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INDIAN EDUCATION

HEARING

BEFORE THE

COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE

ONE HUNDRED NINTH CONGRESS

FIRST SESSION

ON

OVERSIGHT HEARING ON THE STATUS OF INDIAN EDUCATION

JUNE 16, 2005
WASHINGTON, DC

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INDIAN EDUCATION

THURSDAY, JUNE 16, 2005

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

The committee met, pursuant to notice, at 9:30 a.m. in room 485 Senate Russell Building, Hon. John McCain (chairman of the committee), presiding.

Present: Senators McCain, Dorgan, Johnson, and Thomas.

STATEMENT OF HON. JOHN MCCAIN, U.S. SENATOR FROM ARIZONA, CHAIRMAN, COMMITTEE ON INDIAN AFFAIRS

The CHAIRMAN. Good morning.

This oversight hearing will focus on Indian education. Exactly 1 year ago today, this committee held an oversight hearing on the No Child Left Behind Act. It is timely to have an update on the implementation of that Act and other education issues.

As we all know, education is critical to preparing children for future leadership and productive employment and to strengthening Indian economies. The committee's hearing yesterday on Indian youth suicide reminds us, however, that there are many challenges facing Indian youth which limit educational achievement.

We must overcome this. We know that the Federal Government has a special historic responsibility for Indian education. Indian tribes also have a responsibility for their children's education.

The committee is deeply concerned about the academic performance levels and dropout rates of American Indians and Alaska Native students. So we are particularly interested in hearing how Federal agencies and Indian tribes are working together to improve Indian education, particularly in areas such as academic achievement, safe schools and post-secondary graduation rates.

I would like to welcome the witnesses here today and look forward to their testimony, especially any recommendations for improving Indian education. Your entire statements will be made part of the record.

Senator Dorgan.

STATEMENT OF HON. BYRON L. DORGAN, U.S. SENATOR FROM NORTH DAKOTA, VICE CHAIRMAN, COMMITTEE ON INDIAN AFFAIRS

Senator DORGAN. Mr. Chairman, thank you very much. Thanks for holding this hearing. I think education is one of the critical

pieces of trying to improve the situation on reservations in this country.

I thought, with your permission, instead of an opening statement, I just want to read a 2-page letter which I think describes better than I possibly could the urgency of dealing with education issues. It is from a young woman. She starts in her letter, she wrote to me:

> I grew up poor, considered backwards by non-Indians. My home was a two-room log house in a placed called The Bush on North Dakota's Turtle Mountain Reservation. I stuttered. I was painfully shy. My clothes were hand-me-downs. I was like thousands of other Indian kids growing up on reservations across America.
>
> When I went to elementary school, I felt alone and different. I could not speak for myself. My teachers had no appreciation of Indian culture. I will never forget that it was the lighter-skinned kids who were treated better. They were usually from families better off than mine. My teachers called me "savage." Even as a young child I wondered what does it take to be noticed and looked upon the way these other children are.
>
> By the time I reached 7th grade, I realized if my life was going to change for the better, I was going to have to do it. Nobody could do it for me. That is when the dream began. I thought of ways to change things for the better, not only for myself, but for my people. I dreamed of growing up, of being a teacher, where every child was treated sacred and viewed positively, even if they were poor and dirty. I did not want any child to be made to feel like I did, but I did not know how hard it would be to reach the realization of my dreams.
>
> I almost did not make it. By the time I was 17, I had dropped out of school, moved to California, had a child. I thought my life was over. But when I moved back to the reservation, I made a discovery that literally helped me put my life back together. My sisters were attending Turtle Mountain Tribal College which had just started on the reservation. I thought it was something I could do, too, so I enrolled.
>
> In those days, we did not even have a campus. There was no building. Some classes met at a local alcohol rehabilitation center, an old hospital building that had been condemned. To me, it did not matter. I was just amazed I could go to college. It was life-changing.
>
> My college friends and professors were like family, and for the first time in my life I learned about the language, history, and culture of my people in a formal setting. I felt honor and pride begin to well-up inside me.

Her letter goes on, and she said:

> I loved college so much that I could not stop. I had a dream to fulfill or perhaps an obsession.

It turns out, this young women is now a Ph.D. involved in Indian education and the administration of a number of different schools. What a remarkable story that she sent to me in her letter. Her name is Loretta. I have known Loretta for some while.

This letter describes from the standpoint of a young girl and now a grown woman who has her Ph.D. It describes the importance of education. Yes, in her life, but I think also in a broader scale the importance of education in lifting people out of poverty, lifting people from hopelessness and helplessness to opportunity.

I wanted to read this letter. I have read it once before, but it so well describes, I think better than any of us can, the importance of education in the lives of young Indian children. It is why we must focus on education in a way that puts together the kind of success stories that we know can happen and will happen if we make the right kind of decisions with respect to education policy.

Mr. Chairman, thank you very much for letting me do that.

The CHAIRMAN. Thank you very much, Senator Dorgan. It is compelling testimony.

Our first panel is Jim Cason, who is the associate deputy secretary for Indian Affairs. He is accompanied by Ed Parisian, who

is the acting director of the Office of Indian Education Programs. Victoria Vasques is the director of the Office of Indian Education of the Department of Education.

Welcome, Mr. Cason. Why don't we begin with you.

STATEMENT OF JIM CASON, ASSOCIATE DEPUTY SECRETARY, DEPARTMENT OF THE INTERIOR, ACCOMPANIED BY ED PARISIAN, ACTING DIRECTOR, OFFICE OF INDIAN EDUCATION PROGRAMS

Mr. Cason. Thank you, Mr. Chairman, Mr. Vice Chairman. I really appreciate the opportunity to be here to discuss Indian education and the status of the program.

I am sitting in here as associate deputy secretary with the duties and responsibilities of the assistant secretary, pending a search for same. I am accompanied here with Ed Parisian, who is the deputy director, basically leading the Indian education program.

We have been going through a process, Mr. Chairman, over the last 3 months taking a look at Indian education and the results we produce and the funds flow we get through the program to try and improve our results. What we are finding basically is that our school system is not producing the results that are acceptable. Out of the 184 schools that we have, only one-third of them are meeting AYP targets right now, the adequate yearly progress goals of No Child Left Behind. That is clearly not sufficient.

So we have a big job ahead of us to figure out why it is that we are only producing those kind of results, and do the job to take care of it.

There are a couple of things that we have started with that I would like to just share with the committee, and we can discuss at whatever length you would like to. The first is, we are seeing this as a job where we have to buckle down, roll up our sleeves, and get results in this program that we do not have right now. What we are trying to do at this point is to partner with the Department of Education to make sure that we are clear about what actions need to be taken and what results we need to get on an item-by-item basis so that we have a clear plan and a concerted effort on the part of the Administration to get results.

We are working closely with the Department of Education now on reviewing our program, developing an action plan that includes the elements that are important to meet our statutory requirements, and to make sure we are in concert on the most important items that need to be addressed first.

So with that, I appreciate Vickie Vasques being here. She is part of the team in trying to improve the performance we have in the program.

Second, we are developing an action plan in concert with DOE. The action plan is broad and includes a lot of elements. That action plan was initially developed by the Department of the Interior and has been shared with the Department of Education. They are very graciously sharing it with their senior staff to give us suggestions on how to improve that.

We are going through a process now of mapping out and flowcharting all of the funds flow that goes through our education program. We have identified about 50 different streams of funding

that go through the program. We are mapping out what all the requirements are for those streams and what performance is expected from them. And then we are looking at school construction to see what we can do to accelerate the pace of school construction to effectively and efficiently use up the unobligated balances that we have and actually get results of bricks and mortar buildings that are available for schools.

We have an assignment going on right now with our education line officers. We have them all in this week and we are going through the process of trying to get ahead of the curve right now for 2005–06 education school year. We have provided to our education line officers all the accountability workbooks on a State-by-State basis where our schools are located so that they become very clear very early in the process of what standards they have to meet in order to pass our schools through the AYP goal line.

They have an assignment to go back to each school that they have a relationship with to share the accountability workbook standards, to be clear about what is expected on a school-by-school basis, to examine where we are currently, do the gap analysis between our current performance and what performance is acceptable, and develop a school-by-school action plan as to how we can drive that school across the goal line.

That assignment needs to be done in about the next 2 months before we start the 2005–06 school year. I am looking forward to seeing the results from that so that we can be a proactive element in improving performance.

Last, Mr. Chairman, I would like to share that this is a commitment from the Secretary on down. We had Secretary Norton in with our education line officers yesterday so that she could tell them personally that this is an important thing for us to get done; that educating these Indian kids is an important thing and that is a mission we need to do better at.

With that, we would be happy to work with the committee in the future and I appreciate the opportunity to be here.

[Prepared statement of Mr. Cason appears in appendix.]

The CHAIRMAN. Thank you very much.

Ms. Vasques.

STATEMENT OF VICTORIA VASQUES, DIRECTOR, OFFICE OF INDIAN EDUCATION, DEPARTMENT OF EDUCATION

Ms. VASQUES. Thank you, Mr. Chairman, members of the committee. On behalf of Secretary Spellings, let me thank you for this opportunity to appear before you to discuss the current status of Indian education.

I serve as the assistant deputy secretary and director for the Office of Indian Education. I am also from the San Pasqual Band of Mission Indians in Southern California. I am here, as you mentioned, with my colleagues Darla Marburger and Tom Corwin.

Today, I will provide an overview on the educational performance of American Indian and Alaska Native students from their early childhood years, for elementary and secondary education, and through the post-secondary education level. Collecting accurate data on the American Indian and Alaska Native population has been a long-term challenge for the department. Indian students are

a highly diverse group. There are over 560 federally recognized tribes in the United States.

Indian students, though, constitute a very small portion of the overall student population, and many Indian families reside in small towns and rural areas. For these reasons, it is difficult for any study to include a sufficient number of Indian students to yield accurate, high-quality data.

I am pleased that the department in recent years has taken major action to collect, analyze and report useful high-quality data on the education status and needs of our Indian students. Our efforts have covered the schools operated or funded by the BIA, other schools that have high concentrations of Indian students, and Indian children and adults more generally.

One example of this activity is our over-sampling of American Indian students in the national assessment of educational programs, NAEP, in order to generate adequate representation of Indian students in the NAEP. This will give us reliable national-level data on Indian students' performance in reading and math, adding a whole new subgroup of students to the Nation's report card.

Indian students constitute about 1 percent of all students enrolled in public schools and often attend rural schools. Over one-half of all Indian students attend schools in small towns and rural areas. In 2002, there were approximately 628,000 American Indian and Alaska Native students in public elementary and secondary schools, including BIA schools. Approximately 582,000, over 90 percent, attended public schools, and 46,000 attended schools administered by the BIA.

Department of Education programs contribute a significant amount of funding to the BIA for the education of Indian students who attend BIA schools. The department has a longstanding partnership with the BIA over the administration of these programs. We expect to sign a new MOA, memorandum of agreement with the BIA covering No Child Left Behind issues very soon.

My written statement provides many of the key statistics on various aspects of the educational status of American Indians and Alaska Natives. I will highlight just a few of them.

First, the overall data from NAEP on Indian students show that their performance continues to lag below the national average on reading, math and science assessments. This is true for both 4th and 8th grade assessments. It is clear we have our work cut out for us in closing the achievements gaps. It is important to note, however, that before 2002 NAEP did not consistently assess enough Indian students to provide reliable information about their performance. The department has embarked on an effort to ensure that NAEP produces more reliable national-level data on the performance of Indian students. We now have a benchmark to measure Indian students' academic progress through the years.

Our work also supports the department's accountability efforts. Disaggregated data are a key tenet of the accountability embedded in the No Child Left Behind Act. We will use NAEP data to measure the performance of Indian students and the programs that serve them over time.

Second, I am pleased to report that in some States, including Arizona and North Dakota, we are seeing meaningful gains in achievement by Indian students.

Third, high school dropout rates for Indian students continue to be too high. In addition, Indian students often have higher rates of absenteeism, suspension and expulsion than others.

Fourth, with respect to higher education, the number of Indian students enrolling in colleges and universities has more than doubled in the last 25 years or so. The number of degrees awarded to Indian students increased dramatically between 1976 and 2002.

Mr. Chairman, the department is making a serious effort to produce up to date, high-quality data about Indian students. We have been working to collect and release data on this population so that we know how Indian students are doing and can adjust policies and provide resources to address the needs that the data show are most critical. We plan to publish four important documents on American Indian and Alaska Native students by the end of the year. One report will contain an overview of demographic characteristics of Indian students and further analysis of Indian student performance along a number of key indicators.

Another will address the demographic and family characteristics and early mental and physical development of 9-month-old American Indian and Alaska Native children. Two other reports, one on post-secondary education and Indian students, and another consisting of a special analysis of decennial census data on the Indian population are planned for release later in the year.

Next year, we will release special NAEP reports that will provide information about the educational experience of American Indian and Alaska Native students and the role of their Indian culture in their education.

Before I conclude, I would like to take 1 minute to talk about how NCLB holds great promise for improving the education and academic achievement of Indian students. Its emphasis on stronger accountability for all students and the use of desegregated data ensure that schools address the needs of all their students, including those of Indian students. NCLB's emphasis on teacher quality will require that all students, including Indian students, are taught by highly qualified teachers who are certified, hold a bachelor's degree, and have demonstrated knowledge of their subject matter.

President Bush's Executive order which recognizes the unique educational and culturally related academic needs of Indian students will assist us in implementing NCLB. My office has taken a lead role in the implementation of that order. The department, in partnership with the Department of the Interior, just convened a national conference this past April which brought together representatives from Federal agencies, State educational agencies, tribal educational agencies and local officials. At the conference, we discussed how to implement NCLB in a manner that is consistent with tribal traditions, culture and language.

It identified five key areas: Closing the achievement gap and appropriate assessment of Indian students; training and developing American Indian and Alaska Native teachers; promoting continuity of tribal traditions, language and culture; scientifically based research on Indian education and the training of American Indian

and Alaska Native researchers; local, tribal, State, and Federal collaboration.

The department's work in the immediate future will focus on developing solutions, strategies, resources and technical assistance in the areas for agencies that serve Indian children. There are significant achievement gaps between the American Indian and Alaska Native student population and the general population. Although Indian students have made some progress in recent decades and score higher than some other major ethnic and racial groups on some indicators, the Indian student population continues to be subject to significant risk factors that threaten their ability to improve their academic achievement and their general well being.

Strategies to improve their education will need to take into account these risk factors, as well as the challenges of educating a culturally diverse population in rural and remote areas. Our efforts to collect reliable data on the Indian population have yielded a number of useful data sources that can be used to hold educational agencies that serve these students, and us, accountable for the performance of Indian students across this Nation.

In closing, I applaud you, Mr. Chairman, and the other members of this committee for steadfastly confronting the challenges facing Indian education. I look forward to working with you, Mr. Cason and our tribal leadership as we reach a solution or solutions to ensure that future generations of our Indian students are not left behind.

I thank you for this opportunity and I welcome your questions.

[Prepared statement of Ms. Vasques appears in appendix.]

The CHAIRMAN. Thank you very much.

Mr. Cason, on September 4, 2003 the GAO delivered its report to Congress as required by the No Child Left Behind Act, noting that BIA schools have certain characteristics that make them more costly to operate than the average public school. I certainly accept that thesis. The GAO noted, quote, "the agency has little financial data to use in forming the budget that Interior proposes to the Congress." The GAO concluded the BIA has no formal mechanisms such as a needs assessment for determining how much funding is needed for instruction or transportation. Have you addressed those issues, Mr. Cason?

Mr. Cason. Mr. Chairman, I do not know how completely they have been addressed. I will have Ed comment on that as well. He is probably more familiar with it. One thing that we are doing, though, Mr. Chairman, to make sure we get a comprehensive look at the evaluations that have been made about the education program is we are going through a process of pulling all the GAO reports, IG reports from the Department of the Interior, IG reports from the Department of Education and any other external evaluation that has been done. We are going through a process of cataloging all the funding recommendations from all those reports to actually give a definitive answer on what steps have been taken to implement responses to all of them.

So I know we have that effort ongoing. I have seen a draft of that. I do not know in this particular case what has been done.

So Ed, could you comment on that?

The CHAIRMAN. That is a pretty fundamental and important issue that we do not have a needs assessment for determining how much funding is needed for instruction or transportation.

Mr. Parisian, do you want to comment?

Mr. PARISIAN. Yes; good morning, Mr. Chairman and members of the panel.

What we are doing presently is putting together a data system nationally where we can collect that information. We do not have that currently available. We have a contract out. We hope to have that up by July 2006. Part of that GAO report had to do with getting information from our tribal grant schools. We need to work with them more closely to get accurate information that we can put into our data system so that we have it across the board, not just for our bureau-operated schools, but for the tribal grant schools that we also provide service to.

The CHAIRMAN. You have 64 schools operated by the BIA?

Mr. PARISIAN. Sir, 62 bureau-operated schools and 122 grant and contract schools.

The CHAIRMAN. And it is going to take you until July 2006 to find out what the instruction and transportation needs are for these schools? Please.

Ms. Vasques, it is interesting that you were testifying to all the things that you are going to do to comply with NCLB. It was signed into law three-and-a-half years ago by the President of the United States. What have you done so far to implement NCLB?

Ms. VASQUES. Sir, we have gone out and met with all of our——

The CHAIRMAN. So you have had meetings. Good.

Ms. VASQUES. Well, we have also been working with the BIA on their No Child Left Behind negotiated rulemaking. We have been working with the States.

The CHAIRMAN. Have they completed that rulemaking?

Ms. VASQUES. Yes, sir; it was just finalized 1 week ago.

Mr. Cason. Sir, the final regulations came into effect May 31, 2005.

Ms. VASQUES. We have also been working very closely with the Counsel of Chief State School Officers, which are the State Chiefs that oversee the public education systems. They have now formed a Native American task force to work with us where we have highly populated areas of Indian students in their particular States. I think that was an area, in all honesty, that was missing in these discussions with No Child Left Behind.

We see a lot of progress going from the State Chiefs and many Governors that are working with us on the challenges of No Child Left Behind, especially in those communities where the public——

The CHAIRMAN. You are working with Governors to determine the needs on Indian reservations?

Ms. VASQUES. No; the Chief State Schools are working with their Governors because they are working for the State.

The CHAIRMAN. What role does the State play in the administration of a BIA school?

Ms. VASQUES. I am speaking for the public schools, sir.

The CHAIRMAN. The purpose of this hearing is to discuss the state of Indian education.

Ms. VASQUES. Yes, sir; 90-some percent of our Indian students attend the public schools.

The CHAIRMAN. I understand that. We are talking about BIA schools.

Ms. VASQUES. We are working very closely with Jim Cason on the issues that he reported to you earlier on helping assist them with their action plan. He sat in a meeting with us with our senior-level officials and allowed us to be brutally honest on the issues that the Department of Education has with the BIA on their high-risk areas. For example, we are working with him on their program performance, their program outcomes, helping them with their human capital. We see a lot of issues with high turnover, teacher quality, management, the accountability assessment.

The CHAIRMAN. What is the average salary of a teacher at a BIA-administered school, Ms. Vasques? An entry-level salary?

Ms. VASQUES. I do not know that answer.

The CHAIRMAN. Are you familiar with an Office of Inspector General report that says the central office of the Office of Indian Education has not adequately managed its administrative funds, resulting in a failure to maximize monies available for distribution to Indian schools? Are you familiar with that report?

Ms. VASQUES. Somewhat, I am.

The CHAIRMAN. Has any action been taken?

Ms. VASQUES. Several of our program offices are working very closely with the BIA to make sure that there is corrective action taking place with several fiscal years of funding.

The CHAIRMAN. Senator Dorgan.

Senator DORGAN. Mr. Chairman, thank you.

I am trying to understand this. I have heard the testimony here, Mr. Cason and Ms. Vasques. Some of it does not sound to me like it is in English. You are talking about all these acronyms and these programs and the coordination. I know money is not everything, but I do not understand what is happening with respect to funding. You do not have a needs assessment yet. I have been to many of these schools, as have my colleagues. We understand the shape they are in. We have GAO reports and Inspector General's reports that describe the desperate need to bring these BIA schools up to standards.

Yet, let me go through the recommendations. Let me start with the tribal colleges. The President suggested we cut tribal colleges by $10 million. Is that a step forward or a step backward? What is the basis for saying we ought to cut funding for tribal colleges?

Mr. Cason. Is that 2006 spending, Senator, that you are talking about?

Senator DORGAN. Yes; the President's budget recommends cutting $10 million from the previously appropriated level of funding for tribal colleges. How does that advance Indian education?

Mr. Cason. Taken in microcosm, I think you would say it probably does not. But as you know, Senator, when we go through the budgeting process, there are lots of considerations that enter into the decisions about where you place money, what the priorities are. The budgeting process with Indian country ends up being one that starts with a BIA tribal budget committee meeting. There is lots of discussion about what the relative priorities are there.

There are discussions within the Department of the Interior, balancing the BIA budget against all the other budgets in the department. It goes to OMB and it comes up to Congress. There are lots of people that have a role in the process.

Senator DORGAN. I understand that process.

Mr. Cason. So if you just look at it in a microcosm and that is the only consideration in developing a budget, you would have, say, 1 dozen. Within the broader context of all the priorities we have, I am not sure who influenced the process to arrive at that conclusion in the past budget.

Senator DORGAN. It sounds to me like you are saying do not take a close look. "Microcosm" is a close look.

Mr. Cason. No; it needs a close look.

Senator DORGAN. Well, a close look would suggest that the President's budget cut funding for tribal colleges by $10 million; cut funding for replacement school construction from $105 million to $43 million; and cut funding for facilities and improvement repair. I do not understand this. How can you come and talk about a commitment to education when you look at these cuts, yet we know the needs are so great. And then you say, well, you can't look at it that way. You are taking a close look. You are looking it in microcosm.

All I know is that Donald Trump is going to get another big tax cut if the priorities that exist through the process you described somehow prevail.

With tribal colleges, for example, or facilities improvement repair of these schools that are in desperate need of repair, and you know what the GAO and the IGs have said, all I know is that if you take a close look, and that is what we are trying to do this morning, this does not meet the test of commonsense. I am just asking the question, who makes these decisions and why? And do you support the decisions?

Mr. Cason. Well, Senator, on this particular issue about the school construction, as I recall you and I had that discussion when I testified on the budget, that for 2006 the underlying rationale for the cuts in that program were associated with the pace at which we are getting school construction done. Within that, we had a very large unobligated balance in the school construction fund. So basically, we were looking at trying to get caught up in getting these schools constructed we already had funding for which we had not been able to get done.

If you go back and look at it historically, the President has placed a huge amount of emphasis on additional school construction. If I recall the figures correctly, we have invested somewhere on the order of $1.5 billion new dollars into the process or asked for and Congress has been gracious enough to give us about $1.5 billion over the last four years for new school construction. That was a substantial increase over the amount of monies that were available in the prior 8 years.

We have been attempting to increase our ability or capacity to build schools much faster and get those dollars used effectively. That is exactly what we are doing right now, to be able to use the unobligated balances during 2006.

Senator DORGAN. Well, all I know is that this does not add up. Mr. Chairman, I am the Ranking Member on the Interior Appro-

priations Subcommittee. We just marked up that bill. We are spending $500 million less than we spent last year. This is not a cut in the rate of growth. We had $500 million less than we had the previous year. We have a fiscal policy that is just off the tracks.

So what happens? Indian children who go to these schools are going to pay the price for it because we are not willing to own up to the needs. I think the chairman sitting next to me seemed to express some concern, perhaps that is too mild a word, at the fact that we do not have a needs assessment. A needs assessment ought to be the first criteria here. This is a needs assessment for the welfare of children. These are little kids that we send to these schools.

I have seen these schools. I have been to these schools. I have talked on the floor of the Senate about a school with 150 kids, one water fountain, two bathrooms, desks an inch apart. The fact is, we have to do better. I am not very impressed with the priorities. I do look at this in a microcosm, but if you are trying to run a tribal college system to give hope for people to get up and out of poverty and get training and skills and education, and then you see a recommendation saying let's cut it by $10 million, what kind of commitment is that to that system?

I happen to think tribal colleges are enormously important because they allow people to go to college who otherwise could not go, because in their communities where they have extended families and can get child care and the other things, this system works. It allows people to go to college who otherwise would not get a college education.

So I am just expressing some frustration that all the nice sounds you are making this morning are not matched by the commitment to fund that which we need to fund, in my judgment.

Mr. Cason. Thank you, Senator. I think we both agree there is an important mission for us to serve in Indian Affairs at the Department of Education in getting Indian kids educated. That is an important mission and clearly, as I said in my opening statement, we are not doing enough to get the results that we need in that program.

So we are going back to basically look at what is it that are the causal factors for why we are not being successful. If funding is one of those issues, that will be something on the plate with the Secretary and I to talk about.

Senator DORGAN. Mr. Chairman, let me ask consent that a statement from Senator Inouye be entered in the record at the start of the hearing.

The CHAIRMAN. Without objection.

Senator Thomas, welcome.

STATEMENT OF HON. CRAIG THOMAS, U.S. SENATOR FROM WYOMING

Senator THOMAS. Thank you, Mr. Chairman.

Sorry I was a little late and did not hear it all. We had some energy things going on, as you know, but I am very much interested in Indian education, of course.

We have one BIA school on our reservations. I think 90 percent of our Indian kids go to the other kind of schools, as a matter of fact. I am a little surprised to hear a little bit. I did not know that

some of these things had an impact so much on it. I understand that there has been a $3.6 billion increase since 2001 for Indian education. In our State, we spend about $8,000 per pupil and the Indian schools spend over $9,000. Of course, spending is easy, but I did not know Bill Gates had anything to do with it, Frankly.

Senator DORGAN. It is Donald Trump.

Senator THOMAS. Oh, Donald Trump. I am sorry. I got confused.

Senator DORGAN. I could mention Bill Gates, though. [Laughter.]

Senator THOMAS. You mentioned trying to find some solutions. Just in broad terms, what do you think are the basic problems facing us in terms of Native American education? Just shortly form all three of you, very quickly, what are the major problems facing us?

Ms. VASQUES. It is important, and I apologize, Mr. Chairman, to not focus just on the BIA schools. It is important to note that the Department of Education provides almost 25 percent of the Office of Indian Education program dollars for their education efforts. We also have seen major increases in the past few years in their special education and title I dollars.

On the question that you ask——

Senator THOMAS. What do you think are the basic challenges facing you?

Ms. VASQUES. For us, I would have to say making education the number one priority for not only this committee, but our tribal leadership. Whenever I go out and speak, my number one challenge to those that will listen is to challenge our tribal leaders to put education on their agenda. Many times, I am asked to speak and I am at a sub-level meeting and not the General Assembly. Education, as you all have said so eloquently, should be number one on our agenda, on everyone's agenda. It is the answer to our economic prosperity.

Senator THOMAS. I am assuming you are saying it is not.

Ms. VASQUES. I think it is our number one agenda. I know it is our number one agenda, but I do not know if I feel that it is the number on agenda out there when I am working in the field.

Senator THOMAS. Mr. Cason.

Mr. Cason. Senator, I have maybe a little different view within the Department of the Interior for the Indian education program. I think, first, there is not a clear set of expectations about roles and responsibilities to get the results that we need. We have a fairly complicated environment. Some of the schools are run by BIA directly and 122 of our schools are run through tribal grants where the tribe is essentially responsible for running the school.

It is not entirely clear throughout the organization and with the tribes as to what the roles and responsibilities are to give performance results; what is acceptable; what is not acceptable; and having any clear mechanisms to do something about the unacceptable. So that is something we need to develop.

Second, I think profile is part of the issue, that currently the education program resides within BIA, but it has not been the principal focus of BIA as opposed to other issues like trust, providing welfare services and general assistance. It is certainly an important program, but it has not had the profile that maybe it

needs. That is one of the issues that we are taking a look at changing.

Third, I think that local socio-economic considerations are a driver; that as this committee probably knows, Indian country in general is one of our poorest sub-populations. I was speaking with the director of BIA this morning. He had just gotten back from Pine Ridge and he told me that the unemployment rate on Pine Ridge is 89 percent. That is a terrible situation for us and it is a terrible situation from which you can send children to get them educated and have the kind of family support that they really need to participate in educational programs.

Family support is a key issue, that there has to be an expectation on the role of parents to encourage their children to be in school, to participate in school, to excel at school. I know I have to do that with mine and it takes parents everywhere to be active participants in the process. In some cases where you do not have parents doing that, it becomes a problem.

I think another area that is important for us is the leadership of the program within Interior. Right now, we are sitting in a position that Ed represents the only SES person in the Indian Education Program. We have about 5,000 employees there, and Ed is the SES person. So that is one of the issues that we are taking a look at, to add some leadership capability into the organization. That is not completely defined yet, but that is one of the things that we need to get done.

