



National Indian Education Association

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Testimony of
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before the
Senate Committee on Indian Affairs
on the FY 2005 Budget Request
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Chairman Campbell and Vice-Chairman Inouye and Members of the Senate Committee on Indian Affairs, thank you for this opportunity to submit testimony on behalf of the National Indian Education Association with regard to the FY 2005 budget.

Founded in 1969, the National Indian Education Association (NIEA) is the largest organization in the nation dedicated to Indian education advocacy issues and embraces a membership of over 4,000 American Indian, Alaska Native and Native Hawaiian educators, tribal leaders, school administrators, teachers, parents and students.

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

Making Education a Priority for Native Students. In the Senate Committee's Views and Estimates Report on the President's FY 2004 Budget Request for Indian Programs, it states "the educational attainment for Native youth is deficient compared with other groups in the U.S. An aggravating factor in educational achievement is the continued inability of the Federal government to ensure adequate, safe and clean educational facilities conducive to learning."

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

The requirements of the statute and its time frame for results do not recognize that schools educating Native students have an inadequate level of resources to allow for the effective development of programs known to work with Native students. For example, the appropriation available under Title VII of the No Child Left Behind Act provides only a few hundred dollars per student to meet the special education and culturally related needs of our students.

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

The FY 2005 President's Budget Leaves Indian Children Behind. President Bush's budget proposes a 4.8% increase to education, to \$66.4 billion in total budget authority for the

Department of Education. But Indian program funding remains at the same level as FY 2004, with some programs slated for elimination. In addition, the \$120.9 million for FY 2005 is down from the FY 2003 level of \$121.6 million. The request for Alaska Native Education and Native Hawaiians is kept at \$33.3 million for each group, or the FY 2004 level. Native communities are not only denied equal access to a quality education at FY 2003 levels, they are now asked to shoulder an even more atrocious burden, by being subjected to even deeper cuts.

FY 2005 Department of Education Budget Request. Nearly 90% of the approximately 500,000 Indian children attend public schools throughout the nation. Indian students who attend these schools often reside in economically deprived areas and are impacted by programs for disadvantaged students. The President's FY 2005 budget fails to fully fund the Title I low-income school grants program critical to closing achievement gaps. An increase of \$1 billion for this program still leaves more than \$7 billion below the authorized level for NCLB. The Individuals with Disabilities Education Act (IDEA), is proposed to be funded at less than half the full funding level when the IDEA was first adopted in 1975. These inadequate increases also eliminate 38 education programs that provide vital services to Indian children, such as dropout prevention, gifted and talented education, school counseling, and after-school programs, to name a few. If the FY 2005 budget is enacted, the proposed increase of 4.8% would be the smallest increase since FY 1996, and would completely disregard Native students critical needs.

FY 2005 Department of the Interior Budget Request. The overall Interior budget is proposed to be cut by 0.5%. Within that budget, there is a \$52 million reduction in funding for the Bureau of Indian Affairs, reducing that agency's budget by 2% too \$2.3 billion.

There are only two education systems for which the Federal government has direct responsibility: the Department of Defense Schools and Federal and Tribally operated schools that serve American Indian students. The federally supported Indian education system includes 48,000 students and 29 tribal colleges, universities and post-secondary schools. The federal government's responsibility for the education of Native peoples is in response to specific treaty rights; however to us, the FY 2005 budget signifies an increased negligence of its trust responsibility. Proposed cuts include:

- **Indian School Construction Funding.** During President Bush's first term, he promised to remove the backlog for new Indian school construction. With the FY 2005 Budget, Indian school construction funding is proposed to be cut \$65.9 million, from FY 2004's appropriation of \$229.1 million. The rationale is the Office of Management and Budget wants more schools completed and the rate of school construction has fallen behind. This can be due to a number of factors, including bureaucracy delays, contracting delays or weather conditions. We urge you to ask the Bureau of Indian Affairs to get its house in order to step up this process and urge the restoral of school construction funding that is necessary to meet the needs of Indian students.
- **Indian Education Facilities Improvement and Repair Funding.** The continued deterioration of facilities on Indian land is not only a federal responsibility; it has become a liability of the federal government. The FY 2005 Budget Request cuts facilities improvement and repair by \$6.1 million, from \$137.5 million. There is a known backlog of hundreds of million of dollars in critical repair needs. We urge not only restoration of funds to the FY 2004 level, but an increase that will realistically address the needs of Indian children who must try to learn in buildings that are not conducive to learning. It is unfair to hold Indian children hostage in their right to a successful education.
- **Impact Aid Funding.** The Impact Aid program directly provides resources to state public school districts with trust status lands within the boundaries of a school district for operational support. Funding that affects schools that serve Indian children who reside on or near federal land is impacted and remains at the same levels as FY 2004.
- **Tribal Colleges and Universities Funding.** The FY 2005 Budget Request cuts \$5.8 million to \$43.4 million for tribal colleges and universities, an inadequate amount.

Additional Funding Needs:

- **Tribal Departments of Education.** True success can be attained only when tribes can assume control of their children's educational future. As mandated in many treaties and as authorized in several federal statutes, the education of Indian children is an important role of Indian tribes. The authorization for TED funding was retained in Title VII,

Section 7135 of the No Child Left Behind Act. Despite this authorization and several other prior statutes, federal funds have never been appropriated for Tribal Departments of Education. Achieving tribal control of education through TEDs will increase tribal accountability and responsibility for their students, and will ensure that tribes exercise their commitment to improve the education of their youngest members.

For FY 2005, we are requesting a total of \$3 million, or \$250,000 per tribe for twelve tribes to initiate the process of their Education Departments and to finally begin the process of empowering tribes to direct their own educational priorities that reflects their linguistic, cultural and social heritages and traditions.

Native American Languages Act. The preservation of indigenous languages is of paramount importance to Native communities. It is estimated that only 20 indigenous languages will remain viable by the year 2050. We must begin the legislative process to ensure there is some substance in the Native American Languages Act for projects that address the crisis of our language losses.

NIEA urges this Committee's support for additional funding that will address language needs of communities with less than a handful of elderly fluent speakers. NIEA, in partnership with other organizations, is willing to assist in the identification of needs and funding required for this process to begin.

Johnson O'Malley Funding. In 1995, a freeze was imposed on Johnson O'Malley funding through the Department of the Interior, limiting funds to a tribe based upon its population count in 1995. This freeze prohibits additional tribes from receiving JOM funding and does not recognize increased costs due to inflation and accounting for population growth.

NIEA urges that the Johnson O'Malley funding freeze be lifted, and other formula-driven and "head-count based" grants be analyzed to ensure tribes are receiving funding for their student populations at a level that will provide access to a high quality education for Indian students.

Conclusion. NIEA respectfully urges this Committee to truly make Indian education a priority and to work with the Congressional appropriators and the Administration to ensure that Indian education programs are fully funded. We encourage an open dialogue and are willing to work with you to build a more reasonable and less punitive approach that takes into account our experience in Indian education since the passage of the Indian Education Act of 1972. NIEA was instrumental at that time in assisting the Congress in conceiving ideas and recognizing the need for improvement in the effectiveness and quality of education programs for Native students.

Please join with NIEA and other organizations established to address the needs of Native students to put our children at the forefront of all priorities. We must work with the Bureau of Indian Affairs, the Department of Education, and tribal leaders to ensure our children are not left behind. Without acknowledgement of our children, who are our future, our triumph, and our link to the past, and their educational achievement, there will be no need for tribal sovereignty's continuation.