

S. HRG. 113-383

**INDIAN EDUCATION SERIES: INDIAN STUDENTS  
IN PUBLIC SCHOOLS: CULTIVATING THE NEXT  
GENERATION**

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**HEARING**

BEFORE THE

**COMMITTEE ON INDIAN AFFAIRS**

**UNITED STATES SENATE**

**ONE HUNDRED THIRTEENTH CONGRESS**

**SECOND SESSION**

APRIL 9, 2014

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**WEDNESDAY, APRIL 9, 2014**

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

The Committee met, pursuant to notice, at 2:30 p.m. in room 628, Dirksen Senate Office Building, Hon. Jon Tester, Chairman of the Committee, presiding.

**OPENING STATEMENT OF HON. JON TESTER,  
U.S. SENATOR FROM MONTANA**

The CHAIRMAN. I will call the Committee to order.

Today, the Committee is holding an oversight hearing on the public education of Indian and Alaska Native students.

In February, the Committee held a hearing on early childhood development and education. We heard a lot about the investments in our youth and the positive outcomes that can occur when these investments take place early in a child's life. This does not, however, free us from continuing these investments throughout a student's educational life.

It is estimated that between 90 and 95 percent of all Indian students in the United States are in the public school system. That is approximately 400,000 Indian students. In my home State of Montana, approximately 16,500 Indian students attend public schools.

Yet, when we talk about Indian education, it often seems that we tend to overlook the programs affecting Indian and Alaska Native students in our public schools. I am pleased we are focusing on this important issue today.

Many leaders and advocates for Indian education know that a quality education system can help lift communities out of poverty and many of the symptoms associated with poverty. I was a teacher, my mom was a teacher and one of my kids is currently a teacher. Education has been a big part of my life and I know firsthand the impacts a quality education can have on our youth throughout their lives.

I believe that improving those opportunities can be a starting point for addressing many of the issues that are so prevalent throughout much of Indian Country.

As this Committee continues its series of oversight hearings on Indian education, I look forward to hearing the progress that some communities are making in improving Indian education for all. I want to thank our witnesses for joining us today and testifying on a topic that they are clearly very passionate about.

I want to extend a special welcome to Ms. Mandy Smoker Broaddus, who is the Director of Indian Education for the Office of Public Instruction in my home State of Montana and a member of the Ft. Peck Sioux and Assiniboine Tribes.

Senator Barrasso obviously is not here yet. When he arrives, he will have an opportunity to give an opening statement.

For now, I think we will go to the first panel of witnesses. I want to welcome them all. First, we are going to be hearing from Ms. Mandy Smoker Broaddus, Director of Indian Education, Montana Office of Public Instruction. We will then turn to Daniel Hudson who is Chairman of Wyoming State Impact Aid. He will be followed by Dr. Alberto Siqueiros, Superintendent of the Baboquivari Unified School District No. 40 of Sells, Arizona, who has some interesting testimony. Finally, we will hear from Brent Gish, Executive Director, National Indian Impacted Schools Association.

I thank you all for being here today. For those who made a long trip, thank you. For those who made a short trip, thank you. We appreciate your testimony. I am going to ask you to try to keep your testimony to five minutes. Your entire statement will be made a part of the record.

We will start with you, Mandy.

**STATEMENT OF MANDY SMOKER BROADDUS, DIRECTOR OF INDIAN EDUCATION, MONTANA OFFICE OF PUBLIC INSTRUCTION**

Ms. BROADDUS. Thank you, Chairman Tester. Good afternoon and thank you for inviting the Montana Office of Public Instruction to this important hearing today.

It is my privilege to work for Superintendent Denise Juneau and for an agency in a State that “recognizes the distinct and unique cultural heritage of American Indians and is committed in its educational goals to the preservation of our cultural integrity,” language taken directly from Montana’s constitution.

It is an honor to speak before you all today. I am humbled by the spirit of my mother and all those who have gone before me because a great deal of collective suffering, yet also undeniable resiliency among my family and throughout Indian Country has allowed me to be here today.

I have traveled from Montana with the next generation of my family in my heart, nieces, nephews, cousins and my own son who attend public schools back home. I would travel any distance if it might mean strengthening schools and communities so that they might have a better life.