Senator THOMAS. Thank you. I have taken more than my time. Sorry.

The CHAIRMAN. Thank you very much.

Senator Johnson.

STATEMENT OF HON. TIM JOHNSON, U.S. SENATOR FROM SOUTH DAKOTA

Senator JOHNSON. Thank you, Mr. Chairman, and thank you to you and Senator Dorgan for holding this hearing.

A special welcome to Dr. Roger Bordeaux, who is superintendent at Tiospa Zina School located on our Sisseton-Wahpeton Reservation. I look forward to his testimony.

I have competing obligations and will not be able to stay for the entire hearing, but there are a couple of points I want to raise and questions I have today.

First, obviously, we must retain the appropriate area and agency technical support of our BIA schools. We have to be assured that the AYP does not realign or reduce the regional line officers in our region. If realignment is deemed necessary, I think this has to be done with true consultation with our affected tribal parties.

Second, we continue to have financial problems and disagreements in South Dakota. Currently, the St. Francis and the Enemy Swim Schools have reached the construction stage, but we continue to have conflicts with the BIA over square-footage issues. We are at great risk of building new schools that will be inadequate from day one because of the square-footage issues. I know Enemy Swim in particular had an agreement with BIA and then the BIA seems to have reneged on its agreement about the square-footage being

involved. I may submit written questions to you for a response to that.

Another more immediate problem that is of great urgency has to do with our Crow Creek School on the Crow Creek Reservation. The dormitory for the Crow Creek School literally burnt to the ground. It is gone. The BIA has said that they can have some money that they have held back for gymnasium reconstruction, which is a separate matter. They have provided a modest amount of money, most of which will go for tearing down the burnt-out facility and taking care of the damage there. A small amount will be left for emergency dormitory space that they will have to put in this summer.

However, the BIA has come up $4 million short for what is necessary for that temporary dormitory space. As a consequence, a good share of the students who attend Crow Creek will not longer be able to attend Crow Creek. That means that their budget falls off, the funding drops off, which means that they are going to have to fire faculty and staff because they are not going to have the budget for this fall.

I am immensely frustrated that in an emergency situation like this, that reprogrammed or some sort of money could not be made available in order to at least accommodate the dormitory needs at Crow Creek so that they can open school this fall. Time is running. If we start now, it is going to be difficult to get all of this done. There is a South Dakota corporation working with the Governor that has volunteered to put Crow Creek at the head of the line for the temporary housing space, but I see just utter inaction on the part of the BIA at this point about what are you going to do about the Crow Creek School with the crisis that they have right now, if they are going to in fact be up and running this summer.

Now, Crow Creek is number nine on the facilities list, so ultimately I am certain they will get a new proper school, but what do you do between now and the fall? This is a matter of great urgent crisis that frankly the BIA has not been responsive about. I find this enormously frustrating.

Let me ask Mr. Cason, what should we do? What should the people of Crow Creek do and what should their children do?

Mr. CASON. Well, Senator, I am pleased that you brought that up. That is an issue that I dealt with personally so I have a substantially different view of the circumstances than you have just expressed. In fact, the BIA started working on providing assistance immediately after the fire. Our SES staff person in charge of facilities, a guy named Jack Reiver was in contact with the tribe immediately thereafter to assess what their needs were.

We had extensive discussions with a person for the tribe. I talked to the tribal chairman myself. I talked to the guy for the tribe that actually works on the schools, that is in charge of the schools. I talked to the Governor's staff person, I think it was his chief of staff, that was working on this issue.

Basically, what we tried to work out was a partnering relationship, who could contribute what, to get them back up. The objective shared by all was to ensure that they could be back in operation August of this year, so that they could have a complete school year. That basically entailed providing a replacement temporary dining

facility and kitchen, which the BIA is contributing. It also involved dormitory space, as you mentioned.

The issue on the dormitory space is we very carefully looked at what the need was in light of being a temporary solution. What we found is that at the beginning of the last school year, there were approximately 200 students that were dormed; that at the time of the fire there were approximately 120 students that were dormed; that in the aftermath of the fire, the tribe managed to house the approximately 40 to 50 students who were brought in off-reservation from other reservations at a local hotel facility, and that they were able to successfully employ a busing program to bus all the other students that had been living in the dorm, but actually lived on the reservation.

So we had some flexibility in how we addressed the issue. The critical mass was basically the 40 or 50 students from off the reservation. We definitely needed space for them. We needed space for another amount of students that lived on the reservation, could have been bused, but maybe were not in housing situations that were optimal.

What we worked out with the tribe is that we could basically provide approximately $600,000 to build temporary dorm space, the equivalent to about 120 students. We also worked out with the tribe that if the Governor's office could come through with another $300,000 on environmental assessment, we would move our $300,000 that we had dedicated for that into dormitory space. It is my understanding at this point that that is what we are doing.

So we have not attempted to replicate in toto temporary dormitory space equivalent to the maximum number of students that had been in the dorm, but we tried to give a lot of flexibility to the tribe by providing temporary dorm space that would accommodate all of the off-reservation students and a large number of on-reservation students who needed better housing.

Senator JOHNSON. We will follow-up with you on that. I appreciate that you have been in communication with the tribe.

One of the questions that was raised to me while I was there, and I do not know if this is conveyed to me correctly or not, but the school indicated and the tribe indicated to me that previously the tribe had insured the school facility, that they were directed by the BIA to drop their insurance. They did maintain insurance on the contents, but not of the building itself. Is that correct? Is that BIA policy to tell tribes not to insure school facilities and BIA facilities?

Mr. Cason. I asked that same question, sir, and I do not believe it is BIA policy, but we were trying to determine who exactly told them that. We have not gotten a name on that yet, so we tried to follow up on that because it is not our policy to say, no, do not insure your buildings. Actually, we recommend that they do insure their buildings.

Senator JOHNSON. I would appreciate your getting to the bottom of this a little bit. It sounded sort of counterintuitive, but I did want to see if you are pursuing in fact what occurred in that situation.

Mr. Cason. We are. And Senator, would you mind if I just follow-up on a couple of other things.

You had mentioned the name of a school that there was a square-foot problem in. What is the name of that?

Senator JOHNSON. Yes; we have two schools. One is at St. Francis and the other is at Enemy Swim. Enemy Swim is on the Sisseton–Wahpeton Reservation and St. Francis is on the Rosebud.

Mr. Cason. So it is "enemy" as in a person I do not like? Enemy Swim?

Senator JOHNSON. Yes; Enemy Swim.

Mr. Cason. Okay. We will follow-up on that.

Senator JOHNSON. I appreciate your following up on that.

My last comment, and I know that the committee needs to move on, I really do think that, and I do not lay this blame at the feet of the BIA particularly, but I am enormously frustrated about our national priorities. The level of poverty on our Indian reservations in South Dakota is simply immense. It is breathtaking, the multiplicity of problems that these people face and there is no silver bullet out there. I know that.

But I do believe that education is one of the keys, from early Head Start all the way through our tribal college programs. We need a larger pool of Native American teachers and nurses and managers and entrepreneurs who become role models for other young people. We need more of a private sector economic activity going on, and only education and job skills can make that happen.

I share Senator Dorgan's concern about overall levels of funding and priorities. He and I have worked on the college funding issue, a $10 million recommendation for reduction in funding. When you come back from Pine Ridge, Oglala Lakota College is the college that happens to be on the Pine Ridge. We have several. They are accredited. They are doing great work. They are creating a new generation of leaders, but they are operating on a per capita per student funding level of about half of what a community college anywhere else in the country would be expected to have.

It seems to me at a time when the Administration is talking about a $10-million cut there, at the same time, and I know some people do not like it when some of us bring this up, but the cost of the extension of tax cuts given to people who make over $1 million per year, not millionaires, people who make over $1 million a year, the cost to the Treasury in fiscal year 2006 will be $32 billion drained out of the Treasury. And then we say, well, we do not have $10 million for Indian kids to get a college education.

I just find that mind-boggling as a priority for this, the richest Nation on Earth, to be essentially pulling up the ladder for academic success for a new generation of young people who we are in dire need of to provide leadership on these reservations. It is so penny-wise and pound-foolish and a distortion of what I think really are values as Americans ought to be. I share Senator Dorgan's distress about that. I know I am talking into the wind here, but I simply cannot conclude my remarks without making reference to the priorities and the values that Senator Dorgan and I share.

Thank you.

The CHAIRMAN. Thank you very much, Senator Johnson.

I thank the witnesses. I would like to just comment as you depart that you are in a process, according to your testimony, in making various assessments, completing studies and plans of action.

We probably will have another hearing perhaps in the fall to and maybe you can give us some more definitive results at that time. It might be appropriate then.

Mr. Cason. That would be great, Mr. Chairman.

The CHAIRMAN. Thank you very much. I thank the witnesses.

Ms. VASQUES. Thank you.

The CHAIRMAN. The next panel is Nick Lowery. He is the acting chairman of the National Fund for Excellence in American Indian Education; David Beaulieu, who is the president of the National Indian Education Association; Joe McDonald, who is the president of the Salish Kootenai College in Pablo, MT. He is representing the American Indian Higher Education Consortium. And Roger Bordeaux, who is the superintendent of Tiospa Zina Tribal School and executive director of the Association of Community Tribal Schools in Sisseton, SD.

I welcome the witnesses. All of your complete written statements will be made part of the record. We will begin with you, Mr. Lowery.

STATEMENT OF NICK LOWERY, ACTING CHAIRMAN, NATIONAL FUND FOR EXCELLENCE IN AMERICAN INDIAN EDUCATION, INC.

Mr. LOWERY. Good morning, Senator McCain. It is a true honor to be here and to represent the outstanding board of directors of the National Fund, one of whom is next to me.

I ask that a copy of my written testimony, along with the attached proposed draft amendment language be accepted in the record of this hearing.

The CHAIRMAN. Without objection.

Mr. LOWERY. Thank you.

I represent the National Fund for Excellence in American Indian Education, known as the National Fund. The National Fund is a charitable foundation first authorized by Federal statute almost 5 years ago and initially known as the American Indian Education Foundation. I am here today to provide you with a brief progress report, as well as to discuss certain changes to our statutory charter that would provide the National Fund with some essential administrative flexibility and better safeguard its funding base and its purpose.

The National Fund was authorized by Public Law 107–568, the Omnibus Indian Advancement Act of 2000. The primary purpose of the National Fund is to encourage, accept and administer donations to support the mission of the Office of Indian Education Programs. There are currently an estimated 49,000 students in 184 schools, as you heard earlier. In addition, perhaps as many as 900,000, if you believe the census, American Indian students are educated in public schools in 50 States, enrolled in about 10,000 school districts.

Like those in BIA schools, many often exist below the radar screen of society. Most confront high rates of apathy, alienation, alcoholism, teenage suicide, teenage pregnancy, and gang violence. No one here, I believe, denies that more must be done to reach, train, mentor and inspire our most precious resource, and no one

here, I believe, denies that we must do more to help Native American youth embrace a robust self-determination and higher destiny.

The history of our formation efforts have been problematic, to say the least. When the foundation was authorized in late 2000, Congress directed the Secretary of the Interior to appoint its board and provide it with financial support. There are several models for the foundation in the sense that they were initially created by Congress, given birth within an agency such as Interior, with the intent and the eventual result that they would become fully independent entities. Two of those, the National Park Foundation and the Fish and Wildlife Foundation are exemplified to my right.

The board was sworn in in March 2003. Since that time, we have met on four occasions to set priorities and plan for the future independence and effectiveness and impact of the foundation. First, the name change. The initial obstacle in incorporating into filing the necessary application for nonprofit tax-exempt status was the discovery in November 2002 that another organization held prior and superior legal rights to the same name, the American Indian Education Foundation, given our foundation by Congress in late 2000.

It took us a full year, Mr. Chairman, to change our name, which is now the National Fund. We are grateful to former Chairman Ben Nighthorse Campbell and other members of this committee, as well as Representative Rick Renzi for assistance in securing the name change. It should be noted that during this time, there was nominal support from the Department of the Interior for the name change.

The National Fund was incorporated in the District of Columbia in July 2004. Subsequent to that, as soon as its name change statute was signed and shortly thereafter, we filed our application for nonprofit tax-exempt status. In November 2004, we received our determination letter from the Internal Revenue Service.

Let me just go briefly over the obstacles we need to remove to allow us to achieve effectiveness and impact on some of those issues that were addressed earlier today. At this point, the board of directors of the National Fund has identified several obstacles. What follows is our description.

First of all, redesignation of the chief operating officer. The authorizing statute oddly requires the chief operating officer of the foundation, who is Dave Beaulieu, actually, that he must be a board member who is secretary to the board of directors.

A second is adjustment to the ceiling set on administrative costs. As you see from this chart, neither the National Park Foundation, the Fish and Wildlife Foundation, indeed we know of no similar restrictions being placed upon other similar fundraising organizations that need to spend money in order to raise money.

We might suggest that the most efficient way to do this would be to extend the section 501(l) of the original legislation, which is a waiver, and extend that through fiscal year 2007. Any number of articles, including an article from the Center for Philanthropy at Indiana State mention the importance of setting up effective infrastructure at the beginning of an organization to make it achieve its mission.

Second, repeal of reimbursement requirements. Once again, this is something that is not required of the National Park Foundation

or the Fish and Wildlife Foundation. We would like to see this also repealed because fundamentally, we need to maximize the dollars available, as you just talked about, for the classroom and the hearts and minds of Native American students, not simply to reimburse the Secretary of the Interior.

Finally, requests for oversight assistance to transfer donated funds. We met with Jim Cason yesterday and are trying to work out transfer of funds. We hope this will be followed-through on. We are optimistic that it will, but it has been quite a problematic process. In addition to releasing these funds in short order, which amount to only $200,000 at this point, we will ask the committee and the Congress to work with us to authorize and fund an endowment appropriation by which we can begin to operate the National Fund and raise private contributions and offer the program services that were in our initial charter.

In conclusion, the National Fund's board of directors desires this committee to know that despite all of the obstacles identified along the way, we are proceeding as best we can, given that we have no accessible resources. The actual process of putting the organization together highlights new challenges, all of which were unanticipated by the National Fund's originators and sponsors. Without any funding, the foundation board and staff have begun to identify private sources of support and are drafting grant fund proposals that will generate some revenue.

Our testimony reflects a summary of the concerns and accomplishments of the board of directors of the National Fund for Excellence in American Indian Education. The board took an oath, Mr. Chairman, to serve the best interests of American Indian education. We request the committee's help in modifying the statute, as well as providing some assistance in gaining greater financial support for the fund.

We have attached proposed draft legislation on the statutory amendments. An estimated 60 percent of the 49,000 students in the 184 BIA schools are dropping out. Approximately three-fourths of schools in the system are failing the No Child Left Behind annual yearly progress standards. This does not include the up to 900,000 potential Native students at non-BIA schools. The time is now to do all we can to build as much sense of urgency, leadership, vision and capacity into the system as we can.

Mr. Chairman, I will conclude by simply saying we have an outstanding board of directors. David Beaulieu, his track record speaks for itself, as a former president. He is now the current president of the National Indian Education Association. He was the former director of Human Resources for the State of Minnesota. Sharon Darling is a founder and president of the National Center for Family Literacy. She is an internationally recognized leader in the field of family literacy and has raised $80 million for family literacy. John Guevremont is the COO of the Mashantucket Pequot Tribe, of which he is a member and which is taking a more national role in pursuing Indian education benefits and improvements.

Regis Pecos is currently the chief of staff to the New Mexico Speaker of the House. He is a Princeton graduate and is the first American Indian appointed to the Board of Regents of Princeton.

Jo-Anne Stately is a member of the White Earth Ojibway Tribe. She currently serves as president of the Native Americans in Philanthropy and is overseeing millions of dollars of grants for Native American projects. Linda Sue Warner currently works as associate vice chancellor for the Tennessee Board of Regents. She is a member of the Comanche Tribe of Oklahoma.

And finally, Gwen Shunatona, who currently works as director of the Prairie Band Potawatomi Nation Education Office. Myself, I worked in the Office of National Service for President Bush and President Clinton. I was cofounder of Native Vision, which is beginning today, actually, in New Mexico with 800 young athletes from 30 tribes. I am founder of Nation Building for Native Youth, which is a leadership and self-governance program in keeping with the vision of recently departed Secretary of Indian Affairs Dave Anderson. I also happened to play almost 20 years in the National Football League, which I think actually has helped me see the impact that role models can have on young people if they are given the opportunity.

Mr. Chairman, on behalf of the board of directors, I wish to extend to you and the members of the committee our gratitude for this opportunity to testify at the hearing, and thank you for the time and attention you have given us and our concerns.

Thank you.

[Prepared statement of Mr. Lowery appears in appendix.]

The CHAIRMAN. Thank you very much.

Mr. Beaulieu.

STATEMENT OF DAVID BEAULIEU, PRESIDENT, NATIONAL INDIAN EDUCATION ASSOCIATION

Mr. BEAULIEU. Chairman McCain, members of the committee, my name is David Beaulieu. I am a member of the Minnesota Chippewa Tribe from the White Earth Reservation, and president of the National Indian Education Association.

The National Indian Education Association has within the last year begun to focus, and we encourage the committee to also focus comprehensively on the needs of Native children in light of the long and growing health and overall needs of Native children. Mental health issues, including high levels of substance abuse, suicide rates, poor housing and health conditions all impact the capacity of Native children to learn and schools to be responsive to their principal education purposes. We must comprehensively develop strategies that engage families, communities and tribes in every aspect of the care and education of Native children.

Although the National Indian Education Association supports the broad-based principles of accountability and documented results of No Child Left Behind, there is widespread and growing concern about the many obstacles that the NCLB presents to Indian communities who often live in remote, isolated and economically disadvantaged communities. Specifically as detailed in our written testimony, we have identified many factors that we think are important to note, specifically financial resources. We believe that schools serving Native students receive inadequate levels of funding. As noted in the September 2003 GAO report on BIA schools,

the student population is characterized by factors that are generally associated with higher costs in education.

We simply need monies to invest in Indian education. This lack of investment, combined with the shortened time frame for results and the focus on attempting to meet tests that often are incompatible with actually documented results that are being accomplished, are causing in a sense a train wreck. Our schools are often feeling in crisis. Many positive and wonderful aspects of the educational programs are being eliminated to focus on tests and driving performance to test results, without considering the broad-based quality of educational programs serving Indian children.

Many of our school officials and others are reporting, or parents and tribal leaders are reporting that students often bear the responsibility of schools not being able to accomplish results and are being identified as the reason why. There appears to be a growing incongruence between the purposes of title VII within No Child Left Behind and the general operating principles, and consequently the implementation of NCLB by States and the BIA for schools with Native students.

Title VII, which expresses a purpose of meeting the unique education and culturally related needs of Native students so that they can achieve the same high standard as other students is not sustained or supported in the general operating provisions of the statute in a way that will allow for the development of congruent educational programs and services consistent with the purposes of title VII. Instead, the approach appears to be increasingly focused on providing extra time for practice in teaching to the test.

In 1997, the GAO issued a report that documented an inventory of repair needs for educational facilities totaling $754 million. Since then, the backlog for construction and repair is reported to have grown to $942 million. Completing construction of a high school since 2001, while progress, is not enough. The need for additional school construction dollars is so great that there should be no slowdown in appropriations. Instead, there should be an increased effort to get tribes and the BIA to work more efficiently on completing school construction projects, recognizing that schools take time to plan and build.

On an average, the BIA education buildings are 60 years old; 65 percent of BIA school administrators report one or more school buildings in inadequate physical condition. NIEA strongly opposes the realignment and restructuring of the Office of Indian Education Programs within the BIA that will cut the total number of education line officers from 23 to 11 and cut the funding of these offices by 18 percent. Since the function of these offices has significantly increased due to the passage of NCLB, NIEA believes the offices should be expanded, rather than reduced, to ensure timely service to BIA schools.

The National Indian Education Association opposes a proposal by the Department of the Interior to decrease the educational line officers and encourages the Department of the Interior to work both with BIA-operated and tribal grant schools on school improvement and efforts in training.

In addition, the NIEA requests the committee to probe the Department of the Interior as to why the Office of the Director of the

Office of Indian Education Programs has remained vacant for almost a full year. We understand there is an effort at the BIA to elevate the director's position and I hope the position will remain an Indian preference.

NIEA has been holding its own field hearings in Indian country on the No Child Left Behind, and will publish a report in October that outlines the information gathered at these hearings and provides recommendations for legislative amendments to existing law. We have held hearings at Window Rock in the Navajo Nation; Tacoma in the Northwest; Montana; Green Bay with the National Congress of American Indians; and in Albuquerque. And we intend to hold hearings in Oklahoma and in South Dakota as well.

Our constituency is becoming ever more alarmed. We are now receiving testimony from tribal chairs and council people, as well as educators, about their concerns with the statute and what is happening to Indian education generally.

The National Indian Education Association encourages the committee to conduct field hearings on NCLB and Indian education in Indian country, and suggests that the committee consider holding their own field hearings and include it at the National Indian Education Association convention in October, between the 6th and 9th, in Denver, CO.

In closing, true success in Native education will come only when Native students are receiving high-quality education that not only prepares them for the demands of contemporary society, but also thoroughly grounds them in their own history, culture and language.

Thank you, Mr. Chairman.

[Prepared statement of Mr. Beaulieu appears in appendix.]

The CHAIRMAN. Thank you very much.

Dr. McDonald, welcome.

STATEMENT OF JOE MCDONALD, PRESIDENT, SALISH KOOTENAI COLLEGE, REPRESENTING THE AMERICAN INDIAN HIGHER EDUCATION CONSORTIUM

Mr. MCDONALD. Thank you, Chairman McCain and distinguished members of the committee.

On behalf of the 35 tribal colleges and universities which make up the American Indian Higher Education Consortium, I thank you for this opportunity to testify.

My name is Joe McDonald. I am a member of the Confederated Salish Kootenai Tribe and president of Salish Kootenai College, which is located on the Flathead Indian Reservation. Our college was chartered in 1977 for the simple reason of the near-complete failure of higher education in the United States for American Indians.

In 1935, there were 570 American Indians in college. After World War II, in 1957, there were 5,700 American Indians in college. In 1968, we had 181 American Indians graduate from college in the whole United States. There was a horrendous report from GAO in 1976 on the condition of American Indians and higher education. That led a lot to the formation of the tribal colleges.

Our college has grown from a very small college to relatively large among the tribal colleges. We offer 6 bachelor degrees, 14 as-

sociate degrees, and 70 certificate programs. Last Saturday at graduation, we awarded 161 degrees to American Indians from 40 different tribes.

Over the past 30 years, the idea of tribal institutions of education has spread throughout Indian country. Today, despite severe budget cuts and inequities in Federal budgets, there are 35 tribal colleges and universities in 13 States, and we have upwards of 30,000 students attending from 250 federally recognized tribes.

I have some key issues I would like to discuss this morning. One is general core funding. Despite trust responsibilities and treaty obligations, the Government has over the years not considered funding of American Indian higher education a priority. For the past 24 years since the initial funding of the Tribal College Act, we have been chronically underfunded.

To illustrate the degree of inadequate funding, the current authorized level for tribal college operations, which is $6,000 per Indian student, has the same buying power, when you consider inflation, as the initial fiscal year 1981 appropriation which was $2,800 per student. Despite the much-appreciated increases that Congress has appropriated over the last several years, we are still receiving only about 75 percent of the authorized level.

What we would like to talk about is forward-funding. If the tribal colleges' accounts were to be forward-funded when appropriations are not completed by October 1 of any year, which has become more the norm than an exception, we would not have to identify emergency lines of credit. It is really creating cash-flow problems at many of the tribal colleges, and they have to borrow money then to continue until the money comes to them. The delayed appropriations, or even less than timely distribution of funds after appropriations are completed, make it really difficult to plan and project operating funding needs. It hamstrings us in many ways.

In short, when funds are not available on October 1, tribal colleges many of them are forced into, a borrowing status. It is a crisis of confidence with faculty, staff, with everyone. So forward-funding would go a long ways for us.

The HEA title III is a very important program on us. It affords us the ability to fulfill a vital role in providing access to higher education. We would like to have formula funding for title III. Tribal colleges would clearly benefit from formula funding this program. Right now, they are competitive grants and at the end of each competitive grant, we have to realign ourselves and do something different. In the 5 years, you get something going, it is going well, then you have to drop it and go to something else. It is competitive and it may not even be awarded if you are not successful competitively.

So if we could get that changed so TCU-title III became formula-funded, it would be much better. Section 102 of S. 2539, a bipartisan bill introduced in the 108th Congress and referred to this committee includes language that would accomplish this recommendation.

The National Science Foundation TCU initiative was created to help our institutions develop and expand high-quality science, technology, engineering and mathematics called STEM. We have had great success with STEM. We have encouraged a lot of young In-

dian people to go into science and mathematics fields. Colleges have increased their math participation greatly as a result of STEM. Currently, the United States is trending toward a shortage of scientists, mathematicians, engineers, and researchers, and all of the Nation's institutions of higher education must begin graduating more students in science, engineering and mathematics or STEM fields, or we will not have the workforce needed to stay competitive.

To help remedy this, we propose the creation of a new section under HEA Title III, Part A, to establish programs that will allow for more efficient and effective application and administration of STEM-related programs. So Mr. Chairman, because NSF has committed increasingly more of its resources towards expanding basic scientific research and strengthening graduate programs, we believe the program should be moved to the Department of Education, Office of Post-Secondary Education, in conjunction with the tribal colleges' title III program.

Equally as important as institutional development programs are programs that focus on student development and capacity. The Department of Education's TRIO student support service program is critical to tribal colleges. However, the fiscal year 2005 program competition resulted in 25 percent of the tribal colleges that had student support service grants losing their program funding. The grant-scoring cutoff for institutions that would receive an award was 99.33, which is very, very competitive.

In September 2003, the department recognized that many of our institutions face any number of challenges to operating high-quality accountable TRIO projects and awarded supplemental grants to each of the tribal colleges that were administering a student support services grant.

Simultaneously, the TRIO Training Institute at my institution, Salish Kootenai College, received additional funds to support the collective efforts of these colleges to improve their TRIO–SSS projects. So we did this and we did this very, very successfully. We worked with AIHEC. We worked with the Council for Opportunity in Education. We used the successful TRIO program officers throughout universities and colleges in America. In a short time, the project had made tremendous progress we really made a lot of improvement in these programs. So we would like Congress to encourage the Department of Education to extend for a minimum of 2 years the funding of these programs.

I know that Mr. Parisian talked about data. We have been collecting our own data under a program called American Indian Measures of Success [AIMS]. We are very excited about it because it not only takes into consideration the data that the BIA requires, but also takes into consideration what IPEDS wants. We think that we are on to something. We have not seen the final product, but we think that it contains all the data that we would need. We encourage Congress to consider that AIMS data collections be adopted as a primary mechanism for data collection for all TCU Federal programs.

The CHAIRMAN. Dr. McDonald, you are far exceeding your time, but please proceed.

Mr. MCDONALD. Okay, really quickly.

Technical assistance contracts, we would like to make sure that when a technical assistance contract is awarded by a Federal department to help an Indian program, that it be awarded to an Indian organization or somebody that understands Indians.

I am sorry for exceeding my time, Senator. Thank you.

[Prepared statement of Mr. McDonald appears in appendix.]

The CHAIRMAN. Not at all, Doctor. Your complete statement is made part of the record. I did have a chance to read it last night and I thank you for not only your testimony, but your outstanding efforts on behalf of Native American education.

Dr. Bordeaux.

STATEMENT OF ROGER BORDEAUX, SUPERINTENDENT OF TIOSPA ZINA TRIBAL SCHOOL AND EXECUTIVE DIRECTOR OF THE ASSOCIATION OF COMMUNITY TRIBAL SCHOOLS, INC.

Mr. BORDEAUX. Mr. Chairman, thank you for giving me the opportunity to come into town today and testify. I am a Si Tanka Lakota from the Rosebud Reservation in South Dakota and currently working for the Sisseton-Wahpeton up in North and South Dakota, in the northeastern part.

I would like to first respond to something that you said and something that Mr. Cason said. You talked about academic achievement for Indian kids. On the second page of my testimony is one source of achievement data from our school, which identifies anywhere from 50 to 75 percent of our students are proficient or advanced according to the bureau's definition in different areas.

One of the problems that we see with the No Child Left Behind is when you have to desegregate data and look at the disaggregated data that is a good thing. But when you determine a whole school's academic achievement or making adequate yearly progress based on sometimes one or two children, and in our case children with handicapped conditions, one or two children could put the whole school in jeopardy just because of the way the thing is structure.

