

**PROTECTING THE NEXT GENERATION: SAFETY
AND SECURITY AT BUREAU OF INDIAN
EDUCATION SCHOOLS**

HEARING

BEFORE THE

COMMITTEE ON INDIAN AFFAIRS

UNITED STATES SENATE

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**PROTECTING THE NEXT GENERATION:
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INDIAN EDUCATION SCHOOLS**

WEDNESDAY, MAY 16, 2018

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

The Committee met, pursuant to notice, at 2:51 p.m. in room 628, Dirksen Senate Office Building, Hon. John Hoeven, Chairman of the Committee, presiding.

**OPENING STATEMENT OF HON. JOHN HOEVEN,
U.S. SENATOR FROM NORTH DAKOTA**

The CHAIRMAN. Good afternoon.

Today, the Committee will receive testimony on safety and security at the Bureau of Indian Education schools and facilities. The BIE oversees approximately 47,000 students in 169 schools and 14 dormitories on or near 63 Indian reservations in 23 States. In my home State of North Dakota, there are 13 BIE-funded schools.

Our hearing today focuses on Protecting the next generation: safety and security at BIE schools. All students deserve a safe and secure learning environment, and it is this Committee's responsibility to take a comprehensive look at the safety and security of schools in Indian Country.

Over the past decade, the Department of the Interior Office of Inspector General, OIG, has done a series of reports on preventing school violence and improving emergency preparedness in BIE schools.

A 2008 OIG report found that many BIE schools are "dangerously unprepared to prevent violence and ensure the safety of students and staff." Many BIE schools were found to have high staff turnover, no emergency action plan, and faulty infrastructure, such as inadequate fencing, unlockable doors, and inadequate surveillance systems.

In fact, some BIE schools could not complete a lock-down drill when OIG staff was on-site. These drills are commonplace and used in multiple emergencies, including having an active shooter on or near campus.

More recently, in its February 2018 report, the OIG found that the BIE was not completing background checks on employees who work with children. Furthermore, the report found a backlog of re-investigations on current employees.

These failures were exactly what the Indian Child Protection and Family Violence Prevention Act, passed by Congress in 1990, intended to avoid. Reinvestigations are supposed to happen every five years.

Since many schools have not completed recurring background checks, crimes committed after being hired may go undetected. The OIG report concludes the backlog will only increase without further guidance from BIE leadership.

In the same report, the OIG also suggested that more oversight over tribally-controlled schools, which account for nearly two-thirds of BIE schools, may be needed. Under current law, tribally-controlled schools are allowed to follow their own unique background check system, as long as it is “no less stringent” than what is required for the BIE.

However, there have been multiple cases of substandard background checks being performed at these schools. More than this, in one instance, OIG found that background checks had been abandoned altogether.

The safety of our Native American children is a top priority for me and this Committee. In 2016, the President signed into law a bill which I authored and introduced, the Native American Children’s Safety Act. This legislation has worked to improve the safety of the tribal foster care system by requiring background checks on all adults living in a potential foster home.

Homes and schools need to be safe places for our youth. No child or student should experience violence, especially in the places where they should be nurtured and educated.

Congress and the Administration must continue to work together to ensure safer environments for Indian children. We hope to hear today how BIE and tribally-controlled schools are making progress in modernizing their emergency and violence prevention protocols to protect Indian children.

I would like to thank our witnesses here today that will help guide this discussion. I will turn to Vice Chairman Udall for his opening remarks.

**STATEMENT OF HON. TOM UDALL,
U.S. SENATOR FROM NEW MEXICO**

Senator UDALL. Thank you, Chairman Hoeven, for working with me to hold this oversight hearing today.

Recent events have once again led to a national dialogue on school safety. It is crucial that schools in Indian Country be a part of this important conversation.

Thank you to our two tribal witnesses for joining us here today. Throughout her career, Cecilia Firethunder has been and continues to be a great advocate for Native women and Native education. Thank you for making the journey here today.

I want to extend a special welcome to Gary Lujan from Santa Fe Indian School. Mr. Lujan is a member of the Taos Pueblo who has dedicated years working as a Pueblo education advocate and on behalf of the Santa Fe Indian School community. Thank you and the FSIS Board of Trustees for working with me and my staff to highlight school safety issues in Indian Country.

In March, students around the Nation took part in the March for Our Lives. These students stood up and demanded never again and they kept standing up for their right to attend safe, welcoming schools.

I was proud to join the march in Santa Fe with students from across northern New Mexico, including from Santa Fe Indian School. I heard many young leaders talk about the need for reform and resources. These brave students made very clear what they needed. Now, I am doing my part to carry that message here to Washington and to use that message to inform my work.

On this Committee, we know all too well that Native students often have to fight for the same educational opportunities that many communities take for granted. That is why I worked to make sure BIE schools were a part of the Stop School Violence Act passed earlier this year and why I am interested in hearing from our witnesses today about what other Federal agencies could do to help BIE improve school preparedness.

Mr. Lujan, I understand that some Santa Fe Indian School students may be watching this hearing in their Government and Social Studies classes today, including your son. The Santa Fe Indian School student body and the student-led Braves and Lady Braves Against School Violence Group is taking on this very important work. Let me just say to those students, I am moved by your tenacity and your advocacy. I hope today's hearing amplifies your work and that of all Native students, whether they attend BIE schools or non-BIE schools and whether they are in K through 12 or college.

Thank you again, Mr. Chairman, for working with me to hold this hearing. Hopefully today's discussion will do even more to elevate the voices of Native communities in the Senate's work to address school violence.

The CHAIRMAN. Do other Senators wish to make opening statements? Senator Heitkamp.

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

Senator HEITKAMP. Just quickly. Thank you, Mr. Chairman. Thank you to you and Senator Udall for holding this hearing. I think it is critically important.

After the Parkland shooting, we had a number of high profile incidences in North Dakota, some in schools protected by the sheriff's department and some in schools in communities that were large enough and whose law enforcement was robust enough to present a quick responses.

That was not true at Turtle Mountain. It was not true when Lana DeCoteau called me the second day after she shut down her school at Turtle Mountain because of a threat. It raised the awareness that where are we with Native American schools and protecting children?

We have a unique and critical responsibility. As we are asking that question of school boards and communities across the Country, we have to look in the mirror and ask ourselves that question. How long is the response time to any school in Indian Country where

we are responsible as a government, in a government-to-government relationship, for the safety of children?

Yes, we are responsible for the safety of all American children but we have a unique trust and fiduciary obligation to the children in Indian Country. We are part of their school system. We need to make sure we have the answers of how we can better protect children in Indian Country, how we can work with administrators like the two great administrators we have here and work within the government.

I understand you are doing a survey and study. I am anxious to see that. We need to know what those resources are.

Thank you so much, my friends, for coming. When we all work together, if we have one goal, making sure when children come to school they are safe in that learning environment, that is a goal regardless of political party or any other thing that divides us, we should all share.

Thank you, Mr. Chairman, for holding this hearing.

Senator CANTWELL. Mr. Chairman.

The CHAIRMAN. Senator Cantwell.

**STATEMENT OF HON. MARIA CANTWELL,
U.S. SENATOR FROM WASHINGTON**

Senator CANTWELL. Thank you, Mr. Chairman. I will submit a longer statement for the record.

We obviously had a very tragic shooting in the Tulalip Marysville area a few years ago. One thing I think we need to remember is that when we have integrated services and information about domestic violence, or people who should not have access to guns, we need Indian Country to participate in that system. We need that system and the coordination of our national database to all work together.

I thank the witnesses for being here.

[The prepared statement of Senator Cantwell follows:]

PREPARED STATEMENT OF HON. MARIA CANTWELL, U.S. SENATOR FROM WASHINGTON

Thank you Mr. Chairman.

No student should fear for their life while attending school.

However, students in Washington state and across the country have too often experienced the wrenching loss and tragedy of mass shootings.

One shooting in particular is especially painful for Native Americans in my state: the shooting at Marysville Pilchuck High School in October, 2014.

At that shooting, a 15-year old killed Gia Soriano, Andrew Fryberg, Zeo Galasso, Shaylee Chucklunaskit, and wounded Nathan Hatch.

We are still heartbroken about this shooting and continue to mourn the students we lost.

We need to do more to prevent senseless shootings from occurring.

To that end, we need to make sure our students and teachers have the resources they need to prevent and respond to emergencies.

This includes established and practiced emergency plans, school buildings that can safely lock-down and protect students and mental health resources to help students that are struggling.

I am continuing to work with my colleagues to advance these solutions to protect our children.

The CHAIRMAN. With that, we will turn to our witnesses. Thank you for being here today.

We have Mr. Tony Dearman, Director, Bureau of Indian Education, U.S. Department of the Interior here in Washington, D.C.; Ms. Cecilia Firethunder, President, Oglala Lakota Nation Education Coalition, Pine Ridge, South Dakota; and Mr. Gary Lujan, Director of Trust Land and Security, Santa Fe Indian School, Santa Fe, New Mexico. Thank you for being here.

I want to remind you that your full written testimony will be included as a part of the record. If you would, please keep opening statements to about five minutes so we have time for questions.

With that, we will begin with Mr. Dearman.

STATEMENT OF TONY DEARMAN, DIRECTOR, BUREAU OF INDIAN EDUCATION, U.S. DEPARTMENT OF THE INTERIOR

Mr. DEARMAN. Good afternoon, Chairman Hoeven, Vice Chairman Udall and members of the Committee.

I am Tony Dearman, Director of the Bureau of Indian Education. On behalf of the BIE and the Department, thank you for the invitation to appear here today.

Whether it be access to mental or behavioral health services or ensuring classrooms are physically safe, BIE is working every day to effectively and efficiently utilize public resources to improve accountability and better support students in schools.

OIG recently highlighted concerns regarding violence at BIE schools as well as the need for increased scrutiny, background checks and improve support for tribally-controlled schools. BIE acknowledges we have neglected GAO and OIG reports for too long. We are working to address both GAO and OIG recommendations regarding safety as quickly as possible.

BIE is in the final stages of formalizing our strategic plan to begin implementation on support specific to emotional preparedness and facility safety as one of six mission areas addressing wellness, behavioral health and student safety.

BIE is actively collaborating with partners across Indian Affairs to address safety-related OIG recommendations. BIE and Indian Affairs administered safe school audits with a 100 percent completion rate in 2016 and 2017. We are on track to complete 100 percent of inspections for 2018 and monitoring quality as well as whether schools have established required safety committees.

BIE is working to improve local level emergency plans to expand training, emergency drills and other safety measures by adopting policies and procedures that ensure proper oversight in Bureau-operated schools as well as improved technical assistance to tribally-controlled schools.

Employees across BIE are responding to report recommendations by implementing effective crisis emergency plans such as those for armed intruders. We are also conducting a variety of emergency drills and providing high quality conflict resolution on bullying, gang prevention, substance abuse, suicidal ideation, and trauma informed training so school staff can better recognize at-risk students and provide targeted assistance.

BIE is improving threat assessment protocols and procedures as well as increasing access to guidance for preventing and responding to instances of school violence. BIE collaborates with local level staff to identify threats and manage support activities. Further,

BIE recently hired data specialists to improve tracking and access to information regarding critical incidents.

In 2018, BIE updated and communicated its list of mandatory and recommended trainings. For tribally-controlled schools, BIE reviews grant assurances to ensure compliance with legal requirements such as background checks. However, tribally-controlled schools are not required to follow policies and procedures developed by the BIE.

Through partnerships at both the national and local levels, BIE coordinates activities to improve services. For example, Sherman Indian School in Riverside, California contracts with a local private security firm to conduct detailed surveys, identify safety and security issues and implement corrective action plans. The Indian Affairs Office of Justice Services also provides training and enforcement services regarding gang resistance as well as drug abuse resistance education.

BIE collaborates with SAMHSA and the Indian Health Service to address substance abuse issues and increase access to behavioral mental health services. While challenges exist, BIE and IHS recently met to discuss additional areas for partnership as well as continued support for MOAs among BIE schools and local IHS clinics to house counseling services.

When tragedy strikes, school leaders work with their staff and families as they respond to suicide attempts and completions by assisting with coordination of local services, and if needed, utilizing the Department of Education's Project SERV grant. Project SERV assists schools in returning to their environments to pre-incident conditions as much as possible.

When I served as Superintendent of Riverside Indian School and principal of Sequoyah High School, we knew we were the front lines in supporting our students on a 24-hour basis. If students experienced critical incidents or attempts to take his or her life, the event can take a toll on the entire community.

Please know that while barriers exist, we are dedicated to improving services so our students can learn safely and uninterrupted.

Thank you again for inviting me today. I would be honored to answer any questions you may have.

[The prepared statement of Mr. Dearman follows:]

PREPARED STATEMENT OF TONY DEARMAN, DIRECTOR, BUREAU OF INDIAN
EDUCATION, U.S. DEPARTMENT OF THE INTERIOR

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

Bureau of Indian Education

The BIE supports education programs and residential facilities for Indian students from federally recognized tribes at 183 elementary and secondary schools and dormitories as well as two postsecondary institutions—Haskell Indian Nations Uni-

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

We recognize that BIE-funded schools face unique and urgent challenges in providing a safe, high-quality education to our students. As I have mentioned in my previous appearances before this Committee, with challenges come tremendous opportunities for improvement in the way we operate on a day-to-day basis. We are working to think outside the box to expand best practices and address shortcomings. As such, the BIE is in the early stages of working with state education leaders from across the country through the Council of Chief State School Officers (CCSSO) to determine resources, best practices, and potential partnerships for improving safety and security in our schools. Because BIE schools are located across 23 states, it is critical that the BIE actively works with tribal, state and local leaders to ensure all students at BIE-funded schools have access to educational opportunities in a safe learning environment and the necessary mental and behavioral health supports to assist them as they work to succeed. BIE also collaborates with the Substance Abuse and Mental Health Services Administration (SAMHSA), which has expanded eligibility in its funding programs to include education agencies serving tribal youth. In addition, BIE and SAMHSA have developed a behavioral health initiative called “Culture and Meth Don’t Mix,” a drug prevention curriculum for middle school youth.

