



**Testimony of Patricia Whitefoot, President-Elect  
National Indian Education Association**

**before the**

**United States House of Representatives  
Committee on Appropriations, Subcommittee on  
Interior, Environment, and Related Agencies**

**March 25, 2015**

**Introduction.** Chairman Calvert, Ranking Member McCollum, and members of the Subcommittee, thank you for this opportunity to provide testimony on behalf of the National Indian Education Association (NIEA). Founded in 1969, NIEA represents Native students, educators, families, communities, and tribes. NIEA’s mission is to advance comprehensive educational opportunities for all American Indians, Alaska Natives, and Native Hawaiians throughout the United States. As the premiere organization advocating for Native students, NIEA works to achieve educational equity and excellence, as well as to ensure that all students are provided high-quality academic and cultural education.

**The State of Native Education.** Native education is in a state of emergency. As Interior Secretary Sally Jewell has stated, “Indian education is an embarrassment to you and to us. It is not for the lack of desire. This [the Bureau of Indian Education] is the one part of the Department of the Interior that deals directly with services to children. We know that self-determination and self-governance is going to play an important role in bringing the kind of academically rigorous and culturally appropriate education that children need.”<sup>1</sup>

The Department of Education has recently applauded the improvement in nation-wide graduation rates, particularly among students of color. Bureau of Indian Education (BIE) students, however, are not experiencing the progress in graduation rates that the rest of the country is celebrating, with Native graduation rates often around 50% in many states. Native students also continue to lag behind their peers on other important educational indicators, such as reading and math.<sup>2</sup>

Despite the pressing need for funding parity and equal access, historical funding trends illustrate that the federal government has been abandoning its trust responsibility by decreasing federal funds to Native-serving programs by over half in the last 30 years. Some Native students have been wholly abandoned, such as those languishing in BIA-funded juvenile detention centers—desks sit empty because education funding for those facilities was cut in 2012. Other Native students attempt to learn in buildings that are literally falling down around them. Abandoning school construction funding, in particular, has been extremely detrimental to Native youth, as the GAO has reported that better school facilities are associated with better student outcomes.<sup>3</sup>

---

<sup>1</sup> Hearing before the Committee on Indian Affairs, S. Hrg. 113-92 (May 15, 2013).

<sup>2</sup> See the National Indian Education Study, <http://nces.ed.gov/nationsreportcard/nies/>.

<sup>3</sup> See GAO, School Facilities: Physical Conditions in School Districts Receiving Impact Aid for Students Residing on Indian Lands, GAO-10-32 (Oct. 29, 2009).

Meanwhile, the costs of underfunding Native education are enormous in both human and monetary terms. Low graduation rates can lead to increased substance abuse, criminal acts, and extended periods of unemployment. Our young people also face an epidemic of Native youth suicides, with some reservations having youth suicide rates ten times the national average. The Native education crisis also has severe economic consequences for Native communities. For instance, if the 25,000 Native students who dropped out of the Class of 2010 had graduated, an additional \$295 million would likely have been added to total annual earnings, supplementing their local economies. Investing in Native education is one of the most effective and efficient investments that the federal government can make.

**Generation Indigenous and BIE Reform.** We welcome the Administration's Generation Indigenous initiative, which provides a step in the right direction in terms of recommending much-needed funding for Native education. The Administration's FY 2016 proposal changes the trajectory of a dormant funding history for the BIE since the Recovery Act of 2009. Sequestration and its devastating effects further exacerbated BIE's inability to support and transition BIE-operated schools to tribally operated schools. NIEA is generally supportive of BIE-reform. However, we urge transparency in the design and execution of the reform to include tribal participation, facilitate congressional oversight, and ensure that reform fulfills the federal government's trust responsibility regarding delivery of trust- and treaty-based educational rights.<sup>4</sup>

We also commend Congress for its commitment to fulfilling its trust responsibility to Indian Country, and particularly the members of this Subcommittee for making sure that Native education issues are always on the table.

**FY 2016 Recommendations.** Although NIEA welcomes the renewed commitment to Native education reflected in the Administration's FY 2016 Budget Request, the trust responsibility will continue to be undermined until the federal government fully appropriates funding to bridge the educational attainment gap. NIEA, therefore, respectfully provides the following FY 2016 recommendations.

- **Provide \$5 million for Tribal Education Agencies/Departments (TEAs).** This funding, along with \$5 million we have requested from the Department of Education assists TEAs, which are uniquely suited at the local level to implement innovative education programs that improve Native education. Tribes best understand the circumstances of their populations, and tribal self-determination over education results in improved education parity.
- **Provide \$263.4 million for BIE school construction and repair.** Schools operating within the BIE system are woefully outdated and, in some cases, dangerous for students and staff. We strongly support the Administration's request for funds for school construction, which will replace the final two schools on the 2004 BIE replacement index and provide funding to replace individual buildings and plan and design additional schools in FY 2017. The Administration has requested \$133.2 million, and we request an additional \$130 million to fully fund school construction and repair. Over 60 BIE schools are currently rated in "poor" condition, and construction issues continue to put Native students at an educational disadvantage.

---

<sup>4</sup> See NIEA Resolution #2014-11.