So this clearly outlines the difference between looking at the total population and then looking at the population without the special education students. So I just wanted to make sure that you get a chance to look at that data.

Another thing that kind of disturbed me when Mr. Cason was talking this morning. Their solution for improving schools and improving academics of Indian children appears to be adding more SES positions and high-level management positions within the bureau, which is going to solve the problem. I would almost venture to guess that I would be willing to bet part of my salary that that is not going to make a difference over time. As a matter of fact, they presented a PowerPoint earlier in the week which I would like to present as part of the record.

It looks like at least there are seven SES positions in their plan for education, and probably 10 to 15 GS-15's or higher. All of those positions probably get anywhere from let's say $110,000 to $150,000 a year in salary, plus fringe and everything else. So if they are going to spend $2 million or $3 million, I would suggest that they spend it at the school-level in the classrooms instead at senior management-level positions.

I know that that is the case because I would also like to present and put as part of the record part of their internal documents for fiscal year 2007. Part of their budget request discussion includes taking $3.4 million from ISEP and using that money for that senior management stuff. So they are directly taking money from children and trying to set up this system. I do not think that is going to work and I do not think it will make that much of a difference.

And then one other thing I would like to present, which is at the end of my testimony, is a letter from Senator Dole to Senator Cochran that deals with a food service program in trying to fund a pilot program within the Child Nutrition Program to allow for schools, for their free and reduced lunch meal, to set up a program so they can use the WIC criteria instead of the other criteria, which would allow more children not to have to pay for lunches, especially since Senator Johnson talked specifically about 90 percent unemployment rate on the reservation in Pine Ridge. That would be something that could really help them.

So I would like to present that and make it part of the record. A couple of other things that I would like to do before I get done is talk about three things. One is I think over the last 3 to 5 years the bureau itself and the structure has allowed the misuse or misappropriation of available resources. I know for sure that there is special education money that comes from the Department of Education that goes to the BIA. Upward of 20 percent to 30 percent is kept at levels and never gets to the schools. I think that needs to change because the money that you should be spending is stuff that happens in the classroom and no where else.

Even at my level at the Superintendency, it is necessary to have leadership, but where you really make differences is to allocate your resources in the classroom. I think earlier you said that one of the GAO reports said that bureau-funded schools are spending about $10,000 per student. If you look at that, even Ms. Vasques said that 25 percent of the money in the bureau comes from the Department of Education. If you add that 25 percent plus the other discretionary dollars that schools have to go out and hustle for, I would contend that about 40 percent of the total funding at the school level is discretionary funds that could theoretically be gone next year if people decided not to fund certain things.

So then you get down to the base amount, which might be somewhere between $4,000 and $6,000. Of that $4,000 or $6,000 amount, which is ISEP, transportation, administrative costs and operations and maintenance funds for bureau-funded schools, those four levels, if you look at the amount of revenue they have received over the last 4 or 5 years, some of them have actually decreased in revenue over the last 3 or 4 years, and some of them they may have increased $3 million, but when you spread $3 million over 50,000 children, that does not make a lot of impact at the school level.

So I think you really have to take a look at the base funding for the schools. Even though some of the discretionary funding has increased, the base money has not made a lot of impact. So I think that in looking at what needs to be done for schools, what has to happen is things inside the classrooms. We are required at the school level to have a comprehensive school reform plan. The bu-

reau has encouraged us to look at data to make decisions on what is best for children in the classroom.

I heard this morning that they are just now starting to do a needs assessment to figure out what is going on. If they are making us do this, and we have done it for, well, I have done it myself for at least 15 or 20 years, but the schools that are doing it well have done it for a lot of times, looking at data, disaggregating data to find out what is going on. If they are just now starting to look at it, there is some kind of disconnect that is going on.

So I think if you look at the stuff that I have submitted in written testimony, the stuff that I am providing today. I am willing to talk to any of the staff on the Committee on some real specific issues that I think are hampering schools in making differences for children. I would be more than willing to do that.

Thank you for your time.

[Prepared statement of Mr. Bordeaux appears in appendix.]

The CHAIRMAN. Thank you very much, Doctor.

Mr. Lowery, what is the justification for increasing the cap on administrative costs from 10 percent to over 20 percent?

Mr. LOWERY. We are looking for that in the first 2 years of the foundation, Mr. Chairman. As I refer to in the research we have done, the ability to establish effective infrastructure with proper staffing is essential to long-term efficiency. We are simply looking at this for the first 2 years.

If you look at the numbers, no numbers that I saw in my research, for instance even the United Way, which is essentially overhead of overhead with the Combined Federal Program for themselves, is at 12.7 percent. The Better Business Bureau looks at 30 percent. The Federal guidelines for the Combined Federal Campaign is 25 percent. So we still remain within those figures and we hope that we will reduce it even further, but that gives us some flexibility given the difficulty we have had the first several years of our existence.

The CHAIRMAN. Tell me again what is the status on getting funds released from the Office of Special Trustee.

Mr. LOWERY. We had a meeting yesterday with Mr. Cason. It is the first time we have actually been able to talk in person on this subject. We are supposed to have a follow-up meeting on July 6. It is our understanding that he is going to do all he can to release these $200,000 in unrestricted funds. Unfortunately, the other $1.4 million are very specifically restricted.

The CHAIRMAN. Dr. Beaulieu, what is the percentage of teachers in BIA and tribal schools that are not highly qualified, roughly?

Mr. BEAULIEU. I do not know the exact number, Senator.

The CHAIRMAN. Do you have a rough estimate?

Mr. BEAULIEU. No I do not. I am sorry.

The CHAIRMAN. One-half? Are one-half the teachers, to your knowledge, designed, quote, "highly qualified"?

Mr. BEAULIEU. I believe that there is a significant issue of being highly qualified in the BIA system in terms of being subject-matter qualified for the courses they teach, which is also a condition in rural schools as well, just generally.

The CHAIRMAN. Maybe you can provide that for the record for us.

Mr Beaulieu. Yes.

The CHAIRMAN. I think that is one of the challenges of complying with NCLB is this issue of teachers that are, quote, "highly qualified."

Mr. BEAULIEU. Senator, I might add we also are concerned about the highly qualified in terms of expanding the definition a bit to include competence in the ability to teach culturally unique children, so that we would emphasize greater professional development of the staff in schools with Indian children.

The CHAIRMAN. Thank you. Would you send copies of the field hearing report you mentioned in your testimony to the committee?

Mr. BEAULIEU. Yes; we will.

The CHAIRMAN. Thank you. We would be interested.

Dr. McDonald, what is the status of your American Indian Measures of Success initiative and when are the reports due out?

Mr. MCDONALD. It is going to come out right away. All of our data was to be turned into the AHEIC at the end of May, so I think we are going to get a report here in this next month.

The CHAIRMAN. Yes; I hope you will send us a copy of that.

Mr. MCDONALD. We surely will.

The CHAIRMAN. Thank you very much.

Dr. Bordeaux, you testified 1 year ago on NCLB. What improvements have you seen over the past year in implementing No Child Left Behind?

Mr. BORDEAUX. In the big picture, I think there are two things. One is it is forcing public schools to look at their disaggregated population, which in this discussion means looking at the Indian students and actually recognizing that they are in the classroom and they really are part of the student population, so they are looking at them and finding out what is going on with them academically, and recognizing that there is a need for them to work and try to improve the achievement of academics for Native American children in public schools.

In BIA-funded schools, I think the success stories are still being written, but delays have happened because of the negotiated rulemaking process, where the rules are just now going into effect about 1 week ago, which should probably have been done a couple of years ago, but because of how long it took for them to go through the process. It is hard to tell what is going to happen.

I do know that at our level at the school that I work at, we have made a lot of successes academically. I am not convinced it is because of NCLB. I am convinced it is because the Sisseton-Wahpeton people made the decision that they wanted to be better educated, so that is what they are doing.

The CHAIRMAN. What is your school doing to meet the highly qualified teacher requirements?

Mr. BORDEAUX. I think the are biggest impact is, I made a commitment a long time ago in looking at a research report that I looked at when I was getting my doctorate that said that in business and industry they were spending nearly 5 percent of their money in professional development and training and retraining their staffs to make sure that they are always up to date on what is going on in their industry. In education at that time, they were spending less than 2 percent on professional development.

So I have made a commitment always to spend at least 5 percent on professional development. As a matter of fact, this last year, I think there are three of us right now who are doctorates at an elementary and secondary school. We have three other people working on their doctorate degree. We have four of them finishing their specialist. We just have 14 graduated with master's degrees from Southwest State in Minnesota. So we have about 45 certified positions in our school and of that amount over 30 of them have at least a master's degree in curriculum and instruction or in educational administration. So I think that is one of the keys.

The other key is making sure that in the classroom, that what is going on in the classroom is highly active and culturally relevant. For Indian children, those things are really important.

The CHAIRMAN. What would motivate a young graduate of a university with a teaching degree to want to come to teach at Red Lake or Lakota Sioux Reservation or Chinlee, Arizona?

Mr. BORDEAUX. The hardest thing I think to motivate somebody to come to a reservation to work is the economic condition on a lot of reservations is real tough. It is hard to get housing. It is real hard to find a quality of life on a lot of reservations that they are used to if they have never lived in poverty. So it makes it a lot more difficult.

What you have to do as a teacher, and most good teachers have something in their heart that makes them a good teacher, and it does matter where they go to.

The CHAIRMAN. But you have a relatively high turnover.

Mr. BORDEAUX. In a lot of schools. In our case, I think part of it is location because where the Federal Government put that reservation just happened to go where there is an Interstate that goes through it now. So it is location. And where they put other reservations at Pine Ridge and some other places where they put Indian people, it is completely isolated. You do not have access to much of anything.

There are places that do not have good Internet access, not very good telephone service; where there is still a lot of multiple connections and stuff like that that is going on, too.

The CHAIRMAN. What is your comment about that, Dr. Beaulieu?

Mr. BEAULIEU. About teachers, Senator?

The CHAIRMAN. What do we need to do to motivate a young American who graduates with a teaching degree to go to Tuba City, AZ or Red Lake, the more remote areas of America that are mired in poverty?

Mr. BEAULIEU. Senator, we have had some experience with teacher training. We have had two Native teacher training programs at Arizona State University.

The CHAIRMAN. Is the answer to recruit more Native Americans to be teachers?

Mr. BEAULIEU. Yes; indeed, I would say. In fact, focusing on people who are already in those schools who have a commitment to teaching the children and enabling through programs such as we do have with the Indian Professional Development Program which has been very successful with the students that we have educated, which requires that you teach in the school with a high Indian population once you graduate from the program.

The CHAIRMAN. But neither these programs nor the number of Native Americans that are graduating with teaching degrees would anywhere near fill the requirements for teaching positions on Native American and BIA schools, right?

Mr. BEAULIEU. They would not, but they would also——

The CHAIRMAN. So then it seems to me then you have to have some other program which would at least in the interim motivate non–Native Americans who are teaching-qualified to go there, just like we increase pay and bonuses for men and women to serve in the military.

Mr. BEAULIEU. That is correct.

The CHAIRMAN. So have you all ever come up with any plans or ideas that we could motivate young teachers to go to these places and fill these positions?

You are eager to answer, Dr. Bordeaux. Go ahead, and then Dr. Beaulieu, if you would like.

Mr. BORDEAUX. I think one of the things that has been successful in some places, too, is to allow schools over time to grow their own, so that they hire para-educators that want to become teachers and let them work as para-educators for 2 or 3 years. When they get close to having teaching degrees, let them teach, even though they are not fully certified and do not meet the highly qualified requirement yet, but let them teach and work in that school at the same time so that they can get their degree plus gain the experience. That is how you grow Indian teachers.

A lot of the Indian teachers that we have within our school have gone that way. I think that is something that I think can work and it has worked in certain areas.

I think another thing is we talked about loan forgiveness for some of those that really want to come to poverty areas.

The CHAIRMAN. Go ahead, Dr. Beaulieu.

Mr. BEAULIEU. I was going to suggest a similar idea in terms of in Tuba City we are currently working on the development of a teacher program there through a program funded through the Arizona Department of Education. There are identified 23 individuals who wish to become teachers there within the staff who are not currently teachers. We are focusing on the development of a program there over time to develop that teaching corps.

I think it is not only an issue of supply, but also an issue of turnover rates. The turnover rates in some of these places are very high, which creates another issue which has to do with long-term improvement. If you are constantly changing teachers year after year after year, you are not improving the school through professional development efforts as well.

The CHAIRMAN. Mr. Lowery, do you have any comments about that?

Mr. LOWERY. Yes I do, sir; the Santa Fe Indian School Leadership Institute, which was cofounded by Regis Pecos, one of the board members for the National Fund, created a community dialog which forces each community to develop a community-based set of principles and ideals, asking the question involving the entire community: What legacy do we want to leave our children 100 years from now?

The FACE Program, which is the BIA's best example of effective programming, has within it the seed of a principle, which is they go into the homes of students and they actually tutor the parents in how to tutor their children, how to support their children. They get a two-fold benefit. One is the parents are more highly motivated, more self-confident in pursuing and completing their own education. Their students are as well.

Until we develop a holistic strategy that involves the entire community in owning its own responsibility and support for education, we cannot have the kind of comprehensive, long-term support for young people growing up on a reservation that want to stay on the reservation, but come back highly qualified to an environment where there is little reinforcement for their ideals and for their commitment.

The CHAIRMAN. Do you want to weigh in on this Dr. McDonald or pass?

Mr. MCDONALD. I would certainly take the opportunity to weigh-in.

It is a long term. There is not a short-term situation for it. Certainly, as an emissary of the tribal colleges, I would have to say that a recent report of the College Board statistically has proven that if they graduate from college, they take more active interest in the community. They are more active in the schools. They are more active community volunteers. Their children are more liable to go to school, so it makes a more wholesome community for a long-range effect.

For short range, certainly loan forgiveness is one; certainly some priority pay. If you look at the future of one going to an Indian school with very poor retirement, certainly way out there in the middle of nowhere, with very poor medical help, poor housing, it is not very attractive. One has to address all of those in order to get really good quality teachers.

The CHAIRMAN. Well, Dr. Bordeaux? The State Department, when you are in the Foreign Service and they send you to a remote outpost, Uzbekistan, they give you additional pay, additional incentives, more enhanced opportunity for promotion. But there are rewards and incentives associated with it. In the military when we send someone to a remote area separated from their family, et cetera, we give them financial rewards for doing so.

It is a pretty bizarre statement, but why don't we think about providing financial and other incentives and rewards for young Americans who graduate with teaching certificates to go to Chinlee or Window Rock or Red Lake or these other places where the conditions exist that all of you have so adequately described.

Mr. MCDONALD. Yes; even in the urban areas or the big city of Ronan, MT, it is very difficult for teachers there because of the politics between Indian and white and poor Indians and tragic youth deaths. It is just tragic.

The CHAIRMAN. I would start out with BIA schools specifically. What do you say, Dr. Bordeaux?

Mr. BORDEAUX. I think what you are talking about is a plausible solution for part of the population that really wants to try and work on Indian reservations, give them something in addition to what they would normally get, but it cannot be the only answer.

I think there also has to be a process to try to grow Indian teachers from within, too.

The CHAIRMAN. Could I remind you that in the military and the State Department, it is not the only reason. We appeal to people's patriotism and willingness to serve, but we also reward them for taking on additional burdensome tasks. It seems to me that to ask a young teacher to go to a geographic area that has all of the conditions which you all have described and I am familiar with as well, that maybe we should develop some kind of program that would reward them for that kind of service. First of all, it is patriotism, but second of all it would be some kind of system where we might make it more rewarding in a fiscal way than it is today.

In all due respect, if I was a young teacher and I had a choice of Window Rock or Maricopa-Pima in Phoenix, I think I would choose Maricopa-Pima. Right?

Mr. BORDEAUX. I am sure you would because I have been at teacher fairs where people from Dallas public schools would be up in Sioux Falls, SD offering $3,000 and $5,000 bonuses for those teachers coming out of South Dakota universities. They would much prefer to go down and do that instead of staying in South Dakota in the rural areas.

The CHAIRMAN. Well, maybe we ought to look at that because it is obvious that it is a significant problem, one, in attracting people; and two, as you pointed our Dr. McDonald and all of us know, the turnover is horrendous. I think we ought to think outside the box on this issue.

I thank the witnesses for being here. Thank you for your service. Thank you for your commitment to Native American education and we appreciate very much your valuable testimony.

This hearing is adjourned.

[Whereupon, at 11:20 a.m., the committee was adjourned, to reconvene at the call of the Chair.]

APPENDIX

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

PREPARED STATEMENT OF LELAND LEONARD, DIRECTOR, DIVISION OF DINE' EDUCATION, NAVAJO NATION

Within the Navajo Nation there is concern among teachers, communities, and administrators on the implementation of the No Child Left Behind Act [NCLBA]. While there certainly is room to improve the education of Navajo students, meaningful discussions need to be held on the impact the NCLBA will have on the education of Navajo students. Without meaningful discussions the Navajo Nation will struggle with the impact of perceived negative test scores and the labeling of programs as failing that are actually quite successful.

Responsible educators on Navajo have struggled for years to increase student achievement. Simply mandating student achievement without having a meaningful dialog on the definition of achievement and how to reach it will inappropriately label schools as failing.

With that introduction, we wish to comment on some specific areas of NCLBA, starting with initial testing results and provide a recommendation.

Navajo schools testing results—As of 2003–04 School Year.

Under the NCLBA nearly 11 percent of the Bureau of Indian Affairs [BIA] schools are meeting Adequate Yearly Progress [AYP], down from 44 percent in SY 2002–03. These numbers confirm our fears that move and more schools and students will fail as the AYP bar rises. Testing results in the public schools are not much more encouraging. Schools either make AYP or they do not under the NCLBA because the act does not provide a middle ground.

Narrow scope of testing—NCLBA tests only in three subject areas: Reading, Math, and Science. While these subjects are important, students maybe excelling in other areas, such as music, art, history, vocational subject, or Navajo language and culture and receive no credit under NCLBA. Schools will be tempted to focus on the areas where the statute requires testing and de-emphasize or eliminate programs that many students are excelling in.

The focus on testing—Focusing on testing results has had predictable results. In many cases teachers are increasing homework, expanding drill time, teaching to the test; i.e., doing more of all the things that weren't working in the first place. The NCLBA does not encourage innovation and imagination.

Scientifically based curriculum—There is not a lot of data concerning "what works" with Navajo children. The existing data suggests that the most successful curricula are those that are oriented in the Navajo culture. Many schools will disregard this information or not have access to it, and simply pick programs that have found their way onto an approved list at the state or national level.

Schools that have a large Native American population must have the opportunity to develop and implement culturally based curriculum and there needs to be specific research funded to evaluate its effectiveness, preferably available to the tribes themselves. On Navajo, we have the beginnings of such research under the Navajo Nation's Rural Systemic Initiative program under the National Science Foundation, but the funding for that program ended.

The large gap in proflciency—The goal of full proficiency within a 12-year period is far more realistic in schools where students are already testing at a high level of proficiency than in those where proficiency levels are very low. For example a school where 75 percent of the student body is already rated as proficient, may have a relatively easy time of achieving the small increments necessary to make AYP. A school that begins with 10 percent of its students rated as proficient will have to consistently make dramatic gains. Even exceptional progress may still not be enough to avoid being labeled as failing. *The great danger is that even students who are trying hard and doing reasonable well will be labeled as failing. The law could require "gains " in student achievement with recognition that every student is an individual, with his own talents and interests. Testing should be used to identify a student's aptitude and provide guidance for the future direction of his/her education. Schools need to provide more options as the needs of our society expand. Every student should not have to run the same race or be expected to arrive at the same finish line.*

We have a Recommendation:

Enhancing the opportunities for tribes to develop tribal educational systems where tribes can actually control the educational programs.

The Navajo Nation is in the process of assuming authority and responsibility over the educational programs on Navajo. We are negotiating a Public Law 93–638 contract with the Bureau of Indian Affairs to assume responsibilities relating to the provisions of technical assistance and training of school personnel, school boards and parents. In addition, we are proposing new tribal legislation that would establish a Navajo Nation Board of Education with authority to develop standards and accredit schools, collect and analyze date, and license administrators and teachers. *This option was one of the opportunities that was enhanced with the passage of NCLBA* and we plan to make full use of it to make a positive difference in the education programs on Navajo. While this legislation will relate primarily to the BIA funded school system, the Board will also have authority to negotiate Memoranda of Agreement with the three States that operate schools on the Navajo Nation.

The Bureau makes no provisions for implementing the statutory option for tribes to develop their own alternative definitions of AYP. This again requires resources. States received funding for this AYP planning, but nothing seems to be available for the tribes that may wish to pursue their options to actually develop appropriate measures for student progress. The Bureau should provide for such resources in its MOU with the U.S. Department of Education.

To do this successfully requires resources. Congress has authorized such funding but has not appropriated any funding for the past several years. *See 25 USC 2020.* The Navajo Nation renews its funding request for tribal education departments in the BIA budget at the authorized level of $2,000,000.

While the BIA has proposed "privatization" realignments on top of illegal reorganizations, budget cuts to offices charged with providing technical assistance, and new programs with no statutory authorization; it ignores and neglects those things it is truly charged with; i.e. encouraging and enhancing tribal self-determination. Additionally, planning grants under section 103 of Public Law 93–638 have gone unfunded for many years.

No funding is requested for the critical planning for tribal control under the authorizations cited above, nor is there any request for adequate funding for administrative cost grants and indirect costs. The BIA also ignores opportunities for encouraging tribal control of education and centralizes the resources it receives from the Department of Education rather than distributing them to the offices where technical assistance could be provided, and could more easily be contracted by tribes.

Conclusion: The No Child Left Behind Act needs to be amended. Its accountability provisions need to recognize gains in achievement and must not be so narrowly drawn. Testing is a tool that should be used to identify the aptitudes and performance of students but success on a test must not become the goal of education. Opportunities should be expanded for students who have an interest and aptitude in something other than a traditional 4-year college.

In Indian country, the Federal Government should make use of statutory authorization that already exist to encourage and enhance tribal control of education as a major tool for implementation of quality education programs.

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Testimony of David Beaulieu, Ph.D., President
National Indian Education Association
before the
Senate Committee on Indian Affairs
on Indian Education
June 16, 2005

Chairman McCain and Vice Chairman Dorgan 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 Indian education.

Founded in 1969, the National Indian Education Association is the largest organization in the nation dedicated to Indian education advocacy issues and embraces a membership of over 3,000 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 Indians 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 access to quality, effective and meaningful educational opportunities. Recognition and validation of the cultural, social and linguistic experiences of American Indian Tribes and Native communities within the schools Native students attend is critical to providing effective instructional approaches for our students to attain the same standards of students nationwide. They are also vital for providing meaningful programs enriching the educational experiences of Native students by providing purposeful connections of education to the future of Native communities that ensure the social and culturally continuity of Native communities.

NIEA encourages the Committee to focus comprehensively on the needs of Native Children in light of the long and growing health and overall needs of Native children. Mental health issues including high levels of substance abuse, suicide rates, poor housing and health conditions all impact the capacity of Native children to learn and schools to be responsive to their principal education purposes. The future of Indian tribes and Native communities is not only dependant upon effective and meaningful educational programs but also upon healthy self confident and reliant young people growing and developing in strengthening families and communities. We must comprehensively develop strategies that engage families, communities, and tribes in every aspect of the care and education of Native children and young people.

No Child Left Behind

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 present to Indian communities, who often live in remote, isolated, and economically disadvantaged communities. There is no one more concerned about the 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.

NIEA has been holding our own field hearings in Indian Country on NCLB. We have heard from administrators, superintendents, teachers, parents, and students with regards to the legislation and what is working and what is not working. NIEA will publish a report in October that outlines the information gathered at these hearings and provides recommendations for legislative amendments to the existing law. NIEA encourages the Senate Committee on Indian Affairs to conduct field hearings on NCLB and Indian education and suggest that the Committee consider holding their own field hearings in Indian Country, including a hearing at the NIEA Convention that will be held October 6-9, 2005 in Denver, Colorado. We find that a field hearing during the NIEA convention will be the best venue to collect testimony from those who are charged with the daily implementation of NCLB.

Notwithstanding the laudable goals and objectives of the NCLB, its implementation needs to be tailored to assure that its goals are achieved. Tribal governments and Native educators have long supported the broad based principles of No Child Left behind. In particular, we laud the intentions of sections 7101 and 7102 within Title VII, which provide for the unique educational and culturally related academic needs of Native students. These provisions formally recognize the Federal government's support for culturally based education approaches as a strategy for positively impacting the achievement of Native students.

Despite our general support, NIEA has serious concerns about several obstacles this Act presents to Indian communities. Specifically, key factors that inhibit the successful implementation of NCLB in Indian communities include:

- **Financial Resources.** Schools serving Native students receive inadequate levels of funding. Not only are many schools educating large percentages of Native students faced with factors likely to increase cost, but long term investment in the development of approaches that work requires support. The financial resource needs of school educating Native Students is a question of adequacy. The current level of support is not adequate. As was noted in a September 2003 GAO report on BIA schools, the BIA student population "is characterized by factors that are generally associated with higher costs in education. Almost all students live in poverty, and more than half are limited in English proficiency. A substantial number have disabilities." See GAO Report GAO-03-955, p. 5. Similar factors would increase costs to non-BIA schools with large Native populations. Title VII of NCLB which provides support for the development of culturally oriented academic and instruction programs is not fully funded. Title VII of NCLB states a purpose that indicates that meeting the unique educational and culturally related needs

of American Indian and Alaska Native is intended to result in improved achievement as well as enriching the quality of education programs for Native students.

- **Time Frames for Results.** The time frames for results do not adequately account for the investment in time and resources required to develop effective culturally based education approaches or to develop curricula that reflect the cultural and linguistic heritage of the community. Also the method of determining progress does not show or indicate the cumulative effective of the individual progress made by specific students. There is nothing more important to the improvement of schools serving Indian Students then continuity in the development and improvement of schools. A system which identifies strengths and specific areas needing attention and invests in development and improvement is needed. The time frame for results does not allow for such a system. In Indian Country, there is no "one size fits all" when it comes to developing effective and meaningful education approaches. A strong accountability system that makes sense and which allows for the identification of needs and provides long term support of appropriate development is an approach that needs to be developed and adequately supported.

- **Testing Validity and Reliability.** The testing requirements mandated by NCLB do not recognize the achievements made Native students. School-based testing requirements fail to recognize the implication of the high student mobility and drop-out rates that are characteristic of Native communities. Therefore, year-to-year measures and comparisons of the effectiveness of school-based improvements are meaningless. Also, tests measuring academic performance and achievement are generally culturally inappropriate for Native students. As a result, cultural and native language programs are often subsumed as schools shift the curriculum to meet the stringent academic standards measured by these tests. One anecdote from the Navajo Nation illustrates this issue. On a national test, students were asked to identify where corn should be planted. Many Navajo students identified a moonscape which, indeed, looks like the Navajo Nation, including areas where the Navajos have successfully engaged in dry farming of corn, a sacred plant to the Navajos. Of course, the testers did not accept this as the correct answer.

- **Definition of "Highly Qualified."** According to NCLB, the definition of a highly qualified teacher refers to subject matter competence as defined by certification and college majors. The statute does not add to this definition the concept of capacity and knowledge of local traditions, beliefs and values in order to be an effective teacher of Native students. The implementation of the statue 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. It is not uncommon for a "highly qualified" teacher to consult with Native teachers who may not be deemed "highly qualified" on how to best work with Native students.

  The requirement of "highly qualified" does not take into account the rural and isolated areas where teachers of Native students work and reside. It is difficult to recruit and

retain "highly qualified" teachers in all core subject areas and often times one teacher is expected to be "highly qualified" in a number of subject matters.

- **Available Knowledge of "What Works."** Knowledge of "what works" for Native education programs may exist but often are not locally available. High quality information that is both available and accessible is needed in order to develop effective strategies to improve school programs.

- **Available Strategic Partnership.** Accomplishment of the broad based goals of the statute requires strategic partnerships. The availability of these partnerships in small, rural and isolated communities is limited and often very difficult to coordinate. The opportunities for intergovernmental partnerships or higher education school cooperative arrangements for example are areas to focus support.

- **Accountability.** NIEA believes in the principle of accountability. However, many schools that serve Native populations simply do not have the resources to meet the NCLB standards. Will they be shut-down? Where would parents send their children? Alternatives are not readily available. Instead, accountability must be guided by practicality and a real focus on supporting disadvantaged school systems in their efforts to improve educational outcomes.