Strategic Performance Management to Support School Safety

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

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

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

School Safety, Monitoring, and Compliance

GAO High-Risk Status and School Safety

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

- Indian Affairs’ (IA) oversight of school safety and construction, as well as how the BIE monitors the way schools use Interior funds;
- The impact of limited workforce planning in several key areas related to BIE schools on service delivery;
- The effects of aging BIE school facilities and equipment and how such facilities contribute to degraded and unsafe conditions for students and staff; and

- How the lack of internal controls and other weaknesses hinder IA's ability to collect complete and accurate information on the physical conditions of BIE schools.

Recently, GAO issued three additional reports that included several new safety-related recommendations. As I have testified previously, BIE is committed to addressing all GAO recommendations, both outstanding and more recent. As of May 2018, GAO has closed five GAO recommendations. Additionally, BIE has cross collaborated with partners from across IA to address its remaining safety-related GAO recommendations. The BIE is committed to working with IA, the Secretary's office, and our colleagues at the GAO to ensure that the BIE systematically and comprehensively addresses each recommendation for improving services.

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

Office of the Inspector General Reports and School Safety

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

Safety Policies, Procedures, and Awareness

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

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

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

- Review and update contact information;
- Share emergency plan information with staff and students;
- Provide current and updated information concerning emergency response techniques and plans;
- Provide re-unification information;
- Highlight student needs; and
- Review threat assessments.

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

The BIE is also working to improve its safety procedures by providing schools and staff guidance on pertinent mandatory and recommended trainings to ensure that safety is the highest priority at BIE-funded schools. The All Academic Staff Training

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

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

Safety Monitoring and Reporting

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

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

Professional Development and Safety Partnerships

Professional Development

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

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

BIA Office of Justice Services

The BIE partners with the BIA Office of Justice Services (OJS) as well as local and tribal law enforcement where necessary to improve safety in BIE-funded schools. Schools like Sherman Indian School also contract with a local private security firms in order to take the burden off school staff in conducting detailed surveys, identifying safety and security deficiencies, and implementing corrective action

plans. During the 2017–2018 School Year, approximately \$1.8 million in Safe and Secure Schools funding assisted in school safety audits and supporting onsite School Resource Officers (SROs) that are hired and supervised by BIA OJS.

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

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

Indian Health Services

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

FY 2018 Funding and School Facilities

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

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

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

Conclusion

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

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

Chairman Hoeven, Vice Chairman Udall and Members of the Committee, thank you again for the opportunity to present testimony today. We appreciate your con-

tinued dedication to our students and look forward to working with you to ensure that BIE funded students have a safe and secure learning environment. I would be honored to answer any questions you may have.

The CHAIRMAN. Ms. Firethunder.

**STATEMENT OF CECILIA FIRETHUNDER, PRESIDENT, OGLALA
LAKOTA NATION EDUCATION COALITION**

Ms. FIRETHUNDER. [Greeting in native tongue.]

I greet you with a warm handshake with good feelings from my heart.

Chairman Hoeven, Vice Chairman Udall and honorable members of the Committee, it is a real honor to be here with you today.

My name is Cecilia Firethunder. I am the President of the Oglala Lakota Nation Education Coalition representing six tribal schools on my reservation and St. Francis Indian School on the Rosebud Reservation. We are coordinating our activities.

Our six schools have been given the authority to be locally-controlled by our tribal council. I would like to acknowledge my tribal council members here with us today from the Education Committee, Mr. C.J. Clifford and Ms. Lydia Bird Killer and my colleague, Dr. Kostopolous with Indian education, as we are moving ahead to understand more what we are doing.

Before I go any further, I would like to also acknowledge that this Committee was created by Senator James Abourezk about 150 years ago. I am alluding to what a wonderful vision he had to make this Committee a reality so all of our Indian issues could be addressed. I just wanted to make sure we remember Senator Abourezk.

The Pine Ridge Reservation is located in southwestern South Dakota covering an area of approximately 3 million acres and home to 45,000 people. Connecting tribal youth to quality education services across these great distances is a constant challenge for families and our tribal government.

Assuming they make it through daily safety hazards posed by our inadequate and under-developed road infrastructure, tribal youth have overcome the effects of years of under-funding and under-resourcing that have left our schools woefully unfit to address their needs.

I want to be real clear that I understand this is about safety in our schools and what we are doing. As local control, we are responsible to make sure within our policy and personnel procedures we have in place ways to do background checks of anyone who applies for a job in our schools. I think we are doing a very good job.

When we sign assurances that we are getting money from the BIA, we are also saying we are going to follow the law to make sure we do the background checks of anyone who applies for a job in our schools.

I included a chart. Under facilities are the resources we need to hire security guards and to enhance whatever safety items we have to install, cameras, metal detectors and all this other stuff.

As we began to take a look at some of the issues, my school boards want me to reiterate very clearly that it is not about anything except the underfunding of facilities. We use our education dollars, called ISEP, to make up for shortfalls the Bureau does not

ask for over here on this side. If you look at ISEP, the monies we are using to make up the shortfalls, we could be hiring additional counselors to help our children.

Facilities is a main concern that we have. However, as we move into this hearing, an important component of my work is the whole issue of well, healthy children. We have so many unmet behavioral health needs.

Looking at the graph I included, this is a law enforcement report from Pine Ridge Reservation from 2015–2017. We began to look at the numbers. The greatest danger our children face is not in the schools but in their homes and their own families. I say that with a heavy heart because it tells us we have to do a better job.

Working in my community for as long as I have, we need to provide more therapeutic services for our children on campus. When we began to look at learning, we took a look at the research, adverse childhood experiences, all of those things factor into how well our children are doing.

The other piece I want to reiterate is public safety for Pine Ridge. On the Pine Ridge Reservation, when you call 911, we want someone at our school quickly. Right now because of underfunding, we do not have as many police officers to answer that 911 call.

I want to encourage us to reiterate how important it is to get funding for our law enforcement. In past years, when we called 911, within minutes we had a patrol car in front of our school to respond to whatever crisis was at hand.

When we began to look at what we need to do, it is about taking care of our babies, providing more behavioral health services, providing more public safety dollars. But most importantly, Senators, we really need the BIA to ask for the money it needs to make up for that portion of schools.

Finally is safety. We have schools on Pine Ridge that are 55 years of age. Because of the age and lack of maintenance, many of our schools are dangerous places for our children to be going to class. We have excessive issues, walls are falling down.

Finally, we want to put in a plug for Wounded Knee School. It is 55 years old. We keep beating on the doors for a new school for Wounded Knee School.

I have so much to share with you but I hope my written testimony can answer some of those questions. I appreciate this time.

Thank you very much.

[The prepared statement of Ms. Firethunder follows:]

PREPARED STATEMENT OF CECILIA FIRETHUNDER, PRESIDENT, OGLALA LAKOTA
NATION EDUCATION COALITION

Introduction

Chairman Hoeven, Vice Chairman Udall and honorable members of the Committee, wopila (thank you) for this opportunity to provide testimony on behalf of the Oglala Lakota Nation Education Coalition. My name is Cecelia Firethunder, a member of the Oglala Sioux Tribe. I am speaking on behalf of the Oglala Lakota Nation Education Coalition (OLNEC), which represents the Oglala Sioux Tribe's six tribally operated grant schools.¹ The schools operate pursuant to "Trially Controlled Schools Act of 1988" (Public Law 100–297) and the Indian Self Determination and Education Assistance Act of 1975 (ISDEAA), as amended. We are located on the

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

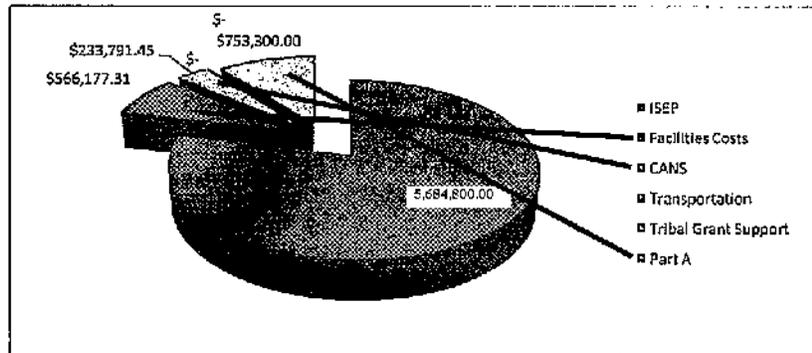
Pine Ridge Reservation in southwestern South Dakota. Our Tribal Council has given us the authority to be responsible for the administration and operation of all tribal school functions. Members of individual school boards are elected from the communities they serve.

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

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

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

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



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

II. Facilities: Infrastructural Insecurity—A Persistent Challenge in Tribally Operated Schools

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

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

None of the six schools on the Pine Ridge Reservation have been given any Maintenance Improvement & Repair (MI&R) funding in over a year and half. Our schools continue to degrade over time. Not having monies to repair the schools as needs arise increases overall maintenance costs. The Wounded Knee School is at the point of being unsafe for our students due to its age. It needs to be replaced. The Wounded Knee and Little Wound Schools are our top priorities for facilities maintenance and replacement. Little Wound School has 900 students. It serves 7 of the 9 communities on our Reservation with buses bringing the students to the school. Wounded Knee has 300 students. Together, they serve over 1200 students, currently in conditions that pose significant health and safety hazards. Dilapidated school facilities are not only unsafe for our students, but they are also not productive learning environments. The chart below provides an overview of the facilities funding shortfalls at the Little Wound School.

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

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

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

III. Unmet Behavioral Health Needs Threaten Student Safety

Senators, we are talking about the safety of our children. Unfortunately, the greatest dangers our children face on a daily basis come from within their families, homes, and community. The severe underfunding of tribal public safety and social

service programs on the Pine Ridge Reservation and in Indian Country has been a chronic problem on the congressional radar since at least the 1980s. Decades later, the Great Plains is experiencing unprecedented violent criminal activity and recent upsurges in drug trafficking, as well as a crisis level drug epidemic. Tragically, these public safety threats are linked to increases in violent crime, suicide, and child neglect.

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

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

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

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

I have been advised and reminded that there is frequently more than one child in a household and/or involved in any emergency call that is reported. Thus, the numbers above can be significantly higher, along with the many other unreported incidents that occur each day. These events have a significant effect on a child's well-being. Over the past years our schools have collectively shared information and found resources to help make our teachers and staff aware of these incidents and the impacts of them on our students. Some of our schools have found ways to work with children and families to help students. The BIE does not provide therapeutic services and the Indian Health Service, unfortunately, is not able to help because its professional staff are primarily trained to provide therapeutic services for adults with few trained to work with children.

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

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

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

underlying historical trauma that plagues our people and to design and implement appropriate and effective responses to it.

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

Conclusion

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

Ho hecetu, Pilaunyapi.

The CHAIRMAN. Mr. Lujan.

STATEMENT OF GARY LUJAN, DIRECTOR, TRUST LAND AND SECURITY, SANTA FE INDIAN SCHOOL

Mr. LUJAN. [Greeting in native tongue.]

Good afternoon, Chairman Hoeven, Vice Chairman Udall, and members of the Senate Committee on Indian Affairs.

I bring you tidings and blessing from the State of New Mexico and the heart of the 19 Pueblo's homelands. I also extend a special greeting to our own Senator, Tom Udall, from northern New Mexico.

My name is Gary Lujan from the Pueblo of Taos, Trust Land Management Director for the Santa Fe Indian School, a tribally-controlled 297 program.

Taking a moment to reflect on the growing crisis of school violence, to date in only 20 weeks, we have already seen 21 reported school shootings which amounts to about one shooting per week.

Senator Heitkamp, you asked the question, what are we doing? Santa Fe Indian School at this juncture, has been taking the initiative to use, within its limited resources, which drain ISEP funding and not highly able to utilize that resource, changing outdated surveillance systems which allow us to have a view of our entire campus, 115 acres.

We are also working to change mass notification systems which are greatly outdated which allow us to do drills for school lockdowns. Speaking to lockdowns, we have been upgrading our emergency operations plans to align with standard response protocols utilized by law enforcement agencies nationwide.

This protocol allows us to effectively train our children and our staff for school lockdown drills in knowing what they are supposed to do in the event of active shooter situations.

As we discuss the challenges of providing school safety and security for our children, I want to point out five issues of concern which are all related and affect school safety. One is the fiscal year 2019 proposed budget by DOI which reduces ISEP program funding by \$2.7 million.

Two is an overall proposed reduction in the facilities operations budget reduction by \$5.5 million. In a school dependent on additional resources such as the Northern Pueblos Agency, the law enforcement jurisdiction for Santa Fe Indian School, they have seen a reduction in funding by \$10.8 million.

As we rely on that agency for our law enforcement of jurisdiction, they are located 45 miles away from our campus. On a good day, the standard response time is 30 to 45 minutes. We rely on our school resource officer to be at that location.

However, because of staff shortages within the Northern Pueblos Agency, he is often pulled from his place of duty. Throughout each school day at any given time, we do not see our SRO for up to four weeks due to shortages elsewhere.

Speaking to the importance of law enforcement on our campus, a program which has greatly affected the partnership we have established with Santa Fe Indian School is the Northern Pueblos, Taos Butterfly Healing Center. It is a partnership which helps us to deal with a restorative justice program which helps to move away from punitive approaches, trying to bring back and nurture our children, keeping them out of a justice pathway.

Their program is being completely eliminated based on the DOI proposed budget to the tune of \$497,000 which completely eliminates the operations funding. We are extremely dependent on this program.

