivation that can help children learn. Positive examples come from our immersion program at the tribally run Wounded Knee District School, Red Cloud Indian School (a parochial school on the reservation), and other schools implementing the educational priorities set by the Tribe. We have seen the same from other schools outside of our Pine Ridge Reservation, and know that many schools on the Navajo Nation have seen similar positive results from their language programs.

A concrete step Congress can take is to state funding for the already-authorized Tribal Education Department program. My Tribe supports NCAI's call to fund the Tribal Education Department line item at \$10 million. Tribal Educational Departments are administered by tribes, and accordingly, are the best entities to apply tribal educational priorities like the above-mentioned language programs, to set academic standards, to assess student progress, and better respond to the needs of Indian communities. Our Tribal Education Agency carries out the policies and requirements in the Tribe's education code for all schools on Pine Ridge, and is well-situated for any oversight necessary in running our schools, far better than the BIE would be. The BIE should focus funding and resources on our local educational departments to better serve our schools.

Congress should also force the BIE to remove institutional and budgetary barriers that impede local school success. The BIE currently has authority to issue tribal school waivers that exempt schools for BIE-imposed content and performance standards—standards that are both culturally inappropriate for our communities and dictated by externally created criteria. Yet, the BIE has little desire to issue these waivers, negating the legislative intent of Congress to enable tribes to apply their own criteria. This dismissal of our self-determination is troubling.

All of this points towards what I believe should be the ultimate role of the BIE: to encourage Tribes and Tribal communities to take over their schools and run those schools themselves. BIE's efforts should be to fulfill the goals of the Tribally Controlled Schools Act. BIE should be working to ensure that tribal and locally run schools have full resources, have access to funding through established grant programs, have facilities that are up to standard, have quality educators, and are able to access programs and funding throughout the rest of the government that can assist the schools. For the schools it does run, the BIE should be working closely with the tribes to implement tribal priorities while doing all of the above. We simply do not see a role for BIE where it has increased oversight roles, or as a gatekeeper for funding.

BIE's Proposed Reform Plan is Flawed

We appreciate the attention the Secretaries of Interior and Education and the White House are giving to Indian education. As we know, it is an area that needs a lot of work, and we have long-awaited rolling up our sleeves and working with the United States to tackle the problems that hold our children back in education. While I believe the intent and objectives of the Secretaries and this Administration are true and well-founded, I have grave concerns about how they propose we carry out those intentions and meet those objectives.

Tribal Control of our school systems is paramount in protecting tribal sovereignty and self-determination. It is for this reason that I am so alarmed at the proposals contained in the BIE Indian Education Study Group's Proposed Reform Plan in which it proposes to "redesign" the BIE. I join many other Tribes in my Region, including the members of the Great Plains Tribal Chairmen's Association, in our opposition to the proposal in its current form.

In short, the Plan as authored is an unacceptable step toward centralizing power within the BIE Director, while paying mere lip service to tribal control of schools. I also note that the Secretaries of Interior and Education formed the Study Group "to diagnose the causes of chronic academic failure in BIE funded schools," not to redesign the BIE. We were never included in the process of determining what "academic failure" was, and we are now looking at determinations based on externally determined standards designed without incorporation of input from Indian Country. The same goes for the BIE's mention in the Plan to become either the "state" or "local" education agency for Indian schools. This is not BIE's role, and it should not attempt to wedge itself into such a role by unilaterally applying Race to the Top, Turnaround Principles, or other Department of Education initiatives to our schools. These standards and programs do not point to our own goals for ourselves, and recall a relic of paternalism that we had hoped to leave far behind.

The Plan has many problems—it is internally inconsistent, it does not describe what specific steps the BIE will take to achieve the goals, and it leaves unexplained the language it will employ to make these changes. Without getting into great detail, I will address a few of the ideas within the Plan about which we have grave concerns.

Most importantly, I find the most problematic portion of the Plan to be the proposed management redesign at BIE, or as it terms it: "agile organizational structure." This portion of the Plan is at direct odds with the idea of tribal and local control of schools, and proposes that the BIE "assume responsibility for school management of operational functions" and integrate management of the BIE, without explaining what exactly that means. I take it to mean a centralization of power and decision making authority at the BIE Director level. This reading is supported by the following from Page 13- of the draft proposal:

"In order for the BIE director to perform his/her responsibility to raise student performance in Indian Country, the director must be given authority over all the necessary functions that affect schooling quality and performance."

A proposal to consolidate that much authority with the BIE Director strikes at the heart of what we cannot stress enough is the most important aspect of education in Indian Country: tribal and

local control of the schools. We do not see how giving the BIE Director authority over these functions further the goals of the ISDEAA, the TCSEA, the policy of self-determination, or the trust and treaty relationship.

The rest of the proposal is "top-heavy" in that it proposes to centralize control and school management in the BIE. We are also particularly alarmed by the Plan's proposals to redirect funding of tribal formula grants to unspecified "competitive grants" with unspecified criteria. While well meaning, these competitive programs detract from our educational efforts, since they require time and resources to apply for, a reconfiguration of curricula if won, then—almost assuredly—the grants end after a few years with no provision for continuity. What's worse, the Reform Plan proposes to use funds from already strapped Indian education formula funds to run these types of competitive grants. Further these Washington DC-run grants reflect the BIE or Department of Education priorities or goals—not those of the tribes. Any effort to direct the tribes from Washington will ultimately fail, no matter how lofty the Reform Plan attempts to make those plans seem. We do not need trick incentives to improve our schools, our incentives are our children!

It should be tribes and tribal schools who dictate the "redesign" of the BIE, not a small group that leaves out our voices. This Committee should work instead to revitalize tribal schools by increasing resources under our formula grants, reducing the amount of bureaucracy or program management in the BIE, providing funding for facilities and maintenance and ensuring instead that the TCSEA is operating at its full potential. We attach the GPTCA's Transformation Plan which sets forth in a graphic what we want for Indian education. Our graphic uses circles, our cultural and spiritual way of thinking; we reject the use of pillars used in the BIE Plan.

Faculty and Facilities

While we largely agree with the overall goal of the Indian Education Study Group that tribal schools will benefit from the hiring and retention of high-caliber faculty and administrators, we disagree strongly that an effort to do so be run by the BIE with BIE-based criteria. It is the job for the tribes and local communities to determine who is qualified based on their own criteria.

A critical piece touched on by the Reform Plan is the current state of facilities of schools in Indian Country. If there is any part where we may begin to see eye-to-eye with the Indian Education Study Group, it is that there is a dire need for improved school and administration buildings, improved school facilities, improved teacher housing, and improved roads and buses.

The other federally funded school system—the Department of Defense Schools—in 2010 received an extra \$3.7 billion on top of its regular facilities funding for school construction and replacement. BIE schools have never had such an infusion of funding for our schools. According to a GAO Report in 2001, 65 percent of BIA schools and 75 percent of BIA dormitories suffer from "less-than-adequate condition," a problem that affects less than a quarter of all public schools. Department of Defense schools reported only 92 percent of facilities in the same condition, yet received a great deal of funds to replace those schools. That same report showed an immense maintenance and repair backlog of over \$900 million for Indian schools,

including more than \$127 million in deficiencies related to safety *alone*. See U.S. GOV'T ACCOUNTABILITY OFFICE, GAO-01-934, BIA AND DOD SCHOOLS: STUDENT ACHIEVEMENT AND OTHER CHARACTERISTICS OFTEN DIFFER FROM PUBLIC SCHOOLS' (2001). This report is thirteen years old, and conditions have not improved.

The need is great. On Pine Ridge, we have had facilities so dilapidated that they are immediately condemned by the BIE when students move to another building. Our 6 tribal schools have a backlog of \$20,217,484.00. We are concerned about the safety of our children going to schools that are in such bad conditions. Would anyone on the Committee want their children or grandchildren educated in buildings that have a total of over \$20 million in needed repairs? Poor facility conditions certainly do not make for conducive learning environments. Unfortunately, it is the same nationwide, as funds for new construction have actually been reduced, and the funds needed for operations and maintenance to keep up our schools are less than 50% of the need.

The state of school facilities is a problem that prevents us from reaching other goals in the Reform Plan. An effort to improve our facilities should be the BIE's first priority. However, we have seen too many times that study groups like this one, the BIE, or BIA will make calls for increased funding, only to see those priorities erased during the budget process. It is necessary that both Congress and the BIE be accountable for the budget increase. The BIE cannot simply blame Congress for not funding a proposal that receives support in name only from the BIE and the rest of the Administration. The BIE must commit to overcome institutional roadblocks within the Administration, whether they are in the DOI or the Office of Management and Budget, or the White House. My Tribe, and I assume Indian Country as a whole, will gladly partner with the BIE, this Committee and the rest of Congress to push the issue towards real funding, but we must have your promise you will see it through.

The situation is similar for faculty hiring. The simple matter is that it is very difficult to find well-trained and high caliber faculty who are willing to come teach in our schools, whether because of the state of our facilities, geography, or other factors. The way we must counteract this is to provide a premium in pay for our teachers, and bonuses to retain them after we train them to become better teachers. Our children struggle when there is a changing cast of teachers from year to year; stability in their instructors is a major benefit to them. Equally important is the idea that our communities must determine who to hire, and on what criteria. We need teachers who are effective at teaching our children on the topics and subjects that we define as our standards; any effort on part of the BIE to restructure faculty hiring should focus only on empowering tribes and schools to do so. We do not need a program centralized in Washington to dictate to us who to hire and on what basis—that is an echo of a dark past that we wish not to recall.

Along these lines, please let me reiterate how important it is to provide increased funding for education transportation grants. Roads in Indian Country can provide challenges to any driver, but are especially hard on high-mileage vehicles like our school buses. Further, it is very difficult for us to reach many students during rainy or snowy weather, given the poor condition of our roads. Our schools have only received one funding increase of \$0.45 a mile in the last 15 years, and the funding level is only \$2.52 a mile, which doesn't even cover our fuel costs. Such

realities make it hard for our children to reach school, which in turn hampers our ability to teach them and for them to learn. Fixing basic problems like roads and facilities are essential for us to improve our students' educational experience overall.

The Reform Plan and Failed Consultation

I will close my testimony with comments on the BIE's Indian Education Study Group's Plan and the Bureau's purported "consultation" for it. The Study Group came to Indian Country late last year and early this year to see our schools and to take comments from Tribes about what we would like to see in BIE reform. The GPTCA actually demanded consultation through resolution on this most important issue for us. I attach the GPTCA's Resolution. We gave our comments, but were disheartened to see that none of our priorities were reflected in the draft proposal. Instead, it reads as a product of the Group's own priorities—a group that did not include any voice of a tribal or local school, no tribal leaders, no directors of tribal educational departments, no school board members, and no principals or teachers from Indian schools.

Accordingly, we are left with the impression that the draft proposal is not meant for our input at all. Its rollout and claimed "consultation" supports that idea. The 31-page Reform Plan that will "redesign" the BIE was released to us on April 17, 2014. The first consultation on the plan was less than two weeks later, at our Loneman School on Pine Ridge (where I gave similar comments criticizing this plan). They held only three other consultations, and finished those just one week after the first. All in all, the release of the Plan, time to review it, and "consultation" with more than 160 Indian Schools took place in less than three weeks. Such an aggressive schedule shows that consultation isn't really consultation at all, but another presentation of "how it will be."

Such behavior is not only contrary to Executive Order 13175 and President Obama's subsequent statements directing compliance with consultation, but is a breach of our trust relationship and an insult to our treaty rights. There is a need to redesign BIE but not if it is to dictate paternalistic ideals. For tribal sanctioned schools the redesign should only serve to distribute treaty and trust financial resources and let the tribal governing bodies determine local school success. BIE's discretion of both spending and administration should be reduced as much as possible.

We are willing to work with the BIE to reform the agency, but I strongly stress that we must focus on tribal education priorities. We think the overarching goals of the Reform Plan aimed at improving schools are good ones, but we strongly disagree with how the BIE proposes to reach those goals. If this Committee is looking for tools for the BIE to improve, they need to look no further than those of us in Indian Country who are working to ensure quality education for our children.

I would be happy to take any questions you have.

The CHAIRMAN. Thank you, President Brewer. You have a lot to say and I appreciate it. You are over time.

Mr. BREWER. I thank you, and I wish there was a way this Committee could come to our reservation, or to the Midwest and listen to us, not only listen to the leaders, but also listen to some of our educators, talk to some of our students who have made it. We do have success stories. And talk to the ones that didn't make it.

The CHAIRMAN. We appreciate your bringing your reservation to us. Thank you very much, and we appreciate the invitation. Thank you for your testimony.

Tim, you are up.

**STATEMENT OF TIMOTHY BENALLY, ACTING
SUPERINTENDENT, NAVAJO NATION DEPARTMENT OF DINE
EDUCATION**

Mr. BENALLY. Chairman Tester and members of the Committee, my name is Timothy Benally, Acting Superintendent of Schools at Navajo Nation Department of Education. Thank you for this opportunity to present testimony on ensuring the Bureau of Indian Education has the tools necessary to improve.

Seventeen school districts operate on the Navajo Nation, with a total of 244 schools. Thirty-eight thousand one hundred nine Navajo students attend these schools. Over 60 percent of these students attend public schools. Of the rest, approximately 21 percent attend 31 BIA-operated schools. And approximately 18 percent attend 32 grant and one contract school.

BIE operated, contract and grant schools comprise approximately 20 percent of all schools on the Navajo Nation. These schools operate under different sets of curriculum and accountability standards from Arizona, New Mexico, Utah and BIE. The Navajo Nation best understands the needs of its children but currently lacks the ability to effectively lead the education for Navajo children.

For over 140 years, BIE and State public schools have dominated education on Navajo Nation. Today, Navajo students on BIE schools are the lowest-performing in the Country. My written testimony demonstrates the steadily declining student achievement at BIE-funded schools on Navajo. With so many accountability systems on Navajo, we cannot get a full picture of how our children are performing. We have a shortage of highly-qualified teachers, lack professional development opportunities and teacher turnover is high. Teacher evaluation forms are inconsistent and in some cases, are the same as those used for non-instructional staff.

We have seen some improvement with BIE. BIE has been more than proactive in inviting Navajo to the table. BIE realignment of the Navajo agency has helped people focus on academics and improve fiscal management. BIE seems committed to a focus on building capacity. Making reading and math coaches available to assist with content knowledge and instruction methods has the potential to improve student achievement. Within the last two years, BIE has been working closely with Navajo to bring teams into the school to work on professional development. It will likely take a few years before we see results from these efforts.

Schools on Navajo Nation are in an education crisis. The BIA schools and public schools are only responsible for our children until they turn 18. When they fail to be productive citizens, we are left to pick up the pieces. Our efforts to improve education have seen results. Student outcomes for students attending tribally-controlled schools on Navajo who have consistently enrolled with Navajo Nation have improved at a greater rate than schools that have not.

Tribally-controlled schools who have participated in using data processing, UDP training offered by Navajo Nation, have demonstrated greater student outcomes than schools that have not worked with the Navajo Nation. Tribally-controlled schools that have implemented instruction with cultural content infusion in

math and science have greater academic gains than schools that have not implemented cultural infusion content.