- **Adequate Yearly Progress**
  Of the 122 tribally operated schools that receive funding from the Bureau of Indian Affairs, only 55 made Adequate Yearly Progress for the 03-04 school year.[1] Less than half of tribal schools have been able to meet the standards set forth in No Child Left Behind for Language Arts, Reading and Math proficiency. While these subjects are important, students may be excelling in other areas such as music, art, history, vocational subjects, or language and culture and receive no recognition from NCLB. These areas may also in the long term provide an incentive for coming and staying in school and improving education performance.

  From NIEA's point of view, No Child Left Behind has done very little to improve the overall proficiency of Native students in "core" subject areas and the impact has not been positive in terms of motivation or achievement for American Indian and Alaska Native students. Even though exceptional progress has been made, it is often not enough to avoid being labeled as failing. There is a great danger in labeling students as failing when they are trying hard, doing reasonably well, and making individual progress.

- **Other Issues.** NCLB also provides inadequate assessment examples for limited English proficient students, weakened protections to prevent high dropout rates to occur, a lack of focus on parental involvement, and a lack of recognition of paraprofessional's qualifications.

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[1] Bureau of Indian Affairs, Office of Indian Education School Report Cards, 2003-2004.

The NCLB Act was written in response to certain hard truths: first, that the American school system is failing; second, that despite years of reform efforts, without accountability success was unlikely; and third that we owed it to our children to seek to change the philosophy of how our schools are administered in order to achieve real results. Of particular importance to Native students are Titles I and VII. Title I of NCLB provides funding for low income area schools to meet State standards and Title VII specifically addresses programs for Indian, Native Hawaiian and Alaska Native Education.

Additionally, there is a concern that education funds for Native students do not always fund programs or reach the Native students they are intended to serve. While the set aside for BIA schools presumably is spent on Native students, it is not clear that this is the case with grants to local education agencies. Most Native students (90%) are educated in state public schools, not schools funded by the BIA and a large share of funding does not flow directly to Native students. Often times Title VII funds, whose purpose are related to language and culture, are being used for before school, after school and tutorial programs, essentially Title I programs. In other words, Title VII monies are being used to fund program approaches that clearly should be supported by Title I.

The formula grant program of Title VII has increasingly been used to support non-culturally based efforts to add instruction time for Indian students. Fully 60 percent of grants supported by Title VII were related to tutorial homework assistance, after school, and before school programs. (This survey was done associated with the IES funded feasibility study on culturally based education research.) Given the existence of Title I and the low funding levels available for Indian Students through Title VII (approximately $230 per student), the unique character of the formula grant program appears to be waning because of NCLB and under-utilization of Title I service supported by a growing number of Title VII programs. According to testimony gathered by NIEA in Washington, DC, Window Rock, AZ, and Tacoma, WA, increasing numbers of Title VII grantees are being informed they can not offer culturally based programs by program staff of the Office of Indian Education. There is significant and growing concern in the field, as represented by our members, that the unique quality and special character of the Indian Education Act is being eroded out from under them.

There appears to be a growing incongruence between the purposes of Title VII and the general operating principles and consequently the implementation of NCLB by states and the BIA for schools with Native students. Title VII which expresses a purpose of meeting the unique education and culturally related needs so that Native students can achieve at the same high standard as other students is not sustained or supported in the general operating provisions of NCLB in a way that would allow for the development of congruent educational program and services consistent with the purpose of Title VII. Instead the approach appears to be increasingly focused on providing extra time for practice and "teaching to the test."

The trust relationship of the federal government in Indian education, the meeting of the unique and academically related cultural needs of American Indian and Alaska Native students finds no voice in the statute except in Title VII, and despite the fact that Title VII programs are in nearly every single school both State public and BIA funded federal and tribally operated schools with Native students, both state public and BIA funded schools rely on the operating principals of

NCLB to increasingly disregard or ignore the principles and purposes of Title VII. True success in Native education will come only when Native students are receiving a high quality education that not only prepares them for the demands of contemporary society through the implementation of instructional approaches that are socially and linguistically appropriate to accomplishing the educational purposes of the schools they attend but also by enhancing the purposes of the school to include a recognition and opportunity to thoroughly ground them in their own history, culture and language.

Among the purposes within Title VII is a purpose related to support for intergovernmental cooperation between Federal, State, and Tribal Governments in Indian education. This purpose has been included in the first Executive Order on Indian Education and is supported in the most recent Executive Order on Indian Education (E.O. 13336) by stating a forum shall be conducted that includes Federal, state, and tribal partners. NIEA is partnering with the Council of Chief State School Officers (CCSSO) to explore better intergovernmental cooperation and partnership with regard to Indian education. Since the purpose of promoting intergovernmental partnerships is one of the provisions of Title VII of NCLB and in the Executive Order on Indian Education, NIEA requests that Congress and this Committee consider the development of funding to support partnership planning and development between Federal, state, and tribal governments in Indian Education. NIEA also asks that the Committee requests report language requesting the Departments of Interior and Education to describe activities that promote intergovernmental cooperation in Indian education.

Funding

The Department of Education funds the education of Native American students by operating Native American targeted programs and setting aside funds within programs open to all students and transferring funds to BIA for tribal and federally operated schools. Department of Education Native American Programs are often funded at the minimum level established by Congress, never the maximum. Schools educating Native students are being required to meet the challenges in NCLB without the resources required or authorized by Congress. Schools, as a consequence of focusing every effort and dollar on meeting the benchmarks in reading and math, are eliminating support and time for other educational goals and purposes incumbent in a quality educational experience. The federal government has not upheld its legal and moral obligation to provide sufficient funding for the education of Native American students.

As we have expressed in previous statements, NIEA is concerned that funding for Title I and VII programs are inadequate. The appropriation available under Title VII of the No Child Left Behind Act provides only a few hundred dollars per student to meet the unique education and culturally related needs of our students. NIEA recommends at least $250 per student for programs to motivate students, support improved academic performance, promote a positive sense of identity and self, and stimulate favorable attitudes about school and others. Native students are more likely to thrive in environments that support their cultural identities while introducing different ideas. The importance of such environments cannot be overstated.

BIA's budget has historically been inadequate to meet the needs of Native Americans and, consequently, our needs have multiplied. The budget consistently fails to fund tribes at the rate of inflation, thus exacerbating the hardships faced by Native American students.

There are only two education systems for which Federal government has direct responsibility: the Department of Defense Schools and Federally and Tribally operated schools that serve American Indian students. The federally supported Indian education system includes 48,000 elementary and secondary students, 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 2006 budget signifies an increased negligence of its trust responsibility.

Perhaps the clearest example of unmet needs among Native Americans is the disparity between the amounts spent per student at BIA schools compared with public schools. BIA schools will spend about $3,000 per student, less than half the amount that public schools nationally will spend. The amount currently spent per student at BIA schools is equivalent to public school per student expenditures during the 1983-1984 school year. In 2006, BIA schools will spend an amount per student that public schools were spending over 20 years ago, while expecting our students to perform at levels of 2006.

Indian School Construction Funding

The inadequacy of Indian education facilities is well documented and well known. Education construction funds the construction of new buildings, replacement of structurally unsound ones, and repair and maintenance of existing ones. In 1997, GAO issued a report "Reported Condition and Costs to Repair Schools Funded by the Bureau of Indian Affair" that documented an inventory of repair needs for education facilities totaling $754 million. In 2004 the backlog for construction and repair was reported to have grown to $942 million.

During President Bush's first term, he promised to remove the backlog for new Indian school construction. Between 2001 and 2005, funding was appropriated for 34 replacement schools and since that time, nine of the schools are completed and operating with 25 in design and construction. The FY 2006 Budget proposes to cut Indian school construction by $90 million with the rationale that the focus must remain on schools already funded for construction and school construction has fallen behind. We understand and support the Committee's views that money for programs and construction must be managed appropriately and efficiently, however our children are forced to shoulder the burden of contracting delays at the BIA and tribal levels. Completing the construction of 9 schools since 2001, while progress, is not enough. The Bush Administration officials emphasize that it does not make sense to allocate more funding to this program when there is such a large backlog of unspent funds. NIEA strongly believes that the need for additional school construction dollars is so great that there should be no slow down in appropriations. Instead, there should be an increased effort to get Tribes and the BIA to work more efficiently on completing school construction projects while recognizing that schools take time to plan and build.

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 2006 Budget Request cuts facilities improvement and repair to $128.4 million. Old and exceeding their life expectancy by decades,

BIA schools require consistent increases in facilities maintenance without offsetting decreases in other programs if 48,000 Indian students are to be educated in structurally sound schools.

Of the 4,495 education buildings in the BIA inventory, half are more than 30 years old and more than 20% are older than 50 years. On average, BIA education buildings are 60 years old while 40 years old is the average age for public schools serving the general population. Sixty five percent of BIA school administrators report one or more school buildings in inadequate physical condition. Although education construction has improved dramatically over the last few years, the deferred maintenance backlog is still estimated to over $500 million and increases annually by $56.5 million.

There is a known backlog of hundreds of millions of dollars in critical repair needs. The purpose of education construction is to permit BIA funded schools to provide structurally sound buildings in which Native American children can learn without leaking roofs and peeling paint. We urge not only restoration of funds to the FY 2005 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 unjust to expect our students to succeed academically if we don't provide them with a proper environment to achieve success.

School Transportation

Student transportation continues to be an area that is not fully funded within education programs, and for American Indian and Alaska Native students, the lack of funding for transportation is often made worse due to rural and sometimes remote locations of tribal communities. Related to the isolation of many tribal communities is the lack of a local tax base that many urban areas are able to take advantage of to supplement transportation funding.

Within the Window Rock Unified School district located on the Navajo reservation in Arizona, the average transportation budget is $1million and the district average roundtrip is 80 miles per route, totaling over 3,000 miles a day. The 45 buses of the Window Rock Unified School District serve 1,900 students and are replaced on an average of every 15 years while the recommended life of a school bus is 5 to 7 years.

In Chinle, Arizona, the Chinle Unified School District also located on the Navajo Reservation transports 4,100 students to school on 72 buses that log a total of 1million miles a year. Over 60% of the roads that Chinle students must travel on a daily basis are considered "unimproved roads" meaning dirt roads or "unengineered roads that do not have adequate gravel or other aggregate surface materials applied and do not have drainage ditches or shoulders."[2] School districts most affected by unimproved roads are located on the Navajo Reservation and the Northern Plains.

In addition to the extra mileage these school districts must bear, the school buses must also drive on roads that require maintenance at levels that urban areas do not even consider. It is not uncommon for buses transporting students on the Navajo reservation to require four wheel drive, additional repairs due to twisted bus frames caused by poor roads, and frequent replacement of shock absorbers and ball joints. The difficult driving conditions associated with rural Native

[2] Federal Register, Vol 69, No. 37, February 25, 2004, Proposed Rules, P. 8784

communities means more maintenance and more money. As a result of the extra transportation burden, funds have not been adequate to cover all of the costs for maintenance, repairs, replacement, and mileage.

While 60 % of the transportation budget for the Chinle and Window Rock school districts comes from state funding, the balance of the budget is supplemented by Impact Aid resources. Most districts can use the local tax base to make up the difference, however, Impact Aid provides financial resources to school districts like Window Rock that do not have a local revenue base to draw funds to support educational activities. For students attending public school in Chinle, Arizona, the transportation budget totals $3.1 million and the state contributes $2.5 million to transportation. Chinle Unified School District must use $600 thousand to make up for the deficit in transportation funding. Over half a million dollars that could potentially be used for instructional purposes are instead used to insure the students are able to arrive to school and back home safely. If the cost of transportation was not so high for students living in rural areas like Window Rock and Chinle, then the Impact Aid dollars would be used to support other educational and instructional programs. Therefore, in these instances, the high cost of transporting students in rural areas is offset by dollars that otherwise would be used for classroom budgets.

For BIA schools, almost 40 percent of the BIA operated day and boarding schools spent more on transportation than they received through their transportation budgets in school year 2001-2002.[3] For tribally operated schools, the shortfall in funding is often made up through administrative funds and interest income. For BIA operated schools, which have no investment funds or administrative funds, instructional funds are used to make up the shortfall.

Insa Wica Owayawa, a BIA school in Oglala, South Dakota often budgets for transportation out of each program to cover the cost that the Indian School Equalization Formula does not cover. Programs such as BabyFACE and Gifted and Talented are used to offset transportation costs through a line item in each program budget. Even with funds earmarked for transportation out of program budgets, the Insa Wica Owayawa school still has difficulty covering transportation costs for extra curricular and after school transportation costs. As with many schools located in rural communities, the nearest town that can handle bus repairs is two hours away and the school has to find a way to account for gas to get the busses repaired.

Within the Indian School Equalization Program formula, transportation funding is calculated based on the funding available and does not take into account the actual transportation need. "The formula does not attempt to asses the actual cost of the school operations either at the local level or at the aggregate national level."[4] ISEP formula provides a method of distribution of funds appropriated by Congress for all BIA schools.

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[3] GAO Report, Bureau of Indian Affairs Schools, Expenditures iin Selected School sare Comparable to Similar Public Schools, but Data are Insufficient to Judge Adequacy of Funding and Formulas, p. 19.
[4] Federal Register, pg. 8777.

While there is not an established national per mile rate, the national total route mileage is 4.2 billion miles and the national total expenditures per pupil is $13.2 billion. [5] Even if a national per mile rate was established and was equivalent to the ISEP per mile rate, dollar for dollar, the high maintenance and repair of the buses would not reflected in the ISEP per mile rate resulting in unequal transportation funding for BIA students. BIA buses travel greater distances (an average of 465 miles a day) than the public school buses (an average of 379 miles a day) putting more wear and tear on the buses.[6] Unlike public schools, which generally own their buses and share them throughout the district, BIA buses usually lease their buses and shoulder transportation costs individually.

The Havasupai School located in the bottom of the Grand Canyon in Arizona transportation needs include a weekly helicopter ride and daily travel by donkey. While the Havasupai school does receive supplementary funding for the extraordinary cost related to the school's geographic isolation, the additional funding does not cover the actual transportation cost for this school, nor is there a way to develop a weighted unit within the existing formula that accounts for the actual cost to the Havasupai students.

The data has not been collected to accurately assess what the true needs based funding is to adequately cover the costs associated with student transportation in tribal communities. One recommendation is to fully fund the Bureau of Indian Affairs for road improvement and maintenance to decreases the maintenance and repair on the school buses. NIEA is willing to work with the Senate Committee to collect the information and prepare a report that will assess the transportation needs and determines the funding necessary to meet the needs of American Indian, Alaska Native, and Native Hawaiian students.

School Nutrition

School nutrition is a national issue of special significance to Native communities. U.S. children and adolescents are consuming more than the recommended amount of fat and saturated fat while their intake of fruits and vegetables falls well below recommended levels. The increasing prevalence of obesity in these age groups adds to the concern about the quality of their diets. While nutritious food and more exercise are important for all youth, they are absolutely critical to Native American youth, who are especially at risk for serious nutrition related health problems. Schools can be a venue for promoting healthy eating habits among youth because of the schools' ongoing influence in children's daily lives. Federal investment in USDA child nutrition programs such as the National School Lunch Program and the School Breakfast Program are central to promoting healthy habits among school-age children.

Recent data confirms that childhood obesity is on the rise, an alarming trend because obesity is considered a risk factor for a host of chronic diseases and increased mortality. Childhood obesity easily translates into adult obesity, especially among children with a familial history of weight

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[5] According to the National School Transportation Association, there is not an established national per mile rate. States vary on how they calculate transportation and may use per mile rates, per pupil rates , or develop another mechanism to report transportation funding. 43 states reported the total route mileage per rates and 41 states reported the total expenditures per pupil for the state. The non-reporting states are different for each totals and does not include any activity routes.

[6] GAO Report, BIA School Funding, pg. 19.

problems. Among Native American children, the trend is especially dire. Currently, 10% to 15% of American children are overweight, but in Native American children the percentages are much higher. Among Native American girls, 30.5% are overweight and among Native American boys, 26.8% are overweight. In addition, another 21% of Native American girls are at risk of being overweight, while another 19.6% of Native American boys are similarly at risk. Overall, Native Americans suffer from one of the highest rates of obesity and diabetes in the world.

Schools serving Native youth have the opportunity to play a critical role in battling these startling statistics, but only if they can create sustainable, flexible programs sensitive to the unique circumstances of Native populations.

The risk of nutrition related health problems is greatest among low-income populations. In order to make good nutrition a priority, schools serving Native students need more funding to ensure better access to healthier foods. Specifically, these schools would benefit greatly from the improved availability of affordable and quality produce. For example, currently four tribes (Zuni, Oglala Sioux Tribe, Pima, and Tohono O'odham) in three states (New Mexico, South Dakota, and Arizona) participate in the Fresh Fruit and Vegetable Program (P.L. 108-265). The program provides fresh and dried fruits and fresh vegetables free to children in select schools in a limited number of states. Successful and popular among students, parents, and schools alike, programs like this one serve as a model for future programs and should be expanded to include more tribes.

While expansion of existing federal programs is one crucial step to improving the health of Native youth, standing alone it is insufficient. Schools serving Native students also need funding to develop and implement community based programs to teach children the basics of good nutrition and exercise, as well as the risks and complications of nutrition related health problems. The importance of cultural sensitivity and relevance in health programs is axiomatic. Programs in schools serving Native youth will only be successful if each community is allowed the flexibility to establish their its own implementation plan, work out problems, have broad involvement among various community members, and reach its own solutions. Realizing the gravity of the situation, some tribes have already started implementing their own programs. However, to affect real change, such programs need to be modeled and duplicated, and this cannot be done without adequate funding.

Childhood obesity and other nutrition related health problems can be extremely difficult to manage and treat, so prevention techniques offer the best solutions to a widespread problem. Focus on education to change unhealthy behaviors before they become a way of life is integral in preventing these problems and is crucial to the long-term health and well being of Native students.

Johnson O'Malley Funding

In 1995 a freeze was imposed on Johnson O'Malley funding through the Department of Interior, limiting funds to a tribe based upon its population count in 1995. The freeze prohibits additional tribes from receiving JOM funding and does not recognize increased costs due to inflation and accounting for population growth. In the FY06 proposal, JOM funds are decreased by 50%. Prior to the 50% decrease, funding for JOM was calculated to equal $85 per student based on criteria established by the tribal priority allocations system and a decade old count of the number

of Native American students per state. JOM funding per student is currently 65.4 percent less than it was during the early 1970's when per student funding was $246.

NIEA urges that the Johnson O'Malley funding freeze be lifted, and other formula drive 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.

Tribal Colleges and Universities

Under the Bureau of Indian Affairs Budget, Tribally Controlled Community Colleges a decrease of $9.76 million is proposed with zero funding for United Tribes Technical College in Bismarck, North Dakota and Crownpoint Institute of Technology in Crownpoint, NM. NIEA requests an increase of 10% of amounts appropriated in FY05 for programs affecting higher education of native students in both the DOE and BIA budgets.

The average funding level per full time students for non tribal community colleges was $7,000.00 in 1996. By comparison, the 26 tribally controlled colleges under BIA are receiving $4,447.00 per full time enrolled Indian student. Although this is the highest per student level to date, it is still only about 75% of the authorized level. The conditions under which tribal institutions must educate Native students are constrained by the lack of tax base to support them. To make up for the lack of money caused by inadequate funding, tribal college tuitions are typically so high that many Native American students cannot afford them.

Head Start/Early Head Start

Over the last 40 years, Indian Head Start has played a major role in the education of Indian children and in the well-being of many tribal communities. Of the approximately 575 federally recognized Tribes, 28% participate in Head Start/Early Head Start Programs, with a funded enrollment of 23,374 children. These programs employ approximately 6,449 individuals, of whom 3,263 are either former or current Head Start/Early Head Start parents. There are another 35,395 volunteers, 22,095 of whom are parents.

The President's budget calls for "flat funding" of Head Start. According to the National Head Start Association, "flat funding" could result in cuts in enrollment next year of at least 25,000 kids (calculated at 23,700 for Head Start and 1,700 for Early Head Start). The Indian Head Start program would experience a cut of approximately 725 kids. The only way to save these slots for kids under the Administration's proposal would be to take critical funding from the Head Start training and technical assistance budget. The President's budget will require programs to cut the number of children served, reduce services, lay off teachers and decrease the length of the school year or turn full day programs into half day programs. NIEA urges this Committee to recommend a 5% increase in the overall Head Start budget.

The Head Start Act is currently the subject of reauthorization legislation in both the Senate (S. 1107) and the House (H.R. 2123). NIEA, following the lead of the National Indian Head Start Directors Association, has advocated for a number of pro-Indian provisions in these two pieces of legislation. Both bills contain numerous such provisions and NIEA will be working to see the best provisions of both bills adopted in the conference.

With regard to funding, however, the Senate and House have taken very different approaches to Indian Head Start. Currently, Indian Head Start receives approximately 2.9% of Head Start funds. This number is set administratively by the Department of Health and Human Service and is inadequate. NIEA and NIHSDA have argued that the appropriate set-aside for Indian Head Start should be around 4%. The Senate has agreed and provided in S. 1107 a set-aside be 4%. However, S. 1107 also provides that any increase from the current level of 2.9% must come from new funding and not at the expense of existing Head Start programs (Since there is no increase proposed for FY 2006 there is no new funding available.)

The House has set the Indian Head Start set aside at 3.5% "until such time as the Secretary can make funding decisions to ensure access to funding for eligible Indian children is comparable to access to funding for other eligible children." There is no restriction on when the Secretary can make this determination so he or she literally could make that decision the day after the provision becomes law and could immediately put the funding for Indian Head Start back down at 2.8% or even lower! NIEA does not trust HHS to act fairly in this regard. HHS has for several years been funding regular Head Start programs inappropriately out of the 13% set aside for priority programs such as Indian Head Start, costing Indian Head Start hundreds of millions of dollars!

NIEA asks this Committee to support a funding level of 4% for Indian Head Start, with real increases, not increases contingent on circumstances that may never come to pass. The potential total number of Indian children served by Indian Head Start would increase by approximately 10,711 to a new total of approximately 34,448 if a 4% increase were enacted. Only 16% of the age eligible Indian child population is enrolled in Indian Head Start. Of the approximately 555 Federally recognized tribes, only 222 have Head Start programs. Needless to say, for the 333 that do not, 0% of the eligible children are served by Indian Head Start. Overall, NIEA, based on census and other data believes that about 16% of the age-eligible Indian children are served by Indian Head Start programs. According to the Indian Health Service, based on the 2000 census, there are 144,972 Indian children under age five living on Indian reservations (age eligibility for pre-school Head Start and Early Head Start is birth to five). As pre-school Head Start and Early Head Start have a current enrollment of 23,837, this means that approximately 16% of the age eligible Indian child population is enrolled in Indian Head Start. When you consider that 32% of Indian families are in poverty, and that such an extremely high level of poverty breeds additional problems not seen elsewhere, and that most reservations are remotely located meaning that few other resources are available, and that many Natives live just over the poverty line (there is not a large Native middle class) further adding to the need for Head Start to address chronic community social issues, Indian Head Start is not getting its fair share, as HHS has somewhat self-servedly argued.

Tribal Head Start grantees have experienced difficulty over the years in acquiring adequate and environmentally safe facilities. There is a great need for the renovation of existing facilities, as well as a need for the construction of new facilities, in order to meet model Health Service/Head Start Bureau Environmental Standards. During FY 2001, the Indian Health Service Head Start Project was charged with assessing Tribal Head Start facilities. It is our understanding the findings of this assessment only provided information regarding the need for renovation. A more comprehensive evaluation of the condition of existing facilities needs to be conducted which includes the need for new construction and major renovations. The assessment should take into

consideration current enrollment and facilities needed for program expansion. Consideration should be given to having the assessment conducted by an external evaluator rather than a Federal agency that has oversight for environmental health and safety guidance to grantees. We estimate that the facilities assessment would cost approximately $800,000 and provide DHHS with valid information to report to Congress.

Impact Aid

Approximately 90% of the over 500,000 tribal elementary and secondary students attend public schools, while around 10% attend BIA supported schools. These public schools, often serving a very low-income population and heavily impacted in their funding by the presence of Indian trust lands in their areas, rely on Federal support in the form of Impact Aid, and other programs. There are two main issues that NIEA would like the Committee to consider with regard to Impact Aid. First, the impact of the President's proposed budget for Impact Aid for FY 2006 and second the problem of "equalization" whereby certain states, including notably New Mexico, effectively are able to keep Impact Aid dollars from flowing to impacted schools including those that serve large Indian populations.

Under President Bush's FY 2006 budget, according to an analysis done by the National Association of Federally Impacted Schools (NAFIS), more than 1200 school districts (both military and Indian) would have seen a drop in funding. To address this drop, NAFIS proposed and the House Appropriations Subcommittee for Labor, HHS and Education accepted in its markup on June 9, 2005, a shift of funding from the school construction discretionary program and the Department of Education facilities account line items to the Basic Support and Federal Property line items. The effect of this transfer would be to ensure that the 1200 districts (including Indian districts) that otherwise would have lost money would, instead, see their funding levels hold steady or, in some cases, have modest increases. Of course, there is a loser in this, which is the facilities budget. As it happens, the overwhelming majority of the funding accessed through the facility budget is for Indian impacted areas. Essentially, Indian districts will lose a key source of facilities funding in order to ensure that all districts have their basic funding held level for this coming year. Instead of this, there should be an increase in Impact Aid funding that guarantees that all districts maintain their funding levels and continues to fully fund the facilities program which is so key to Indian districts.

Federal "Impact Aid" funds are provided to school systems located on or near federal lands to make up for the loss of property taxes due to the tax-exempt status of those lands. For Indian tribes, whose lands are held in trust by the United States, such funds are critical to the success of the local public school systems. In New Mexico, however, the State has reduced state funding to such schools, through 1998, by an amount equal to 95% of the Impact Aid funds. In 1999, the state reduced the funding by 75%. The funding that the State withholds is then redistributed to all schools in the state. New Mexico has taken advantage of a loophole in the law which allows a State to reduce state funding to federally impacted school districts if the majority of the school districts in the state are funded within 25% of each other on a per student basis (20 U.S.C. 7709). This formula does not include the top 5% or the bottom 5% of schools by per student funding, which further skews the outcome. In New Mexico's case, equality under this formula is achieved by effectively taking money from school systems which serve Indians and other federally impacted communities and redistributing the funds to all school systems. Under this redistribution system, Albuquerque public schools receive $13 million in Impact Aid funds that they

would otherwise be ineligible to receive. Meanwhile, school systems which serve Indian populations are deprived of critically needed funds, especially for school construction and renovation where the Indian schools greatly lag behind the non-Indian schools. For example, the Grants/Cibola County Schools, as well as Zuni and Gallup/McKinley County Schools, have used all their bonding capacity and are unable to generate enough property taxes to build any new schools. Meanwhile, the Albuquerque Public Schools have an unused bonding capacity of hundreds of millions of dollars.

In 1976, when New Mexico invoked the equalization provision, the loss of Impact Aid funds to Indian tribes and other federally impacted communities was offset by state-wide redistribution of property taxes to all school systems. However, since then, the state property tax has been cut by 94%, giving wealthier districts a substantial tax break at the expense of the school districts which serve Indian communities.

Congress provided for Impact Aid to assure quality educational opportunities for children residing on or near Federal property. NIEA urges the Congress to eliminate the "equalization" loophole and allow the Impact Aid funds to be used as Congress originally intended.

Tribal Education Departments

True success can only 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 statues, 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 Education Departments. Achieving 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.

The key partners responsible for educating AI/AN students are the federal, state, tribal, and local governments. Past reports, including the Kennedy Report (1969) and the more recent Indian Nations At Risk Report (1991), have found that public and BIA supported schools have failed too many AI/AN students. These and other reports call for more tribal involvement and control in the education of tribal students as a way to improve Indian education. Yet, the least active and recognized sovereign government at the elementary and secondary levels has been at the tribal level.

A strategy that has not been fully implemented, but which has tremendous potential to improve AI/AN student success in schools, is to support tribal governments in their efforts to improve the education of their tribal members. Based on the governance, control, and responsibility of education at the state and federal levels, it is logical to acknowledge and increase the role of Tribal Education Departments at tribal levels. Tribal Education Departments must be actively supported to realize their potential.

Tribal Education Departments are examples of local control of education and have the potential to bring different school types and programs together using a collaborative approach to improve the education for tribal students. Tribal Education Departments can give direction, advice, and assistance to local schools through the development of education codes, analysis of educational

data and research. They can also offer development-training programs to prepare teachers, administrators, and other school personnel.