Additionally, in the justification for fiscal year 2019 at Appendix 2–28 of the green book, the bill cites there is safe and secure funds for 30 schools. Senators, I ask what of the 139 under the Bureau's supervision?

Lastly, I want to point out that though school safety and security is an issue based on the active shooter situation, it is not only a situation of students getting their hands on guns but a mental health issue that is often swept aside while the argument of gun control goes forward.

In closing, I would like to thank you for this opportunity to testify before the Committee on a topic critically important to us as an institution, to the Pueblo Governors of Northern New Mexico and to myself personally as I have children in Bureau schools.

I stand and speak as a parent not only for myself but for other parents throughout Indian Country. We ask that you continue to pay special attention to this proposed budget as it affects us and being able to achieve school safety and security.

I humbly thank you for this opportunity and stand for questions.
[The prepared statement of Mr. Lujan follows:]

PREPARED STATEMENT OF GARY LUJAN, DIRECTOR, TRUST LAND AND SECURITY,
SANTA FE INDIAN SCHOOL

Good afternoon Chairman Hoeven, Vice-Chairman, Senator Udall and members of the Senate Indian Affairs Committee. I bring you tidings and blessings from the State of New Mexico and the heart of the 19 Pueblo's homelands. I also extend special greetings to our very own, Senator Tom Udall from Northern New Mexico. My name is Gary J. Lujan from the Pueblo of Taos, working as Director of Trust Land Management and Security for the Santa Fe Indian School (SFIS).

SFIS on School Safety and Security

In taking a moment to reflect on the growing crisis of school violence: To date in just only 20 weeks, there has already been 21 reported school shootings: this averages out to more than 1 school shooting a week.

So what is the SFIS doing to safeguard our students? To date, Santa Fe Indian School, has invested its own limited resources, not available through existing ISEP Program or Facilities Operations funding, to replace worn and outdated mass notification alert systems for school lockdowns. Additionally, the SFIS has replaced with its means, outdate surveillance systems to assist with visual coverage of our campus. Additionally, the SFIS has been upgrading our Emergency Operations Plan (EOP), which will align with current Standard Response Procedures, utilized by law enforcement agencies nationwide. This EOP, also provides guidelines for scheduled, school lock down drills, which are effectively practiced throughout the school year.

So as we discuss the topic of “Protecting the Next Generation: Safety and Security at Bureau of Indian Education Schools,” we must look at an additional source of our problem. Chairman and committee members, you are well aware, the Department of Interior has released the Budget Justifications Report for FY2019 funding for all of Indian Country. Within this budget justification are many areas of concern. However, as we speak to school safety and security today, I want to raise certain issues beginning with the following:

1. *The overall proposed FY 2019 budget by the DOL. has a reduction in ISEP Program funding by the amount of \$2,780,000, yet the Bureau states in their justification, “The FY2019 proposed level allows the BIE, the ability to fund safety operations and support of secure schools.”*
2. *The overall proposed FY 2019 budget by the DOL. has a reduction in Facilities Operations funding by the amount of \$5,551,000. again with a justification that states, “The Education Facilities Operations program abates safety and health deficiencies.”* Chairman, it is increasingly becoming more difficult to address school safety when we are faced with reductions in these areas.
3. Through the passage of H.R. 5528 Omnibus Indian Advancement Act (P .L. 1 06–568), the SFIS sits on land held in trust for the 19 Pueblos. The jurisdiction of law enforcement lies with the BIA, Northern Pueblos Agency (NPA) located 45 miles away. While the BIA, NPA has recently added a School Resource Officer to the SFIS, any absence by that SRO means a service call request with a response time of 35–40 minutes, at best. This scenario happens frequently, as the Bureau is largely understaffed, leading to assignments out of districts to cover shortages elsewhere.

The overall proposed FY 2019 budget by the DOL, has a reduction in Criminal Investigations and Police Services funding by the amount of \$10,803,000. Any reduction further adds to officer shortages, leading to vacant SRO positions and our assigned SRO pulled from post at SFIS.

4. Equally important to Santa Fe Indian School is the availability of services, such as the Juvenile Detention Center Education program, which helps the SFIS to partner with facilities such as the Eight Northern Pueblos, Taos Butterfly Healing Center. Our partnership is built upon a restorative justice program called the SFIS Partnership for School Success program, which differs from punitive models. Just this week, the SFIS had two senior class students complete this program. With their reintegration into the regular school environment they will complete their education and graduate in less than two weeks.

As, I speak to the importance of this partnership, *the proposed FY 2019 budget by DOL has a program reduction of \$497,000* which basically eliminates funding for a program upon which we are dependent.

5. The Budget Justifications Report for FY2019 provides in Appendix 2–28, a list of 30 Schools having received in S Y 2017–2018 funding for Safe and Secure funds. Chairman, Vice-Chair, and Committee, I ask—When will the remaining 139 schools under the BIE be added to this list?

I have pointed out the reduction of program funding for just a few of the programs we rely upon. The SFIS respectfully requests on behalf our children that Congress restore funding back to FY2017 levels.

Chairman, Vice-Chairman, Committee, though I have provided in brief, the importance of funding, as a foundation to addressing the safety and security needs of our schools, what we must not forget is that gun violence comes to us, not just as an issue of students gaining access to guns, but a mental health crisis that is often swept aside, while the gun debate becomes the primary argument. The SFIS im-

plores the committee to help with additional funding in the areas of mental health and education programs that proactively addresses issues such as this.

In closing, I would like to thank you for this opportunity to testify before the committee. This topic is critically important as we seek for the safety of our students at the Santa Fe Indian School, now, and more importantly, into the future. For further information on the SFIS and our programs, please refer to additional information provided below.

I humbly thank you for this opportunity,

Historical Perspectives

1. In the late 1870s, reformers tried a new experiment—reservation boarding schools. (Hyer S. 1990)
2. Between 1880 and 1902, twenty-five, off-reservation boarding schools were built with roughly 10 percent of the total Indian population attending these schools. In 1890, the Santa Fe Indian School became one of these schools. (Hyer S. 1990)

The Santa Fe Indian School was originally a product of this era, with current advancements thanks to tribal control under the Indian Self-Determination Act.

1. In 1962, Santa Fe Indian School was relocated to Albuquerque, New Mexico and combined with the Albuquerque Indian School (AIS). (Hyer S. 1990)
2. In 1976, nineteen (19) Tribal Resolutions authorized the All Indian Pueblo Council (AIPC) to contract for the operations of AIS, under the Indian Self-Determination (P.L. 93–638 of 1975). (Hyer S. 1990)
3. In 1979, as an act of defiance, the AIPC abandoned the unsafe Albuquerque facilities, while taking steps to reclaim the Santa Fe campus, and eventually relocating back to Santa Fe, New Mexico. (Hyer S. 1990)
4. In 1988, the Santa Fe Indian School Board, Inc. contracted for the operation of the Santa Fe Indian School under P.L. 100–297 Title V, part B Tribally Controlled and Operated Grant School, with funding via the BIA Schools Programs. (Hyer S. 1990)
5. On December 27, 2000 a significant event in the history of the Santa Fe Indian School came with the passage of H.R. 5528 Omnibus Indian Advancement Act (P. L. 1 06–568) signed by President Clinton. Known as the “Santa Fe Indian School Act,” Congress authorized the transfer of the Santa Fe Indian School property into trust to the 19 Pueblos of New Mexico.

Over the years, as you can see, the Santa Fe Indian School (SFIS), as it currently exists, is not only an educational institution, but an institution with land management responsibilities.

Santa Fe Indian School, as an Institution

Educational Operations

Approximately 700 students attend SFIS in grades 7 through 12, with 2/3rds of the student population housed in dormitories, while the remaining 113 of the student population are transported by school buses from the surrounding Pueblo communities.

The core educational program is funded by the Bureau of Indian Affairs delegated to the Bureau of Indian Education within the Department of the Interior. Funding under Indian School Equalization Program (ISEP) covers the implementation of basic curricular requirements. Through the negotiated rule-making process, BIE is charged with implementing the federal regulations outlined in the Elementary and Secondary School Act (ESEA) reauthorized under President George Bush as the No Child Left Behind (NCLB), and subsequently, the Every Student Succeeds Act (ESSA), which was signed into law by President Obama on December 10, 2015. ISEP funding also provides funding for all support services: Information technology, cafeteria, security, athletics, and transportation. A decrease funding will impact support services.

Other areas of required services at SFIS that are not adequately funded are listed here as reference. Several of these areas have been identified as strategic goals within the BIE’s most recent strategic plan; however, in referencing the Green Book, there is no indication that funding will be directly allocated to any of these goals.

1. School Safety and Security
2. Language and culture curriculum- SFIS applauds BIE’s stated strategic goal to increase language and culture in BIE-funded schools; however, BIE needs to increase the weighted student unit (WSU) from .13 to .25. This will increase the amount of resources allocated to funding certified language teachers within BIE schools. BIE also needs to acknowledge that the languages

belong to the tribes. Schools only need to provide assurance that students are moving toward student native language growth and speaking.

3. Behavioral Mental Health related activities—these are also identified as a BIE strategic goal under Mission Area: Wellness, Behavioral Health, and Safety, therefore, funding to support must be allocated.
4. Transportation—The established transportation formula does not cover the costs associated with delivering a full program, as transportation resources are allocated primarily to cover day student transportation.
5. Accountability System- BIE must not abdicate the sovereign authority of tribally controlled schools by requiring them to participate in state accountability systems. “Therefore, SFIS requests the negotiated rule-making committee once again provide resources to address what was previously defined as “an alternative definition of adequate yearly progress” for tribes via tribal education departments and tribally controlled schools.
6. Career/College Prep—although currently highly supported and assessed (P ARCC), resources do not adequately fund college and career readiness for each student.
7. Athletics—research shows that athletics support student academic achievement, increased student attendance, and lower drop-out rates and encourage both physical and mental health; however, transportation to athletic events are not covered as part of the funding formula.
8. Facilities Maintenance and Operations—resources must fund at 100 percent of the funding formula.

Santa Fe Indian School under Land Held in Trust

Tribal Sovereignty

Beyond the efforts in providing quality well-rounded education and continued improvement in student services, the Santa Fe Indian School also accepts the role as property owner within sovereign lands. This has required the development of a department that functions as the responsible entity for managing all property within the exterior boundaries of the 115 acres. The Trust Land Management Office (TLM Office) was created to address numerous trust land management issues. This department, allows me to sit before you this day as Director.

The following is a short list of Santa Fe Indian Schools, Trust Land Management responsibilities as a comprehensive approach to Sovereignty Protections which are necessary to properly meet the mandates of H.R. 5528, P.L. 106–568.

1. Law Enforcement & Safety
2. Tribal or contracted CFR Courts
3. Water Rights (Litigation and Negotiation)
4. Realty Property (Trespass, NEPA, Section 106 Compliance)
5. Roads and Infrastructure

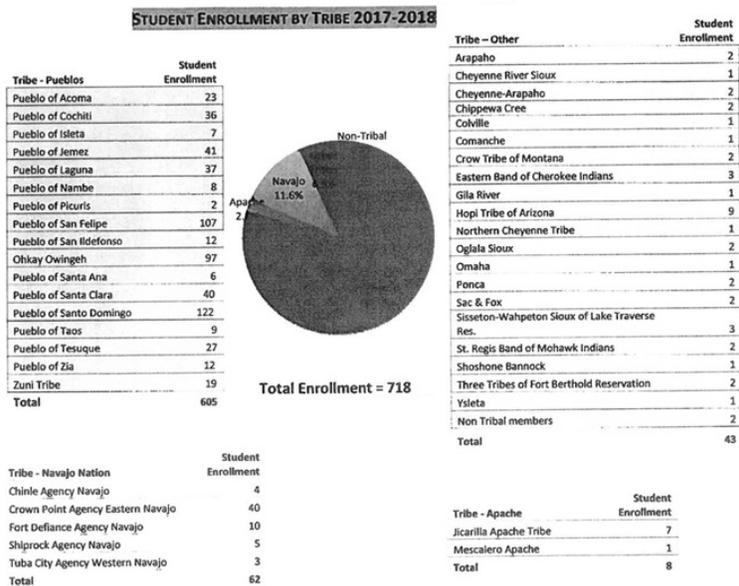
Santa Fe Indian School and Trust Land Management Challenges

1. Under P.L. 106–568, H.R. 5528, (SFIS Act) Section 824. Land Use (c) Applicability of Laws. The SFIS Act, subjected the 19 Pueblos to all laws applicable to Indian Lands; however, the transfer provided no funding to meet this mandate. Since that time, the Santa Fe Indian School, has been seeking base budget funding so that it can comply with this mandate.

References

Hyer Sally, 1990 (One House, One Voice, One Heart, Native American Education at the Santa Fe Indian School), New Mexico Press, ISBN 0–89013–212–7

Attachment



The CHAIRMAN. Again, I would like to thank all of our witnesses. We will start with five minute rounds of questioning.

Mr. DEARMAN, the Department of the Interior, Office of Inspector General's February 18 report found that many BIE schools were not completing initial background checks and the required five year reinvestigations of BIE employees.

How is the BIE addressing the incomplete background checks and the reinvestigations?

Mr. DEARMAN. Thank you, Chairman.

In the OIG report, OIG concurred with ten of our recommendations. Now we have to implement them. We are working on the eleventh, information sharing, to make sure we can keep track of where our investigations are.

As we speak, we are currently working with the Interior Business Center which is actually a gap analysis of our system to see where we can strengthen our weaknesses. We are looking to enter a contract with IBC in order to catch up on our background investigations.

The majority of our background investigations we are locking onto are the five-year reinvestigations, as you said in the opening. We are not waiting and are taking immediate action. We are going to utilize IBC to help us get caught up and stay caught up while we build our internal capacity.

The CHAIRMAN. What is your timeline?

Mr. DEARMAN. After the gap analysis this week, we will be able to provide a timeline.