For so many of us across Indian Country and on this panel today, this work is deeply personal because we realize that it is our job to remove all the barriers our children face, both inside and outside of the school building.

No stone should go unturned in our efforts to improve the educational systems so that our kids are prepared for whatever they

choose next in life. This is the moral obligation for anyone who chooses to work in education and for American Indian students, it is even more necessary because times are urgent for our young people.

In the face of suicide clusters, increasing domestic violence and growing instances of self-harm and drug addiction, students show up at school every day and it is our job to do the best we can for them.

The first thing I want to say to you today is that the work of improving educational outcomes for American Indian students cannot be the work of schools alone. The achievement gap in Montana and across this country is very real and the solutions are multi-dimensional and complex.

We need better approaches to realize stronger, healthier, more stable and better-educated families and communities. This means that HUD housing, USDA, Head Start and the Department of Justice must be at the table with the Indian Health Service, tribal governments and tribal colleges.

Funding and policy must be reconsidered within a framework of support with the end goal of creating an environment where young people are valued and safe.

I will now talk about our efforts to create and coordinate innovative approaches in Montana. After many years of advocacy, the State provides funding, almost \$500,000 each year, to the Office of Public Instruction to improve educational outcomes for American Indian students in our public school systems.

We have funded dropout prevention efforts, early childhood efforts and elementary mathematics programs. We seek opportunities to support and educate the whole child because a collective effort is what is required. Over time, we have honed and refined a holistic approach to this work and we use public as well as private funding to establish as many leverage points as possible.

In addition to State funding, the Office of Public Instruction has used Federal School Improvement Grant dollars to create a unique collaborative effort with our State's most struggling public schools, all of which exist in Indian Country. The Department of Education allowed us some flexibility with our SIG grant and we created the Montana Schools of Promise.

As a result, the OPI has provided direct services to three school systems in our State. In addition, our agency stretched its capacity and provided five on-site coaches to assist school leaders, teachers, the school board, students and community members. These OPI staff members either moved to these communities or worked from there. They go to work in our schools every day and are able to push on these turbulent systems in ways that district staff is limited.

Key results have been increases in literacy rates, increases in student engagement and improvement in overall school climate and infrastructure. We have also been able to dramatically increase the efficacy of local boards of trustees and are supporting new administrators who focus on the difficult work of improving their schools.

Lastly and perhaps most significantly, we have implemented an innovative approach to better support the emotional and mental wellbeing of students through high fidelity wraparound. We re-

ceived a two year Montana Mental Health Trust grant and a \$1.8 million SAMSHA Systems of Care Grant and are partnering with tribal governments from our Schools of Promise sites—Fort Peck, Crow and Northern Cheyenne—and with Indian Health Services, the Bureau of Indian Affairs, and the State Department of Public Health and Human Services.

With this support, we are implementing community driven, culturally responsive school-based mental health wrap around supports for students and their families through trained staff who are tribal members.

These staff members have access to county and State support services and natural and cultural support to build on the assets of youth who all too often face traumatic experiences and live with PTSD symptoms.

In closing, here are a few additional considerations. Title III administrators at the DOE must consider the uniqueness of historically impacted native languages and their differences from other world languages. All Federal and State entities which impact the lives of children must expand their efforts beyond the traditional scope of services and more fully realize important connections with local school entities.

I applaud President Obama's creation of the White House Council on Native American Affairs and hope that this work results in better coordination and innovation in Indian Country. A great need exists for comprehensive planning and funding to support the multi-faceted approach because we will not improve educational outcomes without addressing life outcomes overwhelmed by high unemployment rates and a lack of access to quality health care for American Indian families.

Lastly, policy and regulations need to take into consideration the unique relationship American Indian tribes have with the Federal Government as sovereign nations. As such, their children and public schools are impacted by policies and regulations that fail to be culturally responsive and culturally sensitive.

Again, thank you for allowing me this important opportunity today.