Tribal Education Departments can help tribal communities help themselves. Achieving more tribal control of education through Tribal Education Departments furthers the federal policy of Tribal Self-Determination and will increase tribal accountability and responsibility for education all our students. We view our children as a precious resource that will help sustain the future of our tribes. As an official component of tribal governments, Tribal Education Departments have a vested interest and commitment to improving the education of our people. Tribal Education Departments can help hold local schools and programs accountable to parents and the communities they serve, in addition to operating schools that are alternatives to BIA and public schools offering parental choice in where to educate their children.

If Tribal Education Departments are fully developed and supported the anticipated overall result is that American Indian and Alaska Native (AI/AN) students will be more successful in the schools they attend. Immediate results expected are improved and collaborative relationship between the tribes and schools, better coordination of education programs in tribal communities, increased and meaningful parental and community involvement, increased tribal student attendance with less truancy, decrease in tribal student drop-out rates, and the development and implementation of tribal codes of education.

Federal support for Tribal Education Departments has been authorized in several federal statutes including: the No Child Left Behind Act (20 USC §7455), the Indian Self-Determination and Education Assistance Act (25 USC §2010), the Improving America's Schools Act of 1994 (20 USC §7835) and the Stafford Elementary and Secondary School Improvements Amendments of 1988 (25 USC §2024). Despite these authorizations, however, the federal government has never appropriated federal funds for these programs. For fiscal year 2005, NIEA seeks a total of $250,000 per Tribal Education Department for twelve tribes (for a total of $3,000,000) as an initial investment to improve Indian education.

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. In addition to insuring that Title VII purposes are being fulfilled, 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.

There is incongruence between the intent and purposes of the Native American Languages Act focusing a federal protective purpose with regard to Native languages and our federal education statues. The ability to preserve and protect Native Languages and to develop effect strategies for their continuation must involve broadly the education lives of Native children. Certainly greater congruence of the educational statutes and language and cultural protective roles of the federal government with regard to the education of American Indians involves the federal governments trustee relationship to Indian tribes now includes education as a trustee responsibility of the federal in statute in the purposes section of Title VII.

NIEA urges 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.

IDEA

The recent reauthorization of IDEA was amended in such a way that it has eliminated the administrative set-aside for Office of Indian Programs within BIA. Without the set aside, NIEA does not know if OIEP will continue to administer the program as the cut back appears to decrease the number of employees in the Center for School Improvement (CSI) by 2/3 and will eliminate about 50% of the employees at the Education Line Offices throughout the BIA educational system. The loss of technical assistance and compliance monitoring from CSI might result in widespread non-compliance with special education rules. NIEA urges the Committee to offer a technical amendment to the reauthorized IDEA to restore administrative funding for OIEP, as this cut back appears to be an oversight.

National Activities

The National Activities budget of appropriation contains a request for $4 million down from $5 million. This budget has traditionally been used for covering the cost of research efforts related to Indian Education which in the past has been almost exclusively used to cover the cost of over sampling of Native students because of their very small population size so that they can be included in larger nation studies. For example the cost for over sampling so as to include American Indians in the National Longitudinal study on Early Child education cost approximately $9 million dollars over a multi year commitment of funds from the National Activities budget. Other efforts such as this are also tapping this source so as to include Indians in other National data gathering activities. Since President Clinton's Executive order on American Indian Education and now President Bushes Executive Order on American Indian and Alaska Native Education, there has been a greater focus on the development and implementation of a research agenda that would expand our knowledge and understanding of effective strategies in Indian Education. For example there has been a multi year effort endorsed by NIEA, The National Indian School Boards Association and the National Congress of American Indians to study the feasibility of doing experimental and/or quasi experimental research to determine the impact of culturally based education upon the achievement of Native learners.

Indeed this is the central purpose of the Indian Education Act Title VII of NCLB. The work of the feasibility study is coming to a close and a determination to do such research is now waiting a decision of the Department of Education Office of Indian Education and Institute of Education Sciences.

The OIE has begun to utilize the National Activities budget for many non research related activities. The lower level of proposed funding the development of priories other then research and the commitment of large sums of money for national studies simply because the Indian population is so small drains a rather small budget that is very significant to supporting quality research efforts of vital importance to the improvement of Indian education.

We ask that support for research consistent with the goals of the Executive Orders be supported at a level sufficient to the purpose that the expenditures from the National Activities budget be reported to Congress.

Reorganization and Realignment of BIA

NIEA strongly opposes the realignment and restructuring of the Office of Indian Education Programs (OIEP) in within the Bureau of Indian Affairs. Title X of NCLB requires that all education support personnel come under the supervision of the Director of OIEP. Instead of implementing this provision, DOI included education in the restructuring of the Federal trust functions and removed all support services from OIEP's control. We believe that the support services should be restored to OIEP. In addition, NIEA urges the Committee to probe DOI as to why the office of the Director of OIEP has remained vacant for almost a full year.

In addition go the restructuring, there is a proposed realignment of the OIEP education line offices that will cut the total number of offices from 23 to 11 and cut the funding of these offices by 18%. Since the function of these offices has significantly increased due to the passage of NCLB, NIEA believes that the offices should be expanded rather than reduced to ensure timely service to BIA schools. NIEA opposes the proposal by DOI to decrease the education line offices.

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. Every year Indian educators and students are expected to achieve greater results with fewer dollars. Indian education struggles to maintain current funding levels after proposed cuts and diminishing proposals year after year. As a result no gains have been made in Indian education funding and restoration of already under funded levels are shallow victories. 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 from 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 acknowledge our children, who are our future, our triumph, and our link to the past, and their educational achievement, while working with the Bureau of Indian Affairs, the Department of Education, and tribal leaders to ensure that our children are not left behind.

ASSOCIATION OF COMMUNITY TRIBAL SCHOOL INC.
616 4TH AVE. WEST SUITE 900
SISSETON, S. D. 57262

Testimony before the Senate Committee on Indian Affairs

June 16, 2005

My name is Dr. Roger Bordeaux; I serve as the superintendent of Tiospa Zina Tribal School, the Executive Director of the Association of Community Tribal Schools Inc. (ACTS) and a board member of the Oceti Sakowin Education Consortium. I have been the Superintendent for 15 years and the Executive Director for 20 years. I was also probably one of the first Title I students in the late 1960's.

Tiospa Zina Tribal School is on the Sisseton Wahpeton Dakota reservation in northeast South Dakota and southeast North Dakota. Tiospa Zina started in the spring of 1982 with 12 students and now serves over 600 students. The primary reason for the growth of the school population relates to the schools strong commitment to cultural relevancy and use of the Effective Schools continuous improvement model. Our school mission is "Learners will retain their own unique culture and be prepared for a technological/multi-cultural society." **Tiospa Zina has been in and out of school improvement for the last 3 years primarily because of the NCLB requirement where a school is deemed to have not made Adequate Yearly Progress if any of their disaggregated group does not make AYP.**

The Spring 2005 achievement results are shown with and without SPED student data.

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Reading Comprehension

	All Students		Without SPED students	
Basic	103	(45%)	59	(36%)
Proficient	117	(52%)	101	(60%)
Advanced	7	(3%)	7	(4%)

Math Problem Solving

	All Students		Without SPED students	
Basic	113	(50%)	69	(41%)
Proficient	108	(48%)	92	(55%)
Advanced	6	(2%)	6	(4%)

Language Arts

	All Students		Without SPED students	
Basic	111	(49%)	73	(44%)
Proficient	107	(47%)	87	(52%)
Advanced	8	(4%)	6	(4%)

Science

	All Students		Without SPED students	
Basic	88	(39%)	56	(34%)
Proficient	129	(57%)	104	(63%)
Advanced	9	(4%)	6	(3%)

Social Science

	All Students		Without SPED students	
Basic	65	(29%)	42	(26%)
Proficient	146	(63%)	110	(68%)
Advanced	11	(4%)	10	(6%)

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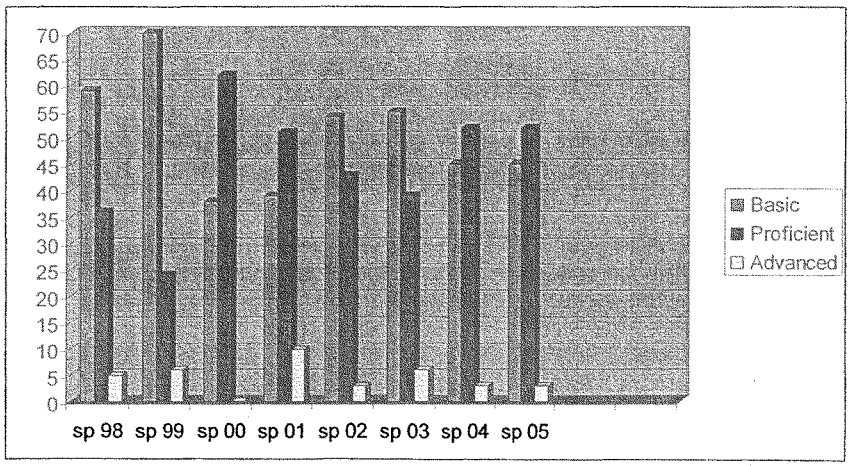
The 2 charts below show the percentage of students tested that were basic, proficient or advance on a standardized achievement assessment.

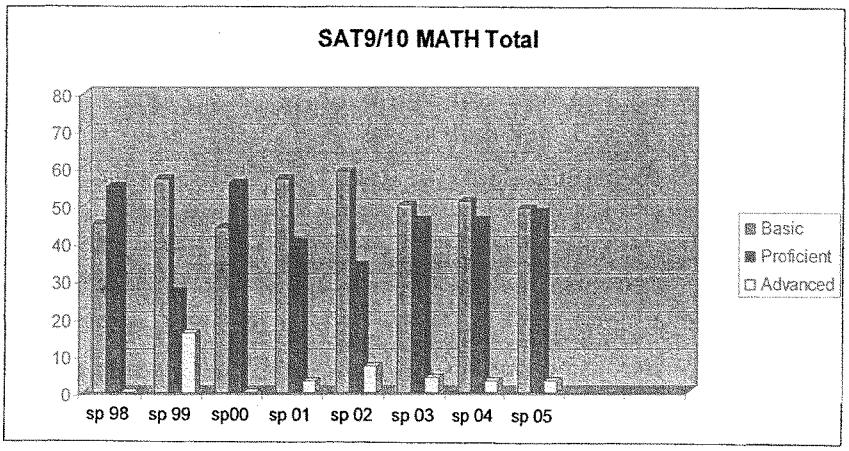
Reading Comprehension (Grades 4, 8 and 11 through 2002 then grades 3-8 and 11)

Percent of All Students identified as Basic, Proficient or Advanced



Math Problem Solving Grades 4, 8 and 11 through 2002 then grades 3-8 and 11)

Percent of All Students identified as Basic, Proficient or Advanced



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The tribal school movement started in 1966 with Rough Rock Demonstration School. Now there are over 28,000 students in tribal elementary and secondary schools. The schools are in the states of Maine, Florida, **North Carolina**, Mississippi, Louisiana, **South Dakota**, Minnesota, **North Dakota**, Michigan, Iowa, Wisconsin, Kansas, **Wyoming, Oklahoma**, Montana, California, **Washington, Idaho**, Nevada, **Arizona**, and **New Mexico**. ACTS represents a significant number of the over 125 tribally controlled elementary and secondary schools. Our mission is to "assist community tribal schools toward their mission of ensuring that when students complete their schools they are prepared for lifelong learning and that these students will strengthen and perpetuate traditional tribal societies."

Indian Education Issues Effecting Tribal Schools

1. Lack of respect from state and federal government.

   There are at least 20 programs that are within the Department of Education that tribal schools are not eligible for but public schools can access these programs. Many states do not recognize tribal schools as equals to their own public schools. A group of South Dakota schools have submitted a written requested for technical assistance from BIA-OIEP to develop an alternative definition of AYP, the BIA-OIEP has not responded.

2. Implementation of the No Child Left Behind Act and Individuals with Disabilities Act.

   a. The BIA reorganization violated the NCLB Act.
   b. The **BIA-OIEP-Center for School Improvement is dictating what is best for tribal students** by using their position power to tell schools how to write and implement their school improvement plans.
   c. The **BIA-OIEP-Center for School Improvement is dictating what is best for tribal students with handicapping conditions.** For the last 3 years CSI has ignored Individual Education Plan's and told school's what they could

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have for their children. The delay in funding programs has disrupted the delivery of SPED services.

d. **The BIA-OIEP does not allow for Safe Harbor** even though the rest schools who receive NCLB funds have access to this provision.
e. The BIA is also using delay tactics to not implement the new funding provisions of IDEEA 2005.
f. The BIA-OIEP Adequate Yearly Progress definition may infringe on tribal sovereignty by first having schools use the states definition and then waiving any and/or all parts of the definition.
g. BIA Office of Facility Management Center has arbitrarily deleted information that schools put into the FMIS System.

3. Negotiated Rule Making

   a. The tribal caucus seeks assistance to insure that the tribal governing body of a BIA funded school is the final approver of any closure, consolidation, transfer or substantial curtailment of such school. The federal caucus believes the Secretary of Department of Interior can close, consolidate, transfer, or substantially curtail a school or program without the approval of the tribal governing body.

School closure issue. One key issue on which the Tribal and Federal representatives on the Negotiated Rulemaking Committee could not agree was whether tribal governing body approval is required before the Secretary can close, consolidate or transfer a BIA funded school to another authority or curtail programs at a school.

Tribal representatives steadfastly maintained that tribal governing body approval is required by the law. In fact, we find the law direct and unambiguous. It states:

> "The Secretary may, with the approval of the tribal governing body, terminate, contract transfer to any other authority consolidate, or substantially curtail the operation or facilities [of a BIA-funded school]." 25 USC §2001(d) (7).

The Federal Committee members, however, insisted that the Secretary can take any of these actions without tribal governing body approval if she goes through the evaluation steps set out in the law. This conclusion simply ignores the clear language of the law.

Nonetheless, over the Tribal Caucus's objection, the Department went forward to issue proposed regulations that do not require tribal approval for a closure or other action. The Department tried to justify its action by saying that since statute says "may" rather than "shall not", tribal governing body approval is discretionary.[1] This makes no sense.

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[1] *See* preamble to proposed regulations in FEDERAL REGISTER Vol. 69, p. 41771 (July 12, 2004).

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It is clear that Congress said the Secretary may take such an action, but before she does so, she must obtain tribal agreement.

The Department's position is not only a gross mis-reading of a federal law, it also violates basic Federal policy toward Indian tribes generally, and Indian education in particular. In the statute, a few pages before the school closure section, Congress expressly recognized that the Federal government has a trust responsibility for Indian education. It also said that Federal policy is "to work in full cooperation with tribes" to reach the goal of a quality education system. Congress should be as annoyed as we are that the Department ignores Congress's directive "to work in full cooperation with tribes" and instead proposes a regulation that would do just the opposite.

We ask this Committee to instruct the Department to withdraw its proposed regulation and draft one that follows the law Congress wrote.

b. The federal caucus did not agree to add any regulations about space requirements for the home-living standards. They said that it will be covered by the next negreg committee on school construction.
c. The negreg committee for facilities regulations needs to start because OFMC is determining space, facility needs, etc. with no input from schools and tribes.

Facilities Negotiated Rulemaking Committee. In the *No Child Left Behind Act,* Congress ordered GAO to survey facilities conditions at BIA schools and report to Congressional committees and the Secretary of the Interior. Then the law directed the Secretary to set up a Tribal/Federal Negotiated Rulemaking Committee to examine a variety of education facilities issues and make recommendations to the Secretary and Congress.

Since GAO had issued a report comparing BIA school funding with the DOD schools shortly before NCLBA was enacted, it did not feel a facilities baseline study was warranted. Instead, GAO examined and issued a report evaluating the BIA Facilities Management Information System -- GAO Report 03-692, dated July, 2003. We understand they consulted with the Congressional authorizing committees on this approach.

Since the FMIS report has been available for nearly two years, it is now time for the Secretary to establish the Neg Reg Committee to perform the facilities evaluation and recommendation tasks set out in the law. In fact, the Secretary was supposed to have created this Committee six months after the GAO report.

The statutory language requiring the Neg Reg Committee and outlining its tasks was developed by the Senate Indian Affairs Committee. ***Thus, we ask for your help to assure that the panel you wanted -- and tribal schools supported -- is created so it can begin its work.*** You know as well as I do that schools on many reservations are in deplorable condition, and many lack basic educational facilities such a libraries and

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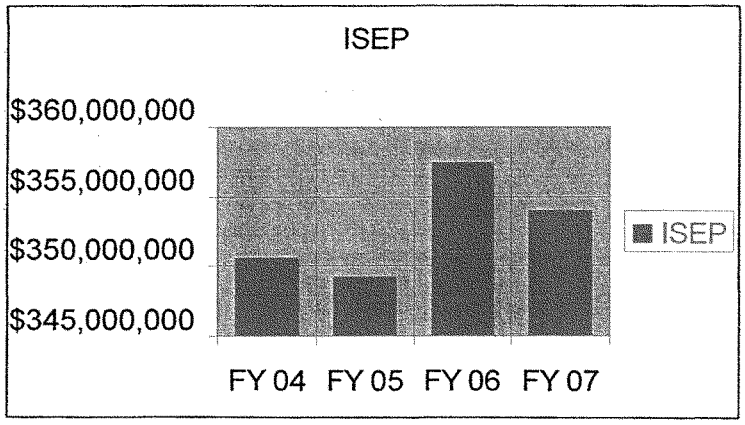
computer labs. We must acknowledge these facts. Thus, it is vital that we start examining the current process for determining where and when replacement schools are built and how facilities improvement and repair projects are selected and funded.

We must also assure that schools get sufficient funding to maintain our buildings. Both old and new facilities require on-going, routine maintenance. Yet, our annual appropriations fall far short of the amounts needed to operate and maintain our buildings in safe and habitable condition. It makes no sense for the Federal government to invest millions of dollars to build new schools but then provide insufficient resources to maintain them.

Will the Committee help us to get the Facilities Neg Reg Committee established?

4. Appropriations

   a. The funding from the Department of Education is dictating what is best for Indian children. The schools are being forced to concentrate on NCLB and IDEEA and not on preparing children for life.
   b. The basic funding source for BIA funded schools is forcing schools to delay needed progress because they are under constrained revenues of approximately 70%. This will cause delays in academic progress, accountability, proper fiscal and program management, and will escalate facility deterioration.
   c. **Indian School Equalization Program** has not had any significant increases to cover the basic costs of running the instructional programs at schools and has no quality of life increases.



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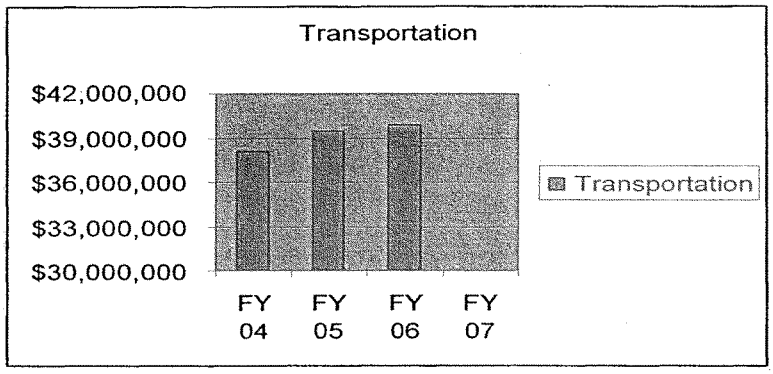
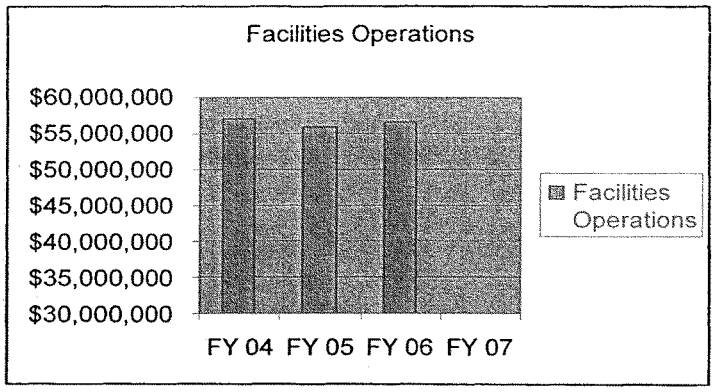
d. **Transportation** has not had any increases to cover the basic costs of running school buses and has no quality of life increases



e. **Operation and Maintenance** has not had any increases to cover the basic costs of maintaining a school and has no quality of life increases. This shortfall will force schools to have no preventative maintenance and increase the deficiency rate.



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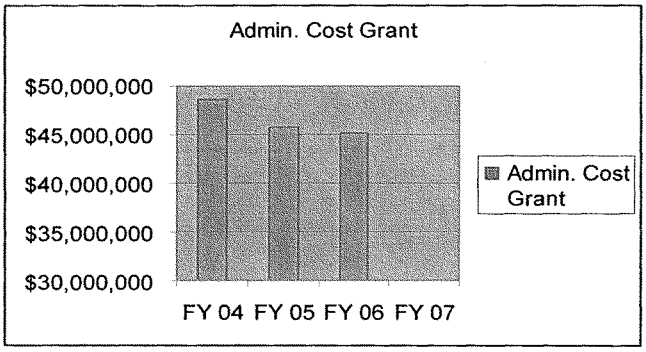
f. **Administrative Cost Grant** FY 06 funding will not provide needed funding for accountability and management. The ACG has not kept pace with increases in grant schools nor has it kept pace with quality of life adjustments.



g. **School Construction** is being cut by over $ 60 million which happens to be the approximate amount of the proposed increase for BIA Administration.

4. Other Issues

- We encourage the Senate to fund a pilot program for the Child Nutrition Program to implement the elimination of reduced price meals in school meal programs and designate all BIA funds schools as pilot schools.

- The Senate needs to revisit the intent of the Indian Child Protection Act and clarify the extent of need for required background checks. Current interpretation requires schools to have parents of FACE children complete background checks.

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COMMITTEES:
ARMED SERVICES
BANKING, HOUSING, AND URBAN AFFAIRS
SPECIAL COMMITTEE ON AGING

February 18, 2005

The Honorable Thad Cochran
Chairman, Committee on Appropriations
United States Senate
Washington, D.D. 20510

Dear Mr. Chairman:

Last year under your leadership the Senate approved the Child Nutrition and WIC Reauthorization Act of 2004, and the President signed the legislation into law on June 30, 2004.

As you know, child nutrition and education are inextricably linked. When children are hungry, they do not learn. This is a travesty that can and should be prevented. Currently, over 90,000 schools and 28 million children participate each school day in the School Lunch and Breakfast Programs. The children of families whose income levels are below 130 percent of poverty are eligible for free school meals and those families whose income levels are between 130 percent of poverty and 185 percent of poverty are eligible for reduced price meals.

Unfortunately, many state and local school boards have informed me that parents are finding in difficult to pay the reduced fee, and for some families the fee is an insurmountable barrier to participation. That is why I am a strong supporter of legislation to eliminate the reduced price fee and harmonize the free income guideline with the WIC income guideline, thereby raising the income eligibility for free school meals from 130 percent to 185 percent of poverty.

I greatly appreciate your consistent and strong leadership on nutrition issues including your support and work to include in the Act the pilot program to eliminate the reduced price fee in up to five states. It is imperative that we begin to make headway on eliminating the reduced price category as a part of our national commitment to eliminate hunger and nutritional deficiencies among our nation's children. I strongly encourage the Committee to include $29 million in fiscal year 2006 Appropriations legislation to fund this important pilot program.

Your careful consideration of this request is much appreciated.

With warmest best wishes,

Elizabeth Dole

Cc: The Honorable Bob Bennett
The Honorable Herb Kohl

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Roger Bordeaux - 2 pgs.

Attachment 1

Tribe: _____
Agency: _____
Region: _____
Central Office: Education

Priority # 1
(1-5)

FY 2007 Budget Request
PRIORITY JUSTIFICATION
Bureau of Indian Affairs
(thousands of dollars)

	Activity	Program Title	FY 2006 President's Budget	FY 2007 Request	Change from FY 2006	FY 2008 Estimate	FY 2009 Estimate
Increase	Education Operations	Education Program Management	10,269	13,758	+3,489	13,758	13,758
Decrease	Education Operations	Elementary and Secondary -ISEP	357,482	353,993	-3,489	353,993	353,993
Decrease							
Decrease							

Note: Increase and decrease must net to zero. We recognize that tribes are challenged with a significant unmet financial need each fiscal year. The decreases proposed above are for the sole purpose of indicating priority within the funding level provided, and will not be interpreted as a diminishment of that need.

JUSTIFICATION FOR PROGRAM CHANGE

Increase

1. An increase of $3,489,000 in Education Program Management is needed to provide an improved organizational structure to increase student achievement in the 62 Bureau operated schools and to streamline the management of P.L. 100-297 statutory requirements.

2. The additional requirements set forth in P.L. 107-110, No Child Left Behind Act (NCLBA) mandates the additional responsibilities of the Bureau to execute accountability measures to ensure improved academic performance.

3.Additional staff will be provided at the senior management level, the mid-level management level and the Education Line Office level. Senior management positions will provide the senior leadership to develop accountability measures to ensure improved student achievement. Mid-level management positions will develop strategic plans to execute the improved delivery of services to both Tribally controlled and Bureau operated schools. Positions at the Education Line Office level will supervise the day-to-day activities to implement accountability measures and execution of strategic plans. The separation of grants administration, administrative service and academic instruction will allow for a more specific focus and improved delivery of resources to Bureau funded schools.

?

Talking Money

4. Currently, there are 8 of 62 Bureau operated schools that are making Adequate Yearly Progress (AYP). With the additional funding, there will be an additional 6 schools per year achieving AYP to align with the NCLB legislation of 100% of schools attaining AYP by 2014. The realignment allows for each instructional Educational Line Officer to serve state specific schools, with the exception of the off-reservation boarding schools.

5. The NCLB legislation requires that all schools achieve AYP by 2014.

Decrease

1. Briefly describe the program, and why the program exists.
2. Explain how the funding was used. If staff was funded, explain what they did.
3. Describe how the decrease will affect program goals and target

Realigning the Workforce To Best Meet the Complex Educational Needs of Our Students

Bureau of Indian Affairs

June 13, 2005

DRAFT

- The Office of Indian Education faces a critical challenge in changing the current organizational structure to reflect today's educational policy and the critical emphasis on improving academic achievement.

DRAFT

- The purpose of this realignment will be to shift from a potpourri of services provided to 184 schools and dormitories to a highly focused, powerfully designed structure for systemically improving academic achievement.