The CHAIRMAN. Do you have an estimate of what that is at this point?

Mr. DEARMAN. Not at this point, Senator, I don't.

The CHAIRMAN. You will get back to us with that?

Mr. DEARMAN. Yes.

The CHAIRMAN. In 2016, the Assistant IG sent a memo to the then Acting BIE Director regarding violence prevention at BIE schools. That memo stated that in their review, his office found no guidance on safety measures from the BIE. Has the BIE adopted a set of required safety measures?

Mr. DEARMAN. Senator, we have done a lot of work in improving our drills and our safety measures at our schools, at the school level. Right now, we are collecting that information because in the near future, we look to present a closure package to the OIG to start closing out the recommendations.

We have implemented a lot of the recommendations. We want to make sure we follow through and follow through to make sure they are continuing to be implemented before we submit the closure package.

The CHAIRMAN. The President's budget request for fiscal year 2019 proposed an \$18 billion public lands infrastructure fund. This fund could be used to address needed repairs and improvements of BIE schools.

What is the plan for spending these proposed funds on BIE schools? How have you determined and developed an accurate and current deferred maintenance cost for BIE school facilities?

Mr. DEARMAN. Senator, the department looks forward to working with Congress in making sure that BIE is included in the public lands infrastructure bill. Currently, we have 72 schools that need to be replaced, 54 listed as in poor condition, and 18 are, as Ms. Firethunder said, 50 years or older with a large proportion of our students being educated in portable buildings.

We do look forward to working with Congress to make sure BIE schools are included in the language.

The CHAIRMAN. Do you have a schedule of schools and deferred maintenance?

Mr. DEARMAN. We do have a deferred maintenance update. Right now, deferred maintenance is at \$547 million, \$380 million of that is for buildings, \$167 million for grounds and \$75 million for quarters.

The CHAIRMAN. You do have scheduled itemization and prioritization?

Mr. DEARMAN. The prioritization is for our schools. We definitely want to include our tribes in that because we are hearing that loud and clear from our tribes as we go across Indian Country. They definitely want to be at the table when the priority list is developed.

The CHAIRMAN. Ms. Firethunder, the previously mentioned February 18 OIG report suggested there should be more oversight of tribally-operated schools. The February 18 report says BIE budget and finance does not have clear guidelines regarding oversight roles and responsibilities because BIE leadership has not created long-term guidance.

What would you recommend to improve BIE's oversight of tribally-operated schools? What more do you recommend that BIE do to make our schools and children safer?

Ms. FIRETHUNDER. One of the areas I am quite engaged in is the decolonization, a big word. For so many years the Bureau of Indian Affairs has taken ownership of our education from A to Z.

When we begin to take leadership at our community level, and part of the 638 movement and local control is for our schools, elected by the community, school board members, to truly understand everything regarding funding for all of our facilities from A to Z.

As we move ahead, we are getting really good at communicating what our needs are with the BIA through conversations and outside of consultation, and opening up to more communication.

Most important, Senator, our schools have been meeting and we know what we need in terms of funding to make up the shortfall in facilities. Our recommendation to the BIA is to continue to keep open those lines of communication and most of all, encourage our local school boards and local tribes to communicate more effectively and clearly what we need within the BIE.

The CHAIRMAN. Thank you.

Senator Udall.

Senator UDALL. [Presiding.] Thank you, Chairman Hoeven.

We all know how important emergency response coordination is to ensure unfortunate events do not escalate into tragedies. We also know that emergency response coordination in Indian Country can be complicated by lack of law enforcement resources and intersections of multiple jurisdictions.

Recently, Senator McCain, several of my other colleagues on this Committee, and I spearheaded an effort to address the lack of coordination in issuing a timely AMBER Alert in Indian Country. We named that legislation after Ashlynne Mike, killed on her way to school.

One of the key pieces of that bill is supporting the development of an interdepartmental coordination between tribal, local, State and Federal enforcement systems.

Mr. Lujan, can you describe how law enforcement coordination works on your end? You coordinate with the eight Northern Pueblos also, correct?

Mr. LUJAN. The Santa Fe Indian School, as mentioned earlier, sits on 115 acres of land held in trust within the city limits of Santa Fe, New Mexico. Most of our tribes come from the surrounding areas of the 19 Pueblos. Jurisdiction, as mentioned earlier, is with Northern Pueblos Agency.

We have been given the gentleman's handshake promise from the City of Santa Fe law enforcement that they would respond to active shooter situations. However, because of concerns with tort, we have extended dialogue with the city and New Mexico State police agencies to consider cross-deputization programs for the belated responses for shooter incidents on our campus.

However, the bureaucracy, for lack of a better word, ties up the process of being able to get that formalized for Santa Fe Indian School and, it is safe to say, a jurisdictional response to any Native American tribe not having that cross-deputization program in place.

Senator UDALL. Thank you for that answer.

Mr. Dearman, can you describe how the BIE helps schools coordinate with Federal, State and local law enforcement agencies and how that fits into emergency action plans protocol requirements?

Mr. DEARMAN. Thank you, Senator.

Being spread out across 23 different States and dealing with multiple tribes, we have so many different levels and different involvements at each location depending on local resources.

When I receive an emergency call right now, my initial call is to OJS. In return, OJS has connections with law enforcement locally with all of our schools. They get involved immediately.

Our response from OJS has been incredible in my duration as director. That is how we get law enforcement involvement. We go directly to OJS and OJS reaches out to local law enforcement. That is how we coordinate law enforcement at each location.

Senator UDALL. Thank you.

Mr. Lujan, I know I mentioned in my opening being inspired by the students at Santa Fe Indian School and their advocacy for school safety reforms. Can you describe the school safety advocacy work of Santa Fe Indian School students and what reforms and resources they feel are most needed?

Mr. LUJAN. That is a great question, Senator.

In working with our students at Santa Fe Indian School, they have been great participants in being able to ensure that we can go through policies and procedures when it comes to school lockdown drills.

They have provided 100 percent response in terms of being serious about how we conduct those drills, providing us feedback in terms of what works and what does not work, especially coming from our staff and the community as a whole at Santa Fe Indian School.

Their advocacy is important to us from the ground level in terms of their voice. They have expressed concerns in terms of how we implement school safety without infringing on their rights to be able to occupy that campus in a normal school environment without feeling as if they are in a police state.

We are working together in dialogue has helped us to achieve how we do emergency response in Santa Fe Indian School.

Senator UDALL. Thank you very much.

Senator HEITKAMP.

Senator HEITKAMP. Thank you, thank you and Cecilia, thank you for leading once again with your heart. I don't think anyone else shares the same concerns for children that I do. You have been an amazing leader of your people and also an amazing support for the children of your tribe.

I want to maybe take this in two directions. We know, and no one should deny, that we have an incredible job to do in improving the quality of Indian education in these schools. It has to be done with consultation, with consultation not only with tribal elders and tribal leadership, but with the tribal children who know best what is going to work and what will not work.

My big concern, and one of the reasons why I pushed this hearing, is I do not know what happens tomorrow if someone walks into a school at Fort Berthold, Fort Totten or Belcourt and engages in

heinous, horrible behavior. I know that literally law enforcement may be 20 or 30 minutes away.

I am going to take this in a different direction. I am going to start talking about school resource officers and the important role they can provide. Mr. Dearman, has BIE ever calculated what it would cost the system to support school resource officers in every school over which you have jurisdiction?

Mr. DEARMAN. No, we have not.

Senator HEITKAMP. Have you thought that might be a first and most important priority to provide support to these schools that desperately need school resource officers?

Mr. DEARMAN. I would think that would definitely be a great step forward.

Senator HEITKAMP. [Presiding] I think one of the things we know sitting on this Committee is, if you spend any time at all talking to people in Indian Country, there is not a reservation in North Dakota that thinks they have too much law enforcement.

In fact, we can talk about Standing Rock where I think we have enough slots for 16, with only eight filled and they are talking about moving out two. It is a little smaller than 3 million acres but not much. We have to have someone on the ready, trained and ready to protect our children.

All the challenges that walk through the door every day, especially the ones Cecilia pointed out, in terms of what happens in homes, those problems come into the school and are magnified in a school setting.

I would ask you to calculate what it would take and at least run the idea through the budget traps on trying to get a school resource officer, not one that comes in and out, not one that is called away to do something else, but one who is at the school to provide that support day in and day out, just like a superintendent or a principal, someone who is going to be there to protect kids and provide that connection to law enforcement.

One thing we found out is when you have a school resource officer in the schools, they not only deal with what could turn into an escalating, violent situation, but they then become a resource for the students to also seek protection from other events that are happening.

I just feel to do our job here, we have to begin to address the need for school resource officers and we have to find out what the commitment is going to be from this Administration going forward to get school resources officers placed in these schools.

Not to put a fine point on it but earlier when I talked about Lana DeCoteau, the Turtle Mountain Band of Chippewa have been waiting for approval for an MOU to get their school resource officer back in the schools. That has been held up. I think that is enormously frustrating.

This was the first thing raised with me when I did a school visit about three months ago. Please, pay attention to this. None of us want to get that call. None of us want to get that call. We want to know we have done everything we can to protect these students we have an obligation for.

Mr. Lujan, you went through a pretty detailed and I think damn-discussion about budget requests. I think it is time that we be

honest and say this is what we need and this is what is going to cost to get what we need.

I think every person involved in the education system feels the days of making do with what we get are done. It is done. We need to know what we need and need to figure out how to do it because if ever there was a group of children in America who deserve the attention, it is Native American and indigenous children.

Thank you for your testimony and thank you for what you are saying. Let us figure out what we need to protect and educate children and build a future for Indian people in this Country. It starts right here in these schools and in the families.

Ms. Cortez Masto.

**STATEMENT OF HON. CATHERINE CORTEZ MASTO,
U.S. SENATOR FROM NEVADA**

Senator CORTEZ MASTO. Thank you.

Let me associate myself with Senator Heitkamp's comments, because I agree. This is too important. We have to get it right. It does not start with under-funding. We are already playing catch-up. It is absolutely outrageous to me that we are still looking to cut resources where they are so desperately needed.

Director Dearman, we have talked about this. I know that is not where you want to be. You would love to have the resources you need but we have to fight for these resources. Let me ask you this. The BIE has a school safety office but it is not fully staffed, is that correct? My understanding is there are three of seven staff positions in that office that are filled and the rest are not.

Mr. DEARMAN. Yes, six of seven now.

Senator CORTEZ MASTO. Six of seven are filled?

Mr. DEARMAN. Yes.

Senator CORTEZ MASTO. Good. Can you also clarify this for me? I understand there are a total of 183 BIE schools but I have another document showing there are 169 BIE schools. How many total schools are there?

Mr. DEARMAN. There are 183 schools in residential settings within our system.

Senator CORTEZ MASTO. How many are tribally-operated?

Mr. DEARMAN. One hundred thirty.

Senator CORTEZ MASTO. The intersection between what you do and working with the tribes is going to be key. I think we have to figure out a different way of doing business because the old way is not working. It just is not.

Now we need innovation and we need to think outside of the box. That is why I like Senator Heitkamp's idea, let us figure this out, let us think about how we can address this issue, and make sure our kids are safe.

One of the things we should be doing is reaching out to the tribes, sitting around and having conversations, not only with them but with the students. When is the last time you actually had a conversation with students and talked about the safety they feel in their schools and what their needs are in their schools? I am curious.

Mr. DEARMAN. A couple weeks ago, we were at Chemawa Indian School and met with a large student body.

Senator CORTEZ MASTO. What did they tell you they needed for their school safety purposes?

Mr. DEARMAN. They really talked more about their future goals and what Chemawa has meant to them. As far as school security, it really was not a topic of discussion.

Senator CORTEZ MASTO. You have not had that conversation with them yet?

Mr. DEARMAN. No, not lately.

Senator CORTEZ MASTO. I think we need to be listening. If we have schools that are falling down, there is a maintenance backlog. What is the deferred maintenance backlog total?

Mr. DEARMAN. \$547 million.

Senator CORTEZ MASTO. That is outrageous. There is no way we can play catch-up and then put a new system in place at the same time. We have to be fighting for all of it.

I know I do not have a lot of time here, but let me say, as somebody who has spent a career in law enforcement and fighting to protect our communities, including our kids, this is key. I just came from Nevada having this same conversation with students on how we can look to fight and make sure schools are secure and safe.

Not only that, the governor of my State has pulled together a safety group, a group of school safety stakeholders, to figure out what we can do in the State of Nevada. That is what you need to be doing. Literally what you need to be doing with our Indian schools is making sure we are reaching out and listening to them.

My goal is to make sure that you have the tools you need for breaking down barriers and you are doing the assessment you think is appropriate. I know you know what is appropriate because you come from that background.

I am curious. As you tackle this problem, what are the priorities you foresee moving forward that are immediate, that you need information on before you can move forward and do what you think is right?

Mr. DEARMAN. Thank you, Senator.

I heard loud and clear from both you and Senator Heitkamp, we need data. We have really started collecting the data. You heard me mention our strategic plan in my written testimony.

We brought that from the field to tribes to D.C. We did not push that out of D.C. to the field. I am really proud we have taken that to Indian Country where we have been listening to the priorities of our tribes. That will set our direction within the next five years.

Working in tribal consultation, we had three listening sessions and five consultations. We have identified six priorities. Behavioral health and school safety is one of the six priorities.

We have started going out there and engaging tribes because BIE sees it that our job is to work hand-in-hand with the tribes. That is the only way we will get where we need to with our students.

I will say that I just came back from JKL Bahweting in Sault Ste. Marie. That is a 297 school operated by Sault Ste. Marie. Their security was amazing. They have red lights that go off in all the classrooms. They have door stops immediately when they run their drills. They have an SRO provided by tribal police.

We have some tribes that are doing some great things. There are things where we can share best practices across the system.