[The prepared statement of Ms. Broaddus follows:]



PREPARED STATEMENT OF MANDY SMOKER BROADDUS, DIRECTOR OF INDIAN  
EDUCATION, MONTANA OFFICE OF PUBLIC INSTRUCTION

Good afternoon. Thank you for inviting the Montana Office of Public Instruction to participate in this hearing. My name is Mandy Smoker Broaddus and I am a member of the Fort Peck Sioux and Assiniboine tribes from north-eastern Montana. It is my privilege to work for Superintendent Denise Juneau and for an agency in a state that "recognizes the distinct and unique cultural heritage of American Indians and is committed in its educational goals to the preservation of our cultural integrity" (Montana constitution, Article X). It is an honor to speak before you all today. I am humbled by the spirit of my mother and all those who have gone before me—because a great deal of collective suffering, yet also undeniable resiliency among my family, and throughout Indian country, has allowed me to be here today. I have traveled from Montana with the next generation of my family in my heart — nieces and nephews, cousins and my own son who attend public schools back home. I would travel any distance if it might mean strengthening schools and communities so that they might have a better life. For so many of us across Indian country this work is deeply personal because we realize that it is our job to remove all the barriers our children face, both inside and outside of the school building. No stone should go unturned in our efforts to improve the educational systems so that our kids are prepared for whatever they choose next in life. This is the moral obligation of anyone who chooses to work in education. For American Indian students, it is even more necessary because times are urgent for our young people — in the face of suicide clusters, increasing domestic violence, and growing instances of self-harm and drug addiction, students show up at school every day, and deserve the best we can provide them.

The first thing I want to say to you today is that the work of improving educational outcomes for American Indian students cannot be the work of schools alone. The achievement gap in Montana and across this country is very real, and the solutions are multi-dimensional and complex. We need better approaches to realize stronger, healthier, more stable, and better educated families and communities. This means that HUD housing, USDA, Head Start, and DOJ must be at the table with Indian Health Service, tribal governments, and tribal colleges. Funding and policy must be reconsidered within a framework of support with the end goal of creating an environment where young people are valued and safe.

I will now talk about our efforts to create and coordinate innovative approaches in Montana. After many years' advocacy, the state provides funding - almost \$500,000 each year - to the Office of Public Instruction to improve educational outcomes for American Indian students in our public school systems. We have funded dropout prevention efforts, early childhood efforts, and elementary mathematics programs. We seek opportunities to support and educate the whole child because a collective effort is what is required. Over time we have honed and refined a holistic approach to this work and we use public as well as private funding to establish as many leverage points as possible.

In addition to state funding, the Office of Public Instruction has used federal School Improvement Grant dollars to create a unique collaborative effort with our state's most struggling public schools, all of which exist in Indian country. The Department of Education allowed us some flexibility in our SIG grant, and we created Montana Schools of Promise. As a result, the Office of Public Instruction has provided direct services such as job-embedded professional development on effective instructional strategies, support for students who live with trauma, and assistance with data informed decision making. In addition, our agency stretched its capacity and provided five onsite coaches to assist school leaders, teachers, school boards, students and community members. These OPI staff members either moved to these communities or were from there. They go to work in our schools every day and are able to push on these turbulent systems in ways that district staff are limited. Key results have been an increase in literacy rates, increased student engagement and an improvement in overall school climate and infrastructure. We have also been able to dramatically increase the efficacy of local boards of trustees and are supporting new school administrators who focus on the difficult work of improving their schools.

Lastly, and perhaps most significantly, we have developed an innovative approach to better support the emotional and mental well-being of students through high fidelity Wraparound. We received a two year Montana Mental Health Trust grant for \$600,000 and a \$1.8 million SAMSHA Systems of Care Grant, and are partnering with the tribal governments from our Schools of Promise sites - Fort Peck, Crow and Northern Cheyenne - and with Indian Health Services, the Bureau of Indian Affairs, and the

state Department of Public Health and Human Services. With this support, we are implementing community-driven, culturally responsive school-based mental health "wrap round" supports for students and their families through trained staff who are tribal members. These staff access both county and state support services and natural and cultural supports to build on the positive supports and assets of youth who all too often face traumatic experiences and live with PTSD symptoms.