Full funding of school construction would likely decrease overall costs over time, as less money would be spent attempting to maintain decrepit facilities. We also request report language requiring BIE updates on consultation regarding use of school construction funds and progress made expending these funds. Accountability, in addition to funding, is required to ensure that BIE's school construction funds are used to effectively and efficiently improve the educational opportunities of Native students.

- **Provide \$109 million for BIE facilities operations and \$76 million for BIE facilities maintenance.** BIE schools use facilities operations funding for electricity, heating fuels, communications, GSA vehicle rentals, custodial services, and other vital operating expenses. For years, schools have had a roughly 50% shortfall in facilities operations funds. BIE facilities maintenance funding addresses preventative and routine upkeep and unscheduled maintenance of school buildings, grounds, and utility systems. Maintenance underfunding is a serious problem, as buildings are in poor condition and cannot maintain proper standards.

- **Provide \$73 million for student transportation in the BIE system.** BIE schools incur significant student transportation costs due to their often-rural locations and poor road conditions. High transportation costs lead to funding shortfalls, which then either go unpaid or divert direct educational funds.

- **Provide \$40.5 million for educational technology.** We support the Administration's request for funding to enhance broadband and digital access for Native students. These funds will help bring broadband to all BIE schools over the next three years, narrowing the information technology gap that severely disadvantages many Native students.

- **Provide \$5 million for BIE immersion programs.** Funding for Immersion Demonstration Grants would protect the cultural and linguistic heritage of Native students by providing Native students immersion learning to strengthen language, improve academic outcomes, and become future leaders of their tribes. According to UNESCO, 74 Native languages stand to disappear in the next decade, with only 20 Native languages being spoken by 2050. Immersion funding is critical to preventing the irreparable loss of Native languages.

- **Provide \$7.5 million for BIE employee housing repair.** We support the Administration's request for funding for teacher housing repair, which will complement the \$10 million set-aside the Administration has requested for the Department of Housing and Urban Development. Additionally, we request the Subcommittee support increased teacher salary funding, loan forgiveness, and other measures to help retain the quality teachers that Native students need and deserve.

- **Provide \$42 million for full funding of the Johnson O'Malley (JOM) program.** The JOM program provides grants to supplement basic student needs. JOM funds have decreased from \$95 to \$76 per student since 1995. We request funds to increase the current allocation per student to previous levels and prepare for future student count increases.

- **Provide \$75 million for tribal grant support costs for tribally operated schools.** Tribal grant support costs fund the administrative costs of existing tribally operated schools and

prevent diverting program funds to cover shortfalls in operational costs. We support the Administration's FY 2016 request to fully fund tribal grant support costs.

- **Reinstate \$620,000 for education in BIA-funded juvenile detention facilities.** This funding was essential in providing educational services to detained and incarcerated youth at 24 BIA-funded juvenile detention facilities. Education is critical to rehabilitation, and the elimination in FY 2012 of this important program contributes to costly increases in recidivism. **We urge the reinstatement of this program that is so important for some of our most vulnerable Native youth.**

- **Provide \$94.3 million for Title I and II under the Tribally Controlled Colleges and Universities Assistance Act.** Title I of the Tribally Controlled Colleges and Universities Assistance Act of 1978 provides day-to-day operating funds for 26 tribally controlled colleges and universities (TCUs), and full funding would require \$77.3 million. Accounting for inflation, Title I TCUs have had their funding cut by over \$1,500 per student since the program's initial FY 1981 appropriation. Despite economic constraints, Congress has an obligation to make these critical institutions whole. Under Title II of the Act, Diné College has indicated a need for \$17 million to operate its multiple campuses and education sites.

- **Provide a One-Time Appropriation of \$22 million to forward fund five TCUs.** Forward funding is necessary for Haskell Indian Nations University, Southwestern Indian Polytechnic Institute, Institute of American Indian Arts, Navajo Technical University, and United Tribes Technical College. These five tribal colleges are the only educational institutions funded through the BIE that are not forward funded, and they were in danger of closing their doors during the October 2013 federal government shutdown.

- **Provide \$13.3 million to the Center for Lifelong Education and the Institute of American Indian Arts (IAIA).** These funds should be provided pursuant to the American Indian, Alaska Native, and Native Hawaiian Culture and Art Development Act. The Center and the IAIA are important educational institutions for Indian Country. The IAIA, for instance, is the only four-year degree fine arts institution devoted to the study of contemporary Native American and Alaska Native arts, and it has graduated over 3,800 students. We request \$9.3 million in funding with an additional one-time payment of \$4 million to allow for forward funding.

- **Provide \$36.9 million to the Haskell Indian Nations University (HINU) and Southwestern Indian Polytechnic (SIPI).** These TCUs, which were the first TCUs, are funded separately, and require additional funding considerations. Appropriations of \$14.3 million to HINU and \$8.5 million to SIPI are necessary to ensure adequate services are provided, and a one-time payment of \$13.2 million would help forward-fund these institutions.

**Conclusion.** FY 2016 funding has the potential to begin to change the future for BIE students by ensuring that schools have the facilities and resources they need to provide a college- and career-ready, 21st century education. Education is the only way that we will break the cycle of poverty on the many reservations that have BIE-funded schools and enable Native children to have productive futures. NIEA urges Congress to fulfill its trust responsibility to America's most vulnerable children by ensuring they have the access to educational resources that they deserve.