Senator CORTEZ MASTO. I am glad you said that because you do not have to recreate the wheel. You don't have to look only to tribal communities. You can look to school districts in those communities as well to learn.

Let me ask you, as part of your strategic plan, are you also asking for more funding to support your strategic plan?

Mr. DEARMAN. That is not part of the strategic plan.

Senator CORTEZ MASTO. I suggest it should be.

Thank you.

Senator HEITKAMP. I think we will recess because we have to go vote. Then everyone will come back. Please stay in place for a little bit and we will be back.

[Recess.]

The CHAIRMAN. [Presiding.] We will resume the hearing. Thank you for your patience.

We will turn to Senator Heitkamp.

Senator HEITKAMP. Thank you so much.

Mr. Dearman, I want to maybe walk through some of the steps you are going to take in the next couple months.

We talked a lot about arranging law enforcement response that looks like a broader response than just relying on tribal and BIA police. I am wondering how we can better support memoranda of understanding for immediate response within communities where you have multiple jurisdictions? Who do we need to bring in from the Department of Justice to help make that happen?

Mr. DEARMAN. I am just trying to think of all the scenarios we have. We definitely need to involve OJS and tribal police.

Senator HEITKAMP. For the record, can you tell people what OJS is?

Mr. DEARMAN. The Office of Justice Services. They have been fantastic about helping us coordinate with local tribal police, sheriff departments, and whatever law enforcement has jurisdiction over our schools. I would definitely say we need that involvement.

Senator HEITKAMP. I do not think it is always clear who has jurisdiction. We have an Indian school within the boundaries of Wahpeton. When I was attorney general, we spent a lot of time trying to figure that out.

There had been reports of child abuse at the school. We spent more time than we should have trying to figure who had jurisdiction over that school and who could come in and do an investigation.

Eventually, the Office of the Attorney General did it just because no one else was stepping up. I do not know that we ever resolved the jurisdictional issues.

In response to Senator Cortez Masto, I think you said you had 183 schools. Do you know exactly who has primacy and who has jurisdiction in each one of those schools and do we know what the response time is in each one of those schools for which you have responsibility?

Mr. DEARMAN. The first step would actually be to establish who has jurisdiction because I think that will be critical. That would be

the first step in dealing with all our schools. I am sorry I went blank on the other part of your question.

Senator HEITKAMP. The other part of the question is will you make a commitment to us that for each one of the schools for which we have obligations, we are going to get an answer on who has jurisdiction, the current status of relationships in law enforcement for an active shooter response, and what steps we need to take in order to make sure we have a response to an active shooter?

Mr. DEARMAN. Yes. We have actually started the conversation because we know OJS has jurisdiction in eight States. We have a list of where we have school resource officers in our schools provided by OJS.

Senator HEITKAMP. After we get to the discussion about jurisdiction, we need to know capacity. Mr. Lujan said tribal law enforcement is 45 minutes away. In many of the schools we have, law enforcement may be hours away.

If you look at Mandaree, for instance, which is on the other side of New Town separated by a very large lake, what is the response time in Mandaree, New Town, Belcourt and Dunseith? Those are the answers I need. I do not think we can get that answer until we examine each individual school.

I will tell you that you will find, if we take this out of a school context and take it as a hostage or domestic violence situation in a home, that response time has the same problem. When you do this work, we will discover we do not have enough law enforcement or enough boots on the ground to actually protect our citizens, but we have a unique and special obligation to protect kids in our schools.

How soon do you think you could get a full report on every one of the schools, who has jurisdiction and what the response time would be?

Mr. DEARMAN. We can provide a timeline once we get back to the office and discuss with OJS what we are looking at.

Senator HEITKAMP. I just do not want to be in that situation where I get a call and we find there is an active shooter and confusion about who has jurisdiction and who will have primary response.

Mr. DEARMAN. Senator, from my experience at one of the schools I supervised where my wife teaches and my daughter attends school, we worked with OJS. We had a memorandum of agreement that if there was a school shooting, the local police department, the sheriff's department, the Oklahoma Highway Patrol, all would respond. Those are the kind of MOAs we need at all of our locations.

We also went a step further and opened our building to where they would come in and do active shooter drills where our teachers could see what was happening. That helped OJS become familiar with our facilities.

Senator HEITKAMP. I do not want to belabor the point but I do want to put an exclamation point on there are two issues. One is resourcing schools so that we are dealing with behavioral and mental health issues.

One of the tragic things you discussed, Mr. Lujan, was elimination of the Butterfly Program. Here is something that is going

to help change things long term for which funding will no longer be made available.

The reason this is a unique hearing on the Bureau of Indian Education is that I want to know about emergency response. I think we all are well familiar with the challenges of Indian education and resourcing plants, equipment, operation, maintenance, transportation, workforce development, teachers, and technology. I could go down the line. I could go on and on and on. We know those.

This hearing has been called today to try and figure out school security. My particular interest is emergency response. I need to know who we can count on and who we can hold accountable if something happens where there is not appropriate emergency response.

Thank you.

Senator UDALL. [Presiding.] You can continue. I do have questions and I think Senator Cortez Masto will return but if you have anything else?

Senator HEITKAMP. I think Senator Smith was planning on returning also.

I have probably more of a statement. It goes to the work we all do. It is about kind of out of sight out of mind. Something like Parkland happens and there is heightened awareness of the challenges. We get calls from schools saying we are in lock down or we have been threatened. It is what I call the risk of the issue du jour.

Today, it is in the news and therefore, it is an issue. Then, after it somehow finds its way out of the 24-hour news cycle, we close the books and do not think about it again until the next thing happens.

We cannot let that happen. This needs to be systemic and ongoing. I applaud the work you are doing already in identifying those strategic areas. Obviously they need to be resourced, as Senator Cortez Masto said, but we absolutely have an obligation, first and foremost, for public safety.

The lack of resource officers and emergency response in the event of an incident in a Native American school is only reflective of the lack of a law enforcement presence at large in Indian Country.

As a result, we have seen an incredible growth in the trafficking in drugs and human beings, theft and exploitation, and extortion. In the case of North Dakota, you have families who may have minerals and are threatened. When there is no cop on the beat, there is no protection.

We absolutely need to get a cop on the beat. We need to resource in Indian Country the same way we would resource any county in my State. That means we need to work with the tribal authorities and get the law enforcement presence we need to protect Indian people.

That will go a long way toward creating a foundation for growth in education opportunities. If people are not protected, it is awfully hard to learn. You know that. I look forward to working with all of you in the future on this very important issue and on Indian education altogether.

Thank you, Mr. Vice Chairman.

Senator UDALL. Thank you so much, Senator Heitkamp.

Mr. Dearman, when DOI testified at this Committee's 2010 oversight hearing on school safety and security, the Assistant Secretary for Indian Affairs highlighted the department's efforts to convene an interdepartmental school safety summit. Has BIE continued any of its interdepartmental coordination efforts from 2010?

Mr. DEARMAN. Vice Chairman, not to my knowledge, no.

Senator UDALL. More recently, President Trump and Secretary DeVos announced the formation of a Federal Commission on School Safety. Mr. Dearman, is the BIE a part of Secretary DeVos's commission?

Mr. DEARMAN. No, sir, not as of right now. We do have regular communication and meet with the Department of Education. We will be bringing that up to see if we become a member of that.

Senator UDALL. Yes, I would think it would be very important for Native students and the Bureau of Indian Education and the whole thing to be at the table because you may hear discussions of things and where there may be resources, or help you can get from agencies that they know your voice is out there.

Let us know if you have any problem with that. We will try to stir it up a bit but it should easily be something they should do and allow you to be on that. BIE should be a part of the Federal Commission on School Safety.

Both of the tribal witnesses here today spoke about the need for more resources. Mr. Lujan and Ms. Firethunder, do you think BIE does a good enough job leveraging Federal school security resources from outside of DOI and if not, what more would you like to see them do?

Mr. LUJAN. Thank you, Senator, for that question.

You mentioned a very important opportunity through the Trump Administration for school safety. I believe in partnership with the tribes, the schools and the BIE, we can work together try to access those resources.

I believe it is through partnership and communication. We are boots on the ground. We know where we are lacking, we know what resources we are taking from our students to address safety rather than putting it into the classroom. I think together through dialogue we can achieve success in that area.

Senator UDALL. Great. Thank you.

Cecilia.

Ms. FIRETHUNDER. Thank you very much.

One of the things I really appreciate about my team on the Pine Ridge Reservation is we meet monthly, analyze our data, and put together graphs to really take a hard look at where the shortfalls are.

Unfortunately, many times the BIA does not ask for the necessary resources it needs to operate. We are hoping we are able to influence even more people to show we are engaged in understanding where the money comes from and where it is going.

The outside resource, of course, is in writing grants for other departments within the government to enhance what we are doing, especially in behavioral health and how we can bring in those resources.

We have gotten really good at it. One of our schools has a fiscal agent and if we get a grant, we share that with all of the other

schools to provide behavioral health services. We have so much to do and for us, it is always about the budget. We feel very strongly that the Bureau of Indian Affairs needs to ask for what it needs. We can show time and time again research we have done.

Let me leave with you a piece, "The Assistant Secretary of Indian Affairs shall arrange for full funding for operation and maintenance of contract schools by fiscal year 1981." It has not happened.

Hopefully with our activism, participation and understanding of how these things get done, we can partner with Mr. Lujan and other schools and really influence Congress to give us those dollars by treaty and our special relationship with this government to make sure those resources come to our community. That is our job and responsibility.

We appreciate being here today. At least I do. Thank you.

Senator UDALL. We really appreciate that comment. We are working to try to make exactly what you discussed happen. Thank you for that comment.

Mr. Dearman, Chairman Hoeven asked about your current work to address OIG's recommendations. My staff found about 50 recommendations issued since 2008. It appears that at least 13 of those recommendations, including some from as far back as 2008 and 2014 are still open.

Do you agree with GAO's findings that at least 13 OIG recommendations are outstanding?

Mr. DEARMAN. Senator, in my first year as the director, we have been going back to clean up a lot of things left undone. As I stated in my written testimony, we neglected GAO and OIG reports for too long. We are addressing every one of them.

I can assure you that if it is outstanding, we will address it as quickly as possible. If need be, we will arrange a meeting with OIG, as we had with GAO, because we feel, as I testified before, their recommendations will only make us stronger and better to take care of our kids. If we come across open OIG recommendations where we need to sit down with OIG, we will definitely be scheduling that meeting.

Senator UDALL. They indicated to us there are 13. If you cannot identify those 13, you should get with them and find out what those 13 are so you can deal with them in the way you just talked about.

In this Congress, we have redoubled our BIE oversight efforts, holding two hearings already on the Bureau being listed on GAO's high risk list. Chairman Hoeven and I are working to schedule a third high risk hearing next month.

Mr. Dearman, can I get your commitment to prepare a full review of BIE's unresolved OIG recommendations before that hearing?

Mr. DEARMAN. Yes, sir.

Senator UDALL. Thank you very much.

I was going to ask about an earlier letter but my understanding is you couriered something up here and we appreciate that.

Let me thank all of the witnesses today. This is a tremendously important subject for Indian Country, having our schools be safe and having kids feel safe in schools. Kids cannot learn unless they

feel safe. This is an important subject and we appreciate the tribal input and the Director of the BIE's input on this issue.

If there are no more questions for today, members may also submit follow-up, written questions for the record. We would hope you would give timely answers to those. The hearing record will remain open for two weeks.

I want to thank the witnesses for their time and testimony.

This hearing is adjourned.

[Whereupon, at 4:25 p.m., the Committee was adjourned.]

A P P E N D I X

PREPARED STATEMENT OF HON. TROY SCOTT WESTON, PRESIDENT, OGLALA SIOUX TRIBE

Dear Chairman Hoeven, Vice Chairman Udall, and Members of the Committee, I am writing to you today on behalf of the Oglala Sioux Tribe to submit comments for the record regarding the Senate Committee on Indian Affairs oversight hearing on “Protecting the Next Generation: Safety and Security at Bureau of Indian Education Schools” held on May 16, 2018. Our Tribe is located on the Pine Ridge Reservation—home to over 6,000 K–12 students in seven BIE system schools, four county-run public schools, two parochial schools, and eleven Head Start centers. The provision of high quality education in structurally sound learning environments is essential to our students’ long-term achievement. Addressing school safety and security concerns in our community is, thus, a priority for both our children and our Tribe.

Students on the Pine Ridge Reservation must overcome a host of barriers that prevent them from accessing quality educational services. Our Tribe is disproportionately affected by poverty, unemployment, high rates of crime, overcrowded housing, limited and rundown transportation networks, and high rates of chronic disease. These burdens are carried into the classroom, where they are strongly correlated with the development of complex behavioral and mental health issues that affect the ability of our students to focus on and engage in learning activities. Dilapidated classrooms, hazardous environmental factors—such as asbestos, water damage, and mold—and crumbling recreational facilities further weigh on our students. Unsafe and derelict facilities send a subliminal message to our students that their education and well-being is not valued.

Yet this could not be further from the truth. Our students form the heart of our community. Our students have an immense potential to succeed. They just need the appropriate level of resources and support. Our students represent hope for our Tribe’s future. At present, however, neither the Tribe nor the BIE has the necessary resources to address our students’ unmet needs and provide them with a secure space to learn.

As you are aware, the Oglala Sioux Tribe and other Tribal Nations in the Great Plains are on the frontlines of an unprecedented battle against violent crime, drug trafficking, and other criminal activity. Tragically, our law enforcement officers and tribal justice systems are unable to effectively respond to the crises due to severe understaffing and insufficient resources, facilities, and funding. Due to financial constraints, we are currently operating well below the bare minimum number of patrol officers needed to effectively serve our community. Because of chronic under-resourcing and unreliable tribal road maintenance, emergency response time is deplorable. Were an active shooter situation or other emergency to take place in one of our schools, it is uncertain when tribal law enforcement could reasonably be expected to arrive.