In closing, here are a few additional considerations -- Title III administrators at the DOE must consider the uniqueness of historically impacted native languages and their differences from other world languages. Impact Aid funding, a vital and necessary funding stream for public reservation schools, should be restored to full levels again. And all federal and state entities who impact the lives of children must expand their efforts beyond the traditional scope of services and more fully realize important connections with local school entities. I applaud President Obama's creation of the White House Council on Native American Affairs and hope that work results in better coordination and innovation in Indian country. A great need exists for comprehensive planning and funding to support this multi-faceted approach because we will not improve educational outcomes without addressing life outcomes overwhelmed by high unemployment rates and a lack of access to quality health care for American Indian families. Lastly, policy and regulations need to take in to consideration the unique relationship American Indian tribes have with the federal government as sovereign nations, and as such their children in public schools are impacted by policies and regulations that fail to be culturally responsive and culturally sensitive.

Again, thank you for allowing me this important opportunity to speak with you today.

The CHAIRMAN. Thank you for your testimony, Ms. Broaddus.  
Before we get to you, Mr. Hudson, I am going to turn to Vice Chairman Barrasso.

**STATEMENT OF HON. JOHN BARRASSO,  
U.S. SENATOR FROM WYOMING**

Senator BARRASSO. Thank you very much, Mr. Chairman, for holding this important hearing today.

I am delighted to welcome Mr. Dan Hudson from Lander, Wyoming, to be with us on the panel and to be the next to testify. He serves as the Wyoming State Impact Aid Chairman. We have met many times over the past number of years. He has a great deal of knowledge of Wyoming's schools, especially those on the Wind River Indian Reservation.

As I have stated at prior hearings, and as he and I have discussed in the past, education is a critical factor for success in today's world. Indian children have a remarkable capacity to learn and thrive. There are many challenges these children face in achieving their education. Recruitment and retention of qualified teachers and safe learning environments are just a few of those challenges.

There are opportunities for improvement and success. I look forward to the entire hearing today, Mr. Chairman, and to hearing from our witnesses about the opportunities that exist. I welcome the witnesses and look forward to the testimony and especially welcome Mr. Dan Hudson.

The CHAIRMAN. Thank you, Senator Barrasso.  
Mr. Hudson, you may proceed.

**STATEMENT OF DANIEL HUDSON, CHAIRMAN, WYOMING  
STATE IMPACT AID**

Mr. HUDSON. Thank you, Chairman Tester, Vice Chairman Barrasso and ladies and gentlemen. I thank you for inviting all of us to be here today.

I am Dan Hudson from Wyoming. As noted, I am Wyoming State Impact Aid Chairman. I am following the prepared written testimony. I would like to note that 93 percent of all Indian students are educated in public K–12 schools as opposed to the 7 percent of Indian students educated in Bureau of Indian Education schools.

Second, three times as many Indian students are educated in schools receiving impact aid funds when compared to the Bureau of Indian Education schools.

I point this out as there has been occasionally a misperception that Indian education is largely the province of the Bureau of Indian Education Schools and this is not the case at all. As your program title notes, Indian students are largely in public schools.

Since 93 percent of Indian students are educated in public K–12 schools, I think it important to note these schools are governed by locally elected school boards. As such, these school board members are very directly responsible to Indian parents and their local tribes. Impact aid recipient schools servicing Indian students have current specific legal safeguards in place that require parental and tribal input into the education programs provided by those schools.

In written testimony provided, there are chosen examples of excellent and forward thinking programs provided by impact aid schools to serve Indian students. These schools include Browning, Montana; Ethete, Wyoming; Sacaton, Arizona; Wapala, Wagner and Timber Lake in South Dakota; Toppenish, Washington; Red Lake, Minnesota and Lapwai, Idaho.

These aren't the only schools providing such programs but are representative of the best Indian education programs provided to cultivate the next generation. These schools are from your States. They would seriously welcome your visits to see what can be done with these funds.

I would also like to point out that exemplary results have been achieved despite relative reductions in available impact aid funding for these and the other impact aid schools over the past several years. For Indian students, the most important portion of their impact aid funding is called basic support or Section 8003.

For Fiscal Year 2014 and so far, 2015, the basic support portion of impact aid is funded at \$1,151,000,000. That is 58 percent of the authorized figure of \$1,984,000,000. As noted in my written testimony, other parts of impact aid are even more constrained such as payments for property, which receives only 3.5 percent of its authorized funding figure.