We have plans to improve education on Navajo Nation, but we require your help and support. First, Navajo Nation seeks to acquire State education agency status for the Department of Dine Education. Navajo Nation must have first access to the minds of its children. The Navajo Nation is committed to the exercise of sovereignty over the education of Navajos. It has established Dine education content standards curricula and assessment tools in the Navajo language, culture, history, government and character development. ESEA data will provide uniformity in the currently fragmented education system at the tribally-controlled schools on Navajo.

Second, Navajo Nation has submitted an alternative accountability workbook, as authorized under No Child Left Behind. The accountability workbook includes the Dine content standards. This will enable us to exercise a greater degree of authority over education at our tribally-controlled schools.

Third, we must be able to meaningfully evaluate student performance. The Family Education Rights and Privacy Act, FERPA, must be amended to allow tribes to access their student data. Fourth, language and cultural programs are critical for the success of Navajo students. Our research shows that Navajo students grounded in understanding of their language and culture perform better academically. Congress must provide greater support for these important programs.

Fifth, support higher education funding for scholarship, so that we can build capacity on the Navajo Nation. We need an educated workforce with professional skills necessary to be highly qualified teachers. Navajo Nation provides scholarships to eligible students, but less than 50 percent of eligible students actually receive an award. Tribal priority allocation scholarship funding should be fully funded.

Lastly, as Congress works on updating the ESEA tribal rights to exercise sovereignty, education must be respected and encouraged.

Thank you for your time today. I look forward to answering your questions.

[The prepared statement of Mr. Benally follows:]

PREPARED STATEMENT OF TIMOTHY BENALLY, ACTING SUPERINTENDENT, NAVAJO
NATION DEPARTMENT OF DINÉ EDUCATION

Chairman Tester and Members of the Committee, my name is Timothy Benally, Acting Superintendent of Schools of the Navajo Nation Department of Diné Education. Thank you for this opportunity to present testimony on "Ensuring the Bureau of Indian Education has the Tools Necessary to Improve."

A profile on education and schools on the Navajo Nation: 17 school districts are operating schools on the Navajo Nation with a total of 244 schools. The Navajo Nation is situated within 3 states: Arizona, New Mexico, and Utah. There are a combined total of 38,109 Navajo students in all schools on the Navajo Nation.¹ Based on the most recently available data, 23,056 Navajo students attended public schools on the Navajo Nation, which comprises 60.5% of all students. 48,172 Navajo students also attended public schools located off of the Navajo Nation. The Bureau of Indian Education operates 31 schools; 25 Navajo schools and seven Navajo residential halls receive federal grants pursuant to P.L. 100-297 (Better known as Grant Schools); and one and P.L. 93-638 contract school. In School Year 2012-2013, a total of 8,079 students attended Bureau of Indian Education-operated schools and 6,974 students attended P.L. 100-297 grant and P.L. 93-638 contract schools. BIE-operated schools and grant/contract schools collectively educated 39.5% of all Navajo students, with 21.2% attending BIE-operated schools and 18.3% attending grant/contract schools.

At this moment, the Navajo Nation does not have a uniform educational system that allows consistent regulatory oversight of the educational opportunities offered to Navajo students. The system that Navajo Nation schools operate in is highly fragmented. The BIE is in charge of BIE-operated schools that they directly control. At the other extreme, P.L. 100-297 and P.L. 93-638 grant/contract schools operate as their own individual school districts (local education agencies), where they have their own school boards, superintendents, personnel, finances, and transportation departments, as well as individual curriculums (or lack thereof), and individual teacher/principal evaluations (or lack thereof).

¹ Source: Navajo Nation Office of Educational Research and Statistics Report (March 7, 2014), Table 1

Navajo Nation School Types

Table 1: 2012-13 Navajo Nation Student Enrollment by School

2012-13 Student Enrollment			
Schools Located on the Navajo Nation			
Provided by the Office of Educational Research & Statistics			
School Type	# of Schools	Enrollment	%
Navajo Public Schools (including Charter Schools)	43	18,040	28.4%
New Mexico Public Schools	28	7,018	10.4%
Utah Public Schools	5	1,027	2.7%
BIE Schools	31	8,678	21.2%
Grant Schools	29	6,974	18.3%
Private Schools*	0 ^a	0 ^a	0.0%
Total	138	38,108	100.0%
Residential Halls	8	873	

Public Schools account for 60.8% of the student population on the Navajo Nation, which equates to 21,058 students.

Navajo Nation Department of Dine' Education (DDOE) does not have a uniform educational system that allows absolute oversight of the educational opportunities offered to Navajo students. Table 1: 2012-13 Navajo Nation Student Enrollment shows six different school types on the Navajo Nation with a majority of student attending public schools, 60.8% of the student population on the Navajo Nation. BIE Schools and Grant Schools collectively education 39.5%, with 21.2% of students and 18.3% of students respectively. For this report Private Schools were not included due to limited access to reliable data.

Office of Educational Research & Statistics

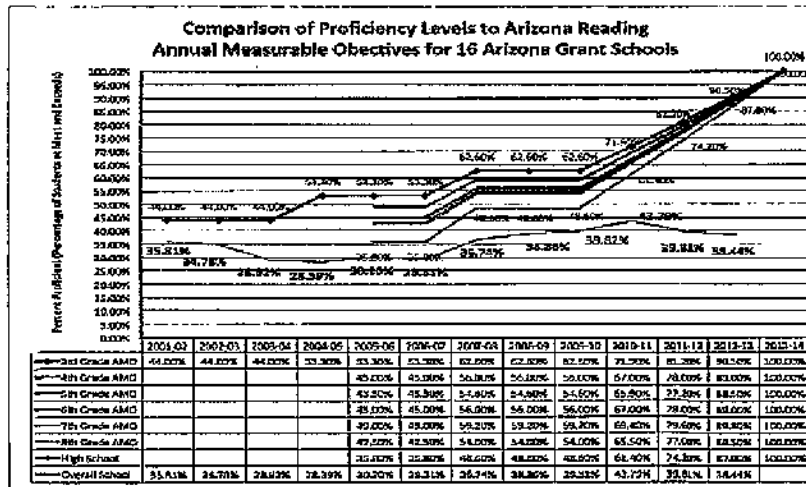
Navajo Nation Board of Education, 03/07/2014

NAVAJO STUDENT ACHIEVEMENT IN BIE-FUNDED SCHOOLS

The state of Navajo student achievement in BIE-funded schools on the Navajo Nation is not very promising and has seen a steady decline. According to current data and reports, Navajo students attending BIE-funded schools also underperform relative to Navajo students attending public schools located on the Navajo Nation. While the Navajo Nation generally does not have access to data for BIE-operated schools, the data provided to the Navajo Nation by the P.L. 100-297 and P.L. 93-638 grant/contract schools indicates a substantial decline in student achievement and test scores.

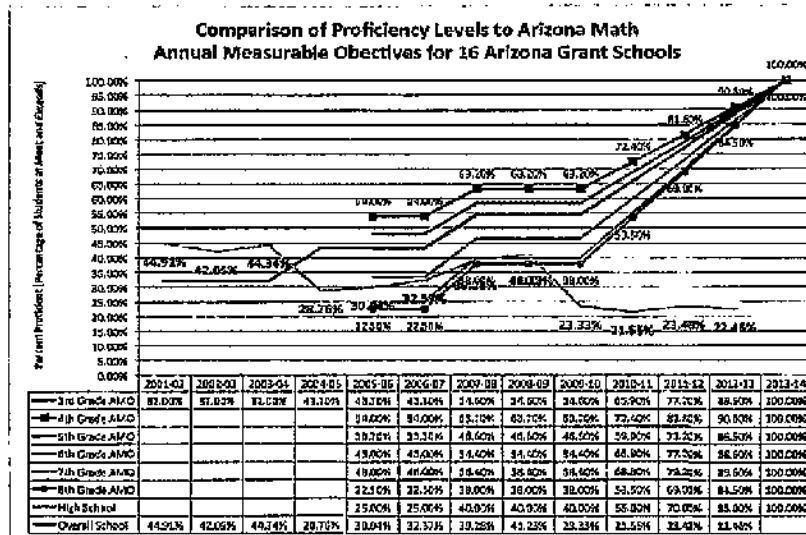
Included in this testimony are data and charts provided by the Navajo Nation Office of Educational Research and Statistics showing that the performance levels of P.L. 100-297 and P.L. 93-638 grant/contract schools is very low and declining. Even more concerning is the fact that some of these same schools also were allowed to 'opt out' of taking mandatory state high stakes assessments (particularly problematic with New Mexico P.L. 100-297 grant schools),² which places these schools in violation of federal education and accountability laws, and leaves stakeholders like the Navajo Nation with incomplete data to accurately assess the performance of our schools.

² U.S. Government Accountability Office. Better Management and Accountability to Improve Indian Education. Government Printing Office, September 2013, p. 11-13. <http://www.gao.gov/assets/660/658071.pdf>



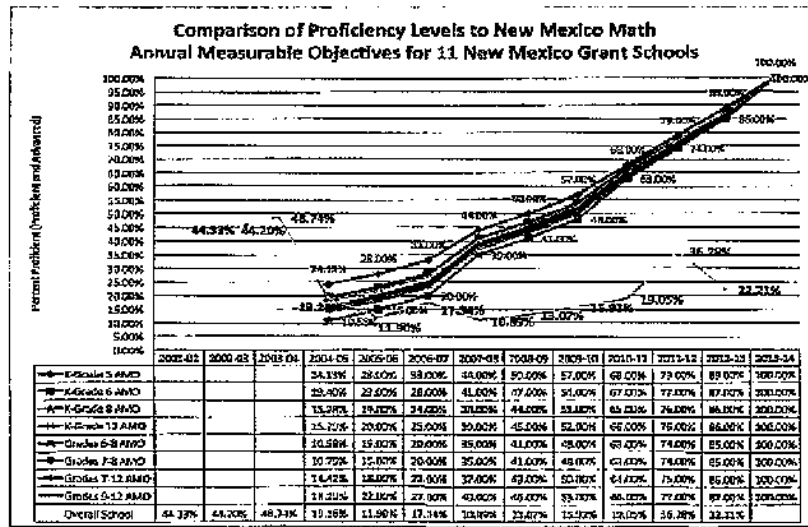
Compiled by:
Office of Educational Research and Statistics

Source: ARIE Annual School Reports (2002-2013)



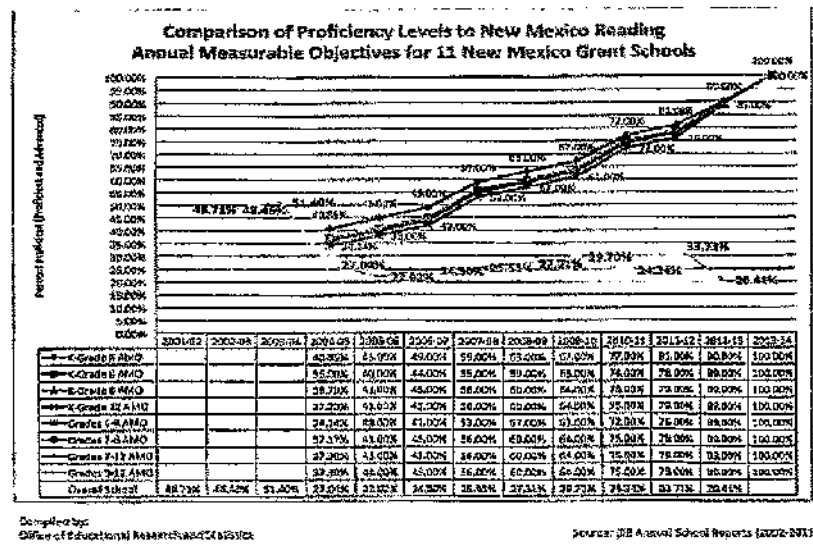
Compiled by:
Office of Educational Research and Statistics

Source: ARIE Annual School Reports (2002-2011)



Compiled by:
Office of Educational Research and Statistics

Source: BIE Annual School Report Cards (2002-2013)



ISSUES OF CONCERN

Great Need for Highly Effective Teachers and Principals: Based on the constant low school performance data, there is a strong need for highly effective teachers and principals at schools on the Navajo Nation. Every year, and throughout each year, there are a high number of advertisements in local newspapers for math and science teachers. There also appears to be a high rate of teacher turnover at schools on the Navajo Nation that necessitates the need to periodically search and advertise for teachers. In addition, there are insufficient or a lack of qualified STEM teachers on the Navajo Nation.

Substantial Need for Teacher Professional Development and Content Knowledge: Another concern that still remains is a dire need for professional development to build content knowledge for teachers at schools on the Navajo Nation. Based on school performance data, Navajo Nation schools have reached the conclusion that the *No Child Left Behind Act* (NCLB) jeopardizes the performance of Navajo Nation schools more than it helps regarding its intention regarding highly qualified teachers. There are not enough teachers to fully implement NCLB mandates. In most cases, schools must resort to the long-term use of substitutes who are in a very real sense not qualified teachers.

Highly Fragmented, Inconsistent, or Non-Existent System to Evaluate Teachers, Principals and School Leaders: Because of the highly fragmented education system that exists on the Navajo Nation, there is no consistent or uniform method to measure the effectiveness of teachers, principals and school leaders on the Navajo Nation. Based on our observations, BIE-operated schools that are within the federal system, have their own method of evaluating teachers and principals that may or not be consistent with education reform efforts to link student achievement with meaningful teacher/principal

evaluations. Because these schools are within the federal personnel management system, any attempts to connect meaningful teacher/principal evaluations to student achievement are subject to collective bargaining by teachers unions. In many instances, these collective bargaining agreements typically bypass consent/approval by tribes, including the Navajo Nation, of whether or not these collective bargaining agreements are in the best interests of children and students.

Further, because each P.L. 100-297 grant and P.L. 93-638 contract school operates as their own individual school district, each school has their own method of evaluating teachers and principals. Based on our experience, there are no consistent means of evaluating teachers and principals. In fact, we find that in many instances, the evaluations are not linked or tied to student achievement, and that it is very common for teacher/principal evaluations to be the same as those for bus drivers, cooks, and other non-instructional staff.

Lack of Qualified Staff at P.L. 100-297 Grant and P.L. 93-638 Contract Schools Results in Essential Coaching Staff Being “Misused”: Because of a lack of qualified staff at Navajo Nation grant/contract schools, academic coaches (ELA and Math) are often taken from the classroom and/or assigned administrative busywork by school principals, thereby reducing their effectiveness and impact in the classroom and work with teachers. When academic coaches are taken out of the classroom and assigned tasks other than assisting teachers and instructional staff, student achievement is negatively impacted.

Lack of Higher Education Funding: Concerns over higher education funding are not very positive. The Navajo Nation receives some of the funding it uses for higher education from the federal government. However, higher education funds have been declining while the number of eligible college students has been increasing. This has resulted in less than 50 percent of eligible students receiving scholarships, and more being denied scholarships due to insufficient funding. In the 2014 academic year, the Office of Navajo Scholarship and Financial Assistance received 11,052 scholarship applications, of which only 4,792 Navajo students received scholarships. A total of 6,260 eligible students were not awarded scholarships.

More than 70 percent of scholarship funds are spent on remediation education. Navajo freshmen college students spend approximately two years completing remedial education to prepare them for a post secondary education. As a result, fewer Navajo college students complete college degrees because they have exhausted available scholarship funds by the fourth-year.

