



**Written Testimony Submitted on behalf of the
National Indian Education Association**

to the

**United States House of Representatives Committee on Education and the Workforce
Subcommittee on Early Childhood, Elementary and Secondary Education**

**with regard to the April 22, 2015 hearing on
“Examining the Challenges Facing Native American Schools”**

Introduction. Chairman Rokita, Ranking Member Fudge, and members of the Subcommittee, thank you for this opportunity to submit written testimony on behalf of the National Indian Education Association (NIEA) regarding the hearing that the Subcommittee held on “Examining the Challenges Facing Native American Schools.” 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. NIEA advocates for educational excellence by working to ensure that students receive equal access to high-quality academic and cultural education models. By serving as the critical link between our communities and the diverse array of institutions that serve our students, NIEA holds all accountable for improving achievement.

Although there is a need to examine all of Native education, this testimony focuses on the Bureau of Indian Education (BIE). Due to the attention that the Subcommittee gave to the BIE system during the hearing, we felt it important to provide further information on this important topic. We welcome the Subcommittee’s inquiries into the BIE system in addition to Native education more generally, and we look forward to additional hearings to address the many challenges facing Native education as a whole.

The State of Native Education. Native education is in a state of emergency. Secretary of Education Arne Duncan recently acknowledged that “Native youth are in a state of crisis” and that the “lack of opportunity is simply unacceptable.”¹ The Department of Education has recently applauded the improvement in nation-wide graduation rates, particularly the improvement among students of color. Native students, however, are not experiencing the progress in graduation rates that the rest of the country is witnessing. American Indian/Alaska

¹ Emma Brown, “Obama Budget Includes \$1 billion for Native American Education,” Washington Post (Jan. 30, 2015).

Native graduation rates are the lowest of any racial/ethnic demographic group at around 67%. Native students also continue to lag behind their peers on other important educational indicators, such as reading and math.²

BIE graduation rates are even worse, often hovering around 50% in many states. 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 BIE] 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.”³

The Trust Responsibility to Native Education. Since its inception, NIEA’s work has centered on reversing the negative trends in Native education, a feat that is possible only if the federal government upholds its trust responsibility to tribes. Established through treaties, federal law, and U.S. Supreme Court decisions, this relationship includes a fiduciary obligation to provide parity in access and equal resources to all American Indian and Alaska Native students, regardless of where they attend school. Under the federal government’s trust corpus in the field of Native education, it is important to state that the obligation is a shared trust between the Administration and Congress for federally recognized Indian tribes.

To the extent that measurable trust standards in Native education can be evaluated, NIEA suggests this Subcommittee refer to the government’s own studies encompassing Native test scores, treaty-based appropriation decreases, and Government Accountability Office (GAO) Reports, among other reports, which illustrate the continued inability of the federal government to uphold the trust responsibility and effectively serve our students. This is unacceptable because only through equal educational opportunities can we expect our future generations to be prepared for academic achievement and, consequently, successful in college and careers.

Bureau of Indian Education Schools. There are only two educational systems for which the federal government is directly responsible: Department of Defense (DOD) schools and federally operated and federally funded tribal schools. BIE schools, however, lag far behind DOD schools in funding, school construction, and student achievement. While DOD schools are being renovated and remodeled, schools within the BIE system are woefully outdated and, in some cases, dangerous for students and staff. As America’s most vulnerable population, Native students should have equal access to resources and opportunities. Congress should fulfill its responsibility to Native students by remedying the disparities between these two federally operated school systems.

Over 60 BIE schools currently rated in “poor” condition, and construction issues continue to put Native students at an educational disadvantage. Meanwhile, GAO reports have found that better school facilities are associated with better student outcomes.⁴ We urge support for a long-term

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

³ Hearing before the Committee on Indian Affairs, S. Hrg. 113-92 (May 15, 2013).

⁴ See GAO, School Facilities: Physical Conditions in School Districts Receiving Impact Aid for Students Residing on Indian Lands, GAO-10-32 (Oct. 29, 2009).

school replacement plan that would set out priorities for school construction and replacement over the next 40-60 years and that would include a plan for adequate maintenance funding. 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. Therefore, we also urge increased oversight over BIE school construction funds.

BIE schools also face enormous challenges regarding their staffing and operation.⁵ Currently, over 40% of regional positions are vacant. Additionally, employees are often not placed in positions for which they have the necessary skills. Communication is lacking, as school staff are often confused about who to contact within the BIE when they have problems. Finally, as the Government Accountability Office has noted, the BIE lacks staff with the expertise required to oversee school expenditures. These staffing and administration issues must be overcome, and increased oversight must be provided, for the BIE system to work effectively and efficiently for Native students.

BIE Reform. 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. See NIEA Resolution #2014-11. BIE needs to work closely with tribes, tribal education agencies, and tribally controlled schools in order to develop and implement solutions to the problems plaguing Native education.

Although reform is needed, it is essential that Native education remain the purview of the BIE and that BIE remains housed within the Department of Interior, which has extensive experience carrying out the United States' trust responsibility. NIEA strongly opposes moving Native education to the Department of Education. Tribal leaders have repeatedly stated that the BIE should stay within the Department of Interior. However, we look forward to follow-up hearings to determine what the BIE and the Department of Education are doing to work together to address the needs of Native students.

Additionally, we recommend the formation of a tribal budget advisory committee focused specifically on BIE issues to advise the Department of Interior on educational issues. Although the Tribal-Interior Budget Council (TBIC) provides an avenue for tribal input on budget issues, TBIC focuses on all issues relevant to Indian Country and therefore lacks the education-specific knowledge required to help transform Native education. A tribal education advisory committee would form an important point of contact for tribal leaders and tribal educators. Such a committee would also be well positioned to make recommendations that would address both BIE and Bureau of Indian Affairs educational activities. Although this Subcommittee asked NIEA to provide information regarding a breakdown of per student BIE expenditures, we have been unable to obtain this information at this time. However, we believe that the BIE could provide this information upon the Subcommittee's request.

⁵ See GAO, Bureau of Indian Education Needs to Improve Oversight of School Spending, GAO-15-121 (Nov. 2014).

Conclusion. The current BIE reform process and attention to the crisis in Native education has the potential to make a meaningful difference in the lives of Native students. We hope that Congress and the Administration will use this opportunity to work closely with tribes as reform moves forward. NIEA firmly believes that self-governance in education is the answer to the current crisis in the Native education system. The President, in his first presidential visit to Indian Country, stated that we need to “put our minds together to improve our schools,” and that this means “returning control of Indian education to tribal nations with additional resources and support.”

Tribes have demonstrated time and time again that we are better equipped to address the needs of our own peoples. Working together, with bipartisan support from Congress, we are confident that we can build the collaborative relationship between the Department of Education and tribes that is necessary in order to further tribal self-determination in education.

Working together we can also reform BIE so that it best serves the needs of Native students. For too long, BIE has not had the attention of Congress. Hearings like these shed light on the issues that deprive Native students of the education that they deserve and bring us closer to identifying and implementing the solutions that will lead us to the results we all want—an end to the crisis among our Native youth. We thank you again for this opportunity to present testimony on this important issue.

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