The last time that impact aid received appropriations to match its authorization was 1969. As such, impact aid which provides for so much of the education of the great majority of Indian students, especially so when the Native population is concentrated, has not been adequately funded for the last 45 years.

The third point I would like to discuss is the timeliness of payments from the U.S. Department of Education to impact aid schools serving impacted Indian students. Because impact aid is the only

Federal education program that isn't forward funded, payments are issued only after the department receives either an appropriation or a continuing resolution in the current fiscal year.

School programs should begin in September. For the 2014 funding provided by the U.S. Department of Education and Congress, several of Wyoming's impact aid districts did not receive their payments until mid to late March of 2014 for the fiscal year that began October 1, 2013, seven months into the school year.

It is thus apparent that having the funding arrive this late in any school severely compromises the district's ability to begin or continue programs that should have begun the prior September. Additionally, other major portions of fiscal 2013 funding were not processed by the U.S. Department of Education and received by Wyoming's districts until March of 2014. Providing and improving Indian education with such unreliable timeliness of payments is, at a minimum, extremely problematic.

To address these issues and provide the best cultivation for the next generation, first, the impact aid program should be forward funded. This does require a two-year appropriation within a single year and is difficult with our current Federal fiscal operation. The amount required would be about \$2.774 billion.

Further, to provide the education that Indian students should receive in order to fully cultivate the next generation of public schools would thus require fully funding impact aid. This admittedly takes an even greater portion of funds, roughly \$3.8 billion.

To generate the amounts of funding necessary to achieve and sustain these figures should be included as a portion of the long overdue rewriting of the Federal tax code rather than trying to borrow the funding from elsewhere in the current Federal budget.

Five minutes. Thank you, sir.

[The prepared statement of Mr. Hudson follows:]

PREPARED STATEMENT OF DANIEL HUDSON, CHAIRMAN, WYOMING STATE IMPACT AID

Good day. First I'd like to note that 93 percent of Indian Students are educated in K-12 public schools, with only the remaining 7 percent being educated in Bureau of Indian Education (BIE) schools. Indeed, just as regards Indian Students attending schools that receive Impact Aid, there is about a 3:1 preponderance toward regular K-12 schools (additional Indian students also attend K-12 public schools that do not receive Impact Aid funding, whereas the BIE figure is inclusive to those schools on their "count day"). Please see Appendix A, pages 1 and 2 for relevant figures. The point here is that in regards to providing Indian Education, the preponderance of that activity is performed by Impact Aid schools, not BIE schools.

We can provide examples of some notable Impact Aid districts' educational programs, programs that serve to "Cultivate the Next Generation" as follows. These have all been presented at the Annual Conference of the National Indian Impacted Schools Association (NIISA) to the NIISA general membership.

In Browning, Montana, a presentation of their alternative education program, "Engaging Our Youth" provided an increase in graduation rates from 54 percent to 71 percent, in the 2010 academic year. The Browning "Project Choices" provides an individualized education and social plan is generated, inclusive of physical needs, for each student within the program. This individualized plan is formulated by alternative education personnel. The "Choices" program in the school networks with other programs in the community, and has the overall intent of helping these students. As of the presentation, the program services 35 students. One should note that the graduation rate of 71 percent, even though not exceptional, is nonetheless a 17 percent increase—and that is achieved among students whose physical needs of existing are not met outside of the program setting.

In Ethete, Wyoming, Fremont County School District #14 achieved a tremendous success in reading scoring, going from 0 percent reading proficiency over quite a few

years to 60 percent reading proficiency in grades K–6. This was due to instituting a research-based, culturally relevant professional development program developed by Mr. Craig Dougherty at the Wyoming Indian Center in Sheridan Wyoming—and initially developed for Native Hawaiian students. The focus of the Center is on improving teaching; by improving teaching the education of the students improves. The Center’s focus is to improve learning by working on students’ strengths. There are no excuses—teachers cannot change students’ family situation or backgrounds—and thus the teachers are the educational resources for the kids. Excuses and whining are not permitted—the teacher is *responsible* for educating the students. The program does require that teachers receive additional training after graduation. Graduate study in math or language arts is required for the program, as universities provide a general education background, but *specialists* are what are needed. Teacher quality has six times the effect on student learning than all other factors combined, including ethnicity and socioeconomics. We have to provide a world-class education to America’s First Children.