The future of the Navajo Nation is not very promising in terms of preparing young Navajos for long and successful careers. Currently more than 50 percent of the Navajo population is under the age of 30 years old. Fifty-five percent of Navajos living on the Navajo Nation are unemployed, and nearly 50 percent live below the federal poverty line.

Numerous studies have revealed that experiencing economic hardship and low-income status negatively affects students' motivation and desire to complete a higher education. The very low college graduation rate among Navajo students is alarming, and aggravated by insufficient higher education funds and economic hardship.

RECOMMENDATIONS FOR IMPROVEMENT

State Educational Agency (SEA): The Navajo Nation seeks the ability to be designated and recognized as a "State Education Agency (SEA)" under federal law. The ESEA clearly states its support for tribal sovereignty and self determination (*NCLB Part E—Bureau of Indian Affairs Programs Section 1120, Declaration of Policy, Title VII Section 7701, 25 CFR 32.4, Policies*).

The Navajo Nation has authorized the Department of Diné Education to govern educational matters affecting Navajo children. The *Navajo Sovereignty in Education Act of 2005* established Diné educational content standards, curricula, and assessment tools in Navajo language, culture, history, government, and K'è (character development) to close the academic achievement gap that exists on the Navajo Nation. The Navajo Nation's own research has statistically demonstrated that these factors enhance individual student character development and substantially improves student academic achievement.

Navajo Nation Adequately Yearly Progress (AYP): The Navajo Nation seeks to establish its own AYP formula and accountability system. The Department of Diné Education has developed a longitudinal database, which enables the Department to track individual student performance scores over time. The Navajo AYP formula would include both federally-required accountability measures as well as assessment data from the Five Navajo content standards. The Navajo Nation supports the use of academic growth (Value Added Model) scores as a legitimate alternative to fixed proficiency score measures currently used by NCLB/ESEA.

The formula will define statistical relationships between traditional academic variables and non-traditional academic variables using regression analysis and hierarchical linear modeling. The non-traditional academic variables that positively enhance the academic achievement of Navajo students are family, environment, school, mental health, and cultural identity. The research performed by the Navajo Nation scientifically demonstrates that these factors have a positive statistical impact on the academic achievement of the Navajo students.

Navajo Nation Accountability Workbook (NNAW): As allowed under NCLB, the Navajo Nation has submitted an alternative accountability workbook to the Bureau of Indian Education and U.S. Department of Education to create a new academic accountability system on the Navajo Nation at tribally-controlled schools. The Navajo Nation Accountability Workbook (NNAW) requires that Navajo Nation schools on the Navajo Nation be held accountable for core academic standards and the Five Diné Content Standards. The NNAWB reinforces cultural content embedded in Navajo Language, Culture, History, Government and Character Development. We strongly believe that Navajo students will make tremendous contributions to a global society when they are grounded in their own culture and language.

Federal regulations in Title 1, Section 1116 and 25 CFR § 30.110, create the opportunity for developing alternative definitions of AYP that are more appropriately tailored to the unique history and culture of Indian communities. The reauthorization of the ESEA needs to clarify what is meant by "alternative" definitions of AYP and which government agencies have jurisdiction over the implementation of the implied accountability system such an initiative requires. The Navajo Nation supports testing reforms that promote the use of performance, formative and end-of-year assessments. This range of alternatives is especially relevant to Indian tribes developing cultural and language standards, which are best assessed by the legitimate authority of local educators using performance assessments.

Common Core Standards: The Navajo Nation supports the implementation of the Common Core State Standards for reading and math, and aims to integrate these with the Diné Content Standards. The Navajo Nation is located in three different states: Arizona, New Mexico, and Utah. Each state implements different academic standards. While the academic success of students is measured in each state, students on the Navajo Nation are not assessed by a common set of standards.

The Navajo Nation seeks to incorporate Common Core Academic Standards into its Accountability plan so it can determine AYP for its students with one set of standards. The Accountability Plan will be augmented with the Five Diné Content Standards.

By integrating and aligning the Navajo Standards with Common Core State Standards, Navajo students will acquire the best of both Western and Navajo education. In addition, students will be learning core academic subjects through relevant content. Using this plan, the Navajo Nation will provide students with Navajo language and culture-based education, and at the same time provide students with strong academic programs to learn math, science, reading, writing, history, government, and other subjects to the highest degree possible.

Development of Meaningful Evaluation of Teachers and Principals: Because of the highly fragmented education system that exists on the Navajo Nation, there is no consistent or uniform method to measure the effectiveness of teachers, principals and school administrators on the Navajo Nation. In order to see improved outcomes, teachers, principals and school administrators must be held accountable for student achievement. As the Navajo Nation proceeds with approval and implementation of the Navajo Nation Accountability Workbook, we also seek funding to build the capacity to develop a framework to evaluate teachers and principals, using student achievement and test scores among other multiple measures, to rate teacher/principal effectiveness. Such an evaluation will improve the skills of teachers and principals, thereby building human capital.

Experiential Learning Environment: There are many advantages to creating an experiential learning environment in schools that begins with teachers and school administrators. However, the lack of highly qualified teachers impedes the creation of an ideal student learning experience. Without the experiential learning model, students on the Navajo Nation are not reaching their full potential. The Navajo Nation aims to establish experiential learning environments at all schools on the Navajo Nation, including federally funded schools operating on the Navajo Nation.

Role in Assisting Students Learn to Become More Engaged in School: The Navajo Nation recognizes that Navajo language and culture are vital to the development of self-identity and self-esteem among our children. They are vital to the preservation of not only the Navajo Nation, but to the well-being of individual students. Understanding their history provides students a purpose in life and a solid foundation from which they can become successful and productive citizens.

It is vital that the Navajo Nation certify teachers who can deliver Navajo language and culture instruction to provide a relevant and effective education system on the Navajo Nation. Cultural instruction means the study of Navajo life, past, present, and future. It aims to teach and train its children in math, science, literature, history, government, language, culture, and character development. In order to do this, the Navajo Nation will develop a rigorous Navajo language and culture teachers' certification program. Through this program, The Navajo Nation will certify teachers to teach Navajo Language and Culture, and will not rely on states to issue certification as they now do. The Navajo Nation will provide certification that will be recognized and accepted by Arizona, New Mexico, and Utah, as well as by other states.

CONCLUSION

As we strive to improve the education system on the Navajo Nation, we need clear congressional support in areas of better federal oversight and tools to build capacity. We ask for improved federal policies, regulations, and relevant laws governing Indian Education. We don't need ambiguous, open-ended, and vague laws, but precise and clear laws. We need improved and better relationships with the U.S. Government, particularly with the U.S. Department of Interior and the U.S. Bureau of Indian Education. We ask for congressional support for the recommendations I have mentioned.

The CHAIRMAN. Thank you, we appreciate your testimony, Mr. Benally. Thank you very much.

We will turn it over to you, Mr. Monette.

**STATEMENT OF MELVIN MONETTE, PRESIDENT-ELECT,
NATIONAL INDIAN EDUCATION ASSOCIATION**

Mr. MONETTE. Chairman Tester, Senator Johnson, thank you for convening the hearing on tools needed to improve the Bureau of Indian Education.

I am Melvin Monette, and I, like Dr. Roessel, do call the BIE tribal grant schools and tribal colleges and universities my education system. And certainly, looking at the faces behind you and the faces behind me, the BIE has a number of successes that we can count as ours.

I am President-Elect of the National Indian Education association, and a citizen of the Turtle Mountain Band of Chippewa Indians. NIA was founded in 1969, and has a mission to advance comprehensive educational opportunities for all American Indians, Alaska Natives and Native Hawaiians throughout the United States.

I also want to thank you for hearing the collective call of tribes and Native communities regarding the need to address the current state of Native education. As the Nation celebrates the 60th anniversary of the Brown v. Board of Education Supreme Court decision, we must highlight that our communities are still fighting for equal educational opportunities in Native-serving schools. The renewed commitment of this Committee to improve the education system serving Native students is critical, as we look to end current disparities and create equitable educational opportunities for our students.

As all of us realize, Native education is in a state of emergency. Unfortunately, the Federal Government's own studies encompassing Native test scores, treaty-based appropriation decreases, and Government Accountability Office reports, among others, illustrate the continued inability of the Federal Government via the BIE to uphold the trust responsibility.

The BIE has been failing its mission for years and should no longer be in the business of providing direct education services to tribal communities. Instead, the BIE should shift its capacity to providing educational resources that support tribes who wish to administer education services to their students. To support this reform, change is critically needed within the Department of the Interior to fix the BIE's broken system and ensure tribal self-determination is strengthened as well as address the persisting issues in the BIE.

Tribes understand the children's needs best and are suited to provide the most effective and efficient services in their communities. However, IE reform that supports tribes must begin locally and at the direction of our tribal leaders and Native education stakeholders. This effort cannot be a top-down approach, but a measure created through grassroots support at the tribal level. The current proposal for BIE reform, while well-intentioned, was not a direct result of tribal consultation, but a Department-led initiative that has caused concerns to tribes. We appreciate the efforts and ideas, but without tribal support at the local level, we cannot expect BIE reform to succeed.

The following recommendations are based on membership resolutions and through our work with tribal leaders in Native communities. However, it is important to note that NIA is still awaiting input from our stakeholders who attended the recent consultation sessions on BIE reform. This testimony is to serve as input for improving the BIE and not formal comments on the Department's reform proposal.

Key among our recommendations is that the BIE should be transformed into an entity that provides technical assistance to build tribal capacity where lacking for the administration of education services. Assimilation and termination robbed tribes of their ability to administer education. As the era of self-determination progresses, now is the time for the BIE to alter its focus on education delivery into an entity that disseminates technical expertise similar to a regional education laboratory that would work in partnership with tribes, tribal colleges and universities, school districts and State departments of education to utilize data and research and distribute best practices for improving their students' academic outcomes.

But as the BIE alters its capacity, this reform should not increase the administrative burden or drive funds away from local assistance. Reforms should not be an internal Bureau-wide capacity-building effort set on hiring an influx of staff in Washington. Rather, we need a BIE restructuring that supports collaborators who will sit with tribal leaders to find local tribal solutions.

As the ESEA, the BIE must have the resources necessary to increase its ability to assist tribal schools, whether they are implementing full-day language immersion or developing high-speed internet connectivity. To support such efforts, there must be internal support within DOI. We propose this Committee work to create a Deputy Assistant Secretary of Indian Education position within the DOI. Tribes have spoken clearly that Indian education belongs within the Department of the Interior to ensure the Federal trust responsibility is upheld.

While scaling up staff in Washington is unnecessary, we need an appointed leader to pursue education reform at the top levels of the administration. Our students need a Federal leader who understands Native education and has the ability to address colleagues and the President on the Federal Government's trust responsibility.

Further, we request that the DOI form a tribal education budget council, so education leaders and Federal officials have the opportunity to formally address difficult issues facing Native education and the BIE. Too often, education falls aside as tribal leaders are forced to prioritize more pressing issues like fire prevention or community violence. Providing a formal negotiating body to address Native education and BIE issues will ensure DOI recognizes persisting problems, such as the lack of BIE budget authority. I realize BIE reform and the state of Native education is a difficult issue, but please know that we are here to work with you, to provide ideas for addressing these problems. Together, we can make sure that the BIE has tools necessary to strengthen tribal self-determination and support programs that create student success, like language immersion.

NIA appreciates the continued leadership of this Committee. For a full list of BIE recommendations, please see our written testimony. Thank you again, and I look forward to addressing your questions.

[The prepared statement of Mr. Monette follows:]

PREPARED STATEMENT OF MELVIN MONETTE, PRESIDENT-ELECT, NATIONAL INDIAN EDUCATION ASSOCIATION

Chairman Tester, Vice Chairman Barrasso, and members of the Committee, thank you for inviting the National Indian Education Association (NIEA) to testify. I am Melvin Monette, President-elect of NIEA and a citizen of the Turtle Mountain Band of Chippewa Indians. On behalf of NIEA, I am grateful for this opportunity to provide testimony for the record on “Ensuring the Bureau of Indian Education (BIE) has the Tools Necessary to Improve,” as part of the Committee’s Indian Education series. I would also like to thank the Committee for hearing the collective call of tribes and Native communities regarding the need to address the current state of Native education. The renewed commitment of this Committee to focus on improving all education systems serving Native students is critical as we work together to ensure equitable educational opportunities.

NIEA, founded in 1969, is the most inclusive Native organization in the country—representing Native students, educators, families, communities, and tribes. NIEA’s mission is to advance comprehensive educational opportunities for all American Indians, Alaska Natives, and Native Hawaiians throughout the United States. From communities in Hawaii, to tribal reservations across the continental U.S., to villages in Alaska and urban communities in major cities, NIEA has the most reach of any Native education organization in the country.

Native Education Crisis Due to Federal Mismanagement

As all of us realize, Native education is in a state of emergency partly due to the inability of the Federal Government to uphold its trust responsibility. Native students lag behind their peers on every educational indicator, from academic achievement to high school and college graduation rates. Just over 50 percent of Native students are graduating high school, compared to nearly 80 percent for the majority population. For students attending BIE schools, rates are even lower. According to the latest results from the National Assessment of Educational Progress (NAEP), BIE schools are among the worst performing in the nation. The Federal Government’s continued inadequacy in directly educating our students hinders our children from developing a strong education foundation that prepares them for future success.

Native Student Demographics Snapshot¹

- 378,000, or 93 percent of Native students, attend U.S. public schools, with the remainder attending federally-funded BIE schools.
- As of the 2011–2012 school year, there are 183 Bureau-funded elementary and secondary schools, located in 23 states, serving approximately 41,051 Indian students.
- Of all Native students, 33 percent live in poverty, compared to 12 percent of Whites (2011–2012 school year).
- 29 percent of these students attend high-poverty city public schools, compared to 6 percent of Whites (2009–10 school year).
- Only 52 percent of Native students live in two-parent households, compared to 75 percent of Whites (2011).
- After the most recent census, only 65,356 Natives ages 25 years and older had a graduate or professional degree.

The Trust Responsibility to Native Education

NIEA’s work for more than forty years has centered on reversing these negative trends. We are making sure our communities have the future leaders needed to help tribes thrive as well as preserve and strengthen local cultural and linguistic traditions. This begins by providing our future generations’ equal educational opportunities that prepare them for academic success no matter where they attend school—

¹National Center for Education Statistics, Institute of Education Sciences, United States Department of Education. National Indian Education Study 2011. (NCES 2012–466). <http://nces.ed.gov/nationsreportcard/nies/>

tribal grant and contract, charter, or public. As tribes work to increase their footprint in education, there must be support for that increased participation. The Federal Government must uphold its trust responsibility. 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.

The Federal Government's trust corpus in the field of Indian Education is a shared trust between the Administration and Congress with 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 others, which illustrate the continued inability of the Federal Government via the BIE to uphold the trust responsibility.

Recommendations to Improve the Bureau of Indian Education

The BIE's mission, as stated in Title 25 CFR Part 32.3, is to provide quality education opportunities from early childhood through life in accordance with a tribe's needs for cultural and economic well-being, in keeping with the wide diversity of Indian tribes and Alaska Native villages as distinct cultural and governmental entities. The BIE is to manifest consideration of the whole person by taking into account the spiritual, mental, physical, and cultural aspects of the individual within his or her family and tribal or village context.