DRAFT

- 62 Bureau operated schools

  8 made AYP (87% did not achieve AYP)

- 122 Tribally controlled schools

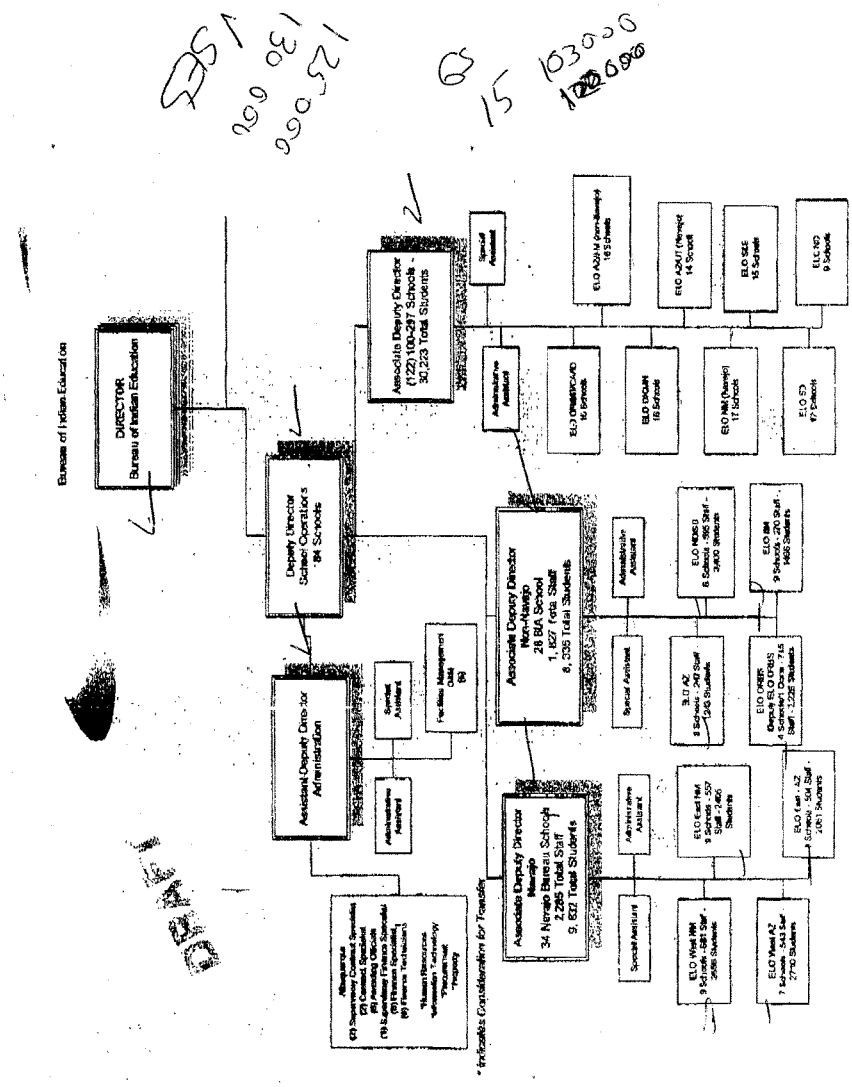
  38 made AYP (69% did not achieve AYP)

DRAFT

OIEP Objectives

- Achieve AYP at all Bureau funded schools
- Achieve AYP and meet programmatic/financial accountability for tribally controlled schools
- Ensure Safe and Secure Schools
- Provide IDEA-2004: Free Appropriate Public Education (FAPE) for all eligible students
- Improve administrative, organizational, and management capability

DRAFT


Bureau of Indian Education
DIRECTOR
Bureau of Indian Education
Deputy Director
School Operations
84 Schools
Assistant Deputy Director
Administration
Associate Deputy Director
(122) 100-297 Schools -
30,223 Total Students
Associate Deputy Director
Non-Navajo
28 BIA School
1,827 total Staff
6,336 Total Students
Associate Deputy Director
Navajo
34 Navajo Bureau Schools
2,295 Total Staff
9,822 Total Students
Special Assistant
Administrative Assistant
Facilities Management
Staff
(9)
Budget
(2) Supervisory Budget Specialists
(2) Budget Specialist
(8) Accounting Officials
(10) Supervisory Finance Specialists
(8) Finance Specialists
(8) Finance Technicians
Human Resources
Supervisory Human Resources Specialist
Personnel
Payroll
Payroll
ELO ADJM (non-Navajo)
16 Schools
ELO ADJT (Navajo)
14 Schools
ELO SEC
15 Schools
ELO NO
9 Schools
ELO CHINLE/CHO
16 Schools
ELO CHUIN
16 Schools
ELO NM (Navajo)
17 Schools
ELO ES
17 Schools
ELO RDED
6 Schools - 992 Staff -
3,400 Students
ELO BIA
9 Schools - 270 Staff -
1466 Students
ELO AZ
8 Schools - 242 Staff -
949 Students
ELO ORDER
Elementary (OUTSIDES)
4 Schools/1 Dorm 715
Staff - 1,226 Students
ELO East NM
9 Schools - 557
Staff - 1,460
Students
ELO East - AZ
8 Schools - 504 Staff -
2,061 Students
ELO West NM
9 Schools - 581 Staff -
2,000 Students
ELO West AZ
7 Schools - 543 Staff -
2,710 Students
* Includes Consideration for Transfers

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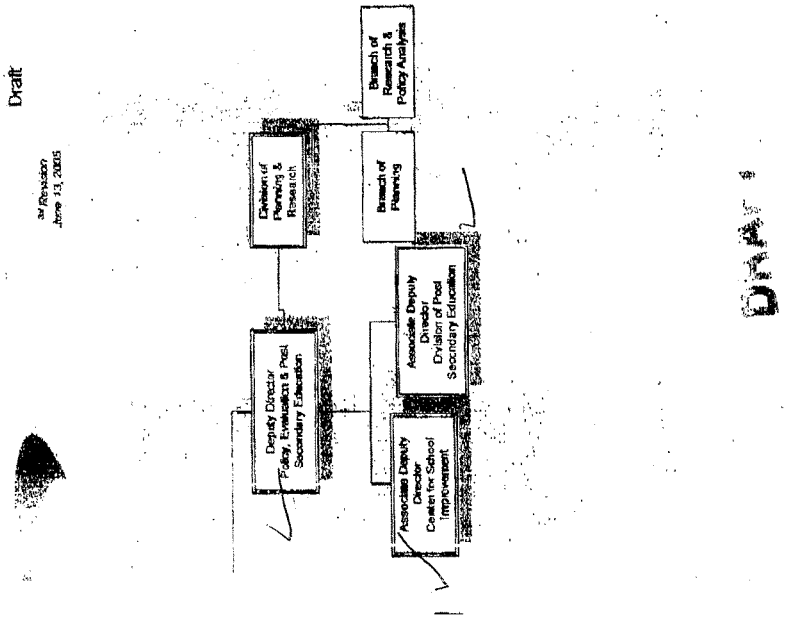

Next Steps

- Place reorganization in Departmental Manual (DM)
- Obtain SES allocations and recruit
- Decide Education Line Office locations
- Fill Education Line Office positions (reassign, recruit)
- Transition to new structure and locations

DRAFT

Summary

- Taking the time to do it right
- Elevate BIA senior management positions to improve accountability
- Improve span of control
- Separation of administration and instructional leadership responsibilities
- Delineation of P.L. 100-297 and P.L 95-561 management authorities
- Align organization to meet state requirements for achieving AYP

DRAFT

FINAL COPY

TESTIMONY
OF
JAMES E. CASON
ASSOCIATE DEPUTY SECRETARY
DEPARTMENT OF THE INTERIOR
AT THE HEARING
ON
INDIAN EDUCATION
BEFORE THE
COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE

June 16, 2005

Good morning, Mr. Chairman and Members of the Committee. My name is Jim Cason, and I am the Associate Deputy Secretary for the Department of the Interior, exercising the responsibilities of the Assistant Secretary - Indian Affairs. I am pleased to be here today to speak on behalf of the Department about Indian Education Programs.

BACKGROUND

The Bureau of Indian Affairs (BIA), Office of Indian Education Programs (OIEP) provides education programs in 184 elementary, secondary schools and dormitories (62 BIA operated and 122 Tribally Controlled Grant schools facilities). The BIA's school system has schools in 23 states. The BIA functions in the capacity of a State Educational Agency (SEA) for this nationwide school system.

During the 2004-2005 school year, BIA-funded schools served approximately 47,000 Indian students and residential boarders; however, less than 10% of all American Indian students attend BIA-funded schools. Approximately 5,000 teachers, professional staff, principals and/or school administrators and support personnel work within our BIA operated schools.

OIEP also administers operating grants to 25 Tribal Colleges and Universities. These Tribal Colleges offer more than 350 degreed programs and 180 vocational programs. In addition, OIEP also operates Haskell Indian Nations University, an accredited university serving approximately 1,900 students enrolled for the 2004-2005 academic year, and Southwestern Indian Polytechnic Institute serving approximately 1,400 students during the 2004-2005 academic year.

COMPREHENSIVE REVIEW OF OIEP

After reviewing the BIA Education System, I have determined that several changes must be made in order to improve the effectiveness of the education services and programs provided in our BIA-funded school system and in order to ensure no American Indian child is left behind.

More specifically, through review of several Inspector General (IG) and Government Accountability Office (GAO) findings on program performance and fiscal accountability since 2000, several meetings with the Department of Education, and review of our overall programs at BIA-funded schools, we have identified the key risks facing the BIA's education programs, which are discussed below. We have begun to develop a program improvement plan to address these items. We have asked the Department of Education to review initial rough drafts of this plan. We expect to refine our plan over the course of the next few months and use it to improve our BIA-funded school system. I would be happy to share this plan with the committee once it has been refined.

It is clear to me that one of our major risks is lack of consistent OIEP leadership and a functional management structure, and thus changes in OIEP leadership must occur. Currently, there are only two Senior Executive Service Managers within the OIEP structure managing over 5,000 employees. Therefore, the BIA is reviewing its staffing and organizational structure to better manage the program.

Today, I would like to discuss with you our successes, challenges and future plans for Indian Education in the following three focus areas, which also capture the issue areas identified by the committee:

1) Program performance & professional staffing
2) Fiscal & financial management
3) Safe and secure schools

PROGRAM PERFORMANCE & PROFESSIONAL DEVELOPMENT

Program Performance

The Department is committed to improving American Indian education and providing students with a high-quality education. The No Child Left Behind Act (NCLB) is the President's commitment that all public schools will provide students with a high-quality education, and BIA-funded schools' students and parents should be able to expect that the BIA will meet the President's commitment in our schools. Full and successful implementation of the NCLB will require a strong partnership between the Department and every BIA-funded school and its community.

The NCLB required the Department to undertake formal negotiated rulemaking to create regulations on the following six areas: (1) Definition of Adequate Yearly Progress, (2) Geographic Boundaries of BIA school attendance areas, (3) Allotment Formula for BIA school funds, (4) Student Civil Rights, (5) Grants Administration under the Tribally Controlled Schools Act of 1988, and (6) Funding Distribution. A team comprised of federal officials, tribal leaders, and Indian education professionals developed through "consensus" decision-making. All twenty-five committee members agreed to the final negotiated product. These regulations became effective on May 31, 2005.

Adequate Yearly Progress (AYP) is the measure under the NCLB that determines whether a school has attained annual goals toward ensuring all students in all schools are proficient in math and reading/language arts by 2014. For school year 2003-2004, the BIA annual statewide report card identified 46 of the BIA-funded schools making AYP. We are awaiting our 2004-2005 AYP determinations. It is our goal to increase the number of schools making AYP.

We have begun working toward that goal with our FOCUS program. FOCUS provides intensive assistance to schools not achieving AYP. Curriculum, math, and reading specialists work with schools, parents, and the community to evaluate student needs. These specialists mentor and coach the teaching staff to implement innovative methods to meet those needs. We realize we have a long way to go and we continue to work towards the goal of achieving AYP at all BIA-funded schools.

However, the Department can not make these improvements alone. Two-thirds of the BIA funded schools are operated as Tribal Grant schools. Through various statutes, Congress has limited what the Department can require of Tribal Grant schools in the way of corrective actions needed to increase the number of schools making AYP. The Department will need the Committee's assistance in addressing what role the BIA should play in helping Tribal Grant schools to make AYP on a continual basis, specifically the degree of BIA accountability for tribal grant schools making AYP.

We also recognize the importance of early literacy programs. In order to keep pace with an ever changing world, the focus of the BIA is to instill a desire for life-long learning. This begins at the earliest stage of educational development and continues on through adulthood. The Family and Child Education (FACE) program provides reading resources to parents or guardians with young children and supports families with one-on-one counseling to improve early reading aptitude and school preparation. Within the past 5 years, two BIA FACE Teachers have won the Toyota Family Literacy Teacher of the Year Award. In addition, a FACE Teacher won the Milken Foundation National Educator Award for 2002. The FACE program creates a supportive learning environment for all members of the family, assisting children in literacy and preparing parents for gainful employment. In FY 2005, the BIA supported 39 FACE sites, serving 1,900 children and 2,100 adults from 1,600 families.

Professional Development Efforts

We also recognize the importance of professional development of employees at our schools. The most fundamental level of leadership is ensuring all of our professionals are highly qualified. During school year 2004-2005, OIEP provided professional development opportunities through several mechanisms.

> Comprehensive System of Personnel Development for Special Education: Provides training and technical assistance in the area of special education to all staff of BIA-funded schools. The goal of this initiative is to increase the numbers of state-certified special education teachers in the BIA-funded schools, increase the numbers of paraprofessionals with an associate's degree

in early childhood, special education, or general education and provide training and technical assistance on topics related directly to serving students with disabilities and their families.

Grow Your Own (GYO): Provides funding opportunities for staff of BIA-funded schools to continue formal education to obtain certification, licensure or degrees (undergraduate or graduate) to become highly qualified personnel.

Residential Life Training: Addresses the needs of staff and administrators working with students living in BIA funded residential programs. These training sessions support students' well-being, promote quality services, and professionalism.

We are aware that more can always be done in this area and hope to provide additional opportunities for our professionals in the future.

Teacher Recruitment Efforts

Over the years, the BIA has experienced some difficulty in attracting and retaining highly qualified educators and paraprofessionals, especially in the areas of Math, Science, Guidance Counseling, Special Education and Exceptional Education, who are willing to work and live in isolated American Indian communities. While the salaries are within parity of the public schools, major impediments include remoteness of the school location, lack of adequate housing facilities, term-limited appointments (no tenure), lack of medical facilities, and the current implementation of the Indian Preference law.

We are actively recruiting highly qualified professionals for our schools. On April 26, 2005, we held our first Indian Education Teacher Job Fair in Albuquerque, NM. Over 300 teacher candidates and over 65 BIA-funded schools participated in this event. The job fair format gave recruiters a chance to interview and offer contracts on the spot.

In addition, we have also formed a successful partnership with Teach for America, Inc. Teach for America, Inc., is a well-known organization that provides outstanding college graduates to teach in urban and rural schools.

FISCAL & FINANCIAL MANAGMENT

Our review of our current fiscal system revealed several areas for improvement. We are looking forward to implementing our new regulations on the allotment formula as the tribes in conjunction with the federal government have created an accountability system that outlines: the process for certifications; the process for validations; audits; the responsibilities of administrative officials and sanctions for failing to comply with these regulations.

We are also working to improve the distribution of the "Title" dollars received from the Department of Education. The Departments of Education and the Interior are working on a multi-year Memorandum of Agreement that outlines plans of the Secretary of the Interior for the use of the amounts transferred and the achievement measures to assess program effectiveness,

including measurable goals and objectives. Interior will go out for Tribal Consultation on this agreement before it becomes final.

Interior is also reviewing the relationship of NCLB to the Tribally Controlled Schools Act. The Tribally Controlled Schools Act requires Interior to provide all Tribally Controlled schools with 80% of the money they were entitled to receive the previous year by July 1. While this timeframe works for those dollars appropriated to Interior, the dollars appropriated to the Department of Education and then given to Interior pursuant to the MOA cannot be distributed by July 1. A portion of those dollars are competitive grants given based on an application process and, therefore, cannot be given pursuant to past year determinations. Also, a portion of these dollars is to be distributed based on the school's AYP status. In order to determine our AYP status we rely on the state in which the school is located to calculate test scores and provide raw data, a process that often goes far beyond July 1. As requested to in our letter to the Committee on S. 536, the "Native American Omnibus Act of 2005," dated May 10, 2005, the Department would appreciate clarification on this matter so that we can remain in compliance with both statutes.

SAFE AND SECURE SCHOOLS

Finally, but certainly not last in our priorities, is school safety. As you are aware it is difficult for students to achieve if we do not provide them with a safe and secure learning environment, therefore, it is our goal to ensure student and staff safety.

School Violence

As recent incidents have shown, violence is an issue. We have been actively working toward reducing violence and substance abuse in and around BIA schools. We know we can do more. We are reviewing all of our policies on the use and prevention/intervention of: Alcohol; Tobacco; Drugs; Bullying; weapons; intruders; and suicide. We are also reviewing and revising the continuity of operation plans (COOP) in each of our schools.

School Construction

Our goal in the area of School Construction is to improve efficiency and performance accountability in the school construction program. The BIA has established the following long-term goals:

- Construct 100 percent of replacement schools in four years from planning and design through construction for 2006.
- Increase the percentage of academic construction projects with costs within or below the target range.
- Reduce the percentage of BIA's building square footage identified as excess.

CONCLUSION

There is great opportunity for change and improvement in the BIA's Indian Education Programs. I look forward to working with the Department of Education, the Tribes, and this Committee in enhancing Indian Education.

Thank you for the opportunity to be here today to testify on these important issues. I would be happy to answer any questions that you may have.

Testimony of the National Fund for Excellence in American Indian Education Presented by Dominic Lowery, Acting-Chair

Before the Senate Committee on Indian Affairs Oversight Hearing on Education June 16, 2005

Introduction

Good morning Senator McCain and members of the Committee. I am Nick Lowery, acting chair of the National Fund for Excellence in American Indian Education (known as the "National Fund"). I ask that a copy of my written testimony, along with the attached proposed draft amendment language, be accepted in the record of this hearing.

Background

The National Fund is a charitable foundation first authorized by federal statute in December 2000 and initially known as the *American Indian Education Foundation.* I am here today to provide you with a brief progress report as well as to discuss certain changes to our statutory charter that would provide the National Fund with some essential administrative flexibility and better safeguard and expand its funding base.

The National Fund was authorized by P.L. 106-568, the Omnibus Indian Advancement Act of 2000. The primary purpose of the National Fund is "to encourage, accept, and administer" donations to "**support** ... **the mission** of the Office of Indian Education Programs of the Bureau of Indian Affairs." 25 U.S.C. 458bbb(e)(1). There are currently an estimated 49,000 students in 184 schools that are a part of the BIA system. In addition, perhaps as many as 900,000 American Indian students are educated in public schools in 50 states, enrolled in about 10,000 school districts. Like those in BIA schools, many often exist below the radar screen of society. Most confront high rates of apathy, alienation, alcoholism, teenage suicide, teenage pregnancy and gang violence. Can anyone here today deny that more must be done to reach, train, mentor and inspire our

most precious resource? Can anyone here today, right now, deny that we must do more to help Native American youth embrace a robust self determination and higher destiny?

History of Formation Efforts

When the foundation was authorized in late 2000, Congress directed the Secretary of Interior to appoint its Board and provide it with financial support. There are several models for the Foundation in the sense that they were initially created by Congress, given birth within an agency such as Interior, with the intent – and the eventual result – that they would become fully independent entities, Two years later, in 2002, the BIA Office of Indian Education Programs advertised the foundation Executive Director position and Ms. Lorraine Edmo, a member of the Shoshone-Bannock Tribe, was hired to fill this position. Since May 2002, she has been working to get the foundation organized. This has been a challenging task: having to work within an existing bureaucracy to create a new non-profit, federally-chartered foundation that has no financial resources and was initially mis-named by Congress.

Only after an executive director was hired did the Department begin the process of appointing the Board of Directors. It took nearly six months to get Board member clearances and appointments through the system and to the desk of the Secretary of the Interior for final decision. Once appointed, the Board held its inaugural meeting in March 2003 and since that time has met on four occasions to set priorities and plan for the future independence and effectiveness of the foundation.

Name Change

The initial obstacle to incorporating and to filing the necessary application for non-profit, tax-exempt status was the discovery in November 2002 that another organization held prior and superior legal rights to the same name -- *the American Indian Education Foundation* -- given our foundation by the Congress in late 2000. After unsuccessfully trying to negotiate a name-sharing agreement with this other organization, the Board was forced to go back to Congress to seek a name change by amendment *before we could even legally organize*. This name change process took an entire year from July 2003 to July 2004, when the President signed P. L. 108-267, our name change

statute. We are grateful to former Chairman Ben Nighthorse Campbell and other members of this Committee as well as Rep. Rick Renzi (R-AZ) for assistance in securing the name change. It should be noted that during this time there was nominal support from the Interior Department for the name change request pending before the Congress.

The National Fund was incorporated in the District of Columbia in July 2004 as soon as its name change statute was signed. Shortly thereafter, we filed our application for non-profit, tax-exempt status, and in November 2004, we received our determination letter from the U.S. Internal Revenue Service. We have also attempted to register our new name with the U.S. Patent and Trademark Office.

Our responses to all of these formation obstacles were accomplished with the assistance of the pro bono services of Philip Baker-Shenk and his Holland & Knight law firm, who agreed to help when the Interior Solicitor's Office advised the foundation to secure independent counsel at our initial board meeting.

Requests for Statutory Amendments to Remove Obstacles

At this point, the Board of Directors of the National Fund has identified several obstacles to our effective administration of the statutory purposes of the National Fund. These obstacles will require further legislative amendment of our original statute. What follows is our description of the changes needed, and why. We have attached for the Committee's perusal some draft legislative language changes that would in our view accomplish what is needed as described below.

1. **Redesignation of Chief Operating Officer.** The authorizing statute oddly requires that the "Chief Operating Officer" of the foundation must be the Board member who is the Secretary to the Board of Directors. Our Board of Directors is comprised of many accomplished education leaders, good-hearted volunteers who have all willingly answered the call of the Interior Secretary to serve as unpaid directors for the foundation but do not have the time to spend as its Chief Operating Officer. This peculiar requirement has diverted our Board's limited time and energy from more important tasks. We ask that it be removed from our statute and replaced with language allowing the Board to appoint the chief operating officer of the Foundation.

2. **Adjustment to Ceiling Set on Administrative Costs**. The authorizing statute places a ten per cent (10%) limitation on administrative spending for the National Fund, under 25 U.S.C. 458bbb(*l*). This is a very restrictive provision, especially for an organization beset with the organizing obstacles we have faced. **We know of no similar restrictions being placed upon other similar fundraising organizations that need to spend money in order to raise money.** Indeed, neither the IRS nor District of Columbia corporate law impose such tight restrictions. We ask that the statutory limitation be raised to twenty-five per cent (25%), under the circumstances. In addition, with the extreme fluctuations and diversions in charitable giving that are affected by surprise events (e.g., the September 11th attacks; the recent tsunami disaster), our statutory language should also place some discretion in the Interior Secretary to waive this limitation for good cause shown.

3. **Repeal of Reimbursement Requirement.** Section 502 of the authorizing statute specifies that the Secretary may reimburse Board members for travel and may provide "personnel, facilities, and other administrative support services" to the foundation for up to a five-year period after it is established. 25 U.S.C 458bbb-1(a). However, the statute further requires that the foundation "shall" reimburse the Department of Interior for services and funds so provided. Id. **The Board asks that this reimbursement requirement be removed from the statute. We know of no similar reimbursement requirements being placed upon other similar fundraising organizations that need to spend money in order to raise money, especially in their formation years.**

Request for Oversight Assistance to Transfer Donated Funds

In September 2004, former Assistant Secretary Anderson identified approximately $1.6 million in donated funds held by the Department for the foundation. Some $200,000 of these funds are restricted with specific provisions for expenditure. The remaining funds appear to be unrestricted by the donors. Pursuant to 25 U.S.C. 458bbb(m), the Secretary is authorized to transfer to us such donated funds received by the Department.

The foundation Board has met twice with tribal accounts managers for the Department's Office of Special Trustee to discuss how these funds might be transferred.

We have desperately needed these funds for initial operations support so that we could become more independent of the Department. All indications are that we were intended by the authors of the originating legislation to be structured similar to the U.S. National Parks Foundation and the U.S. Fish and Wildlife Foundation.

In addition, a cooperative agreement was drafted last year and presented to the Assistant Secretary's office through the Interior Solicitor's Office to provide $450,000 in start-up funds for building administrative and fundraising capacity. The $450,000 was identified and placed on reserve by the Assistant Secretary within the Office of Indian Education Programs. However, the Solicitor's Office subsequently ruled that these donated funds could only be used by the National Fund for the reimbursement of Board travel expenses (it should go without saying that we need these funds to operate, not to pay for that much Board travel). We appealed this decision; however, to date the funds are still held by BIA and have not been released to the foundation. It is our contention that such a non-binding opinion goes to the heart of our presence here today: that we are not receiving enough of the support intended by the Congress and this committee in December 2000 in the initial legislation to engage in the organizational and fundraising activities fundamental to achieving both the independence and mission of our foundation. **We simply cannot have any meaningful impact in supporting the mission of the Office of Indian Education, its schools and students without these changes.**

We request the Committee's assistance in getting the Department to promptly inform us of the status of these funds and to promptly release them to the National Fund to enable the foundation to begin its important programmatic and fundraising efforts.

In addition to releasing these funds in short order, we will ask the Committee and the Congress to work with us to authorize and fund an endowment appropriation by which we can begin to operate the National Fund and raise private contributions and offer program services in order to accomplish our mission of support for the education of Indian children in BIA-supported schools.

Conclusions

The National Fund's Board of Directors desire this Committee to know that despite all of the obstacles identified along the way, we are proceeding as best we can. It seems that the actual process of putting the organization together highlights new challenges, all of which were unanticipated by the National Fund's originators and sponsors. Without any funding, foundation board and staff have begun to identify private sources of support and are drafting grant fund proposals that will generate some revenue for marketing purposes and other initial costs. Our testimony reflects a summary of the concerns and accomplishments of the Board of Directors of the *National Fund for Excellence in American Indian Education.* **The Board took an oath to serve the best interests of American Indian Education: we request the Committee's help in modifying the statute as well as providing some assistance in gaining greater financial support for the Fund. We have attached proposed draft legislation on the statutory amendments we need.**

An estimated **60%** of the 49,000 students in the 184 BIA schools are dropping out. Approximately **three-fourths** of schools in the system are failing the *No Child Left Behind's Annual Yearly Progress (AYP)* standards. This does not include the close to 500,000 Native students at non-BIA schools. The time is now to do all we can to build as much sense of urgency, leadership, vision and capacity into the system as we can.

Mr. Chairman, on behalf of the Board of Directors, I wish to extend to you and the members of the Committee our gratitude for this opportunity to testify at the hearing, and thank you for the time and attention you have given us and our concerns. I would be happy to answer any questions you may have.

(attachment)

PROPOSED AMENDMENT
NATIONAL FUND FOR EXCELLENCE IN AMERICAN INDIAN EDUCATION
June 16, 2005

Purpose: Technical amendments are requested by the board of directors of this congressionally-established non-profit organization, in order to facilitate a more effective and efficient administration of its Indian education funding.

An Act

To amend the Indian Self-Determination and Education Assistance Act to improve the administration of the National Fund for Excellence in American Indian Education.

SECTION 1. REDESIGNATION OF CHIEF OPERATING OFFICER.

CHIEF OPERATING OFFICER. – Section 501(g)(2) of Title V of the Indian Self-Determination Education and Assistance Act (25 U.S.C. 458bbb(g)) as added by Public Law 106-568 and amended by Public Law 108-267, is amended by striking "SECRETARY OF FOUNDATION – The secretary shall serve, at the direction of the Board, as its chief operating officer and" and inserting in lieu thereof "CHIEF OPERATING OFFICER – The chief operating officer shall be appointed by the Board and".

SECTION 2. ADJUSTMENT TO CEILING SET ON ADMINISTRATIVE COSTS.

ADMINISTRATIVE COSTS. – Section 501(l)(1) of Title V of the Indian Self-Determination Education and Assistance Act (25 U.S.C. 458bbb(l)) as added by Public Law 106-568 and amended by Public Law 108-267, is amended by striking "Beginning" and inserting in lieu thereof "Unless waived by the Secretary for good cause shown, beginning"and by striking "10" and inserting "25".

SECTION 3. REPEAL OF REIMBURSEMENT REQUIREMENT.

(a) REIMBURSEMENT. – Section 502 of Title V of the Indian Self-Determination Education and Assistance Act (25 U.S.C. 458bbb-1) as added by Public Law 106-568 and amended by Public Law 108-267, is amended by striking Sections 502(a)(3) and 502(b).

(b) CONFORMING AMENDMENTS. – Title V of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458bbb), as added by Public Law 106-568 and amended by Public Law 108-267, is amended by redesignating Section 502(c) as 502(b), is amended in Section 502(a)(1) by adding an "and" after "Foundation;", and is amended in Section 502(a)(2) by striking "; and" and inserting in lieu thereof a ".".

STATEMENT
OF THE
AMERICAN INDIAN HIGHER EDUCATION CONSORTIUM

PRESENTED BY
DR. JOE MCDONALD, PRESIDENT
SALISH KOOTENAI COLLEGE – PABLO, MONTANA

OVERSIGHT HEARING ON INDIAN EDUCATION
SENATE COMMITTEE ON INDIAN AFFAIRS
485 RUSSELL SENATE OFFICE BUILDING

JUNE 16, 2005

Chairman McCain, Vice Chairman Dorgan, and distinguished members of the Committee, on behalf of this nation's 35 Tribal Colleges and Universities (TCUs), which comprise the American Indian Higher Education Consortium (AIHEC), I thank you for extending to us the opportunity to testify today on issues of Indian higher education. I am honored to be here.

My name is Joe McDonald. I am a member of the Confederated Salish & Kootenai Tribes and for the past 28 years I have served as the president at Salish Kootenai College (SKC), which is located on the Flathead Reservation in northwestern Montana.

Salish Kootenai College was chartered by the Confederated Salish & Kootenai Tribal Council in 1977 for a simple reason: the near complete failure of the higher education system in the United States to meet the needs – or even include – American Indians. SKC began as a branch campus of Flathead Valley Community College occupying office space donated by Polson School, offering 45 credits to 49 students at seven sites around the reservation. Today, SKC is one of the largest tribal colleges offering 4 bachelor's degrees, 14 associate degrees, and 7 certificate programs. The college employs 49 full-time and 60 part-time faculty and serves over 1,200 full- and part-time students.