In Sacaton, Arizona, Sacaton Unified School District (AZ), their instructional program is headed up by Superintendent Jim Christiansen with a team of Janet Chouteau, instructional coach, and Amanda Billings, master teacher. The Sacaton program uses teacher coaches to train staff, with the intent to unify and improve instruction. This method has resulted in *substantial* gains in reading capabilities; mathematics had good growth, although not quite as substantial. The Sacaton program has four essential elements used to turn schools around: (1) leadership, (2) professional growth, (3) curriculum improvement, and (4) assessment of results with resulting modifications to the plan. Reading and mathematics daily instructional time was increased from 50 to 80 minutes. Parental involvement in education remains an issue. The integration of cultural aspects and the Pima language into Sacaton’s educational program is not yet completed. Class materials are also available for advanced and superior students, as they can access instructional software in advanced level classrooms.

In South Dakota, quite a few districts are instituting exemplary programs delivered to students while doing so in the geographical area of the highest poverty in the United States. Wagner, SD schools implemented the JAG (Jobs for America’s Graduates) program at that District to address student needs with severe life and academic needs. Typically, membership in the JAG increases graduation rates to over 90 percent.

The Timber Lake District, also from South Dakota, has implemented an “Intensive Care Unit”. Superintendent Jarrod Larson notes that the program focuses on achievement, accountability, and parent involvement, along with positive professional development. To enter in the ICU, students have missing work, have below a 2.0 average but no D’s or F’s. The ICU program identifies these at-risk students and low-achieving students. One of the components of the program is to have a Trusted Adult available to address bullying issues. There are no 0 grades, but students cannot go back to the prior semester. As such, if a student is in the ICU for mathematics, that student must work on mathematics in the program—not other areas such as art, for example. While in ICU, there is no participation in assemblies, no sports participation, no dances—until the work is completed. There are also no random reward days in ICU. The results indicate reduced student apathy, increased performance, and increased parental communication. Timber Lake also has a signal science program developed by LuAnne Lindskov, South Dakota Teacher of the Year. The program utilizes a new philosophy of educational planning for success for the science students inclusive of individualized tutoring during and after school.

In Wakpala, South Dakota, located on the Standing Rock Sioux reservation, they have implemented educational programs by trying to find out what works with Native students. It was noted that if the school is seen to be sincere about the task and also sincere in caring about the students, the students will perform well, it was also seen that healthy behavior had to be modeled by the staff, as the students do indeed watch. Wakpala has 100 percent Native Americans in its student body; They are also 47 percent Limited English Proficient, 30 percent special education, 100 percent free and reduced lunch, and have 47 percent mobility among its students and the surrounding districts. One challenge noted is that the area districts are trying to provide a standardized curriculum in relation to the mobility factor. However, results from the Wakpala program included a 5 percent improvement in attendance, a 19 percent increase in graduation rate, and an eight-fold decrease in high school discipline referrals.

Washington State also has a series of programs that serve Native students to “Cultivate the Next Generation”. Former Superintendent Steve Myers instituted a pre-school cooperative at Toppenish, Washington. Mr. Myers program is centered around the fact that very young children (ages 3–5) have much more brain activity

than is measured in later years. Myers has noted that we as a society invest great amounts of funding and effort to educate in later years, but very little in preschool, despite the fact that preschool is where the maximum amount of learning as measured by brain activity is actually occurring. Myers program provided data that the emphasis on early education pays off at the upper end of the education spectrum. 86 percent of his program children graduate, and between 83 and 96 percent of the children go on to a post-secondary education. The program uses multiple data assessments to ensure *each* child masters learning skills.