Unfortunately, the BIE is failing its mission by inadequately educating our children. Reform, without abrogating the federal trust responsibility and treaty obligations, is needed within the Department of the Interior (DOI). Agency reform should begin locally in BIE schools and at the direction of our tribal leaders and Native education stakeholders. To ensure the support of our communities, the Federal Government must work with tribal leaders and experts in order to ensure change addresses the concerns and prerogatives tribes have called for over the last several decades. Tribally controlled contract and grant schools are the future of Indian education and as such, those institutions of self-determination must be supported based on local needs, not at the direction of the Department or the Administration.

The following recommendations are based on resolutions passed by our membership as well as through local work with tribal leaders and Native communities. However, it is important to note that NIEA is still awaiting additional input from our stakeholders who attended recent consultation sessions on BIE reform. This testimony should not be considered our comments on the Indian Education Study Group's report on the BIE. This testimony is to serve as general recommendations for improving the federal education system serving Native students to make sure the system has the tools necessary for strengthening and supporting tribal self-determination.

I. Strengthen Tribal Self-Determination

The Federal Government implemented assimilation and termination policies in the 19th and 20th Centuries by breaking down traditional family patterns in Native communities and forbidding the use of cultural traditions. Education systems, such as boarding schools, supported these efforts and restricted traditional family structures. The United States then separated Native children from their parents and tribal families in order to destroy cultural kinship. Through these systems, the U.S. robbed tribes of their ability to educate their children.

As tribes fought and achieved the ability to once again exercise their inherent rights as sovereign governments in the latter 20th Century, tribes began contracting with the Bureau of Indian Affairs (BIA) to administer education functions under the Indian Self-Determination and Education Assistance Act of 1975 (P.L. 93-638). However, as a result of history and legal statutes, the Federal Government had positioned itself as the direct education provider for many Native communities. Through this context, the Federal Government created an inability for BIE reform to succeed internally because the system functioned and continues to operate under a model rooted in outdated practices that often run counter to tribal self-determination.

Precedence of Self-Determination

Even as tribes reasserted their ability to perform some education functions under statutes, such as the Tribally Controlled Schools Act of 1988, other legal barriers such as those under Public Law 107-110, the Elementary and Secondary Education Act (ESEA), continue to drive the Bureau's means for working with tribes, families, and students. As a result, BIE schools working with local communities have developed an internal bureaucratic mentality that tribes often work to support local Bu-

reau schools rather than BIE schools serving tribes and supporting self-determination.

Congress should create federal policy and ESEA reform that ensures the BIE collaborates with and supports tribes in their self-determination, rather than dictating local educational policy on tribal communities. To facilitate the critical reform that is needed, Congress should provide BIE the tools and resources necessary for developing its capacity to support tribes as they administer education functions and ensure that self-determination statutes take precedence over ESEA and other restrictive mandates.

II. Support and Strengthen Native Language and Culture

Native language revitalization and preservation is a critical priority to tribes and Native communities because language preservation goes to the heart of Native identity. In many ways, language is culture. Learning and understanding traditional languages helps Native students thrive and is a critical piece to ensuring the BIE is serving Native students effectively. Immersion programs not only increase academic achievement, but guarantee that a student's language will be carried forward for generations. Our communities' unique cultural and linguistic traditions are crucial for the success of our students and are critical cornerstones for providing relevant and high quality instruction as part of an education that ensures Native students attain the same level of academic achievement as the majority of students. NIEA requests the Committee work with tribes and the BIE to ensure that reform strengthens the ability of the Federal Government to support tribes in the delivery of culturally-relevant curricula.

Expansion of Language Immersion and Congressional Intent

NIEA supports expanding immersion opportunities in BIE supported schools. P.L. 100–297, Tribally Controlled Grant Schools Act, and P.L. 93–638, Indian Self Determination and Education Assistance Act, as well as P.L. 109–394, Esther Martinez Native American Languages Preservation Act of 2006, all promote a policy of both self-determination and investment in Native languages—specifically language immersion schools. Further, the White House Initiative on American Indian and Alaska Native Education promises to support expanding opportunities and improving outcomes for Native students by promoting education in Native languages and histories.

NIEA acknowledges that exemplary immersion models, such as those at Niigaane Ojibwemovin Immersion Program and School serving the Leech Lake Band of Ojibwe and Rough Rock Community School serving the Navajo Nation, have won the prestigious NIEA cultural freedom award for their efforts in full-day language immersion. However, federal agency interpretation and administrative procedures often restrict tribes from running schools, such as Niigaane and Rough Rock, by creating barriers to tribal self-determination. To begin addressing this issue, NIEA requests that congressional intent of legal statutes, rather than agency interpretation, be utilized so that tribes can deliver effective education programs.

III. BIE Internal Reform

BIE as a Technical Service Provider

As the Administration progresses its reform agenda for the BIE, Congress should work with tribes and the Administration to ensure the BIE becomes a technical assistance provider that has the ability to strengthen tribal self-determination in education. The BIE should become an entity that assists tribes who wish to participate in the delivery of their children's education by working with tribes as they strengthen their education agencies. Since the late 20th Century, Congress has worked to strengthen tribal capacity to directly serve their citizens in other services. In this spirit, tribes should have the same ability as state and local education agencies to administer education. To assist those efforts, the BIE should become a central nexus that provides technical assistance to its local BIE contract and grant schools, charter, and even public schools where requested.

The BIE should become an entity similar to a Regional Educational Laboratory (REL) that would, rather than providing direct education to Native students, work in partnership with tribes, tribal colleges and universities, school districts, and state departments of education, to be a technical and best practices provider that collects and utilizes data and research to help tribally-administered schools improve the academic outcomes of Native students.

BIE Capacity Transition

In order to successfully reform the BIE into a technical provider and capacity builder, DOI and the BIE staff need a fundamental shift in thinking in Washington

and regionally. Some staff at the BIE have served their communities for decades, which builds experience and expertise. However, that expertise is based on a flawed and outdated model that has yet to decrease the achievement gap among our students and the majority population. NIEA suggests that DOI ensure educators and administrators understand the needs of their local Native communities and prepare them to engage and work with tribes and their education agencies.

BIE reform should not be an internal, Bureau-wide capacity building effort set on hiring an influx of new thought leaders in Washington. Rather, we need a change in capacity and a restructuring that supports community collaborators who will sit with a principal chief in Oklahoma or a pueblo governor in New Mexico to find solutions to local problems. Simply, we need the right people in the right positions supporting tribal capacity to administer education services. Tribal leaders understand their children best and tribal communities can better address a child's unique educational and cultural needs. Rather than directly educating Native students, the BIE should be situated to provide support services to tribal leaders and education agencies, similar to the Indian Health Service's (IHS) relationship with tribes as they administer health services.

IV. BIE Funding

As tribes work with Congress and the Administration to reform education institutions and increase tribal responsibility in administering education, federal leaders should also increase treaty-based appropriation levels for tribal governments and Native education institutions in order to repair the damage caused by shrinking budgets and sequestration. Historical funding trends illustrate that the Federal Government is abandoning its trust responsibility by decreasing federal funds to Native-serving programs by more than half in the last 30 years. These shortfalls persistently affect the ability of the BIE to provide transportation services, construct new buildings, and effectively educate Native students. These issues would be unacceptable in any other school system and must be addressed now if we are to systematically improve the BIE's ability to serve our communities and strengthen self-determination.

BIE Budget Authority

For too long, bureaucratic issues between the BIA and the BIE have decreased the ability of the BIE to meet the educational needs of our youth. Congress and federal agencies should fund Native education programs that strengthen tribal self-determination, such as tribal education agencies, and ensure adequate resources are appropriated to the BIE to address tribal concerns and needed systemic changes. To start, the Department of the Interior should transfer budget authority from the BIA to the BIE to increase its efficiency and effectiveness by decreasing the bureaucracy inhibiting funds from positively impacting Native students and tribal self-determination.

As a result of BIA authority over the BIE budget, the BIE is often low in priority when compared to other programs. Recently, internal BIA FY 2014 Operating Plan reallocations reduced BIE Johnson O'Malley Assistance Grants by \$170,000 as well as cut BIE higher education scholarships. While the reduced lines were under tribal priority allocations, such reductions were not authorized by tribal leaders but were a result of internal redistributions in the agency. Although the reductions are small as compared to the overall increase in the BIA budgets after Congress postponed sequestration, rescissions without appropriate consultation are unacceptable. Providing the BIE the ability to develop its own budget would ensure the BIA cannot reallocate funds from the BIE as it would be a separate Bureau with its own budget authority.

BIE Grant Pilot

As the BIE works to support tribes and their education agencies, BIE reform would be strengthened by providing funds for a competitive grant pilot that incentivizes capacity building in tribally-controlled grant and contract schools. This grant program would be modeled on best practices from existing competitive grants in use within the Department of Education. For \$3 million, the BIE would administer a pilot to spur urgent and abrupt systemic reform that would substantially improve student success, close achievement gaps, improve high school graduation rates, and prepare students for success in college and careers.

The three-year competitive incentive-based grant, similar to existing Race to the Top initiatives for which BIE continues to be excluded, would provide resources to tribes for accelerating local reforms and aligning education services to tribal education priorities that include language and culture. Further, performance metrics for the grant would include student attendance rates, graduation rates, college enrollment rates, and measures on educator accountability. In order to catalyze reform

efforts and create a set of high-performing, tribally-controlled grant schools, the BIE would also provide on-going technical assistance to build the capacity of those schools that applied for, but did not receive, a grant.

Tribal Grant Support Costs

NIEA was happy to see Indian Health Service and BIA contract support costs fully funded under self-determination and self-governance contracts and compacts this year. However, Public Law 100-297 grant or Public Law 93-638 self-determination contracted BIE schools were exempt from full funding, which will result in budget shortfalls. Full funding for tribal grant support costs in FY 2015 and subsequent years is just as important as full funding for contract support costs as these dollars help tribes expand self-determination and tribal authority over education programs by providing funds for administrative costs, such as accounting, payroll, and other legal requirements. The BIA currently funds only 65 percent of support costs in the 126 tribally managed schools and residential facilities under the BIE purview. This forces the schools to divert critical classroom education funding in order to cover unpaid operational costs, which make it unrealistic to improve educational outcomes and bridge the achievement gap among Native and non-Native students.

Connect BIE Schools to Educate

The President's goal in the ConnectED Initiative is to connect 99 percent of America's students to the Internet through high-speed broadband by 2018. Unfortunately, tribal areas are already far behind their counterparts due to geographical isolation, ineligibility, and inadequate capacity to apply for funds. The BIE recently reported 130 to 140 BIE schools applied for and received E-rate funds over the last nine years-out of a total 183 BIE entities. However, of the E-rate funds committed for these BIE schools over the past nine years, only 60 percent was actually spent. Furthermore, many eligible BIE schools did not apply because they did not meet the 80 percent threshold to receive a discount. These statistics illustrate persistent gaps in E-rate adoption among BIE schools that are similarly prevalent in other Native-serving institutions due to their geographical isolation and inability to meet Universal Service Administrative Company (USAC) guidelines. If BIE schools are, on average, spending just 60 percent of E-rate awarded funds then there should be further collaboration among Congress, the Federal Communications Commission (FCC), and BIE to ascertain these reasons and work to ensure internal broadband capacity is present.

We must work together to make sure tribes and Native-serving schools benefit under this initiative. Limited data already suggests overall connectivity funding for schools and libraries on tribal lands is disproportionately low and inadequate for connectivity. To prevent tribal nations and their citizens from becoming the one percent that remains disconnected, this Committee should work with the FCC, the BIE, and tribes to decrease barriers that hinder tribal participation in the E-rate program and 21st Century education.

V. Elevate Native Education

Deputy Assistant Secretary of Indian Education

Tribes have spoken loudly that Indian education belongs within the Department of the Interior in order to ensure the federal trust responsibility is upheld. Unfortunately, DOI continues to fail at including education experts and educators in key policy and budget decisions. As we work to find ways to increase the effectiveness of the BIE and improve the state of Native education, we must have people leading in Washington who understand the needs of our students and have the authority to drive successful reform.

Our students need a federal leader to address colleagues and the President on the Federal Government's trust responsibility to Native education. We request this Committee pursue a means to create a Deputy Assistant Secretary of Indian Education in order to elevate the needs of our students. While the recent attention on the BIE is welcome and necessary, this focus often ebbs and flows. There should be an advocate in DOI that works with tribes to maintain this focus and ensure our Native students become the highest-achieving students in the country and that the BIE is supporting tribes who are running state of the art schools.

DOI Tribal Education Budget Council

We also request that DOI create a Tribal Education Budget Council that functions similar to the Tribal Interior Budget Council and is presided by tribal leaders and the Deputy Assistant Secretary of Indian Education. This would help guarantee that education issues do not fall in priority. Tribal leaders are often forced to choose be-

tween issues and focus on providing for present-day emergency measures, such as fire prevention or medical funds, as compared to long-term preventative solutions to education. Providing equity to education and a venue to address our students' needs is crucial to elevating Native education and ensuring that persistent issues are addressed.

Conclusion

NIEA appreciates the continued support of this Committee and we look forward to working closely with its members under your leadership. We share your commitment to Native education.

Strengthening our partnership will ensure all Native-serving schools are as effective as possible and that tribes have more access to administer education services. We must make sure BIE has the tools necessary to improve and assist tribes and Native communities in providing services to our citizens, but only if that is supported by the local community. This effort cannot be a top-down approach, but a measure created through grassroots support at the tribal level. The current proposal for BIE reform, while well intentioned, was not a direct result of tribal consultation. We appreciate the efforts and ideas, but without tribal support, we cannot expect BIE reform to succeed.

To achieve success, there must be collaboration among all entities that touch a Native child's life and at all levels—tribal, federal, state, and local. We appreciate this 2014 education series because it is difficult to speak of increasing the success of Native students when addressing only one facet of the education system. Only by working with all stakeholders in all education systems will we increase our students' preparedness for success. Once again, thank you for this opportunity.

The CHAIRMAN. Mr. Monette, thank you very much.

Let me just say this. Your last point about working together we saw is a fact. That is not us with you or you with us, it is the Department and you and us and tribal leaders and everybody getting together that can make a big difference. I do appreciate Dr. Roessel staying and listening to the testimony. I very much appreciate that.

Senator Johnson, did you have some questions?

Senator JOHNSON. Yes, thank you, Mr. Chairman.

President Brewer, thank you for your excellent testimony before us today. Can you expand on how students are impacted by budget shortfalls for facility maintenance and construction funding?

Mr. BREWER. Thank you for that question, Senator Johnson. Dayna Brave Eagle is the Indian Education Director from Pine Ridge. If it would be possible, could I bring her up and have her answer?

The CHAIRMAN. Absolutely.

Ms. BRAVE EAGLE. Good afternoon. I would like to respond to that question, Senator Johnson. Because of the shortfalls in facility and operations, schools are having to use instructional dollars to cover these costs. We are not going to allow our children to go hungry or without adequate transportation or without heating the school buildings. So a portion of the instructional funding is used to cover these shortfalls, thus causing shortfalls in academic resources, updated curriculum and highly-qualified teachers.