Over the past 30 years, the idea of tribal institutions of higher education has spread rapidly throughout Indian Country. Today, despite decades of severe funding inequities and Federal budget cuts, 35 tribal colleges and universities in 13 states are educating upwards of 30,000 students from 250 Federally recognized Indian tribes.

This morning, I would like to first talk a little about the tribal college movement and some key issues in American Indian higher education. Then, I will offer some recommendations for how we might best address these issues.

I. BACKGROUND: THE TRIBAL COLLEGE MOVEMENT

Tribal Colleges and Universities (TCUs) are young, geographically isolated, and poor. None of our institutions is more than 37 years old. Most TCUs are located in areas of Indian Country that the Federal government defines as extremely remote. We serve our communities in ways far beyond college level programming, and are often called beacons of hope for our people. We provide much needed high school completion (GED), basic remediation, job training, college preparatory courses, and adult education programs. We function as community centers, libraries, tribal archives, career and business centers, economic development centers, public-meeting places, and elder and child care centers. In fact, an underlying goal of all tribal colleges is to improve the lives of students through higher education and to move American Indians toward self-sufficiency. This goal is important to us because of the extreme poverty in which most American Indians live. In fact, three of the five poorest counties in America are home to TCUs, where unemployment rates range from 50 to 75 percent.

We are the most poorly funded institutions of higher education in the country. And apart from the U.S. Military Academies and Howard and Gallaudet Universities, we are the only institutions of higher education whose basic operating budgets are funded – by legislative mandate – by the Federal government.

Most of our institutions are located on Federal trust land. Therefore, states have no obligation to fund tribal colleges. Most states do not even provide funding for the non-Indian state-resident students who account for 20 percent of our enrollments. Yet, if these same students attended any other public institution in the state, the state would provide that institution with basic operating funds. Ironically, TCUs are accredited by the same regional agencies that accredit state institutions.

Despite their strong support, our tribal governments are able to provide us with only modest financial support. Our tribes are not the handful of small and wealthy gaming tribes located near major urban areas; rather, they are some of the poorest governments in the nation. Only a handful of tribal colleges currently receive any revenue from tribal gaming. Gaming is not a stable or viable funding source for TCUs, nor should it be a factor when considering the funding of tribal colleges. And as you know, it is a very few casinos that are located in or near major urban areas that are realizing the vast majority of the highly publicized profits from Indian gaming.

Revenues from state run gaming operations far exceed revenues from Indian gaming. Although some form of gaming is legalized in 48 states, the Federal government has not used the revenue generated from state run gaming to justify decreasing Federal funding to state operated colleges or universities. The standards that apply to states and state operated higher education institutions should apply to tribes and tribal colleges. Unfortunately, it appears that this is not the case.

II. KEY ISSUES AND PROGRAMS IN AMERICAN INDIAN HIGHER EDUCATION:

a. INSTITUTIONAL OPERATIONS & FORWARD FUNDING

Despite trust responsibilities and treaty obligations resulting from the exchange of millions of acres of land, the Federal government has, over the years, not considered funding of American Indian higher education a priority. Since 1981, when the Tribally Controlled College or University Assistance Act, or Tribal College Act, was first funded the number of tribally chartered institutions funded under Title I of

said Act has quadrupled, growing from 6 to 26 institutions and it is expected that three to five additional tribal colleges will be eligible for Tribal College Act funding in the near future. In addition to the increasing number of tribal colleges, enrollments of full-time Indian students have grown 348.2 percent between 1981 and 2005.

Owing to a greatly appreciated $5 million increase in FY05 appropriations, the Title I colleges are receiving $4,447 per Indian Student Count (ISC)[1] towards our institutional operating budgets. Although this is the highest per student level realized to date it is, after 24 years of funding, still only about 75 percent of the authorized level. To further illustrate the lack of adequate funding for operating the nation's tribal colleges, the current authorized level ($6,000 per ISC) when considering inflation, has the same buying power as the initial FY 1981 appropriation, which was $2,831 per ISC. Institutional operations funding for the oldest of the nation's tribal colleges, Diné College, is provided under Title II of the Tribal College Act. Established as Navajo Community College in 1968, Diné College has grown from one main campus in Tsaile, Arizona, to eight community-based campuses throughout New Mexico and Arizona and is funded on a "needs based" platform.

There are five additional tribal colleges that are authorized to receive their institutional operations from Federal sources other than the Tribal College Act. The one constant is that all lack adequate institutional operating funds and their reliance on timely annual appropriations to keep their institutions functioning and their doors open.

Forward Funding: Because tribal colleges are not forward funded, TCUs rely on their operating funds in real time. When an Appropriations measure is not signed into law by October 1 of any year, rather than receiving the funds to support their operating budgets for the year, TCUs receive small partial payments based on a series of continuing resolutions. When these payments are further delayed due to a protracted appropriations impasse, funding only trickles into the colleges. Tribal colleges, which already struggle with inadequate funding without these additional burdens, are hit particularly hard by budget impasses and the resulting delays in distribution of institutional operating funds. Compounding the issue further is the fact that costs are highest during the academic year.

On the face of it, the holdups due to impasses and the resulting continuing resolutions or even delays in the Department's distribution of operating funds after Congress makes them available, might seem easily remedied. However, the consequences have a cumulative effect that create even greater financial difficulties that grow exponentially, the longer the payments are left undistributed.

The necessary stop gap measures, such as short term loans, employed to keep tribal colleges operating only serve to further exacerbate the tenuous and delicate financial circumstances under which these institutions are continually forced to operate. The situations created by budget impasses or Department delays lead to strained relations with banking institutions and a lack of credibility with businesses in the colleges' respective communities. It creates a need to identify emergency lines of credit to secure daily

[1] ISC = full time equivalent Indian students – Indian students are defined as enrolled members of a Federally recognized American Indian tribe. NOTE: TCUs receive no Federal funding towards their operating costs for non-Indian students, which account for approximately 20 percent of their collective enrollments.

operational cash flow. These lines of credit come with burdensome interest rates that immediately cut into any increases that the colleges may realize once their Appropriations measures are enacted. Forward funding of these institutions would go a long way to mitigate this unfortunate cycle.

Delayed appropriations and timely distribution of funds, which are becoming the regular order, create an inability to properly plan and project operation funding needs, hamstring long-range strategic planning, force heavier reliance on grants and soft-money funding, which is a noted concern of the accrediting agencies. In short, TCUs are forced into a credibility crisis with their faculty, staff, communities, and students.

b. INSTITUTIONAL DEVELOPMENT AND CAPACITY BUILDING

- **Department of Education - HEA Title III Part A section 316**: Title III Part A of the Higher Education Act supports minority and other institutions that enroll large proportions of financially disadvantaged students and have low per-student expenditures. Tribal colleges clearly fit this definition. TCUs fulfill a vital role by providing access to quality higher education programs to some of the most impoverished areas of the country. Their programs are specifically designed to focus on the critical, unmet needs of their American Indian students and communities, in order to effectively prepare their students for the workforce of the 21st Century. A clear goal of the Title III program is to improve the academic quality, institutional management, and fiscal stability of eligible institutions, in order to increase their self-sufficiency and strengthen their capacity to make a substantial contribution to the higher education resources of the Nation.

  TCUs are the youngest and least developed institutions of higher education in the nation. As such, they are the most in need of these funds yet, our funding level increases lag behind other programs, and we must struggle to submit competitive applications under the arduous requirements and volume of Title III Part A grants for the funds that are available. Many higher education institutions spend thousands of dollars on grant application preparation and submission. This is simply not an option for TCUs. In addition, the pool of eligible applicants for the TCU program is small and although new TCUs are emerging, the pool is expected to remain below 45 institutions for the foreseeable future. Creating a formula funded program would result in a win-win situation. Current applications submitted for Title III Part A competitive grants must have each of the required areas individually judged by application reviewers, by converting the TCU program to formula funding considerable administrative time and cost savings could be realized by the Federal government. For these reasons, the Department of Education supports formula funding for the Tribal College Title III development grants program.

- **STEM Programs – NSF TCUP:** If current trends continue, within the next few decades the shortage of U.S. scientists, mathematicians, engineers, researchers and computer science experts will reach a critical point. Unless all of this nation's institutions of higher education begin graduating significantly more students in science, technology,

engineering, and mathematics (STEM) fields soon, we simply will not have the workforce needed to stay competitive in the global marketplace of the 21st century. In fiscal year 2001, the National Science Foundation (NSF) launched an initiative to help TCUs develop and expand high quality STEM education curricula and programs, with an emphasis on the leveraged use of information technologies. The program, now in its fourth year, enables TCUs to develop and implement critically needed and comprehensive institutional approaches to strengthen teaching and learning in ways that improve access, retention, and completion of STEM programs. Although some TCU faculty and students are able to conduct limited research through the program, the majority of funding is necessarily committed to providing remedial and basic STEM education programs and to strengthening linkages between the TCUs and K-12 feeder schools in an effort to address shortcomings in STEM education in the lower grades. Despite the shared need among all TCUs to strengthen and expand remedial and basic STEM education programs, not all TCUs have been able to participate in the NSF administered program. NSF is committing increasingly more of its resources toward expanding basic scientific research, strengthening graduate and post-graduate level programs, and funding STEM teacher education programs. Because the Department of Education's fundamental mission is to help strengthen the overall quality of education throughout *the entire* nation, we believe the TCU program currently housed at NSF would be better suited for administration by the Department of Education, Office of Postsecondary Education, in conjunction with the Title III-TCU program. This is consistent with the placement of the Math Science Partnership program fully within the Department of Education after its initial establishment within NSF.

- **USDA Land Grant programs:** The first Morrill Act was enacted in 1862 specifically to bring education to the people and to serve their fundamental needs. Today, over 140 years after enactment of the first land grant legislation, the tribal colleges and universities, as much as any other higher education institutions, exemplify the original intent of the land grant legislation, as they are truly community-based institutions. In 1994, AIHEC institutions achieved Federal land grant status through the passage of the "Equity in Educational Land Grant Status Act." More than a decade later, tribal colleges and universities have yet to become full partners in the nation's land grant system, and so our potential remains unrealized.

  The 1994 Land Grant Institutions have proven to be efficient and effective vehicles for bringing educational opportunities to American Indians and hope for self-sufficiency to some of this nation's poorest regions. The modest Federal investment in the 1994 Land Grant Institutions has already paid great dividends in terms of increased employment, education, and economic development. American Indian reservation communities are second to none in their potential for benefiting from effective land grant programs and as earlier stated no institutions better exemplify the original intent of the land grant concept than the 1994 Land Grant Institutions.

  The current 1994 land grant programs are small, yet very important. It is essential that American Indians explore and adopt new and evolving technologies for managing our lands. We have the potential of becoming significant contributors to the agricultural base of the nation and the world.

The following is a summary of the five 1994 TCU land grant programs:

1) **Educational Equity Grant Program –** This program has provided approximately $50,000 per institution to assist in establishing agriculturally focused academic programs. The program provides the only stable source of funding to support agricultural planning activities and courses specifically designed to meet the unique needs of each institution's respective reservation. The 1994 tribal college land grants are successfully using these funds to develop programs in natural resource management; nutrition; environmental science; horticulture; sustainable development; forestry; and buffalo production and management.

2) **1994 Extension Program -** In FY04, the 1994 Extension program suffered an almost 13 percent (12.97%) decrease, by far the largest percentage decrease of Smith Lever programs, as 1862 and 1890 programs received 99.41 percent of FY03 funding, a reduction of just 0.59 percent. Reductions in already sparse funding significantly limit the 1994 Institutions' ability to maintain existing programs and to respond to emerging issues such as food safety and homeland security, especially on border reservations. The 1994 Institutions' extension program is essential to addressing the needs of the remote reservation communities served by 1994 TCUs. Examples of program activities include: outreach to at-risk youth; business skills development for local agriculture entrepreneurs; native plant restoration and horticulture projects; environmental analysis and water quality projects; and nutrition projects aimed at addressing health disparities, such as high rates of diabetes among American Indian populations. FY05 funding for the 1994 extension program competitive pool is $3,273,000.

3) **1994 Endowment Account** – The corpus of the endowment account remains with the U.S. Treasury, only the interest is annually distributed among the 33 TCU land grant institutions. These funds assist in establishing and strengthening academic programs, including agriculture curricula development, faculty preparation, instructional delivery systems, equipment and instrumentation for teaching, and experiential learning. Funds also are used to enhance student recruitment and retention in the food and agricultural sciences, and to address the critical need for improved facilities at the 1994 Land Grant Institutions. The amount of the latest interest yield distributed among all the 1994 land grant institutions was $2,093,477.

4) **1994 Research Program** – This program was first created in 1998 with the passage of the Agricultural Research, Extension, and Education Reform Act paving the way for the 1994 Institutions to participate in USDA's competitive research grants programs. This is an important step in becoming full partners in the land grant system. Some research areas where TCUs are making significant contributions to their communities include: a) land use patterns, preservation, and renewable use of the land; b) nutrition and health, particularly given the poor health and nutrition status of many American Indians; c) native plants and horticulture; d) water quality assessment; and e) bison production and management. TCUs are well suited to play a coordinating role in research areas targeted by the Department of Agriculture. In FY05, the 1994 research grants competitive pool is $1,087,000.

5) **Rural Community Advancement Program (RCAP)** – RCAP includes a set aside to address tribal needs. Of these funds, Congress has provided about $4 million for tribal college facilities construction and improvements grants, administered on a competitive basis. There remains an urgent need for facilities construction, improvement and maintenance at TCUs, several of which still operate at least partially in abandoned, donated, and even condemned buildings.

c. STUDENT DEVELOPMENT AND CAPACITY

- **Adult Basic Education and Remediation:** The national high school dropout rate for American Indian students (30-65 percent depending upon which study one reads) is higher than any other group in the country – creating a tremendous need for GED preparation and other basic skills enhancement programs. To meet this need, although operating on shoe-string budgets and with little or no money from state-administered Federally funded adult basic education programs, most TCUs continue to offer adult education programs; yet, their efforts cannot meet the demand.

  In fiscal year 1996, all Federal funding targeted to tribal and tribal college adult education, literacy, and GED preparation programs was eliminated. Thousands of reservation-based American Indians were left without access to these vitally-needed services, which for many were the first step toward employment and self-sufficiency. The elimination of the tribal set-aside program in FY1996 had a devastating affect on TCU program budgets. In my own state of Montana, funding to the seven Indian tribes in the state dropped from $957,605 annually to just $15,318.

  To help TCUs meet the need for these vital services we propose that the Office of Vocational and Adult Education (OVAE) within the Department of Education partner with TCUs to open the doors of lifelong learning and employment for American Indians in some of the poorest and most disadvantaged parts of our country. To fund this partnership, each fiscal year, $5 million of total funds appropriated for Adult Education State Grants would be reserved for the Secretary to make awards to TCUs, as defined in Section 316(b)(3) of the Higher Education Act, and to provide technical assistant to such institutions through a national Indian organization with expertise in American Indian higher education. Awards would be used to develop and implement innovative and effective programs designed to enhance life skills and employability, through programs that provide adult basic education and literacy services, which may include workplace literacy programs; family literacy services; English literacy programs; and opportunities to American Indians and Alaska Natives to qualify for a secondary school diploma, or its recognized equivalent.

- **Student Support Services:** Among institutions of higher education, TCUs have a disproportionate number of students in need of remediation and other services that can only be addressed through a sustained and comprehensive student support program. The fiscal year 2005 TRIO student support services (SSS) grants program competition resulted in 25 percent of TCUs that had SSS grants losing their program funding. The grant scoring cut off for those institutions that would receive an FY05 award was a

remarkable 99.33. Prior experience points, complexity of application, and lack of adequate resources, have kept many TCUs and other minority serving institutions from participating in these vital programs at the level needed. In order to provide opportunities for increased TCU and other minority serving institutions participation in Federal TRIO programs, we request that Congress and the Department of Education work with AIHEC and the other members of the Alliance for Equity in Higher Education to find a solution to more equitable program funding.

Additionally, the Department of Education has recognized that many TCUs face any number of challenges in operating a high-quality, accountable TRIO project, once they have received an award. These challenges include their large proportion of students eligible for TRIO services, limited financial resources, staff who must play multiple roles due to the small size of the institution, as well as high leadership or staff turnover resulting in a lack of continuity and a potential lack of knowledge and sophistication in managing, leveraging, and integrating Federal grants into the mission of an institution.

To help address these challenges, in September 2003, the U.S. Department of Education - Office of Federal TRIO Programs awarded supplemental grants to each of the TCUs that were administering a Student Support Services (SSS) project at that time, to help these institutions improve their overall administrative and management skills and capacity, and to ultimately increase the projects' capacity to retain and graduate students. Simultaneously, our own Salish Kootenai College (SKC) TRIO Training Institute received additional funds to support the collective efforts of these tribal colleges to improve their TRIO-SSS projects.

The SKC TRIO Training Institute, in close cooperation with AIHEC and the Council for Opportunity in Education (COE) undertook a series of activities designed to strengthen the management, integration, accountability, and ultimately, the effectiveness of TCU-SSS projects. From the beginning, the partners committed to meeting the Department's expectations regarding compliance while also capitalizing upon this unique opportunity to help TCUs engage in discussions and planning to maximize the potential of Student Support Services in their overall retention and research efforts. Although we made great strides, funding of these efforts has been halted.

- **Financial Aid:** Tribal Colleges and Universities support the widely promoted concept of doubling the authorized maximum Pell grant over the span of the authorization. The importance of Pell grants to our students cannot be overstated. Within the tribal college system, Pell grants are doing exactly what they were intended to do—they are serving the needs of the lowest income students by helping people gain access to higher education and become active, productive members of the workforce.

d. ACCOUNTABILITY - MEASURING OUR SUCCESS:

AIHEC American Indian Measures of Success (AIMS) Initiative: New Federal accountability measures, such as Program Assessment Rating Tool (PART), are demanding more sophisticated data collection and reporting strategies. Since January 2004, AIHEC has been working on a major initiative to collect annual data on the tribal colleges and universities,

by establishing relevant indicators of American Indian success and developing and implementing a coordinated, streamlined, and comprehensive data collection instrument, which will include both qualitative and quantitative data. The AIMS instrument incorporates key elements of the current and revised BIA annual report, as well as vital information from the Integrated Postsecondary Education Data System (IPEDS), other Federal data sources, and most important, new indicators that will measure, for the first time TCU success in ways that are relevant to American Indian communities. AIHEC has also approached the BIA-OIEP on a number of occasions to urge the Bureau to coordinate its data collection efforts with AIHEC, which would result in more efficient and accurate reporting of TCU progress and successes. The AIMS Data Collection Initiative advisory group includes a representative from the BIA, although participation by the Bureau has been tepid, at best.

III. RECOMMENDATIONS:

a. Legislative recommendations for HEA and TCUAA

1) **Expand and increase authority for the Tribal Colleges and Universities' Title III Part A Developing Institutions Program – to include formula funding:** Currently, Sec. 316 of Part A specifically supports tribal colleges and universities through two separate competitive grants programs: 1) a development grants program that awards 5-year grants, and 2) a single-year award program designed specifically to address the critical construction and infrastructure needs at tribal colleges. Changes that would be advantageous to the TCUs include:

   Tribal colleges and universities would clearly benefit from a formula approach to their Title III development grants program, provided the formula reflects the needs of these unique institutions and the intent of the Title III - Strengthening Institutions program. However, TCUs are very interested in retaining a portion of annually appropriated TCU Title III program funding to continue the competitively awarded construction grants program that has been available to the TCUs through appropriations language since fiscal year 2001. Sec. 102 of S. 2539, a bipartisan bill introduced in the 108th Congress and referred to this Committee, includes language that would accomplish this recommendation.

2) **Create a new section under Title III Part A to establish Science, Technology, Engineering, and Mathematics (STEM) programs.** As earlier noted, currently the United States is trending towards a shortage of U.S. scientists, mathematicians, engineers, researchers and computer science experts. The nation's institutions of higher education must begin graduating more students in science, technology, engineering, and mathematics (STEM) fields or we will not have the workforce needed to stay competitive in the global marketplace of the 21st century.

   To help remedy this impending shortage in the STEM related workforce, TCUs propose the creation of a new section under HEA Title III Part A to establish Science, Technology, Engineering, and Mathematics (STEM) programs that will allow for more efficient and effective application and administration of STEM related programs being conducted for the unique population of students at the nation's Tribal Colleges and Universities and the Alaska Native Serving and Native Hawaiian-serving institutions.

To ensure broad participation by the limited number of TCUs, we propose a formula driven program, which would include the transfer of $10 million from NSF (current funding level of TCU program) to the Department of Education. Because NSF is committing increasingly more of its resources toward expanding basic scientific research, strengthening graduate and post-graduate level programs, we believe the TCU program currently housed at NSF would be better suited for administration by the Department of Education, Office of Postsecondary Education, in conjunction with the Title III-TCU program. This is consistent with the placement of Math Science Partnership program fully within the Department of Education after its initial establishment within NSF.

Because of the fluid pool of eligible Alaska Native and Native Hawaiian serving institutions, we propose a new competitive STEM program for these institutions. For the two initiatives, we propose an additional $10 million be allocated from the Math Science Partnership program, due to the lack of participation in that program by adequate numbers of American Indian, Alaska Native, and Native Hawaiian-serving institutions and schools.

3) **Continue TRIO Programs Technical Assistance:** As earlier noted, many TCUs face challenges to operating a high quality, accountable TRIO project. In September 2003, the U.S. Department of Education - Office of Federal TRIO Programs recognizing these challenges, awarded supplemental grants to each of the TCUs that were administering a Student Support Services (SSS) project at that time, to help these institutions improve their overall administrative and management skills and capacity, and to ultimately increase the projects' capacity to retain and graduate students. Simultaneously, the Salish Kootenai College (SKC) TRIO Training Institute received additional funds to support the collective efforts of these tribal colleges to improve their TRIO-SSS projects.

In the short time since the initiative was launched tremendous progress has been made in improving the accountability and overall effectiveness of SSS projects at TCUs. It is now critical, that the institutions be provided with additional focused support so that the changes begun are systematically integrated within the TCUs themselves, as well as the greater AIHEC community and organization. Therefore, we respectfully request that Congress encourage the Department of Education to extend for a minimum of two years, the funding for this TCU-SSS Initiative. Without such continued support, it is likely that the initial investment and much of the momentum of the 2003-2004 SSS-initiative will be lost, and the full potential that now exists will certainly not be realized.

b. **Adopt AIMS instrument for accountability reporting:** Through capacity building in data collection and analysis at the tribal colleges, the AIMS data collection initiative will be a foundation for systemic reform that significantly increase and, for the first time accurately measures, American Indian success in higher education. We recommend that the AIMS data collection instrument be adopted as the primary reporting mechanism for all Federal programs seeking accountability in program management and for measuring American Indian success in higher education.

c. **Technical Assistance Contracts:** It is well established that tribal colleges are unique institutions even in the context of other minority serving institutions and therefore it is

imperative that Federal TCU programs' technical assistance contracts be administered under an American Indian organization that has experience with tribal colleges and their reservation communities, and not simply a minority serving organization. To ensure that is accomplished, we request that language be included in all legislation regarding technical assistance contracts for TCU programs stating that "grants or contracts for technical assistance shall be awarded to an Indian organization, which the Secretary or Director finds is nationally based, represents a substantial Indian constituency, and has expertise in the field of Tribal Colleges and Universities higher education."

d. **Agency Issues:** Tribal colleges and universities experience persistent challenges regarding some of our Federal programs and the agencies that administer said programs. In contrast, the U.S. Department of Agriculture (USDA) has a stellar track record for working with us to make the most of our modest programs. It is the only Federal agency thus far to propose and implement a agency-tribal college liaison program and leadership group. This Committee has been a long-term champion of the tribal colleges and their quest for adequate funding and equitable treatment among higher education institutions. Many of the ongoing challenges of funding and program administration include progressive cuts to program funding in the President's annual budgets, delays in decisions to release appropriated funds to AIHEC or the colleges, and technical assistance deficiencies. These issues could be greatly reduced if the White House Initiative on Tribal Colleges and Universities was appropriately and adequately staffed with knowledgeable personnel that could address these chronic issues with the appropriate agency officials and resolve them through educating the agencies about the unique nature of TCUs and their programs. Currently, the TCUs derive little benefit from the existence of the WHITCU office. We request that the august Senate Committee on Indian Affairs exercise oversight of the workings and accountability of the Office of the White House Initiative on Tribal Colleges and Universities in fulfilling its directive to ensure that tribal colleges and universities are more fully recognized as accredited institutions, have access to the opportunities afforded other institutions, and have Federal resources committed to them on a continuing basis.

IV. CONCLUSION

Tribal Colleges and Universities bring high quality, culturally relevant higher education opportunities to thousands of American Indians. The modest Federal investment in the TCUs has paid great dividends in terms of employment, education, and economic development. Continuation of this investment makes sound moral and fiscal sense. Tribal colleges need stable funding sources and competent agency administration of our various programs to sustain and grow those programs and achieve our missions.

We greatly appreciate the long standing support of this distinguished Committee. Thank you for this opportunity to present our views and recommendations to help achieve equality in higher education and economic opportunities to Indian Country through the nation's Tribal Colleges and Universities.

DR. JOSEPH MCDONALD, PRESIDENT
SALISH-KOOTENAI

SALISH KOOTENAI COLLEGE
PABLO, MONTANA

Dr. Joe McDonald has been president of Salish Kootenai College since 1977. Dr. McDonald is a member of the Salish and Kootenai Confederated Tribes, and has served several terms on the Tribal Council.

Dr. McDonald began his career in education as a science and physical education teacher. He was a school principal before working at the community college that he later development into Salish Kootenai College.

Under Dr. McDonald's leadership, Salish Kootenai College has developed into a beautiful campus, with a strong faculty and administration, outstanding library, and a tribal business development and information center that supports the economic development of the Flathead Reservation community. He earned a doctorate at the University of Montana, and had honorary doctorates bestowed upon him by Montana State University and Gonzaga University.

Dr. McDonald is currently the president of the Board of Directors of the American Indian Higher Education Consortium (AIHEC). He served as liaison between the AIHEC and the Carnegie Foundation for the Advancement of Teaching and in that capacity was instrumental in securing initial funding for the *Tribal College: Journal of American Indian Higher Education.*

In addition to the AIHEC Board, Dr. McDonald sits on the boards of the American Indian College Fund and the W.K. Kellogg Foundation Commission for the Future of State Land-Grant Colleges and Universities. In 1989, the National Indian Education Association named him the Indian Educator of the Year.

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U.S. Department of Education

Statement of Victoria Vasques,

Assistant Deputy Secretary and Director for Indian Education

Hearing on the Status of Indian Education

Senate Committee Hearing on Indian Affairs

June 16, 2005

Mr. Chairman and Members of the Committee, on behalf of Secretary Spellings, let me thank you for this opportunity to appear before you to discuss the current status of Indian education. I am here with my colleagues Darla Marburger, Deputy Assistant Secretary for Policy in our Office of Elementary and Secondary Education, and Thomas M. Corwin, Director of the Division of Elementary, Secondary, and Vocational Analysis in the Department's Budget Service.

Today, I will provide an overview on the educational performance of American Indian and Alaska Native students from their early childhood years, for elementary and secondary education, and through the postsecondary education level. Collecting accurate data on the American Indian/Alaska Native population has been a long-term challenge for the Department. American Indian/Alaska Native students are a highly diverse group, both culturally and linguistically— there are over 560 federally recognized tribes in the United States. Indian students, though, constitute a very small proportion of the general student population and they are not evenly spread out among the various US regions. Furthermore, many Indian families reside in small towns and rural areas. For these reasons, it is difficult for any study to include a sufficient number of Indian students to yield accurate, high-quality data on this population.

I am pleased that the Department, in recent years, has taken major actions to collect, analyze, and report useful, high-quality data on the educational status and needs of Indian students. We have supported those efforts through strategic investments of National Activities funds provided through the Indian Education appropriation. Our efforts have covered the schools operated or funded by the Bureau of Indian Affairs, other schools that have high concentrations of Indian students, and Indian children and adults more generally. In the coming months, we will publish several significant reports in this area.

One example of this activity is our oversampling of American Indian students in the National Assessment of Educational Progress (NAEP), in order to generate adequate representation of Indian students in the NAEP. This will give us reliable, national-level data on Indian students' performance in reading and mathematics, adding a whole new

subgroup of students to the Nation's Report Card. We have also invested in the National Center for Education Statistics' (NCES) Early Childhood Longitudinal Study Birth Cohort (ECLS-B). Through this study, we will obtain information on the early development of a nationally representative sample of Indian children from birth into kindergarten, and be able to compare their progress to that of the general population of young children and to young children in the other major racial and ethnic groups.