The security infrastructure of our BIE system schools is similarly lacking. All of our schools need upgraded safety and security measures, including metal detectors, emergency protocols, and video surveillance systems. School safety must also take into account the behavioral and mental health needs of our students. On Pine Ridge, as in many tribal communities nationwide, behavioral health specialists are rare. Our students must often wait extended periods for an appointment. In the interim, students must suffer through behavioral or mental health crises without formal support—placing both themselves and the greater student body at risk. We need increased and adequate funding for in-school behavioral and mental health services, among other student support resources.

Support for tribal law enforcement and support for BIE school safety go hand-in-hand. One will necessarily fall short without the other. Both are critically important to student success. We, thus, urge Congress to provide increased support for BIE school safety and security measures—including facilities maintenance and operations funding—and tribal law enforcement activities.

Thank you for the opportunity to submit comments for the record on this critically important topic. The oversight hearing provided a strong foundation on which to assess school safety needs and identify concrete ways to address unmet needs. With adequately funded and culturally appropriate models of education, BIE system schools on the Pine Ridge Reservation could provide the security and academic resources needed to ensure our children have access to the promising futures they deserve. We look forward to working with you, your staff, and the BIE to make their bright futures a reality.

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

Introduction

Chairman Hoeven, Vice Chairman Udall, and members of the Committee, I am Jon Whirlwind Horse, and I am an enrolled member of the Oglala Lakota (Sioux) Tribe and President of the Dakota Area Consortium of Treaty Schools (DACTS), a non-profit organization headquartered in Manderson, South Dakota.

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

Since 1994, DACTS has advocated before authorizing and appropriations committees in Congress as well as across the federal agencies for what we thought would be a universally-popular goal: quality school facilities for our American Indian students in the 183 schools funded and managed by the Bureau of Indian Education (BIE).

As most members of this Committee know, the conditions of school facilities on most Indian reservations make getting a quality education extremely difficult for our Indian children. Leaky roofs, poor HVAC, and shabby construction make life in the extreme dry heat of fall and the cold, harsh winters on the Plains difficult. Add to these challenges a lack of computers and other equipment, and it makes learning hard indeed.

As explained below, our path has been more frustrating than fruitful and, while we have enlisted champions from both political parties, the results have been disgraceful.

On behalf of DACTS, I submit this prepared statement for the hearing record as the Committee examines issues related to Indian education and the school facilities where we expect our Indian children to achieve the kind of education that will serve them well in a competitive world.

History of Federal Funding for Indian School Construction, Repairs and Maintenance

Over the past quarter century, the executive and legislative branches have at times made serious efforts to get new school facilities built by appropriating additional funds to the Department of the Interior.

From fiscal years 2001 to 2017, \$2.8 billion was appropriated for replacement school construction and facilities improvement and repair as follows:

Year	Education Construction Funding
2017	\$138,245,000.00
2016	\$138,245,000.00
2015	\$74,501,000.00
2014	\$55,285,000.00
2013	\$52,779,000.00
2012	\$70,826,000.00
2011	\$112,994,000.00
2010	\$112,994,000.00
2009	\$128,837,000.00
2008	\$142,935,000.00
2007	\$157,441,000.00
2006	\$206,787,000.00
2005	\$263,372,000.00
2004	\$294,954,000.00
2003	\$293,795,000.00
2002	\$292,503,000.00
2001	\$292,341,000.00
Total	\$2,828,834,000.00

Background and History of the School Construction Bond Concept

While we were grateful to the congressional champions of these efforts, according to the fiscal year 2019 Bureau of Indian Affairs' "Green Book," an estimated \$2 billion is still needed to replace all the facilities that need replacement.

Over this same period, DACTS proposed a creative way to finance more new school construction in a much faster way for BIE-managed schools: the issuance by Indian tribes of construction bonds to raise capital and, in turn, use the funds to build new schools. Unlike traditional public bond financing, the purchasers of these bonds would receive tax credits in lieu of interest which they would use to offset taxes from income, much like the Qualified School Construction Bond (QSCB) and the Qualified Zone Academy Bond (QZAB) programs which assist states and school districts in modernizing aging schools. But unlike QSCBs and QZABs, the principal payments for the bonds would come from an escrow account, created through federal legislation, and funded through both public and private means.

The bonding option provided an elegant—and an already authorized—option to begin to fulfill the federal obligation to Indian tribes and their members.

Congressional Support for School Construction Bonds

In the early 2000s, a bi-partisan group of Senators—Thad Cochran and Patty Murray and former Senators Ben Nighthorse Campbell, Tim Johnson and Tom Daschle—introduced legislation to authorize the establishment of the bonding mech-

anism. While these bills were not enacted, they laid the groundwork for the passage of the American Recovery and Reinvestment Act of 2009 (ARRA).

The ARRA authorized Indian tribal governments to issue \$400 million in QSCBs (\$200 million for 2009 and \$200 million for 2010). The one thing the ARRA did not include was an escrow account which would hold the proceeds used to repay principal once the bonds were issued.

DACTS labored in vain with the Obama Administration, this Committee, and other committees to get the escrow account established. Our efforts failed and we have now been informed that as part of the “tax reform” component of the “Tax Cuts and Jobs Act of 2018,” the Indian school construction bond tax credits have been eliminated from the Internal Revenue Code.

Secretary Zinke’s “Public Lands Infrastructure Fund”

Indian people are nothing if not resilient and ever-hopeful that the United States government will honor the commitments it has made to our communities for hundreds of years.

As part of the fiscal year 2019 budget request for the Department of the Interior, the President has proposed the creation of the “Public Lands Infrastructure Fund” (Fund) to fully satisfy the deferred maintenance and new construction needs for the physical infrastructure under the purview of the National Park Service, in our national wildlife refuges, and in BIE schools.

The Fund would be established in the Department of the Treasury and would be endowed with fresh revenue generated through renewable and non-renewable energy development on federal lands. In the budget request, it is estimated that the Fund would generate \$6.8 billion in new revenue over 10 years, and up to \$18 billion in funding over the life of the Fund.

Conclusion

Thank you for the opportunity to submit this prepared statement. If you have any questions, I would be happy to answer them.

PREPARED STATEMENT OF HON. ROBERT FLYING HAWK, CHAIRMAN, YANKTON SIOUX TRIBE

Dear Chairman John Hoeven,

We the Yankton Sioux Tribe of South Dakota hope this letter finds you in good health and spirits. We are writing to comment on the hearings about safety and security in BIE schools.

As you may know we have Marly Indian School on our reservation. This is a K-12 school that has a total enrollment of about 200 students. We recently had a tragedy within our school where a young student who was a junior at the time, committed suicide in our dormitory.

We are sending our testimony to you because we feel we need to ensure the safety and security of our students in all school buildings. We feel that all school buildings should have a School Resource Officer in each building and in our case around the clock security since we have dormitories and students are on campus 24/7. We would also suggest that our schools receive enough funding to install security buzzers on our doors so that any person coming into our buildings can be screened before they enter.

The main focus in keeping our students safe is manpower and funding. Please include this letter into the record as testimony for the Yankton Sioux Tribe and Marly Indian School.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. STEVE DAINES TO TONY DEARMAN

Question 1. Mr. Dearman, would you agree that the abysmal physical surroundings at BIE schools hurt, not help, students who are already struggling with depression and suicidal thoughts?

Answer. A healthy and safe classroom environment is critical to supporting the holistic needs of BIE students. In the FY 2018 Omnibus spending package, Congress funded the BIA and BIB at \$3.1 billion—an increase of \$204 million above the FY 2017 enacted level. This included \$129 million in infrastructure increases for schools and law enforcement. Through this funding, Indian Affairs is working to address the current backlog in school construction and maintenance as well as provide local technical assistance to increase school safety.

At the end of the second quarter of FY 2018, total deferred maintenance for education facilities was \$54.7 million, including \$380 million for buildings and \$167

million for grounds. Deferred maintenance for education quarters was roughly \$75 million. In total, there are 72 replacement eligible schools—54 eligible due to poor condition and 18 eligible due to school age, and proportion of students in portable units. This is in addition to the ten schools on the 2016 No Child Left Behind (NCLB) Replacement Schools list and the three previously funded schools from the 2004 NCLB replacement schools list.

The President's FY 2019 Budget request includes a legislative proposal to create a Public Lands Infrastructure Fund, which would help pay for repairs and improvements in national parks, national wildlife refuges, and BIE-funded schools. As the U.S. Department of the Interior works to expand its energy program on federal lands and waters, this initiative has the potential to generate much-needed infrastructure and maintenance funding that can better support the varying needs of BIE students.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. HEIDI HEITKAMP TO
TONY DEARMAN

Law Enforcement

Question 1. Does BIE require all BIE schools to have emergency response plans in place, including for active shooter situations? If not, why? Does BIE require that each BIE schools have a certain base level of physical safety mechanisms in place (i.e. automatic door locks, security cameras, etc.)? If not, why?

Answer. To ensure the welfare and safety of students and staff at BIE-funded schools, BIE utilizes safety personnel to provide national protocols and guidance throughout the BIE school system uniformly in reference to issues that are national in scope. BIE most recently updated its All Academic Staff Training and Preparedness guidance on January 12, 2018 and provided it to schools through BIE Education Program Administrators who work directly with school leaders. The form lists mandatory and recommended training and provides checklists for school leaders to plan and complete such training, including Emergency Management Plan and Procedures.

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

Question 2. Does BIE provide technical and direct assistance to BIE schools in developing and implementing schools safety plans?

Answer. As BIE works to improve security at its schools, the agency is focusing much-needed support on improving threat assessments, protocols and procedures as well as increasing access to guidance information for preventing and responding to instances of school violence. The BIE utilizes its School Safety Specialist to collaborate with key BIE staff in providing safety supports directly to BIE-funded schools. The BIE is working to improve its safety procedures by providing schools and staff guidance on pertinent mandatory and recommended training to ensure safety is the highest priority at BIE-funded schools and school safety plans are in place. The BIE is also refocusing efforts to provide support and technical assistance to improve safety procedures via six regional BIE summer training for all employees, including school-level personnel.

Question 3. Does BIE collaborate with BIA, other relevant federal agencies, and state and local law enforcement on emergency response planning for BIE schools (including for active shooter situations)? If not, why? If so, please explain what those efforts look like and whether or not best practices are being developed and disseminated amongst BIE schools?

Answer. The BIE actively collaborates with the BIA's Office of Justice Services (OJS) as well as local and tribal law enforcement to improve safety in BIE-funded schools. Schools also contract with local private security firms and establish memoranda of understanding with local law enforcement agencies in order to take the burden off school staff in conducting detailed surveys, identifying safety and security deficiencies, and implementing corrective action plans and emergency response

plans. During the 2017–2018 School Year, approximately \$1.8 million in Safe and Secure Schools funding assisted in school safety audits and provided onsite School Resource Officers (SROs) that are hired and supervised by BIA OJS. BIE is working with OJS to determine how it can optimize the number of available SROs in BIE-funded schools to increase support in high-need areas.

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

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

Deferred Maintenance

Question 1. Given the current backlog in school construction and maintenance, how does BIE prioritize the allocation of funds and the replacement of school facilities? Within the \$18 billion under the proposed Public Lands Infrastructure Fund in the president's, how much would be allocated to repair or replace BIE schools?

Answer. Indian Affairs is currently working to construct those schools from the 2004 NCLB replacement schools index, including Beatrice Rafferty, Cove Day, and Little Singer Day School. Additionally, in September 2018, Indian Affairs announced \$74.2 million in funding for design-build contracts would be directed to two schools on the 2016 NCLB Replacement Schools list—Blackwater Community School and the Quileute Tribal School. Eight schools remain on the 2016 NCLB Replacement Schools list and will be constructed pending availability of appropriations. As schools complete their planning phase requirements, they establish their position on the replacement priority list. Additionally, as the U.S. Department of the Interior works with Congress to expand its energy program on federal lands and waters, this initiative has the potential to generate much-needed infrastructure and maintenance funding.

Question 2. I'd like to bring your attention to the condition of the Tate Topa Schools on the Spirit Lake Reservation. The School site is shared by BIE and the public school and the BIE has a mix of ownership over the school facilities. My understanding is that because of this mixed ownership, BIE has been unhelpful with basic maintenance and addressing other issues with the building, and the school district purchase equipment like metal detectors and cameras themselves since the BIE will not cover it. Will you look at the issues the schools is having in working with BIE and work to improve that relationship so the school building is adequately maintained?

Answer. In 1982, the Department constructed a new school to replace a formerly BIA-operated K-6 school. Indian Affairs continued to provide an academic program for K-6 only. The Fort Totten Public School District #30 provided the academic program for grades 7–12, under a cooperative school agreement. Subsequently, the Spirit Lake Tribe contracted the BIA funded school, under Congressional authority to convert to a PL 100–297 tribal grant school to provide academic programs to grades 7 and 8. During this time, the Tate Topa (Four Winds) School Board allowed the public school to occupy a portion of the school facilities via a written agreement. Indian Affairs was not a signatory party to the shared facility use agreements after the Tribe began to administer the education program in 1989. The Spirit Lake Tribe financed with tribal economic development funds a \$2.5 million, 22,000 square foot addition to house grades 6–8 that was completed on March 18, 2002.

Currently, the BIE-funded school is the principal entity housed in the current school facilities. The Fort Totten Public School District #30 high school program utilizes the school's federal facilities without a lease or payment in support of using or maintaining the facilities and programs/services. Per this request, the BIE will follow-up on developments to-date and work with the BIA to analyze the possibility of an established written Memorandum of Agreement that ensures that federal funding is used to the extent possible for the repairs and maintenance while collaborating with the public school to address a proportionate share of costs for facilities and services. Following the determination, BIE will contact the appropriate local-level personnel to discuss paths forward for properly maintaining the school's facilities.