Unsafe conditions of current school buildings is creating a non-conducive learning environment for our students. These are the shortfalls we are experiencing because of facilities.

Senator JOHNSON. Have you been forced to use ISEP money in exchange for propane gas and transportation issues?

Mr. BREWER. When I was teaching, we couldn't do that. But now they are doing it. And what happens is the school has to make a

decision to buy fuel or to lay off a teacher. And that is what is happening. Instructional money is being used to cover these costs.

Senator JOHNSON. President Brewer, how is the BIE creating barriers for tribes when it comes to self-determination and what are some of the programs that your schools would like to implement but cannot? Either one of you.

Mr. BREWER. I will turn this over to Dayna. But the biggest thing is funding. That is the biggest issue right there, is we are not able to do any of those programs or anything, or meet the needs.

Senator JOHNSON. Besides language instruction, what other programs can you do, Dayna?

Ms. BRAVE EAGLE. One of the biggest programs that the BIE I know as a part of the BIA is the Maximal program, which does the facilities. It used to be called the FEMA system and then they switched over to Maximal. Well, Maximal is not fully functioning right now, so a lot of our schools are unable to log into the Maximal and log in all their backlog on facilities. That is a program that has been imposed on school systems but is not fully functional.

The other thing is partnership. The tribal education agencies have formed partnerships with the BIE and have MOAs and agreements with the BIE that are not upheld also. These MOAs are in school improvement grants, such as professional development, curriculum building, teamwork and partnership with the Bureau, which have not been fully implemented or successful at the partnership.

Senator JOHNSON. President Brewer or Dayna, what are some of the key priorities that you would like to see included in the BIE reform plan? Has the BIE consulted with you?

Mr. BREWER. One of the things I have to say, Senator, is that we are against the reform plan. We believe that the tribes should be empowered to make these decisions. We really feel that when you look at it, the end result is giving more power to the BIE director. I believe that power should be with the tribes, let us make those decisions, empower us.

Ms. BRAVE EAGLE. I have two solutions to some of the things that came up. One solution on facilities, we do understand that facilities comes through the BIA. We are asking that it comes through the BIE. We are asking that it be forward funding, like all of our other instructional dollars that adhere to P.L. 100-297 and that our schools, our educational entities, receive forward funding in facilities.

Another suggestion on the FEHB is that the Bureau, the BIE ask their solicitor to reconsider her opinion, her legal opinion that our 297 schools are not 638 contracts, that that opinion be reconsidered with all the documents that have come forward.

Senator JOHNSON. Thank you. My time is expired, but I suggest that you, the Chairman and the Ranking Member pay close attention to what these individuals have to say.

The CHAIRMAN. Thank you, Senator Johnson, and we will.

Mr. Benally, I want to talk about the BIA proposed redesign with you. Could you briefly tell me your opinion of the proposal, and what its impacts might be on the Navajo Nation?

Mr. BENALLY. We have been visiting on this last couple of weeks with the consultation, I think it was within the last year that it

was initiated. One of the things that was mentioned here earlier about incentive grants, we have received nothing in writing. It has been verbally shared with us. So to that extent and the criteria that it has, we are not sure about that.

The other thing is that as far as 297-638, the contract grant school authority that rests with those laws, doesn't really give more authority to the tribe. Do we have fiscal and academic authority that increases those authorities in those areas, we don't know that. So until we see what the criteria are in there, we won't know what it holds for us.

The CHAIRMAN. Your testimony mentioned issues related to teacher retention at BIE-funded schools. Your assessment of why the teacher turnover rate is so high?

Mr. BENALLY. Teacher turnover rate, I have been a teacher, I have been a principal, I have been a superintendent. We recruit all the way to Indiana, Florida and all the way up into the northeast. We bring teachers from there onto Navajo. But for whatever reason, we are pretty isolated. When you say rural, Webster's definition of rural school, I don't think it really means what it means. When you take it to the third exponent, that is where we are in some of these schools. So when it is pretty quiet and when the wind is talking, maybe it is a little bit scary to some of these teachers. They stay there one year or two years, and they leave.

So one of the solutions that I mentioned is that our scholarship, we have 16,000 applicants, but only half of those are granted. So people from the same area, people from there educate them, because they are from there, they have no place else to go. So if we have that, we are hoping that that is going to be fulfilled.

And another thing too is that because of these requirements, some of these laws, some of these laws, No Child Left Behind, and highly-qualified, some of those laws, because we have to do that, we have to take a teacher out of a classroom or take a sub that is doing good out of a classroom to put somebody else new in there because of some of these laws. So the law is good, it has a good intention, but at the same time, we hurt our children.

The CHAIRMAN. Let's talk a little bit about No Child Left Behind. Your testimony talks about clarifying what is meant by alternative definitions of AYP in the Reauthorization Act, the Elementary-Secondary Education Act. What sort of reforms are you looking at?

Mr. BENALLY. One specific point that I want to bring out, and one of my colleagues has shared that, dropout rate.

The CHAIRMAN. Yes.

Mr. BENALLY. Our children are in an identity crisis. Over here is grandpa, and over here is mainstream. And our children are in there somewhere. As far as their purpose, of knowing where they want to belong, there is a confusion. So our intent from here is that within that alternative formula, as far as calculation, as far as content, we want to put character education in there. We want to mandate it such that the school has to do it. Because they say that, well, it's at home, but our children leave, and they are at school at 8 o'clock, and they come back at 6 o'clock, 4 o'clock in the evening. So in those, weighing those options, it seems that at school, that is where it needs to happen. That is where they have

for the purpose of doing that, so the identity crisis is not there, that you know your purpose when you go to the school, it is there.

So that is one of the unique things of the alternative formula that is going to be embedded in there, that we requesting an amendment to that law for Indian Country.

The CHAIRMAN. Thank you. Thank you very much, Mr. Benally.

Mr. Monette, does NIEA have a position on the reform plan, the proposal?

Mr. MONETTE. Yes. Yes, we do. We believe that there does need to be a reform at all levels within the DOI, all the way down to the BIA and BIE. Since the late 20th century, Congress has worked to strengthen tribal capacity to directly service citizens and other services. So in this sphere, tribes should have the same ability to manage their own education systems.

As tribes work to increase self-determination, we need a BIE that can support tribes in their efforts and provide technical assistance rather than providing direct educational services.

The CHAIRMAN. So let me ask you this. Local control is good, especially when it comes to education.

Mr. MONETTE. Yes, sir.

The CHAIRMAN. Are you concerned about capacity of the tribes, to be able to take care of the education at the local level? And I am talking overall. Are you concerned about that issue, or that is not a problem?

Mr. MONETTE. We are concerned about that issue, and we do plan to work in consultation with the BIE on that.

The CHAIRMAN. Perfect. I think it is very, very important.

Let me talk a little about your testimony. You talked about the problem with the BIE being low on the priority list of the BIA budget, which is a double negative, it takes it down quite a ways. You recommend that the Department of the Interior transfer the BIE budget authority to the BIE itself. What response, first of all, have you floated this out to the department and if you have, what has been the response?

Mr. MONETTE. I can't answer that question as President-Elect. As a board member, our executive director can certainly get that question back to you.

The CHAIRMAN. I would love that if you could, just try to get an idea.

Let me go back to you, Mr. President Brewer. In your testimony, you had concerns about the hiring functions at BIE. As I understand it, currently BIA staff, BIA staff with no background in education conduct the hiring process for BIE. I am going to tell you, this puts the BIA staff at a tremendous disadvantage. If you don't have a background in education, I think that is a problem. I think this is a minimum change that we could all agree on.

What is your perspective on that?

Mr. BREWER. The BIE, we have one school that is BIE-operated at Pine Ridge. Their turnover is very low because they have good salaries there, Federal employees. So they have very low turnover.

The CHAIRMAN. That is good news.

Mr. BREWER. Yes, it is. But our grant schools, they have a problem there. When you asked Dr. Roessel the number of vacancies, right now we have almost a third of our total teachers who are va-

cancies right now. I believe that is over 40, close to 40 vacancies that we have right now and that we have to fill before this new school year starts. That is a problem there.

The CHAIRMAN. I just want to say thank you all very much for your testimony. I very much appreciate it. Dayna, thank you for joining the panel.

We have issues here. One last thing I will say, as far as language immersion goes, I happen to have a little bill that might be able to help you guys out, and we are going to push that. So thank you for bringing that up.

Stay involved, this is a critically important issue if we are going to break the cycle of poverty in Indian Country and bring it up to where it can be. So thank you all very, very much.

Again, I just want to thank the witnesses for their testimony, and Dr. Roessel, thank you very much for sticking around. I very much appreciate that. I think it speaks to your commitment to being a superstar. So we thank you for that.

The hearing is going to remain open for two weeks for any additional comments. With that, this hearing is adjourned.

[Whereupon, at 4:28 p.m., the Committee was adjourned.]

A P P E N D I X

PREPARED STATEMENT OF ANGELA BARNEY NEZ, EXECUTIVE DIRECTOR, DINÉ BI
OLTA SCHOOL BOARD ASSOCIATION, INC.

My name is Angela Barney Nez. I am the Director of the Diné Bi Olta School Board Association (DBOSBA), an organization that represents local community school boards on the Navajo Nation. There are currently 66 federally funded schools on the Navajo Nation, 34 of which are operated by a grant or contract under P.L. 93-638 and / or P.L. 100-297 as amended. My testimony will relate to the Bureau of Indian Education (BIE) as well as the Bureau of Indian Affairs (BIA), both of which have a role in the Interior Indian Education program. My testimony will focus on a few specific issues, rather than a comprehensive look at the proposed 2015 budget. We expect the Committee is very much aware of the inadequacy of the overall budget, where the Interior is requesting a mere 1.3% in the Bureau of Indian Affairs in a year when we are trying to rebuild after the damaging affects of sequestration.

The Administrative Cost Grants (ACG) line item is to the tribal grant and contract schools what Contract Support Costs (CSC) is to the rest of the Bureau; that is it is the funding set up to cover the administrative expenses of the tribal contractor. Congress very appropriately has requested an amount that will pay 100% of the contract support for non-school programs. This funding has increased dramatically since the *Salazar vs Ramah Navajo Chapter* decision from the Supreme Court. On the other hand, the Interior request for Administrative Cost Grants remains at \$48,253,000, no increase over 2014! This will maintain funding at a level that is only 67 % of need, by the Bureau's own admission. When such deficits exist, the schools have no choice but to cover cost from the Instructional programs funded by ISEF funding. This creates uncertainty and stress in small vulnerable programs where fully 95 % of ISEF funding might be going to pay salaries.

The Diné Bi Olta School Board Association (DBOSBA) respectfully requests:

- For current contract and grant schools, \$70.3 million would need to be appropriated in FY2015 to fully fund TGSC need. Recognizing that there is little chance of a major increase in the budget, we suggest an increase of at least \$2 million that will begin to address this long standing deficit. It is also critical that the Bureau plan appropriately when BIE schools exercise their option to convert to grant status, since this puts additional stress on this already inadequate fund. Currently, appropriations language limits the amount that can be spent for converting schools at \$500,000. This amount would come off the top of the already inadequate ACG funding. In the event that several schools converted to grant status in 2015, the amount would be woefully inadequate to cover the ACG costs. The failure of the Bureau to request and the Congress to provide adequate funding is in itself a

major determiner of whether schools and tribes will choose a "self-determination" option for their schools.

BIE Realignment - For some time now the Bureau has been involved with a realignment designed to address various management weaknesses. In July of 2013, the Bureau moved forward with a restructuring plan but a later Report by the GAO (GAO-13-774) found that the Interior had not involved key stakeholders in either the planning or implementation of the Plan. The Interior is now putting together another restructuring initiative, this time including some consultation. What is missing in these plans is an acknowledgement that there is a governing statute that is quite clear on what the final management structure is to look like. The failure to implement the statute as written has caused untold difficulties through the years. Since the amendments in 2001, the law (P.L.95-561) has mandated that the Director of Education of BIE is to supervise all administrative and support services for programs that primarily serve education. While the Bureau put together a plan to implement this provision soon after the statute was enacted, the plans were scrapped and the management structure of the Bureau for education programs has been in violation ever since.

The DBOSBA respectfully requests:

- That the Committee instruct the Department of the Interior to ensure that their current and future plans for restructuring the management and support services of the BIA and BIE are consistent with the authorizing statute.

Education Program Enhancements - The Bureau has received \$12 million per year for several years to provide technical assistance to the schools. This has often involved making agreements with profit making companies to provide curriculum materials and programs to large school districts and school systems. After entering into these arrangements, the BIE staffers seem to become emissaries for the companies and believe their job is to "sell" the product or even force the product on the schools. Armed with its status as an "SEA" under No Child Left Behind, the Bureau has quickly abandoned its role to encourage self-determination, to foster local control of schools, and to establish partnerships with tribes.

Meanwhile, the local schools, particularly those which are in grant status, have often independently formed their own arrangements for curriculum and technical assistance. They do not necessarily believe that the "Bureau knows best." They do not quickly abandon decisions they have made in the past in favor of the latest directives from "Washington." Meanwhile the Bureau complains that the local schools are not cooperative and even report that the school boards and local school officials are part of the problem.

This situation comes from a failure of the Bureau to understand or perhaps believe in their mission. In the Indian Affairs General Statement found in the beginning of the Bureau's Budget Justification (Green Book) for 2014, the following statement is found:

"In 1970, President Nixon called for self-determination of Indian people without the threat of termination of the trust relationship over Indian lands. Since that date, self-determination has

been the basis of Federal Indian policy as more operational aspects of Federal programs are transferred to tribal management."

Also in the General Statement, following a description of the problems facing Indian people, this statement appears:

"The key to overcoming these challenges is strong and stable tribal governments built through self-determination. Indian Affairs plays a critical role in removing obstacles to building and promoting tribal self-determination, strong and stable governing institutions, economic development, and human capital development."

With such a strong, clear mission, would it not be reasonable for the Bureau to seek education partnerships with tribes and tribal organizations. Many tribes have formed departments of education in anticipation of such partnerships. Yet when the Bureau pursued this Enhancement funding, they did so with NO mention of tribes, school boards, self-determination, government -- to-government relationship, etc. Instead, it was filled with Department of Education bureaucratic language.

The point is that the Bureau has abandoned its statutory and historical mission and instead fashioned itself as a *faux* state, content with jumping through the hoops set by another Federal agency. This is a shame!

The DBOSHA respectfully requests:

- That the Committee specify that no less than \$5 million of the funding for Education Program Enhancements be set aside for contracting with tribes and tribal organizations for the establishment of Federal/tribal partnerships. These partnerships would be for the purpose of establishing a shared responsibility between the Bureau and the tribes, and might include:
 - to plan for self-determination contracting of non-inherently Federal functions currently provided to the tribes
 - to explore successful educational programs serving Native students and consider the possibilities of expanding such programs.
 - to conduct a needs assessment to determine the actual needs of the students being served as well as the community.
 - to conduct a thorough examination of the language fluency of the students being served and explore curriculum options for students based on their mastery of the language.
 - Other matters that the specific tribal leaders and educators feel would enhance the educational program.

