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Representative Dale Kildee
Co-chair, House Native American Caucus
2107 Rayburn House Office Building
Washington, DC 20515

Representative Tom Cole
Co-chair, House Native American Caucus
2458 Rayburn House Office Building
Washington, DC 20515

Dear Representative Kildee and Representative Cole:

Thank you for your longstanding commitment to building and supporting programs that improve the educational opportunities for Indian students, their families, and their communities, and for championing educational approaches aligned with the culture, language, and values of the Indian people whose lives we are attempting to improve. It is our belief in the importance of these programs and the legacy you both have accomplished in the cause of improving Indian education that motivates me to write this letter to you. It is my hope that you will share this letter with other members of the House of Representatives' Native American Caucus.

The National Indian Education Association (NIEA) has grave concerns about the State and Local Funding Flexibility Act (H.R. 2445). This Act empowers states and school districts to use Indian census numbers to access federal funds with no guarantee that once received these funds will ever reach or educate Indian students. Giving states the authority to siphon away federal funds intended for Indian students abrogates the federal trust responsibility to Indians, decreases desperately needed funding to Indian students, and reduces states' and school districts' accountability to improve educational outcomes for Indian students.

Addressing the education needs of Indian students (who are disproportionately from low-income families) is at the heart of the reasons for which the Elementary and Secondary Education Act (ESEA) exists. H.R. 2445 is an attack on these longstanding principles and empowers states to reprogram funds for Indian and low income students in a way that is inconsistent with the spirit and letter of the ESEA and key federal Indian trust principles. NIEA cannot support legislation which reduces and potentially eliminates funding for education programs that are crucial to the education, well-being, and future prosperity of Indian students, families, and communities.

We cannot support H.R. 2445 for the following reasons:

H.R. 2445 Potentially Abrogates the Federal Trust Responsibility to Indians: The United States government has a trust responsibility to Indians which includes a duty to educate them. H.R. 2445 would undercut this federal trust responsibility by enabling states to divert federal funds intended to meet this trust duty to Indians at their discretion. Such an approach flies in the face of Indian trust

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principles articulated in the treaties, the U.S. Constitution, U.S. Supreme Court and federal cases, and U.S. statutes and cynically preserves the notion that Indian education programs will continue to exist in theory even though there is no guarantee that federal funds intended to educate Indians will ever be used for those purposes by state school districts.

H.R. 2445 Potentially Decreases Desperately Needed Funding to Indians: Current federal funding levels are already insufficient to address the education needs of Indian students and vesting states with the power to re-direct these funds will only exacerbate the problem. Increased Indian student dropout rates, underperformance and disengagement in school, and a reduction in future economic self-sufficiency and success are some of the possible outcomes of H.R. 2445.

H.R. 2445 Potentially Reduces Governmental Accountability to Indians: Many of the federal programs identified in H.R. 2445 from which states and school districts may divert funds were created specifically because states and districts were not providing these opportunities for Indian students. These Federal programs were designed to fill that gap. Vesting state school districts with the power to override federal Indian education programs and reprogram federal funds to other purposes at their discretion is dangerous. This legislation would also reverse 10 years of progress under federal laws holding schools accountable for the achievement of those students with the highest needs, including Indian students.

H.R. 2445 is a Step Backwards for Indians: For decades, Indians have fought to earn the right to teach and learn in ways that respect their cultures, languages, values, histories, and traditions. Current data and research tells us that targeted funding for Indian education has improved academic achievement, revitalized languages, and strengthened Indian self-respect and identity. States with the highest percentage of Indian populations like Oklahoma, South Dakota, and Arizona have seen improved test scores over the past five years. Federal funds dedicated to the Indian programs are the primary source of support that specifically addresses the academic, cultural, social, and linguistic needs of Indian students. H.R. 2445 would give states the authority to thwart this progress by being allowed to re-direct funds away from these purposes at their discretion.

Allowing states to accept federal dollars based on the demographics of their Indian populations without ensuring that the intended federal services reach these Indian children is wrong. The federal government's role in education is to be the moral compass that strives to achieve equity for all students of color, including Indians, and to ensure that the federal trust responsibility to educate Indians is met. H.R. 2445 fails to meet these minimum standards, and thus we cannot support it.

Sincerely,



Colin Kippen
Executive Director
National Indian Education Association