Safetv Monitoring and Reporting

Question 1. BIE schools document incidents of school violence and threats by entering data into the Native American Student Information System (NASIS). Does BIE have any way to ensure that school employees always enter this information when there is an incident?

Answer. BIE recently increased its focus on professional development to ensure BIE employees and school personnel have the training necessary to address the various safety needs of students and personnel in BIE-funded schools. This includes an emphasis on supporting schools as they enter their data into NASIS. As such, BIE hired critical NASIS personnel in the last year to ensure school employees understand the systems that support their students' safety. These positions include a NASIS supervisor and seven supporting NASIS staff members tasked with supporting schools from specific regions. The BIE also held regional training this summer to assist school-level employees with utilizing the NASIS system. While BIE is working to improve technical assistance to schools to ensure information is entered into the system correctly and in a timely manner, internal controls have been absent in the past. BIE staff now hold regularly scheduled calls and training with schools to ensure school staff understand how to input information into the system. Furthermore, under Goal 6 of the agency's five-year Strategic Direction—formally published in August 2018, BIE created its first-ever data-governance board to analyze organization-wide data weaknesses and recommend control measures where needed, such as those regarding incidents of school violence.

Question 2. You said in your testimony that schools are directed to complete Critical Incident Reports, contact the BIE Central Office, their Associate Deputy Director, and a few other people in addition to entering data in NASIS. Are you assured that this process happens every time, or is training lacking in this area, leaving some incidents unreported?

Answer. BIE utilizes this protocol to ensure uniformity, so BIE tracks incidents accurately and decreases response times. However, it is plausible that some incidents remain unreported due to human error. As such, BIE is working to address recommendations from GAO and the OIG to improve protocols and procedures as well as increase access to guidance information for utilizing data tracking systems. BIE is also providing schools and staff guidance on pertinent mandatory and recommended training to ensure that safety is the highest priority at BIE-funded schools.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. STEVE DAINES TO
CECILIA FIRETHUNDER

Thank you for the opportunity to provide testimony to the Committee on May 16, 2018 on behalf of our member schools on the Pine Ridge and Rosebud Reservations and all tribal schools in 23 states and tribal communities as we all share similar concerns, challenges and successes.

As I drove to Wounded Knee School in the community of Manderson driving the backroads and upon arriving at the junction where the site of the Wounded Knee Massacre took place on December 29, 1890 where 150 men, women and children died and more later from wounds along with the Lakota who died that day were 31 soldiers. It is eight miles to the school which is named Cankpe Opi Owayawa (Wounded Knee School) and after 128 years from this day their is hope in the people for their children to succeed along with knowing their history, language, ceremonies and lifeways

Which is seen in the leadership for education. There is much history on our homeland, communities and families, however we see the resiliency in the leadership for education with many attaining higher degrees, taking their place as Superintendents, Principals, Teachers, Counselors, Business Managers and proud to share that at this time all six tribal schools have Tribal members in many of those positions.

Our member schools have many needs Senators, however, we all agree to support the Wounded Knee School first for a new school and attached is their story along with Little Wound and Crazy Horse School facility's needs. I have attached a chart showing for Little Wound School showing in dollar amounts the continued underfunding for maintaining our facilities and we have to use funds called ISEP which is to educate our children to make up for this shortfall.

Senator Daines asked for what behavioral health needs our schools need and again asked those who are in the front lines doing the work as they know best and Senators in the past six months the schools public and tribal have collaborated on providing training for all school personnel, cooks, janitors, teachers, bus drivers, administrators and school boards on understanding what early childhood trauma is what we have to do within our schools to respond to the hurts and how can we teach them along with providing support services.

Again, thank you and the Committee for the honor to provide testimony and for looking out for our Indian children's needs, mind, heart, body and spirit.

The three schools response are similar for all our schools.

Executive Summary

The Wounded Knee District School is a rural accredited, Tribal Grant School in the community of Manderson on the Pine Ridge Indian Reservation in Southwestern South Dakota. The original Wounded Knee District School was built in 1962 as an effort to consolidate several smaller one-room schoolhouses distributed throughout the school's service area. An addition was constructed to the original building in 1982. The current school building is not energy efficient and is mired with issues consist with a building that is over fifty-five years old. Asbestos tiles exist in eight of the fifteen classrooms. Fire suppression is available in less then one-quarter of the buildings square footage. The sewer system is a sealed as system and there are no cleanout and all sewer pipes are wrapped in asbestos insulation. All fire alarm pull stations are too high for younger students. The kitchen serving line is non-compliant with food and safety standards and the gymnasium functions as the dinning room and creates potential safety hazards and scheduling conflicts for all classes. There is not enough electrical outlets in classrooms to meet the needs of a modern, technology based instructional environment and the original electrical breaker panels cannot handle the necessary upgrades to modernize the schools. According to the Bureau of Indian Education, the current assessed value of the school building is \$1.8 million and the replacement value is \$17 million. The age of the building cre-

ates renovation, maintenance, and safety challenges that are not easily, or inexpensively overcome.

Introduction

The Wounded Knee District School is a Tribal Grant School located in Manderson on the Pine Ridge Indian Reservation in Southwestern South Dakota. Original construction of Wounded Knee District School occurred in 1962 as an effort to consolidate several smaller one-room schoolhouses distributed throughout the school's service area. A six-classroom addition was constructed in early 1980s. Wounded Knee District School has approximately 150 Pre-kindergarten through 8th grade students enrolled at the start of 2015–2016. Wounded Knee District School (WKDS) is the only Tribal grant school located in the Wounded Knee District area.

Poverty is an unfortunate and consistent condition on most Indian Reservations in the United States. Poverty alone is not the only socio-economic factor that plagues the people on the Pine Ridge Reservation. Additional factors such as: geographic isolation; high rates of unemployment or under-employment; lack of housing; high rates of alcohol and drug abuse; poor health factors; overwhelmed and under planned infrastructure; and lack of future opportunities coupled with poverty create conditions of social discontent and hopeless in people on the reservation, but especially in youth. During a 2014 suicide epidemic, the service area of the Wounded Knee District School had one of the smallest populations, yet this service area had the highest per capita rate of suicide completions of the entire Pine Ridge Indian Reservation.

Most documentation published on the Pine Ridge Indian Reservation describes the living conditions here as third world. Housing shortages create significant issues in homes as most Tribal families will overfill their homes with 15 people or more to ensure that family members have a roof over their heads. Most housing on the reservation exists as cluster housing, or in mobile homes. Many of the homes are dilapidated or are in disrepair. This contributes to the feelings of self worth and hopelessness that many youth experience.

The Pine Ridge Indian Reservation encompasses nearly all of Oglala Lakota County (formally Shannon County) in South Dakota and is home to the Oglala Sioux Tribe. There are approximately 30,000 tribal members. Currently Oglala Lakota County has a per capita income level of approximately \$8,768 per year and is designated as the poorest county in the United States.

The Wounded Knee District area has a population of approximately 1,600 people. Students from Wounded Knee District School reside in community areas that have extremely high levels of poverty, even when compared to the entirety of the Pine Ridge Indian Reservation and Oglala Lakota County overall. According to census data, the two largest communities in the WKDS service area, Wounded Knee and Manderson, have per capita income levels of \$2,403 and \$4,440, respectively. This equates to approximately \$46 and \$85 per week for community members to survive on. There is poverty and there is extreme poverty and the difference in the lives of WKDS students is significant.

In most communities, schools are typically safe havens for students. Students go to schools and are greeted by a school staff that is there to engage, teach, and enrich the lives of the students. For the most part students can expect a school to provide consistency, food, safety, and positive interaction with adult staff. Schools become respites from the daily grind and constant reminders of the all to present conditions and underlying examples of extreme poverty. The evidence of living in extreme poverty surrounds Wounded Knee District School students, even within the school building.

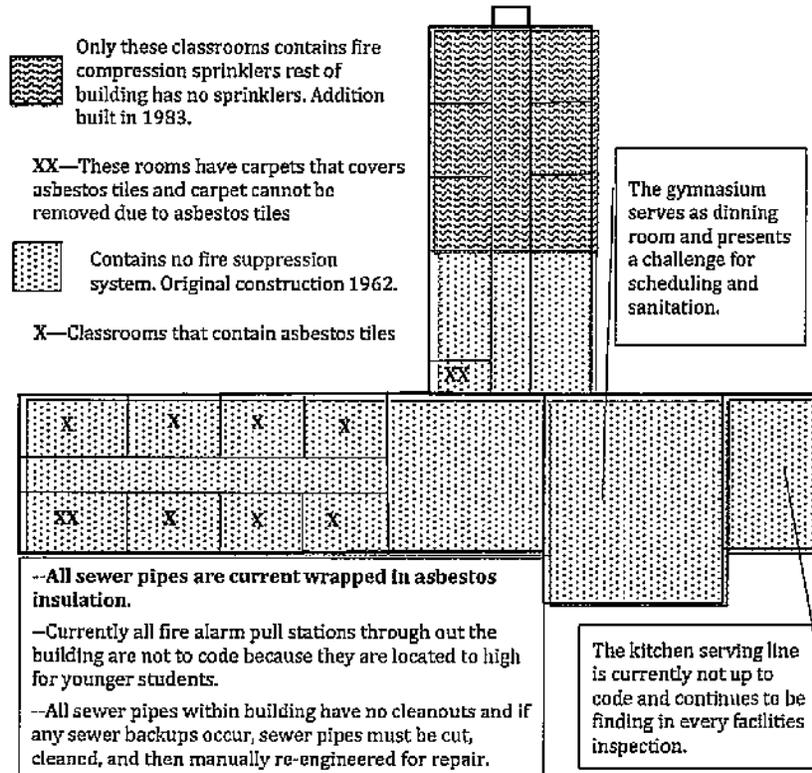
What should amount to eight hours of a break from the realities of living in extreme poverty, WKDS students attend classes in a building that is a continuous reflection and reminder of the harsh conditions that await them. This type of saturation in extreme poverty and the continuous evidence of this poverty are very taxing on the mindset and mental health of students. According to the Bureau of Indian Education, the current value of the over 81,000 square foot school building is \$1.8 million with a replacement value of \$17.5 million. The total square footage of the school 81,000. WKDS students go to school and experience the following on a daily basis:

- Eight of 15 classrooms that contain asbestos tiles for flooring.
- The Pre-K classroom has tile installed over asbestos floor tiles and the carpet cannot be removed since the asbestos tile cannot be disturbed.
- Most of a school building that does not have fire suppression.
- Fire alarm pull stations are too high for younger students.
- The school gymnasium also serves as the school dining room.

- The school kitchen is outdated and has an inadequate serving line that annually is found to violate the Bureau of Indian Education safety and deficiency standards.
- The closed sewer system must be re-engineered due to basic plumbing incidents.
- The Pre-K and Kindergarten bathrooms are not handicapped accessible.
- All sewer pipes under the school have no cleans outs and are all wrapped in asbestos insulation.
- Over the past 55 years the much of the sewer pipes have become blocked with waste and mineral deposits. There is no way to clean these sewer pipes since there are no clean outs. The school has more and more sewer backup issues.
- The outside of the school foundation is beginning to deteriorate due to age of building and weather of these surfaces.
- Many of the interior doors are not fire rated and fail the fire rating code.
- All of the interior doors need new locks that lock from the inside to meet new intruder safety guidelines.
- The school parking lot is deteriorating due to age and weather.
- Inadequate electrical capacity to meet the instructional and information technology needs of a modern classroom. There are not enough outlets and there many of the outlet receptacles were installed at a time period when there were not ground faults.
- Electrical breaker boxes throughout the school are outdated and antiquated as most were installed 55 years ago during the original school construction.
- The school does not have a back up generate system to accommodate emergency management scenarios such as tornadoes, blizzards, or other electrical outages.
- The school sewer system and water system is tied to the school housing systems and any sewer or water issues in the housing affect the school and this has lead to cancellations of school days due to health and safety concerns for students.
- The age of the current school facility creates a burden financial in terms of heating, cooling, and lighting the building.
- The age of the building is not energy efficient. The school cannot cut costs for lighting, heating, or cooling due to original construction of the building annual utility costs for heating, cooling, and lighting are over \$80,000.

Students that attend WKDS are not able to gain respite and escape the health, safety, and environmental evidence that they live, sleep, and attend school in extreme poverty. The continuous and long-term exposure to these types of conditions make it difficult for students to focus, learn, and feel safe. When the suicide epidemic began in 2014, the Wounded Knee District service area was one of the hardest hit. Five of the completed suicides came from the schools service area alone. And the Wounded Knee District service area is one of the smallest populations on the Pine Ridge Reservation, yet it had the highest rates of suicide completions.

Wounded Knee District School Layout with highlights of significant issues.



Question 2 from Sen. Daines to Cecelia Fire Thunder. I understand the social and economic situations at Northern Cheyenne and Pine Ridge are similar. Could you share what behavioral health needs you see among BIE students with your tribe?

My name is Matthew Shoulders. I am the school counselor at Wounded Knee District School in Manderson, SD. I just completed my first year as the school counselor. I grew up in Pine Ridge, SD and graduated from Red Cloud High School as the classes valedictorian in 2007. I went on to attend the University of New Mexico in Albuquerque, NM and received my Bachelor of Arts in Psychology and my Master of Arts Degree in Counselor Education.

In my first year here at WKDS, I am thankful for such resilient and strong children. Although the challenges our community face are great, our students are capable of excelling in their education. At the community level, our people face high rates of alcohol/substance abuse (i.e., meth), participate in gang activity, unemployment and various levels of neglect (e.g., elderly abuse, child abuse, sexual abuse, domestic violence, educational neglect). Also, in 2016, our community had the highest level of suicide on our reservation. Cecelia also shared with me during a meeting that the average number of people per household in Wounded Knee District is 18, which often leads to multiple families requiring vast amounts of resource and can lead to overcrowding. Homelessness is also a visible facet of our community and on the opposite end of the spectrum, is the issue of overcrowding.