Education Program Evaluation - The Bureau is requesting \$1 million in 2015 for an evaluation of the Bureau education program. We have no information at this time concerning the focus of this evaluation. There have been many evaluations of Bureau education and these have usually focused on the failure of Bureau schools and students to keep pace with non-Indian schools and students. The No Child Left Behind Act,(NCLBA) viewed in a certain way, simply came up

with a new and authoritative label for schools and teachers, while pretending not to notice that it was the students who were taking the tests. A lot of money was spent (wasted) on the development of new assessments, but it is unclear that any of them were superior to the old Iowa Test of Basic Skills that many of a previous generation were taking 50 years ago. What surely happened was the misuse of tests in labeling schools and therefore students as failures. This was a particular problem in Indian Country due to the large incidence of failure in NCLBA terms and limited understanding of the proper use of standardized tests as tools for schools to improve programs and inform parents and students of their relative standing among other students, both locally and nationwide. Instead, failing to "meet AYT" has been cited as a reason for punishment and even banishment.

DBOSBA respectfully requests:

- That the evaluation requested be in two parts. First, that it be a review of the literature and current and past programs to identify and focus on successes in Indian education. Second, and in a different vein entirely, that it be a review of compliance with the Bureau's implementation of the applicable statutes. We are of the belief that the Bureau is in many respects in violation of both the letter and spirit of the law. We further believe that getting by with such violations in the past has created an environment where the Bureau is emboldened to expand the violations in the future.

We thank you for this opportunity to testify and stand ready to respond to questions.

Attachment

Diné Bi Olta School Board Association, Inc.'s Response to the Draft Report on Redesign of the Bureau of Indian Education Prepared by the American Indian Education Study Group (AIESG) for the Purpose of Tribal Consultation of May 5, 2014

**Submitted to the Senate Committee on Indian Affairs
May 23, 2014**

Explanatory Note: On April 17, 2014, a "Draft Report" to Redesign the Department of the Interior's Bureau of Indian Education (BIE) was disseminated by the American Indian Education Study Group for comment. It is assumed that this Report will be reviewed and considered at the Senate Committee on Indian Affairs hearing on May 23, 2014. This paper is a response to that Draft and is being shared with the Study Group as well as this Committee.

I. BACKGROUND AND OBJECTIVES -- DBOSBA is in agreement with the idea of a *"redesigned BIE that reflects its gradual evolution from a direct provider of education to a capacity-builder and service provider to tribes."* This was the basic reason why the Navajo Division of Education was established in 1971.

DBOSBA further endorses the three Objectives proposed as follows:

1. Promote Tribal Control -- This is a long-standing policy objective of the Bureau of Indian Affairs since at least 1970. DBOSBA also agrees that it will take a *"careful transition plan."*

2. Achieve High-Performing Schools -- Presumably, all schools strive to be high-performing. On the Navajo Nation, it is necessary to establish a somewhat different definition of what it means. Establishing this definition should be done with the active participation of the Navajo educators, school boards, and government.

Increase and Improve Services and Support that Build Tribal Capacity -- On the Navajo Nation, there is a Plan to establish a Navajo Education System. This Plan is in harmony with this stated objective. Many pieces of this Plan are already in place and are authorized in the Navajo Nation Code. It involves a Navajo Board of Education and a Department of Education that establish and enforce regulatory policies and procedures, as well as provide technical assistance and support to the BIE funded schools. Pursuant to *10 NNC § 106 (G)(3)(n)* the local school boards remain as the ones that operate the schools under the particular option they have chosen; i.e. Grant, contract or BIE operated. BIE operated schools would be expected to convert to grant or contract status in a reasonable period of time.

Various oversight and management functions of BIE, would be taken over by the Tribe under PL 93-638 contract at such a time when the time was right. This would, of course, include funding

and facilities. A residual BIE presence would remain to conduct activities generally regarded as inherently federal. Residual functions would also include activities that the Tribe was not ready to assume for one reason or another. The size and scope of this residual presence of the BIE would be subject to negotiation.

Many of these regulatory/management functions are already provided by the Navajo Nation; however, without a contract and no funding from the Bureau. For example:

- The North Central Accreditation Office has conducted NCA activities for all BIE funded schools for several years. *10 NNC§106 (G)(1)(d)* NCA staff members are funded by the Navajo Nation.
- The Office of Monitoring, Evaluation and Technical Assistance has been monitoring and reporting on tribally controlled schools for many years. When appropriate, OMETA staff has provided technical assistance to schools concerning the requirements and overcoming deficiencies. This is a critical part of the tribal reauthorization function, as well as the initial authorization, for these schools. *10 NNC§106 (G)(3)(b)* These functions, which involve oversight by the NN Board of Education and the Health, Education and Human Services Committee of the Tribe, are the principal enforcement mechanism over tribal schools. The Tribe funds all staff involved with this function.
- Technical Assistance is offered in several areas to the schools; such as instruction in Navajo culture and language, math and science, computer technology, etc. *10 NNC§106 (G)(3)(c)* These services are paid for by the Navajo Nation.

The functions of the Navajo Nation Board of Education under the Navajo Education System would also include areas that the BIE never implemented even though there was a clear authority to do so. An example of this is the professional licensing function where the Bureau simply deferred to the states that the BIE schools are located. *10 NNC§106 (G)(3)(c)* authorizes the NN Board of Education to establish qualifications for principal positions. Currently, a principal certified in NM might be doing a good job at a school in NM and apply for a comparable BIE job in AZ. There he would be regarded as ineligible. This kind of nonsense drives people crazy! The other federal school system, operated by DOD, simply accepts a valid certificate from any of the 50 states.

The Tribe also plans to establish some Navajo cultural standards and curriculum for use in the Navajo schools. *10 NNC§106 (G)(3)(h)* Course requirements in AZ requiring all 8th graders to take a course in AZ constitution might be changed by the NN Board of Education to a course in Navajo government. Such changes have often been talked about in the BIE and sometimes tried, but they have not been long-lasting because they have not originated with the People. Several tribally controlled schools have implemented such coursework as well, but the quality has varied and these efforts have usually not been extended beyond the individual school.

II. "REFORMS" -The Draft Report makes an extensive case for "reform," citing various factors that undoubtedly affect student performance. Some, such as poverty, are outside the

scope of BIE and the schools to do much about. While the data paints a bleak picture, it is important not to dwell on the negative side of things.

The schools have just gone through a period of desperation reform where all kinds of positive programs have been scrapped nationwide in favor of "reform" measures with the goal of making AYP. As most sober observers predicted, the reforms failed miserably. The changes have been deadly, real learning has been cheapened, and motivation to learn has been lost. Let us not now embark onto another crisis mentality!

Let us try to remember that it is not teachers and principals that take the tests. It is the students and very few Navajo students care about meeting AYP. The educational process must lead somewhere and it needs to lead different places for different students. On Navajo, there are deeply set cultural interests and expectations among students. The curriculum must acknowledge and be geared toward those interests and expectations. If the school is unable to interest/motivate students, the school has failed no matter how "highly qualified" the staff is, how high the "standards" are, or how super the curriculum is.

III. "RESEARCH-BASED REFORMS" - The Draft Report identifies key institutional, budgetary and legal problems to implementing "Research-Based Reforms." We believe that the obstacles cited more simply prevent the education system from working smoothly and efficiently. That naturally prevents changes from occurring easily.

PL 95-561, Title XI, Part B, §1121, as amended, establishes the structural framework for the BIE education system. It deals with the fragmentation and administrative disconnects that plague the Bureau's operations. The Bureau/Interior has failed to implement the letter and spirit of the statute. Programs and functions that directly affect education programs are to be under the line of authority of the Director of BIE. With the recent establishment of BIE, the stage was set for a realignment that implemented the statute and in the process much of the administrative fragmentation would disappear.

IV. "TECHNICAL ASSISTANCE" The Study Group's vision of a realigned BIE is attractive. The emphasis on building tribal capacity is very positive and greatly appreciated. The Study Group or a task force formed pursuant to the Report should begin to explore ways to expand tribal contracting of functions at the ELO and central office level. This effort needs to explore potential funding both with the current budget as well as long term.

The movement away from "Command and Control" to technical assistance is very welcome. The discussion of options to deal with some of the serious challenges facing the schools is useful and can be expanded, both at the federal level and the Tribal level. There are many areas where tribes are better able to deal with tribal school deficiencies than the BIE.

Some attention should be paid to benefits that encourage staff to stay at remote locations. Opportunities might be opened up at boarding schools for mothers with infants to continue with their education. High stakes testing might be implemented at the junior high level that would identify students who would qualify for admission to a more academic or "college bound" program. Admission to peripheral dormitories might be based on test scores. Reservation

boarding high schools might begin to have a degree of specialization that recognizes the different career interests of Navajo students. (This would be similar to magnet schools that have become popular in city and suburban schools) Such options would establish some motivation for students – an actual reason to do well on tests, and establish a degree of “Choice” into the system in spite of the great distances.

Educators need to brainstorm at the school level, community level and Tribal level to develop opportunities that would change the atmosphere of schools into cool places where young people want to be. Some are there. Let’s find out what they are doing and try to encourage others to adopt some changes.

The Draft Study contains excellent recommendations for human capital development and for the development of an “Agile Organizational Structure.” The recommendations here should include a reference to the statute that mandates implementation of essentially the same thing that the Study calls for. (*ibid.* Section 1121)

The Draft Report calls for a Budget that supports capacity building. One place to start would involve funding the long-standing authorization for funding Tribal Departments of Education. P.L. 95-561, Title XI, Part B, §1140.

We agree with the assertion that other entities have significant control over budget execution; ie, what goes on in the schools. DBOSBA has floated a proposal that would do away with the BIE set-aside in ESEA. The funding that was going to the Bureau would instead be transferred legislatively to the Interior/BIE budget. This is discussed in more detail in another paper submitted to the Study Group. The BIE Education System would more resemble the Department of Defense school system and no longer call for the BIE to act as a pseudo state (SEA) instead of a federal agency. The Bureau would then be free to run an educational system based on what its students, tribes, and schools actually need, rather than attempting to fit itself into a model set up to deal with SEAs and LEAs. It could in fact be true to its own mission and its own policies.

PREPARED STATEMENT OF JON WHIRLWIND HORSE, PRESIDENT, DAKOTA AREA
CONSORTIUM OF TREATY SCHOOLS

Introduction

Chairman Tester, Vice Chairman Barrasso, and members of the Committee on Indian Affairs, my name is Jon Whirlwind Horse, and I am an enrolled member of the Oglala Sioux tribe and President of the Dakota Area Consortium of Treaty Schools (DACTS).

There are fifteen tribes from Nebraska, North Dakota and South Dakota represented by our member schools: Oglala Sioux, Omaha Nation, Santee Sioux, Winnebago, Spirit Lake Sioux, Turtle Mountain Chippewa, Mandan, Hidatsa & Arikara Nations, Standing Rock Sioux, Cheyenne River Sioux, Rosebud Sioux, Yankton Sioux, Crow Creek, Lower Brule, Flandreau Sioux, and Sisseton Wahpeton Sioux.

Since 1994, DACTS has been advocating in Congress and the Executive Branch for quality school facilities for Indian students so they might pursue the best education possible. On behalf of DACTS, I submit this Prepared Statement for the Record and want you to know how much our member tribes appreciate your holding this important hearing.

Background and History of the School Construction Bond Concept

Beginning in 1994, the DACTS began working with our friends in Congress to address the sad state of school facilities in Indian country. The fact is that for many Native kids, the poor condition of their schoolhouses makes getting a solid education extremely difficult. Leaky roofs and shabby school construction make life in the cold, harsh winters on the Plains difficult.

Over these twenty years, the executive and legislative branches have made efforts to get new school facilities built by appropriating additional funds to the Interior Department. From fiscal years 2001 to 2009, \$2.013 billion was appropriated for replacement school construction and facilities improvement and repair. Beginning with the American Recovery and Reinvestment Act in 2009 (“ARRA,” a/k/a the Stimulus Act) through fiscal year 2014, \$708 million was appropriated for these two accounts.

While we appreciate the additional appropriations, DACTS also proposed a creative way to finance more new school construction in a much faster way. The proposal was to authorize Indian tribes to issue bonds to raise capital and, in turn, use the funds raised to build new schools. Unlike traditional bond financing, the purchasers of these bonds would receive tax credits in lieu of interest which they would use to offset taxes from income.

Congressional Support for School Construction Bonds

In the early 2000s, Senators Tim Johnson, Thad Cochran, and Patty Murray and former Senators Ben Nighthorse Campbell and Tom Daschle introduced legislation to authorize the establishment of this bonding mechanism. While these bills were not enacted, they laid the groundwork for partial success which came with passage of the ARRA.

The ARRA contained authority for Indian tribes to issue \$400 million in tax credit allocation for 2009 and 2010. While no tribe took advantage of the program, DACTS is reliably informed by the Congress that this \$400 million remains available for use. One thing the ARRA bond program did not include was an escrow account the issuing tribes would use to repay principal once the bonds are issued.

Like the readers of this article, I am frustrated and saddened by the lack of progress Congress is making on any number of fronts. With the \$400 million in tax credit authority still on the books, all that is left to do is establish the escrow account. I believe the time is right for Congress and the Administration to make this a priority in 2014.

When she testified before the Senate Committee on Indian Affairs in May 2013, Interior Secretary Sally Jewell said that the state of Indian education—student performance as well as the condition of Bureau of Indian Education facilities—is “an embarrassment to you and to us.”

After becoming Chairman of that Committee in February 2014, Senator Jon Tester issued a very strong opinion piece about the importance of Indian education. He said that “education is the foundation for sound life choices that increase economic security and helps us climb the ladder of success.”

These statements by the Secretary and the new Chairman demonstrate that we have friends in high places, as they say.

That, together with the bi-partisan, bi-cameral support Indian issues traditionally have enjoyed, makes me believe success and hope for new schools for Indian kids are just around the corner.

Thank you for your leadership on these important matters and your ongoing support for the well-being of Native people across the country.

PREPARED STATEMENT OF ALBERT A. YAZZIE, PRESIDENT, CRYSTAL BOARDING
SCHOOL BOARD OF EDUCATION

Crystal Boarding School Board (NM) of the Navajo Nation Tribe thanks the Senate Committee on Indian Affairs for conducting an oversight hearing on the Bureau of Indian Education (BIE).

Recommendations for the BIE

The Bureau of Indian Education is not a true bureau within the organizational structure of the Department of the Interior. The DOI organizational chart displayed at www.doi.gov contains the Bureau of Indian Affairs but not the Bureau of Indian Education.

We recommend that the Bureau of Indian Education be elevated to a true bureau within the DOI. The BIE should have:

- A box on the DOI organizational chart
- It's own annual budget justification separate from the Bureau of Indian Affairs
- It's own administrative support including accounting, acquisition, budget, contracting, finance, personnel, facilities operation and maintenance and information technology
- It's own reporting system to comply with the requirements of the Government Performance and Results Modernization Act of 2010 and the requirements of Department of Education pass-through funds
- It's own strategic plan, developed in full consultation with BIE-funded schools, tribal education departments, and tribal colleges
- An education oversight board composed of representatives of BIE-funded schools, tribal education departments, and tribal colleges

Education Program Enhancements

The BIE has received \$83.9 million from FY 2008 to FY 2014 for Education Program Enhancements. The funds were supposed to be used to help the BIE-funded schools meet

Adequate Yearly Progress (AYP). The funds have been spent in a haphazard manner and the BIE cannot show results for the funds.