Indian Students

Indian students constitute about one percent of all students enrolled in public schools and often attend rural schools; over half of all Indian students attend schools in small towns and rural areas.[1] In 2002, there were approximately 628,000 American Indian/Alaska Native students in public elementary and secondary schools, including Bureau of Indian Affairs (BIA) schools. Approximately 582,000 (or 93 percent) attended public schools and 46,000 attended schools administered by BIA. Department of Education programs contribute a significant amount of funding to the BIA for the education of Indian students who attend BIA schools. The Department has a long-standing partnership with the BIA over the administration of these programs, and we expect to sign a new Memorandum of Agreement (MOA) with the BIA, covering No Child Left Behind issues, very soon.

I will now provide a summary of some of the key statistics on the educational status of American Indians and Alaska Natives.

Early Childhood Data

New data from the Early Childhood Longitudinal Study (ECLS-B) paint a picture of the early development of Indian children not unlike that of other young children. The ECLS-B is designed to provide detailed information about children's early life experiences; it looks at children's health, development, care, and education during the formative years, from birth through kindergarten. The data we have collected to date reveal that Indian infants and toddlers show early motor and cognitive skill development similar to that of the general population. The skills assessed included eye-hand coordination, sitting, independent walking, balance, early problem-solving, and use of words.[2]

Indian Student Performance on NAEP

Overall, the data on Indian students show that their performance continues to lag below the national average.

American Indian/Alaska Native student performance on the latest NAEP reading, mathematics, and science assessments show similar trends. American Indian students'

[1] US Department of Education, National Center for Education Statistics, Common Core of Data (CCD), State Non-Fiscal Survey, 2002-03.
[2] ECLS-B restricted use file, NCES 2004-093, 2004.

scores in the NAEP 2003 Reading assessment were lower than white and Asian/Pacific Islander students' scores in both 4th and 8th grade assessments, but higher than the scores of one other group, African-Americans. In the 4th-grade reading assessment, 63 percent of all students attained an achievement level of basic or above basic. The figure for American Indians/Alaska Natives was 47 percent, compared to 75 percent for white non-Hispanic students, 70 percent for Asian/Pacific Islanders, 44 percent for Hispanics, and 40 percent for non-Hispanic blacks. The general pattern for 8th grade NAEP reading results is the same. (See Figures 1 and 2.)

In the 2003 NAEP Mathematics assessment, Indian students also scored lower than white and Asian/Pacific Islander students but, again, were not the lowest-scoring group. Among 4th-graders who took the NAEP mathematics assessments, 77 percent of the total population attained an achievement level of basic or above basic. The figure for Indians was 64 percent, compared to 87 percent for white non-Hispanic students, 87 percent for Asian/Pacific Islanders, 62 percent for Hispanics, and 54 percent for non-Hispanic blacks. The general pattern for the 8th-grade mathematics assessment was the same. (See Figures 3 and 4.)

The data for 2000 NAEP Science assessments show similar results. In the 8th-grade science assessments, Indian students performed below the level of non-Hispanic white and Asian/Pacific Islander students but better than their non-Hispanic black and Hispanic counterparts. Sixty-one (61) percent of all students who took the NAEP Science assessment attained an achievement level of basic or above. Thirty-nine (39) percent of Indian students attained that level, compared to 74 percent of non-Hispanic whites, 64 percent of Asian/Pacific Islanders, 35 percent of Hispanics, and 26 percent of non-Hispanic blacks.[3] The general pattern for the 4th-grade science assessment was similar. (See Figures 5 and 6.)

In sum, the NAEP data document continued achievement gaps among different racial and ethnic groups in the 4th and 8th grades. Within the continuum, Indians have scored well below the levels of whites and Asian/Pacific Islanders, but not as low as blacks and, in some cases, not as low as Hispanics.

Before 2002, NAEP did not consistently assess enough Indian students to provide reliable information about their performance. The Department has embarked on an effort to ensure that NAEP produces more reliable national-level data on the performance of Indian students. We now have a benchmark to measure Indian students' academic progress through the years. Our work also supports the Department's accountability efforts. Disaggregated data are a key tenet of the accountability embedded in the No Child Left Behind Act (NCLB). We will use NAEP data to measure the performance of Indian students, and the programs that serve them, over time.

[3] NAEP 2003 Reading Assessment, NAEP 2003 Math Assessment, NAEP 2003 Science Assessment.

Secondary Education Attainment

High school graduation and dropout rates are important indicators of academic achievement at the secondary level. The "status" dropout rate for Indian high school students is higher than the dropout rate for any other racial/ethnic group, except for Hispanics. In 2003, 9.9 percent of all individuals aged 16 to 24 were out of school and did not have a high school diploma or an alternative credential such as a General Education Development (GED) certificate; for Indians, that figure was 15 percent, and for Hispanics it was 23.5 percent. [4] The Administration has proposed a High School Intervention Initiative as part of its FY2006 budget request. The purpose of this Initiative is to improve achievement at the high school level and particularly to reduce achievement gaps among student subgroups, including Indian students and their peers from other racial/ethnic groups.

Completion of academic high school work is an indicator of students' preparation to enter the workforce or to pursue postsecondary education. The National Commission on Excellence in Education recommended, in 1983, that a core academic track for high school include four years of English, three years of social studies, three years of science, three years of mathematics, and two years of a foreign language. An increasing number of organizations, including Achieve and the National Governors Association, have recently called for all high school students to complete such core academic coursework. The percentage of Indian students who have completed that coursework increased from 3 percent in 1982 to 26 percent in 2002. However, data for 2002 show that a lower percentage of Indian high school graduates were likely to complete such courses than any other racial/ethnic group.[5]

Taking advanced academic courses is another indicator of Indian preparation for the workforce or postsecondary education. American Indian and Alaska Native students are less likely to attend schools offering advanced academic coursework than any other racial or ethnic group. In 2000, 53 percent of Indian students attended schools that offered at least two advanced courses in mathematics, English, science, or foreign languages, while the national figure was 58 percent.[6] Indian students are also less likely than other groups to take these advanced courses. Approximately 29 percent of Indian students graduating in 2000 had taken advanced mathematics courses (compared to a national average of 45 percent) and 43 percent had taken advanced science courses (compared to a national figure of 63 percent.)[7] The data indicate that, in general, these

[4] Census, October CPS, 1990-2003.

[5] High School & Beyond Longitudinal Study of 1980 Sophomores (HS&B-So:80); National Education Longitudinal Study of 1988 (NELS:88/90), "First-Follow up 1990", and NAEP High School Transcript Studies, selected years 1982 to 2000.

[6] Condition of Education 2005, table 25-1, based on 2000 High School Transcript Study (HSTS), previously unpublished tabulation (November 2004).

[7] Condition of Education 2005, tables 22-1 and 22-2, based on 2000 High School Transcript Study (HSTS).

types of courses are offered less frequently in small and rural schools, the types of schools in which Indian students are disproportionately enrolled.[8]

Performance on Advanced Placement (AP) and college entrance examinations is another indicator of secondary student achievement. The number of 12th-grade Indian students taking AP examinations increased by 25 percent between 1999 and 2003. Although this was a large increase, it was the smallest rate of increase of any racial/ethnic group. In terms of achievement in AP examinations, Indian students consistently score below the national average.[9] However, data from college entrance examinations in 2003 show that, while average SAT scores for Indian students on the Verbal and Mathematics sections have remained below the national averages, Indians have performed better than Hispanics and blacks. Average scores on the American College Testing (ACT) exam show a similar trend; although Indian students' average score is lower than the national average, they perform better than their African-American peers. [10]

The number of Indian high school students who expect to receive at least a bachelor's degree or a professional degree has increased over the last twenty years or so. According to the latest follow-up of the High School and Beyond Longitudinal Study of 1980 Sophomores, and the Education Longitudinal Study of 2002 (ELS), the percentage of American Indian 10th grade students who expected to complete at least a bachelor's degree in 1980 was 31 percent; in 2002, this number had increased to 76 percent.[11]

Indicators of Educational Risk

American Indian students are more likely to receive special education services under the Individuals with Disabilities Education Act (IDEA) than students from all but one other racial/ethnic group. In 2002, 11.4 percent of all American Indian/Alaska Native individuals between the ages of 3 and 21 who were enrolled in elementary and secondary schools received such special education services.[12]

Indian students often have higher rates of absenteeism, suspension, and expulsion than their peers. Data from the 2003 NAEP assessment showed that Indian 8th-graders were more likely to incur longer absences from school than any other racial/ethnic group. Survey respondents reported that 30 percent of Indian students were absent from school for three or more days in the preceding month.[13] Indian students are also more likely to be suspended or expelled from school than their white, Hispanic, and Asian/Pacific Islander counterparts.[14]

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[8] Condition of Education 2005, table 25-1, based on 2000 High School Transcript Study (HSTS), previously unpublished tabulation (November 2004).
[9] College Board, Advanced Placement Program, National Summary Report, 1999– 2003.
[10] College Entrance Examination Board, College Bound Seniors Report, 1996-2003; American College Testing Program, ACT National Scores Reports, 1997-2003.
[11] Condition of Education 2005, table 15-1, based on High School & Beyond Longitudinal Study of 1980 Sophomores (HS&B-So:80); and Education Longitudinal Study of 2002 (ELS:2002) Base Year.
[12] OSEP, 1998-2003 data.
[13] NAEP 2003 Reading Assessment.
[14] OCR Elementary and Secondary School Survey (E&S) 2000.

American Indian/ Alaska Native students have high rates of alcohol, tobacco, and drug use, and are more likely to be involved in violent incidents on school grounds. The National Survey on Drug Use and Health showed that Indian students are more likely than any other racial/ethnic group to smoke cigarettes or use marijuana. According to the Survey, 20 percent of Indian children aged 12 to 17 reported using alcohol in the preceding month; 26 percent reported smoking cigarettes in the preceding month; and 16 percent reported using marijuana in the preceding month.[15] Centers for Disease Control and Prevention (CDC) data from 2003 show that Indian high school students were more likely than any other racial/ethnic group to report being threatened or injured with a weapon or engaging in a physical fight. In addition, 13 percent of Indian high school students also reported carrying a weapon to school, a larger proportion than any other group.[16]

The recent, tragic shooting incident at the Red Lake High School provides stark evidence of the impact of school violence on communities, including tribal communities. Although the Red Lake incident had significant similarities to earlier non-Indian school shooting incidents, Red Lake is an isolated rural community without the resources necessary to cope with a violent tragedy of this magnitude. The Department has provided both funds and technical assistance to the Red Lake School District to address immediate needs related to safety concerns at the school, and to provide educational services to homebound students. To date, Department staff have made three visits to the district to assist in recovery efforts. Our Office of Safe and Drug-Free Schools (OSDFS), in particular, has been working with other agencies providing services and support to the Red Lake Band of Chippewa Indians Tribal Council and Red Lake Public School, and has also worked closely with the Minnesota Department of Education and other Federal agencies to coordinate available funding resources, training opportunities, and technical assistance. We will continue to work with the Tribal Council and the school district to assist them in identifying their long-term needs, and potential resources.

Postsecondary Attainment

The Department has collected data on postsecondary educational attainment since 1976, and we are fortunate to have information on the postsecondary attainment of American Indian and Alaska Native students since that time.

The number of Indian students enrolling in colleges and universities has more than doubled in the last 25 years or so. In 1976, 35,000 Indian students enrolled in 4-year colleges and universities; in 2002, that number was 84,600. (See Figure 7.) Approximately 13,000 of American Indian college students were enrolled in the 32

[15] US HHS, Substance Abuse and Mental Health Services Administration, Office of Applied Studies, National Survey on Drug Use and Health, 2002 and 2003.
[16] US HHS, CDC, National Center for Chronic Disease Prevention and Health Promotion, Youth Risk Behavior Surveillance System (YRBSS), "Youth Risk and Behavior Survey" (YRBS), 2003.

tribally controlled colleges across the country.[17] However, Indian individuals aged 18 to 24 were less likely to be enrolled in colleges or universities than any other major group.[18]

The number of degrees awarded to Indian students also increased dramatically between 1976 and 2002. The number of associate's degrees awarded to American Indians/Alaska Natives was 2,498 for 1976; in 2002, 7,470 were awarded. For bachelor's degrees, that figure was 3,326 in 1976 and 9,803 for 2002; and 967 master's degrees were awarded to American Indians/Alaska Natives in 1976 and 2,841 in 2002.[19] (See Figure 8.)

Upcoming Reports

The Department is making a serious effort to produce up-to-date, high-quality data about Indian students. We have been working to collect and release data on this population so that we know how Indian students are doing and can adjust policies and provide resources to address the needs that the data show are most critical.

The Department is scheduled to publish four new documents on American Indian and Alaska Native Students by the end of the year. The upcoming report, "Status and Trends in the Education of American Indians and Alaska Natives" will contain an overview of demographic characteristics of Indian students and further analyses of Indian student performance along a number of key indicators. In the fall of 2005, the Department expects to release a report on the demographic and family characteristics and early mental and physical development of 9-month old American Indian and Alaska Native children participating in the ECLS-B study.

Two other reports, one on postsecondary education and Indian students and another consisting of a special analysis of decennial census data on the Indian population are planned for release later in the year.

In 2006, the Department will also release special NAEP reports that will provide information about the educational experiences of American Indian/Alaska Native students and the role of Indian culture in their education.

NCLB and Indian Education

The No Child Left Behind Act of 2001 (NCLB) holds great promise for improving the education and academic achievement of American Indian and Alaska Native students. Its emphasis on stronger accountability for all students and the use of disaggregated data ensure that schools address the needs of all of their students, including

[17] Digest of Ed. Statistics 2004, based on IPEDS, Fall Enrollment survey, 2002.
[18] NCES, Digest of Ed Statistics 2004, based on Higher Ed General Information Survey (HEGIS), "Fall Enrollment in Colleges and Universities" surveys; and Integrated Postsecondary Education Data System (IPEDS) "Fall Enrollment" surveys, 1976-99, and Spring 2001-Spring 2003 surveys.
[19] NCES HEGIS, "Degrees and other formal awards conferred" surveys, 1976-77, and IPEDS "Completions Survey" 2003.

those of Indian students. The Act's emphasis on teacher quality will require that all students, including Indian students, are taught by highly qualified teachers who are certified, hold a bachelor's degree, and have demonstrated knowledge of the subject they teach.

President Bush's Executive Order 13336, which recognizes the unique educational and culturally related academic needs of American Indian and Alaska Native students, will assist us in implementing NCLB. My office has taken a lead role in the implementation of that Order. The Department, in partnership with the Department of the Interior, convened a National Conference on Indian Education on the No Child Left Behind Act in April of this year that brought together representatives from Federal agencies, State educational agencies, tribal educational agencies, and local officials. At the conference, we discussed how to implement NCLB in a manner that is consistent with tribal traditions, languages, and cultures, and identified five key areas for further work and development:

1. Closing the achievement gap and appropriate assessment of Indian students.
2. Training and developing American Indian and Alaska Native teachers.
3. Promoting continuity of tribal traditions, language, and culture.
4. Scientifically based research on Indian education, and the training of American Indian and Alaska Native researchers.
5. Local, tribal, State, and Federal collaboration.

The Department's work in the immediate future will focus on developing strategies, resources, and technical assistance in these areas for agencies that serve Indian children.

Conclusion

There are significant achievement gaps between the American Indian and Alaska Native student population and the general population, although Indian students have made great progress in recent decades and score higher than other major ethnic and racial groups on some indicators. The Indian student population continues to be subject to significant risk factors that threaten their ability to improve their academic achievement and their general wellbeing. Strategies to improve their education will need to take into account these risk factors, as well as the challenges of educating a linguistically and culturally diverse population in rural and remote areas.

Our efforts to collect quality data on the Indian population, however, have yielded a number of useful data sources that can be used to hold educational agencies that serve these students, and us, accountable for the performance of Indian students across the Nation.

Thank you for the opportunity to appear before the Committee. My colleagues and I will be happy to respond to any questions you may have.

Figure 1
NAEP 2003 Reading Assessment, 4th grade
Percentage of Students Attaining Basic Level or Above

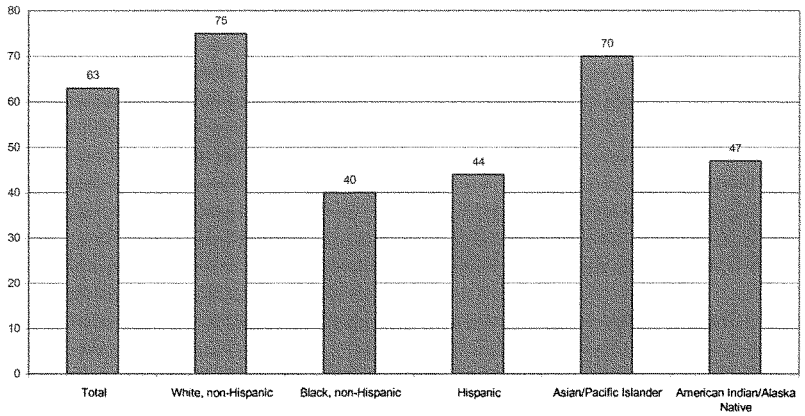
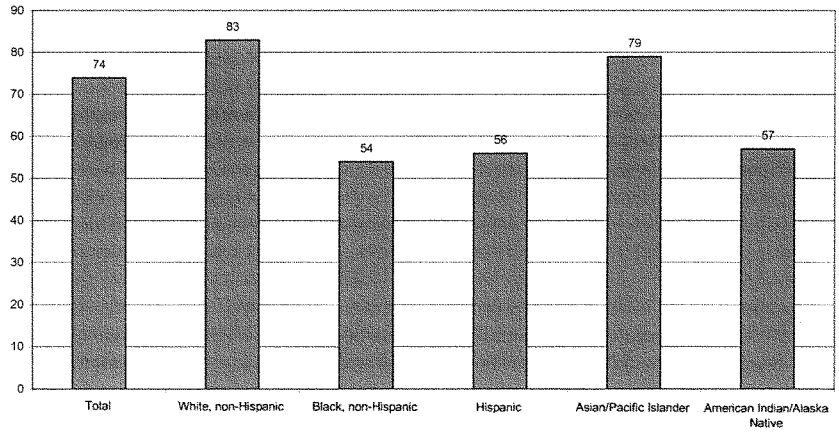


Figure 2
NAEP 2003 Reading Assessment, 8th grade
Percentage of Students Attaining Basic Level or Above



Note: Accommodations were permitted.
Source: U.S. Department of Education, National Center for Education Statistics, National Assessment of Educational Progress (NAEP), 2003 Reading Assessment.

Figure 3
NAEP 2003 Mathematics Assessment, 4th grade
Percentage of Students Attaining Basic Level or Above

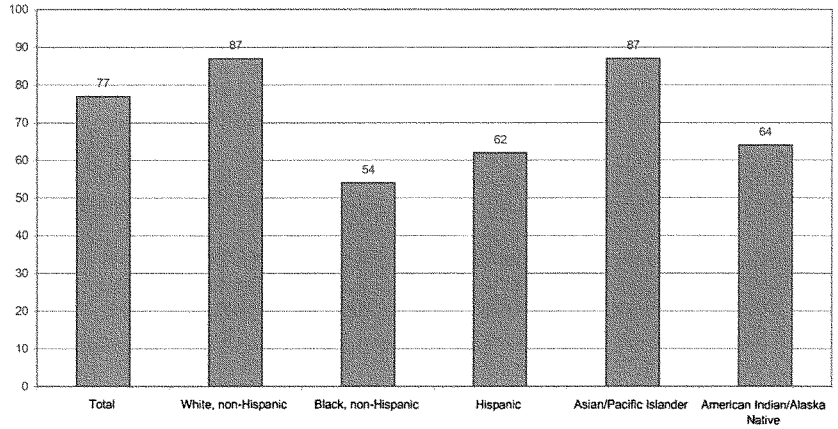
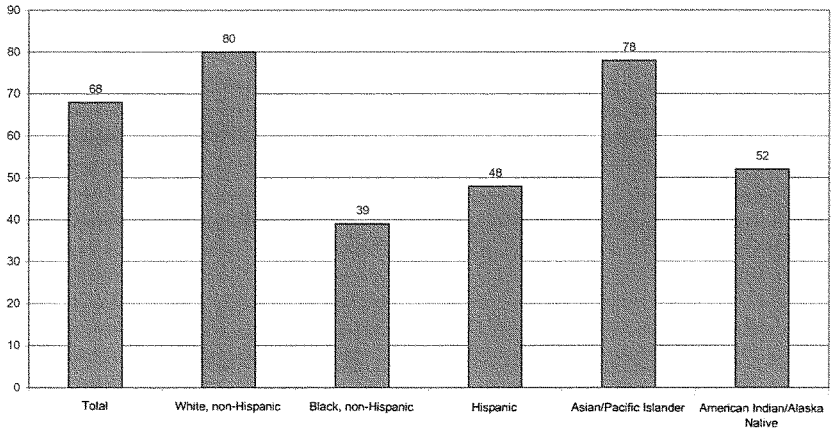


Figure 4
NAEP 2003 Reading Mathematics 8th grade
Percentage of Students Attaining Basic Level or Above



Note: Accommodations were permitted.
Source: U.S. Department of Education, National Center for Education Statistics, National Assessment of Educational Progress (NAEP), 2003 Mathematics Assessment.

Figure 5
NAEP 2000 Science Assessment, 4th grade
Percentage of Students Attaining Basic Level or Above

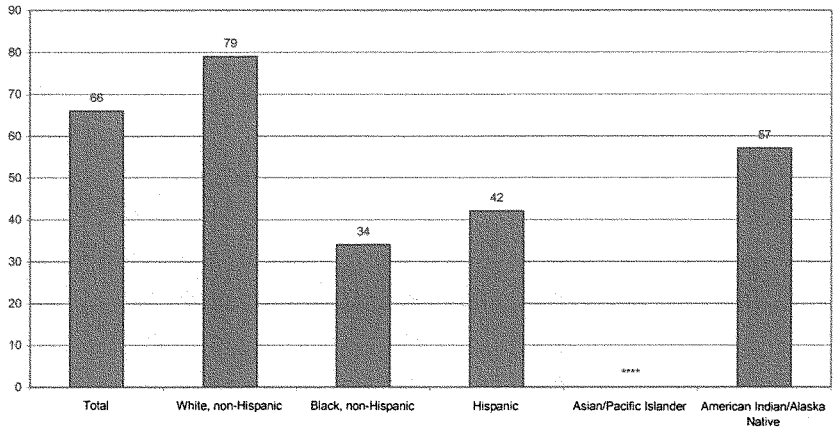
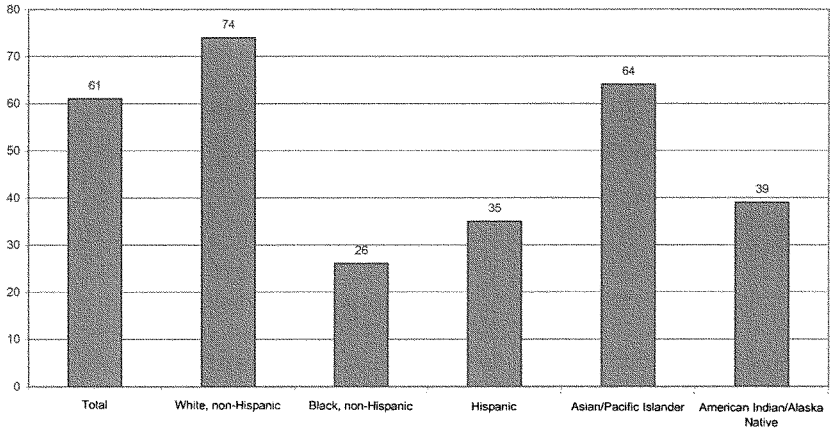
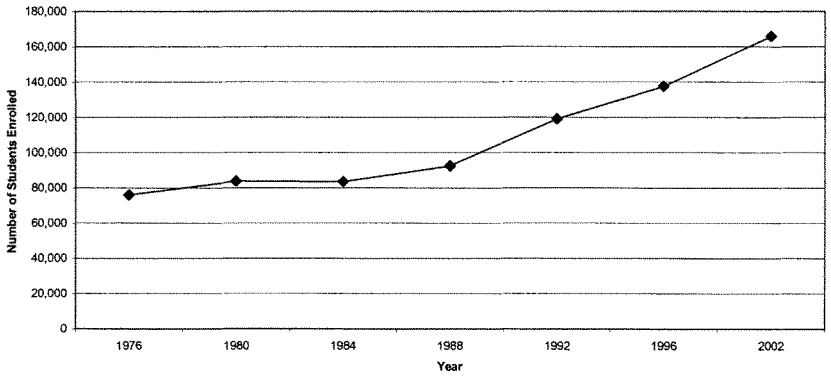


Figure 6
NAEP 2000 Science Assessment, 8th grade
Percentage of Students Attaining Basic Level or Above



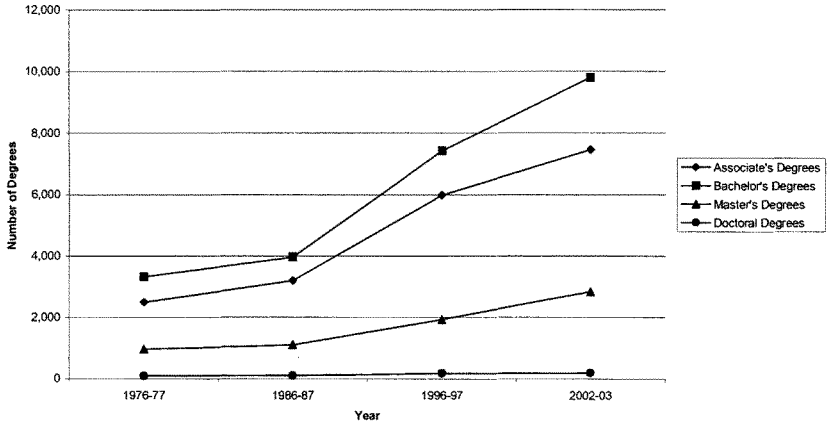
Note: Accommodations were permitted.
Source: U.S. Department of Education, National Center for Education Statistics, National Assessment of Educational Progress (NAEP), 2003 Reading Assessment.

Figure 7
American Indian/Alaska Native Enrollment in Public and Private Degree-Granting Institutions
Selected Years, 1976 to 2002



Source: US Department of Education, National Center for Education Statistics (NCES), Digest of Education Statistics 2004, based on Higher Ed General Information Survey (HEGIS), "Fall Enrollment in Colleges and Universities" surveys; and Integrated Postsecondary Education Data System (IPEDS) "Fall Enrollment" surveys, 1976-99, and Spring 2001-Spring 2003 surveys.

Figure 8
Number of Degrees Awarded to American Indians/Alaska Natives, by Level of Degree: Selected Years, 1976-2002



Source: US Department of Education, National Center for Education Statistics (NCES), Higher Education General Information Survey (HEGIS), "Degrees and Other Formal Awards Conferred" surveys, 1976-77 through 1986-87; and 1988-89 through 2002-03 Integrated Postsecondary Education Data System (IPEDS), "Completions Survey," (IPEDS-C:89-03), and Fall 2000 through 2003.

PREPARED STATEMENT OF HON. DANIEL K. INOUYE, U.S. SENATOR FROM HAWAII

Thank you, Mr. Chairman.

I commend the committee for holding this hearing today.

Education is the cornerstone that helps to build our Nation to what it is today and to prepare for our future. This is also true for native nations.

In Hawaii, we have several education programs available for Native Hawaiians, separately funded from Indian programs, of course.

Native Hawaiians experience similar concerns as other native students, with a majority of the schools in Hawaii that do not meet Federal elementary and secondary education standards having a predominantly Native Hawaiian population.

Although all native children are improving their test scores, they still fall behind other children and the schools are still not meeting Federal standards.

But those Federal standards focus on reading, math, and science.

I mention this because there may be other factors that are causing the lower achievement scores and creating negative consequences.

The Federal Government must consider and address the impact that inadequate funding, poor school facilities, geographic isolation, culture, and other factors have on the ability of schools to educate native students and on the ability of native students to learn.

We must realize that there are additional means to improve the education of native peoples of all ages, both in and out of the classroom.

Perhaps most importantly, we must recognize that native peoples must be involved in the education of their students to ensure that their unique needs are addressed.

This is critical in ensuring that native peoples can define and build their communities to reflect their respective cultures and needs.

Providing an effective, relevant and quality education is important to every nation in order to prepare future leaders with the skills necessary to address social, health, and economic conditions.

We must assist native nations in doing the same.

Mr. Chairman, thank you for holding this much needed hearing.

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