At the school level, the problems that exist within the community often manifests itself in student behavior. Our children carry multiple layers of trauma from experiences of everyday life. Behavior is a challenge. We have children who carry trauma, anger and frustration. Numerous children, throughout my first year, have had seri-

ous behavior issues, which range from biting, hitting, pushing, deliberately dismissing authority figures and blatantly disrespect their peers, staff and administration. Ideally, training on how to handle the behavior our children exhibit would be very helpful.

As a school counselor, I believe it would be beneficial to have more than one school counselor in each school on the reservation. Ideally, we would benefit from one school counselor concentrating on academics and another school counselor who concentrates on mental health. Not all school counselors receive advanced training or practicum/internship in mental health. The same is also true for mental health counselors who do not receive advanced training or practicum/internship in school counseling. If funding would warrant, two counselors in the school would be ideal for all of our children.

As a school counselor at WKDS, I took it upon myself to continue the traditional healing component of behavioral health that was implemented in the past couple years. Through communication and dialogue with our Wakan Iyeska, we were able to get children Lakol Cas, Wopakinte, and Woapiye. This is probably the most integral component to help our Lakota children combat trauma. At the school, prayer is central to our educational identity. We begin every week with prayer and azilya. Teachers also wocekiye in their classroom. The language is also emphasized in the school with three highly qualified and gifted Lakota language instructors. The language, prayer and the ceremonies are pivotal to me in helping our children heal. Funding for these types of spiritual activities (i.e., payment to the Wakan Iyeska, providing gifts for wopila, providing food for the ceremony, material for offerings, new clothes for Wopakinte, etc.)

Little Wound School Board—Office of the Superintendent

To: Whom It May Concern,

From: Charles Cuny, LWS Superintendent

RE: Facility Needs Specific to Little Wound School

Date: June 28, 2018

Priority:

1. New Middle School
2. New Elementary School
3. New High School
4. New Special Education Facilities
5. New Student Health and Wellness Center
6. Upgrade overall technology and facility structure to support school safety
7. Additional Portable buildings to give adequate class room space 5–10 building would help LWS Grow.
8. Funding for all FI&R Project Related to LWS
9. Funding for all Safety & Conditions Assessment Portal(S&CAP)
10. Funding for ADA Noncompliance's
11. Energy Efficiency Updating of All Heating and Cooling Systems
12. Paving of Parking lots and road ways.
13. Expanding Facilities Shop
14. Building of Auxiliary Gym
15. Updating and expansion of Cafeteria
16. Rebuild of Elementary Play Grounds
17. Rebuild Outdoor Tennis and Basketball Courts
18. Provide Operations Maintenance Funding to building purchased by Tribal Grant Schools

Facility Issue to Address:

Provide systematic updating to all Tribal Grant Schools to assure they do not miss out on funding related to Maximo system.

Tribal Grant School take on the Granting and Project Management of Facility Upgrades Construction Projects

Find solutions for BIA and BIE to communicate and Support Tribal Grant Schools as it relates to providing Safe and Secure Schools.

Change the New School Selection Process

Behavioral Situations

Background

Little Wound School is a Bureau of Indian Education grant school with enrollment of around 350 K–5 grade students, 100 6–8 grade middle school students and 350 9–12 grade high school students. Little Wound School is located in the middle of

the Pine Ridge Indian Reservation students are transported from around a 50 mile radius of the school.

The current issues on the reservation of high alcoholism and drug abuse, an unemployment rate above 80 percent, more than half the reservation population living below the poverty line, diminishing fluency in the Lakota language and culture have manifested in a breakdown of positive family systems creating high numbers of our children experiencing physical, emotional and sexual abuse.

The Behavioral Situations we face as counselors on a daily basis are reactive and are usually in crises mode such as suicidal ideation, hopelessness, depression, grief, anxiety, non-compliance, bullying, attachment, and family issues. It is difficult to do consistent therapy being in constant crisis mode. My believe is these situations stem from generational trauma and trauma from adverse childhood experiences. Research has shown that unresolved trauma and stress can be passed on to offspring epigenetically and research has also shown that children who experience trauma (our children sometimes experience multiple and continual trauma from adverse events) has an effect on brain development. Which keeps them stuck in the survival functioning part of the brain's fight, flight or freeze mode in a dysregulated hyper-aroused or hypo-aroused state with high anxiety, impulsiveness, threatening, aggressive, resistant, unable to focus, sit still or withdrawing, avoidant, shutting down disassociative, depressed, and hopelessness states. Also this stress and trauma hinders them from developing and accessing the higher functioning parts of the cognitive, reasoning and impulse control part of the brain.

Current IHS and mainstream Behavioral Health practices have been to label and diagnose these students with ADD, ODD, and Depression etc. with the primary treatment being with medication, which in most cases addresses the symptoms but not the root of the problem, which is the trauma and its effects on the brain.

In recent years there has been numerous research and studies using new technology to scan and map the brain to help understand the neurobiology and the effects of trauma on the brain. With this new understanding of the brain and the capability to scan and map the neuronal pathways of the brain, researchers were able to track and study what different therapies worked to help integrate and heal the pathways in the brain. It was found that mindfulness practices such as meditations, breathing, yoga, tai chi, along with play therapy, art therapy, writing therapy, equine/therapy, internal family systems therapy anything that provided safety, caring and sensory stimulation helped the brain to re-integrate initiated healing of the brain and release the trauma.

Behavioral Health Needs:

The Adverse Childhood Experience Study a research study done Kaiser Permanente and the Centers for Disease Control and Prevention shows a direct correlation between adverse childhood experiences and health social problems as an adult.

One of the important ways to meet the Behavioral Health Needs of Little Wound School students and surrounding tribal schools is to implement the Trauma Informed School model into our education systems. It is a school wide approach to inform, teach and address trauma with all staff and students.

This model requires total staff involvement of Administrators, Teachers, Counselors and Support staff in a step by step training and implementation plan to provide an environment of safety, caring, understanding and connecting with students in way that promotes their healing and learning. (It takes a community to raise a child)

- Staff, Students and Community learn about trauma (It is not a behavior problem it is a brain problem)
- Leadership and Team building skills
- Relationship building skills & strategies
- Mindfulness practices/De-escalation strategies
- Identifying Students of Concern
- Classroom Strategies
- Recovery Rooms for dysregulated and escalated students
- Development of positive coping strategies
- Proactive approach vs Reactive approach
- Create a culture of healing within the school

It would also create a foundation to implement interventions and models of therapy listed below to work with identified students of concern that need more intense care.

Interventions:

Listed below are models that found to be most conducive for the healing of trauma development of positive coping skills along with benefits to student.

- Mindfulness practices such as meditations, breathing, yoga, tai chi etc.
- Play Therapy
- Art Therapy
- Equine/therapy
- Internal Family Systems Therapy

Benefits

- Changing the way one breathes can improve anger, depression, anxiety and reduce stress hormone secretion
- These intervention help individuals focus connecting body and emotion in a moment to moment experience where they learn they can tolerate their sensations, befriend their inner experience and cultivate new action patterns of self-regulation.
- Allows child to safely express their adverse experience
- Counselor able to observe child's view of experience
- Allows students to safely establish trust relationship
- Traumatized students able to safely express emotions
- Provides safe, caring and sensory stimulation helping the brain to initiates healing of the brain and release the trauma.
- Focus on developmentally appropriate strategies

This would create the need for more counselors and training in these models, along with applicable constructs in each model for age appropriateness.

Also one of our most important Behavioral Needs is hiring Lakota Cultural Mentors (male/female) in each of our schools (Elementary, Middle school and High School) to help teach Lakota language, values, songs and ceremonies. Our children are inherently drawn to the culture and it is a very important factor in helping them with their identity and promotes healing of their heart, mind and spirit.

FACILITIES OPERATIONS AND MAINTENANCE CONSTRAINTS
FOR LITTLE WOUND SCHOOL

1	A	B	C	D	E	F
2	YEAR	CALCULATED NEED	FUNDED AMT	SHORT FALL	CONSTRAINTMENT	
3	1990-91	\$ 584,795.00	\$ 581,300.00	\$ 3,495.00	0.99%	
4	1991-92	\$ 622,253.00	\$ 591,092.00	\$ 31,161.00	5%	
5	1992-93	\$ 680,906.00	\$ 591,100.00	\$ 89,806.00	13%	
6	1993-94	\$ 899,588.00	\$ 713,282.00	\$ 186,306.00	20.71%	
7	1994-95	\$ 909,302.00	\$ 662,084.00	\$ 247,218.00	27.19%	
8	1995-96	\$ 921,889.00	\$ 629,022.00	\$ 292,867.00	31.77%	
9	1996-97	\$ 947,192.00	\$ 666,889.00	\$ 280,303.00	29.77%	
10	1997-98	\$ 908,775.00	\$ 617,954.00	\$ 290,821.00	33.72%	
11	1998-99	\$ 918,046.00	\$ 616,036.00	\$ 302,010.00	32.90%	
12	1999-2000	\$ 969,088.00	\$ 680,737.00	\$ 288,351.00	29.75%	
13	2000-01	\$ 1,005,509.00	\$ 792,482.00	\$ 213,027.00	21.19%	
14	2001-02	\$ 1,005,508.00	\$ 875,804.00	\$ 129,704.00	13.20%	
15	2002-03	\$ 899,819.00	\$ 765,354.00	\$ 134,465.00	14.90%	
16	2003-04	\$ 906,861.00	\$ 731,415.00	\$ 175,446.00	19.30%	
17	2004-05	\$ 1,000,257.00	\$ 810,507.00	\$ 189,750.00	18.97%	
18	2005-06	\$ 988,056.00	\$ 732,382.00	\$ 255,674.00	26.00%	
19	2006-07	\$ 1,051,707.00	\$ 708,229.00	\$ 343,478.00	33.00%	
20	2007-08	\$ 1,036,109.00	\$ 705,906.00	\$ 330,203.00	32.00%	
21	2008-09	\$ 1,115,895.00	\$ 742,709.00	\$ 373,186.00	49.00%	
22	2009-10	\$ 1,083,684.00	\$ 709,325.00	\$ 374,359.00	52.00%	
23	2010-11	\$ 988,394.00	\$ 723,296.00	\$ 265,098.00	43.00%	
24	2011-12	\$ 1,358,458.00	\$ 913,303.00	\$ 445,155.00	45.00%	
25	2012-13	\$ 1,192,285.00	\$ 767,303.00	\$ 424,982.00	49.00%	
26	2013-14	\$ 1,177,400.00	\$ 732,000.00	\$ 445,400.00	51.00%	
27	2014-15	\$ 1,250,999.00	\$ 800,270.00	\$ 450,729.00	49.00%	
28	2015-16	\$ 1,239,750.00	\$ 921,895.00	\$ 317,855.00	61.00% GB OP.	
29	2016-17	\$ 1,263,758.00	\$ 985,731.00	\$ 278,027.00	78.00% GB O&M	
30	2017-18		\$ 993,586.00			
31	Total Short Fall			\$ 7,158,876.00		
32						
33	The constraintment is on the Operations component of the funding.					
34	Don't know what the constraint was the last year because the system was changed					
35	to MAXIMO and there is no place in MAXIMO to find the reports that show					
36	your funding levels like there was in FMIS.					

Dear Senator John Hoeven,

In the early 1960's, Wanblee, South Dakota, had no high school for students to attend. Parents were required to send their children to boarding schools such as Holy Rosary and St. Francis. The parents wanted to keep their children here. As a result, a group of community members marched from Wanblee all the way to Billy Mills Hall in Pine Ridge to speak with Robert Kennedy about their cause. When the marchers arrived, Robert Kennedy met with them and listened to their concerns. Shortly thereafter, these community members began work on designing and building Crazy Horse School.

The following items listed below are the major problems the Crazy Horse School is dealing with.

Kitchen Floor - \$27,160.00 estimated repair is currently being held up by wooden braces.

A/C Compressor - \$59,000.00 estimated repair. When temperature goes above 90 degrees we have to dismiss our students and staff.

Behavioral Health Services wish list for students in Elementary, Middle and High School.(Currently the only local resources are at the IHS facilities in Wanblee, Kyle and Rosebud.) These are not listed in any specific order.

An in-house treatment facility (therapeutic/mental health) for teenagers and young adults that is located on our reservation. The closeness would allow for stronger transition back to families and have closer support. A facility that would

create an environment that is stable and secure that will promote effective treatment. Support and staff to manage and facilitate more group and youth meetings in evenings to give young people a safe place to be where they can make good, healthy safe choices.

A safe house facility for young people to go when they need support when they need to make the best choice for themselves to remove themselves from a home in order to keep themselves safe. There are too many times on a weekend where kids do not have food, or a place to sleep or just a place where they can be safe if the adults in their homes are not making good choices.

A residential facility for students with developmental disabilities (IDEA). This would benefit students whose least restrictive environment is a therapeutic residential facility and/or a facility for medically fragile students. An in-house treatment facility (drug/alcohol) for teenagers and young adults that is located on our reservation. The closeness would allow for stronger transition back to families and have closer support. A facility that would create an environment that is stable and secure that will promote effective treatment.

Additional funding for to assist children, families, students and schools in providing therapeutic support and residential facilities for those students who are "at risk" to include suicide ideation, juvenile delinquency, neglect, etc. is needed. Most states, including SD, have resources set aside for families whose children are enrolled in public schools. Congress discontinued the funding set aside available for BIE Schools known as the Residential Placement Program in 2008, which assisted students who were identified as at risk and students who were IDEA eligible. Nothing has been developed to replace these funds so students who are at risk "fall between the cracks." This has been demonstrated by the increased number of suicides on the Pine Ridge Indian Reservation leading the Oglala Sioux Tribe to declare a state of emergency.

Some of the pictures attached to these responses have been retained in the Committee files.