The BIE should be directed to work with BIE-funded schools to develop a plan for the use of the funds. The BIE should also be directed to conduct a study of BIE-funded schools that do meet AYP to determine what those schools are doing to meet AYP.

BIE Strategic Plan

The Bureau of Indian Education posted on its website a draft "Bureau of Indian Education Strategic Plan 2014-2018." At the top of each page are the words "Draft Copy for Purpose of Tribal Consultations." However, the draft strategic plan was posted the last week of April 2014, so schools and tribes did not have an opportunity to review and comment on the plan prior to the consultation meetings. Therefore, the BIE should conduct separate consultation meetings on the draft strategic plan with tribes and schools to refine the goals and to develop implementation plans.

If the BIE imposes a strategic plan on the tribes and the schools, with no participations of the tribes and the schools, then there will be no understanding of the plan and no commitment to achieve the goals in the plan. Instead, the plan will become another tool in the old central command and control organizational culture of the BIE Central Office.

Restore School Funding Levels

The top priority for Indian Affairs in the FY 2014 operating plan was full funding for Contract Support Costs for tribal self-determination contracts and self-governance compacts. Full funding for CSC is long overdue and a great milestone.

However, full funding was implemented in part by cutting the funding for other tribally operated programs below the FY 2012 funding levels. Two programs that were cut below FY 2012 levels were Indian School Equalization Program (ISEP) formula funds and Education Facilities Maintenance.

The FY 2014 funding level for the Indian School Equalization Program (ISEP) formula funds is \$384,404,000 and is \$6,303,000 (-1.6%) less than the FY 2012 enacted level of \$390,707,000. Indian Affairs requested \$386,565,000 for ISEP formula funds, a level that is \$4,142,000 (-1.1% below the FY 2012 level.

The FY 2014 funding level for Education Facilities Operations is \$55,668,000 and is \$2,897,000 (-4.9%) below the FY 2012 enacted level of \$58,565,000. We request that the Congress approve the request of \$55,865,000 for Facilities Operations.

The FY 2014 funding level for Education Facilities Maintenance is \$48,396,000 and is \$2,259,000 (-4.5%) below the FY 2012 enacted level of \$50,655,000. Indian Affairs requested

only \$48,591,000 for Education Facilities Maintenance, \$2,074,000 (-4.1%) below the FY 2012 level.

Tribal Grant Support Costs

Crystal Boarding School Board (NM) requests full funding for Tribal Grant Support Costs for FY 2015 at \$75.0 million. The requested funding level of \$48.2 million meets only 67 percent of the need, leaving a shortfall of \$26.8 million (33%).

Tribal Grant Support Costs are used to fund necessary administrative overhead costs for schools including business operations, payroll, personnel, annual audits, information technology, and reporting. The shortfall in TGSC forces the schools to use Indian School Equalization Program (ISEP) Formula Funds to pay for administrative costs, which reduces the amount of funds available for classroom instruction.

Indian Affairs should decide on one name for the account. Indian Affairs uses the term "Tribal Grant Support Costs" in the budget justifications but the Congress uses the term "administrative cost grants" in the Interior Appropriations Act.

Teacher Pay Cost

Crystal Boarding School Board (NM) requests full funding for the teacher pay cost increase contained in the Indian School Equalization Program (ISEP) Formula Funds. The funds are needed to recruit and retain quality teachers to work in BIE-funded schools that are often located in rural and isolated communities.

The FY 2014 operating plan funds only a portion of the full need for teacher pay increases. The full funding need for FY 2014 is \$2,161,000. The FY 2014 operating plan provided only \$169,000. The amount was only 7.8% of the amount needed.

TUBA CITY BOARDING SCHOOL GOVERNING BOARD—LETTER TO SALLY JEWELL, SECRETARY—INTERIOR, U.S. DEPARTMENT OF THE INTERIOR AND KEVIN WASHBURN, ASSISTANT SECRETARY

RE: American Indian Education Study Group Tribal Consultation: Proposal to Redesign the U.S. Department of Interior's Bureau of Indian Education

Dear Secretary Jewell and Assistant Secretary Washburn:

As the Navajo Nation Local Control Education Governing Board we are very thankful to be given the opportunity to provide additional comments on the "Draft Proposal to Redesign the U.S. Department of Interior's Bureau of Indian Education (Dated: April 17, 2014)." In many respects, we are very supportive of the goals, objectives, and statements contained in the draft proposal, especially with its emphasis on promoting tribal control, achieving high performing schools, as well as and increasing and improving services and support that builds tribal capacity. In line with these goals, the Navajo Nation reiterates its prior position regarding the American Indian Education Study Group and expresses strong support for a Navajo Nation State Education Agency, the Navajo Nation's alternative definition of Adequate Yearly Progress (AYP), and Navajo Nation's Alternative Accountability Workbook.

In particular, we strongly support the goals contained in the working draft because it:

1. Promotes Tribal Control

- Align BIE's path forward with President Obama's policy of self-determination for tribes because tribes understand the unique needs of their communities best.
- With a careful transition plan in place, gradually transform BIE's mission from running schools to serving tribes to conform with the reality that most BIE schools are now operated by tribes.

2. Achieve High-Performing Schools

- Ensure BIE meets its responsibility that all students attending BIE-funded schools receive a world-class and culturally appropriate education, are prepared for college and careers, and can contribute to their tribe and country.
- Provide necessary resources and support (e.g., facilities and human capital) to schools so that they can meet the demands of 21st century teaching and learning.

3. Increase and Improve Services and Support that Tribal Build Capacity

- Scale up best practices in successful tribally controlled schools to other schools.
- Support chronically failing schools with adequate support and research-based interventions, if necessary.
- Provide pathways for tribes that wish to take over control of remaining BIE-operated schools by providing technical assistance and guidance on operating high-achieving schools.
- In the December 2011 White House Tribal Nations Conference Progress Report, the Obama administration expressed strong support for a proposal to enhance the role of tribal educational agencies through a new pilot authority, called the State Tribal Education Partnership (STEP) grant,⁵ which would support tribal educational agencies in working closely with public school districts and schools located on reservations. This pilot authority and grant presently allows the Navajo Nation to enter into collaborative agreements with State of New Mexico and two of the largest public school districts serving Native American students in the United States and to assume responsibility for some state-level functions in administering ESEA programs.

We also agree with key priorities highlighted in the draft proposal because it also provides for:

- **World Class Instruction for all BIE Students**—Challenge each student to maximize his or her potential and be well-prepared for college, careers and tribal/global citizenship.
- **Highly Effective Teachers and Principals**—Help tribes to identify, recruit, retain and empower diverse, highly effective teachers and principals to maximize the highest achievement for every student in all BIE-funded schools.
- **Agile Organizational Environment**—Build a responsive organization that provides the resources, direction and services to tribes so that they can help their students attain high-levels of student achievement.
- **Budget that Supports Capacity Building Mission**—Develop a budget that is aligned with and supports BIE's new mission of tribal capacity building and scaling up best practices.
- **Comprehensive Supports through Partnerships**—Foster parental, community and organizational partnerships to provide the emotional and social supports BIE students need in order to be ready to learn.

In line with those goals, we also recommend:

1. In line with identifying, recruiting, retaining highly effective teachers/principals, and building teacher/principal capacity (human capital) we strongly recommend that the BIE and other appropriate government agencies to enact a teacher/principal scholarship program that is very similar to the Indian Health Service (IHS) scholarship program. Ever since the IHS Scholarship Program's creation in 1977, the program has successfully supported thousands of American Indian and Alaska Native students in their quest for a health/medical professions degree leading to a career in Indian health. A scholarship program that is specifically targeted to identify, recruit, and support teachers, including principals, especially in hard-to-fill Science, Technology, Engineering, Mathematics (STEM) areas, would significantly help our schools to meet the demand and need for highly effective teachers/principals. Not only would such a scholarship program enable tribes to build capacity, because scholarship recipients would be committed to serving several years on the Navajo Nation or in other Native American schools.
2. Changing, amending, or waiving rules, regulations that negatively impact rural schools such as the regulation [25 C.F.R. §36.11(a)(5)] that limits the number of days that schools can employ long-term substitute teachers. Because of extreme remoteness and difficulty hiring highly effective and fully qualified and licensed teachers, many of our schools have little to no choice but hire long-term substitute teachers who may need to teach students much longer than the existing regulation allows. Changing, amending, or waiving this regulation may

allow our schools to provide the continuity in instruction that students need until a fully qualified and licensed teacher can be hired to fill that position.

3. Any education plan to reform and restructure the BIE must also provide strong support, including funding, to identify, recruit, and enhance the role and capacity of highly effective bilingual teachers. There is statistically significant research that shows that students who are educated in their language and culture perform better academically, while also reinforcing their self-identity, and preserving their language and culture. At the moment, many of the existing bilingual teachers who possess strong content knowledge, including the ability to effectively teach Navajo language and culture, are on the verge of retirement or leaving our schools, which further complicates attempts by tribes to preserve and maintain our language and culture. The Navajo Nation has lead the way in many respects, by working with 3 different states to enact alternative teacher licensing regulations, which presently allows persons who are knowledgeable and competent in Navajo language and culture to teach in our schools. We have also enacted the Navajo Nation's Five (5) Content Standards (Navajo Language, Culture, History, Government, (Character), which can readily be incorporated into many school's curriculums because it also complements the Common Core State Standards (CCSS).

4. In light of the recommendations provided in the draft proposal to build tribal control of education and capacity, we also recommend that the BIE (or other appropriate government entities), to consult and meet with tribes such as the Navajo Nation to conduct an evaluation/assessment of a tribe's existing capacity or provision of funding to accomplish that objective.

As we move forward with redesigning/transforming the Bureau of Indian Education (BIE) and improving the quality of education that our Navajo/Native American students receive, it is extremely important to remember that we are fighting for the lives of our children and that we can no longer afford to lose another generation of young people to a failing education system or to continue to make excuses for failure and low expectations. We must always put the needs of our children and students first; not adults, special interests, or politics. When we put the needs of our students first, it will make many of the tough decisions that must inevitably be made, easier, clearer, and worth the fight. Thank you.

Sincerely,

MARIE B. ACOTHLEY, TUBA CITY WNA BOARD PRESIDENT
JUANITA BURNS-BEGAY, VICE-PRESIDENT
SARANA RIGGS, SECRETARY
FRANK BILAGODY, MEMBER
IRVIN BEGAYE, MEMBER

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JON TESTER TO
MELVIN MONETTE

Question 1. Do you think the Bureau of Indian Education (BIE) has the internal ability to serve tribes as a capacity builder? If not, what Departmental reforms are needed?

Answer. Not presently. BIE's internal structure inhibits the agency from supporting tribal self-determination and increasing tribal capacity to deliver education services. Although tribes administer education services via tribal grant and contract schools under P.L. 100-297, Tribally Controlled Grant Schools Act, and P.L. 93-638, Indian Self Determination and Education Assistance Act, BIE systemic issues inhibit the federal school system from providing the necessary support.

A fundamental shift, both in Washington and in the field, is required in order for the BIE to successfully become a capacity builder for tribes. Some Department of Interior (DOI) and BIE staff members have served their communities for decades building experience and expertise. Yet, much of the past work experience is based on a flawed and outdated model that has yet to decrease the achievement gap between our students and the majority population. Research and models illustrate that Native education success and the health of Native communities in general, are best supported by culturally-relevant education models. Thus, DOI should ensure the BIE has the ability to shift personnel in order to guarantee that tribes and their education representatives are working with educators and administrators who are willing to utilize education strategies that include and strengthen the cultural needs of their local communities.

Further, NIEA remains concerned with the BIE budget structure. Control of BIE's budget, procurement, hiring, and facilities maintenance and construction reside not

within BIE but within the Bureau of Indian Affairs (BIA) and the Deputy Assistant Secretary-Management (DAS-M). This structure is problematic because of the added bureaucracy and abstraction. We maintain that change is necessary for leadership stability and accountability within the BIE and hope DOI will provide those who best understand the education system more autonomy from the BIA. We also recommend that DOI, BIA, and BIE include and consult with tribes throughout any process to ensure active engagement and inclusion of local funding needs.

Additionally, a DOI transfer of budget authority would support tribal self-determination goals. Budget authority is crucial for ensuring the necessary resources are provided to tribes under the BIE. If placed in the hands of those directly utilizing the resources, the most efficient and effective allocation decisions can be made. This budget authority should not create a new budget office within the BIE or increase duplication with BIA. Rather, it should allow the BIE director and staff to have the ability to fund areas of need and act as an internal advocate for the agency. Decades of budget authority within the BIA has allowed the BIE to continue underfunded and underrepresented within the DOI and in negotiations with the Office of Management and Budget (OMB).

Question 2. Why were only 60 percent of E-rate funds spent over the last nine years and what do you think the solution is to make sure Indian Country can benefit from this Initiative?

Answer. There is no definitive reason provided from the BIE. Given the other internal issues with BIE, technical reporting of E-rate may have fallen aside since the BIE provided their information without any explanation. Regardless, statistics illustrate persistently low levels of E-rate adoption and spending among BIE schools, which are similarly prevalent in other Native-serving institutions due to geographical isolation and inability to meet the Universal Service Administrative Company (USAC) guidelines. The top three barriers to participation in E-rate are lack of awareness, uncertainty of eligibility, and a complicated application process.

The Federal Communications Commission (FCC) has continually emphasized that Indian Country represents some of the most unserved and underserved areas of the U.S. The data highlighted in our full May 21, 2014 testimony regarding tribal participation in the E-rate program is just a glimpse of this disparity. Part of this can be attributed to the rural nature of many tribal lands and the consequent difficulty of broadband deployment to tribal schools, including BIE, and libraries. A prevalent lack of knowledge about the E-rate program also exists as does a pervasive absence of training for tribal schools and libraries in regards to the application process and USAC reporting requirements.

Resources should be expended to close this education gap for tribal school and library administrators. First, the FCC should direct its Office of Native Affairs and Policy (ONAP) to develop educational materials as part of the FCC's Native Learning Lab. Native Learning Labs are instrumental in acquainting participants with the Commission's web-based resource systems and applications. Many tribes have found the Native Learning Lab to be an important tool for educating themselves about FCC policies and programs. Unfortunately, the Native Learning Lab does not contain resources to assist in E-rate compliance. Adding such materials would introduce tribes to the program while providing essential guidance on the application and reporting processes.

Second, the FCC should direct USAC to appoint a formal "Tribal Liaison" for the sole purpose of assisting tribes in E-rate matters. This assistance must take multiple forms. In partnership with ONAP, the USAC Tribal Liaison should be charged with the following:

- Conducting outreach to tribes, especially those who have not previously participated in the E-rate program;
- Providing basic training and developing modules for the E-rate program;
- Attending significant national and regional tribal meetings where BIE, tribal school, and library administrators are present;
- Developing educational materials that will be part of the Native Learning Lab, and providing these material directly to tribes via web portal or physical hard copy;
- Providing assistance to tribal school and library awardees to comply with E-rate regulations; and
- Ensuring accessibility to tribes during critical times of the annual funding cycle to answer questions and provide additional assistance as needed.

Most importantly, the USAC Tribal Liaison must be someone whom Indian Country can trust to assist them. Throughout the years, Indian Country has come to

trust that the staff of ONAP is there to provide assistance on all Universal Service Fund matters. It is important that the USAC Tribal Liaison also be committed to working with Indian country in a similarly respectful manner.

Question 3. What have you seen as the biggest impact recent budget shortfalls have had on the ability of the BIE to provide quality education? Is it teacher turnover, condition of schools facilities and transportation, materials, etc.?

Answer. Budget shortfalls have a wide-ranging impact on the ability of the BIE to effectively educate Native students. No one impact should be compared to others since BIE education programs should be fully funded as part of the federal trust responsibility to tribes. With that said, however, a student cannot learn, instructors cannot effectively teach, and a school cannot attract effective personnel if the structure itself is inadequate and in a state of disrepair.

Insufficient school replacement funding has a wide-ranging effect on a number of issues affecting Native student outcomes in BIE schools—including those mentioned in the question. Therefore, in the NIEA FY 2015 budget document, we expressed the need for school construction and repair funding to be set at \$263.4 million to ensure adequate funds for new school construction, facilities improvement and repair, and replacement school construction. Piecemeal construction projects are not sufficient with the scope of repairs needed in many schools. There must be funding to replace schools where it is needed in order to increase the education services provided to Native communities. Likewise, there must be accountability in funding allocation so that funds can be used efficiently and effectively. Transparency is the key to highlighting the correlation between funding new schools and increased academic achievement, so the BIA must distribute the relevant information to tribes, school administrators, Native community leaders, and appropriators.

Question 4. Your testimony mentions that the BIE is low on the priority list within the Bureau of Indian Affairs (BIA) budget, and therefore, suggest transitioning BIE budget authority from the BIA to the BIE. What response have you received from the Department of the Interior about this suggestion?

Answer. NIEA has not received a response from the Department of the Interior regarding our recommendation to transfer budget authority from the BIA to the BIE. There has been some concern expressed within OMB that any internal DOI shift must not create two separate construction offices in each Bureau in order to avoid duplication of services. NIEA's proposed solution would not require a separate office within the BIE but would provide BIE leadership the ability to work with BIA, DAS-M, and the OMB during funding negotiations.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JON TESTER TO
CHARLES M. ROESSEL

Question 1: What is the average teacher vacancy rate? And how does that breakdown by grade?

ANSWER: In December 2014, the teacher vacancy rate for BIE-operated schools was 7.5 percent (78 vacancies of 1,044 K-12 teaching positions). Although BIE can request this information from tribally controlled grant schools, BIE cannot require tribally controlled grant schools to submit this information. The breakdown of vacancies by grade is as follows:

Table 1: BIE Operated Schools Teacher Data for December 2014		
Grade Levels	Number of Vacancies	Percentage of Total Positions
K	6	.57
1	4	.38
2	1	.10
3	6	.57
SPED* K-3	5	.48
4	3	.29
5	5	.48
6	7	.67
SPED 4-8	9	.86
7	2	.19
8	2	.19
9-12	22	2.11
SPED 9-12	6	.57
Totals:	78 Vacancies	7.5%
1,044 Total Teacher Positions K-12		

*Special Education (SPED)

Questions 2: How many homes does the Department of the Interior provide for teacher housing? What is the need for more teacher housing?

Answer: There are a total of 2,097 quarters in 96 locations. Of that number, 1,979 quarters are in an active (occupied) status and 118 are in an inactive (vacant) status. Teacher housing is an important recruitment and retention tool, particularly in remote school locations. Of the 1,979 housing quarters, 1,367 quarters (69 percent) have been assessed in "Poor" Condition. Routine maintenance is critical to sustain the life span of the quarters and to ensure an appropriate living standard for personnel. BIE's "Blueprint for Reform" recommended full funding for BIE's repair and maintenance requirements.

On Pilot Preschool Program

Earlier this year, we held a hearing on the importance of investment of early childhood education. We understand the BIE has proposed using \$1.0 million dollars for a pilot preschool program in school

year 2014-2015 however there is no corresponding increase in the Early Childhood and Family Development Account.

Question 3: Have tribes been consulted on this plan? Where are the funds coming from in the Bureau appropriation to fund the proposed pre-school program? How will this pilot affect the FACE program?

ANSWER: Tribes have been consulted on the pilot. The pilot preschool program was created in response to tribal concerns about the current Family and Childhood Education (FACE) model being too restrictive and not allowing for tribal goals for young children and families. Regarding the funding, the BIE will fund the existing 43 FACE programs in school year 2014-15. Given the concerns about FACE, BIE proposes to support alternative early childhood development models that tribes may want to pursue which are more reflective of their goals and beliefs and reach a much larger number of young children. The funds for a proposed pilot would come from those appropriated for Early Childhood Programs and not at the expense of the FACE program, consistent with the reprogramming guidelines established by the Appropriations Subcommittees.

Question 4: What percentage of the BIE's employees is located in the Albuquerque offices?

ANSWER: There were a total of 3,616 employees in all of the BIE on July 14, 2014, with 48 (1.33 percent) of those employees located in Albuquerque. Indian education is also served by 18 BIA Human Resources staff that are located in Albuquerque.

Question 5: What has been done since the Bronner Report to fix this failure?

ANSWER: The Bronner Report identified issues in providing contracting and acquisition services to BIE. The Division of Acquisition Management under the office of the Assistant Secretary/Indian Affairs, which provides services to both BIA and BIE, has responsibility for Indian Affairs' acquisition policies and procedures, contract internal controls, audits of contract actions, training, corrections of procurement/acquisition audit findings and the Credit Card Program. After the report was issued in March 2012, the Division of Acquisition Management has improved customer service, accountability and transparency. New and updated controls, policies and procedures have been put in place to improve the stewardship of Federal funds and streamline processes. Direct school operations are now supported locally and national contracts are supported centrally.

The Secretary of the Interior issued Secretarial Order 3334 in June 2014, directing BIE to establish a new School Operations Division reporting to the BIE Director. This division includes an acquisition component to focus directly on improving acquisition planning and procurement for educational goods and services. Having operational support directly reporting to the BIE Director is intended to eliminate the continuing fragmentation of services, align business processes with the educational requirements, and reduce the administrative burden on school administrators. The proposed realignment will be implemented consistent with the reprogramming requirements of the Appropriations Subcommittees.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. TOM UDALL TO
CHARLES M. ROESSEL

Question 1. What systems do BIE and the Dept. of Education have in place to assure the accountability and transparency of ESEA and IDEA federal funds to BIE-grant and BIE-run schools?

ANSWER: The BIE is treated in a manner similar to that of a State Educational Agency (SEA) by the U.S. Department of Education for these purposes. Accordingly, the BIE has a role in the accountability and transparency of ESEA and IDEA federal funds to BIE-funded schools. The BIE uses various systems and processes to ensure accountability and transparency of ESEA and IDEA federal funds. They include:

1. The BIE uses Native Star data for analysis. BIE uses Native Star, a web-based data tool for planning and implementing school improvement efforts. It is similar to INDISTAR, a web-based tool used by 23 SEAs. Through Native Star, BIE's Division of Performance and Accountability reviews and determines the progress of each school in meeting its school improvement requirements.
2. The BIE conducts annual fiscal monitoring which ensures Federal funds are being used for the purpose for which they are intended. Schools upload information into the Native Star system, including their Fiscal Accountability Self-Assessment reports, Local Educational Agency Annual Assurances, and various compliance documents required under the Supplemental Education Programs (ESEA) and Special Education Programs (IDEA).
3. BIE conducts quarterly fiscal reviews. On a quarterly basis, BIE conducts reviews of the spending of BIE-funded schools using data in the federal financial system. Further, teleconferences are held with school staff and BIE administrators to discuss execution levels of the various DoED and BIE funded programs and to address issues that warrant attention.
4. BIE examines A-133 audits annually. The A-133 audits include a fiscal risk analysis for each of the tribally-operated schools. Based on these audits, BIE and tribal staff cooperatively address any issues and make improvements as may be indicated by the A-133 audit.
5. BIE and ED officials meet quarterly to discuss BIE oversight of the use of ESEA and IDEA funds by BIE-funded schools.

Question 1a. How do you account that all of the federal funding for ESEA Title I in tribal schools is used appropriately?

ANSWER: The BIE reviews all A-133 audit reports and works with tribal schools to address A-133 audit findings and implements corrective action plans when needed, as well conducting quarterly and annual reviews as described above.

Question 1b. What are your plans to strengthen accountability in the future, both by BIE and by tribes?

ANSWER: Including the near-term restructuring actions described above, BIE is taking steps to make fiscal monitoring more robust. A specific step being taken by BIE is to improve communication regarding questioned costs, adverse or disclaimers of the auditor's opinion, and deferred revenue case deficits between the Indian Affairs Office of Internal Evaluation and Assessment (OIEA) and the BIE Division of Performance and Accountability which implements systems for all fiscal and accounting functions for education programs and schools. Additionally, under OMB Circular A-123 and Department of the Interior Guidance Release 2011-03, Amendment 1, Financial Assistance Monitoring Protocol, BIE has developed a risk-based system of internal controls over its financial assistance programs and, with oversight from OIEA, conducted internal control reviews of Financial Assistance and Monitoring of Grants. This ensures that appropriate grant monitoring protocols are assigned to recipients based on risk.

2: How does BIE hold its schools accountable for academic excellence?

ANSWER: The measurement of academic performance is mandated by statute for states and the BIE by ESEA section 1111 (b)(2), which requires that each state establish annual measurable objectives (AMOs) for determining adequate yearly progress (AYP). The AYP measurement allows the U.S. Department of Education to determine how every public school and school district in the country is performing academically according to results on standardized tests. ESEA requires that schools be placed into school improvement categories based primarily on the percentage of students who score proficient or above on those tests. The categories indicate the level of success and the need of the school for improvement and intervention.

Question 2a. What measures does it use?

ANSWER: By regulation, BIE utilizes the accountability system of the state in which each BIE-funded school is located. BIE-funded schools are located in 23 states, so the BIE utilizes 23 sets of standards, assessments, AMOs, and AYP calculations to determine the academic performance of its schools.

Question 2b. How does it support its teachers and principals to achieve these goals?

1. **ANSWER:** ESEA requires every state to have "a statewide system of intensive and sustained support and improvement for districts and schools" that ensures the necessary supports are in place at every level of the educational system so students are getting the help they need to reach their full potential. BIE's Statewide System of Support focuses on teachers, students, and instruction, and on the process of school improvement. BIE's school improvement strategy emphasizes teamwork, measurable goals, and the collection and analysis of performance data. A promising enhancement has been the use of an interim student assessment by schools and teachers to provide data to inform and improve instruction. In school year 2013-2014, 155 of 175 BIE instructional programs utilized an interim assessment administered three times per school year. Schools that effectively utilized the interim assessment process saw improvement in student growth and achievement. In addition, teachers have been offered professional development in the areas of Common Core State Standards, data usage, and leadership.

That said, as part of the BIE's reform effort, BIE is embarking on two significant school improvement efforts:

1. **School Improvement Support.** BIE's new School Improvement Solutions Teams will provide on-the-ground technical support to schools in such areas as curriculum development, data analysis, Common Core State Standards, and teacher and leader professional development. Through a grant with the Kellogg Foundation, BIE will train the School Improvement Solutions Teams on research-based, best practice models that improve outcomes for students, and on strategies to build their capacity to provide technical assistance to tribes.
2. **Teacher Development.** BIE partnered with the National Board for Professional Teaching Standards to provide up to 1,000 teachers the opportunity to obtain National Board Certification. The certification training is a rigorous, peer-reviewed process that provides high-quality professional development to teachers and ensures they have the skills necessary to improve student achievement.

Question 3: How does the Department of the Interior generally, and BIE specifically, work with tribes to strengthen leadership and administrative capacity in order to support tribal control of schools?

ANSWER: Tribal self-governance of schools in Indian Country is one of the highest goals of the Department's Indian Education transformation effort. The American Indian Education Study Group recommended that BIE be restructured from a traditional organization of operating schools into a school improvement organization. Building capacity of school leaders is a component of this restructuring.

BIE's local education line offices are responsible for providing oversight and technical assistance to both BIE- and tribally-operated schools. The proposed realignment would build on this concept to support both an academic as well as an operational focus to provide stronger support for BIE and tribally operated schools. In addition, the new Sovereignty in Education funding enhancements will assist tribes with more than three BIE-funded schools in taking control of their schools. The SIE enhancement requires eligible tribes to identify their accountability methods and processes as well as their mechanisms for data and informational transparency in their proposed tribal education designs. To receive funding, the tribes must address four areas of capacity building: Governance, Financial, Human Resources and Academics.

Question 3a: How do BIE and ED balance the Trust Responsibility and tribally controlled schools with accountability for academic performance?

ANSWER: BIE provides technical assistance and support to tribally controlled schools as requested by tribes. In the tribally controlled schools, the tribes are responsible for such decisions as hiring teachers and administrators, instituting their own curriculum, and purchasing their own text books. They have broad and full authority to run their own schools and school systems and oversee the accountability for academic performance. BIE is strengthening its capacity to provide technical assistance and support to schools and tribes as tribes assume greater control over their schools.

Question 3b: How does inadequate IT and technology plans relate to not achieving academic milestones, and how can they be fully addressed?

ANSWER: Information technology plays a central role in education today. BIE lags behind many other public school districts due to a lack of digital bandwidth, outdated computers and software, and a lack of

professional development for teachers on how to integrate technology into their instruction. In addition, many BIE schools are located in rural and remote areas and could benefit from instructional approaches such as distance learning, which cannot presently be offered due to the lack of bandwidth. Adequate technology is an important way to advance the mission of Indian Education to provide excellence in education.

The Administration is pursuing multiple strategies to address this IT gap in Indian Country. We are consulting with agencies across the government, including with the Federal Communications Commission and the Department of Agriculture, and also using public-private partnerships to try to develop computer resources and increase digital bandwidth to Indian communities and schools.

Question 4: What is the potential economic impact of implementing the proposed BIE reorganization plan?

ANSWER: In 2013, Secretary Jewell and Secretary of Education Arne Duncan convened an American Indian Education Study Group to address needed reforms to American Indian elementary and secondary education and seek higher levels of academic achievement. The Study Group released a "Blueprint for Reform" for the Bureau of Indian Education on June 13, 2014. Some of the reforms will be accomplished by restructuring the BIE organization, some of which will result in cost saving through streamlining processes and/or reducing redundancy and administrative layers. The proposed reorganization is one part of a comprehensive multi-year effort to transform Indian education operations and significantly improve student results. The social and economic benefits of improved school performance are critically needed in Indian Country.

Question 4a: If fully implemented, is it true that Albuquerque would be at risk for losing 35 jobs?

ANSWER: Today, the BIE has 48 employees located in Albuquerque in the offices of the Associate Deputy Director—West, the Division of Performance and Accountability, and the Division of Administration. BIE is finalizing Phase 1 of the implementation plan of the Secretarial Order which restructures the organization. Albuquerque is a good location for BIE employees because there is a strong Native American workforce there and Albuquerque's location is accessible to numerous Indian tribes and schools. It is premature to estimate the number of potential jobs affected at any location. Once completed, the reorganization will be implemented consistent with the reprogramming guidelines of the Appropriations Subcommittees.