Toppenish also currently has an exemplary high school program centered around science, technology, engineering and mathematics. The goal of the this program, provided by Superintendent John Cerna, is both college and career readiness. They generate a 93 percent graduation rate. All students take Introduction to Engineering Design as an introductory class. Second in the high school series is civil engineering and architecture, followed by aerospace engineering. Toppenish High School also provides instruction in robotics and digital electronics. The English department also promotes technical writing. Toppenish Middle and High School entered the World Technology Competition, placing 36th overall in the world. Demographically, the District is 90 percent free and reduced lunch, 83 percent Hispanic, and 13 percent Native American. Additionally, all Toppenish freshmen take Principles of Biomedical Science, as the usual Earth Science and Physical Science classes weren't preparing students for the Washington State tests. As a consequence, enrollment in upper level mathematics and science classes increased markedly, and the more basic/introductory classes declined in enrollment.

Lapwai, Idaho instituted a program developed by Mr. Harold Ott called Key Elements of High Performing Schools. The Lapwai District was the recipient of a three year grant from the Albertson Foundation, providing funding to address student performance. Ott noted that we work too much on teaching, and not enough on learning. Ott also noted that it is the moral responsibility of each teacher to educate *each* child entrusted to them. The issue is to be teaching each student as they are special, all of them, one at a time. As a result, every student discovers their own chance to succeed. Ott also contends that students don't fail—systems do. The task of leaders is thus to change systems so the students can all succeed. The Wapato, WA District, where Ott also worked, had a 14 percent graduation rate. A group of sixty separate people wrote a school improvement grant, as a *moral commitment* to change the Wapato school system. Four years later, the Wapato District had an 86 percent graduation rate. Ott included the premise that cultural diversity is a gift—we, as a nation, don't completely do the 'melting pot' consistently. Wapato's program, as replicated in Lapwai, had a multicultural fair, celebrating diversity, not uniformity. This honors the things important to the District's various students and their respective cultures. It also provided a sharp reduction in discipline referrals, fights and gang activity. Ott noted his motto—"No shame, no blame,—and no excuses."

These examples are all provided by Impact Aid recipient schools, and yes, they are selected with a viewpoint toward this Committee's membership. They are by no means the only such examples available from Impact Aid recipient schools primarily engaged in teaching Native American students. It should also be pointed out that these schools are all what is referred to as "high LOT" districts—meaning that they receive a high percentage of their Impact Aid payment. Among other things, the high LOT designation is indicative of high need and was required by Congress in the 1994 iteration of Impact Aid. The point being made here is that other schools receive lesser payment percentages and as a possible consequence, have not evinced similar programs.

Additionally, it should also be noted that these programs and results from these schools have been achieved even while the Impact Aid program itself has not received commensurate appropriations to provide and continue such programs, and the delivery of Impact Aid funding by the U.S. Department of Education to these and other Impact Aid schools has been haphazard, especially over the last few years of operation.

The Impact Aid Law has several sections. Basic Support, or Section 8003 receives the major portion of appropriations and is the life blood of Native education. Currently this Section of Impact Aid is funded at 58 percent of authorization, for fiscal 2014 a figure of \$1,151,233,000. The full federal obligation of Basic Support would be \$1,984,000,000. Basic Support, however, receives a far greater proportion of the federal obligation than does another portion of the program, that being Payments for Property, or section 8002, which receives only 3.5 percent of authorization. For fiscal 2014, that appropriation is \$66,813,000; the true figure for Payments for Property is actually \$1,885,000,000, substantially close to the Basic Support figure. As such, if appropriations were to actually meet the federal obligation as authorized,

the overall figure for these two portions of Impact Aid would be about \$3.8 billion. This compares to the appropriated figure for these two parts (which aren't the entirety) of Impact Aid of about \$1.2 billion. The last year that appropriations balanced authorization for Impact Aid was 1969. Since that time, the Impact Aid program, which provides the educational needs and programs of the great majority of Native American students, has not been adequately funded. Please see Appendix B.

Further exacerbating this issue, the U.S. Department of Education, first, cannot process payments to Impact Aid recipient districts without a current year authorization (or continuing resolution) amount. Impact Aid, as the second oldest federal education program, retains that current year funding character of such programs from years long gone. All other federal education programs are forward funded for one year. As such, the other federal education program payments can be processed in the current fiscal year without undue delays. Impact Aid, until such time as a current year appropriation (or continuing resolution) is completed, cannot be paid out, leaving the Impact Aid districts without Impact Aid funding for an unknown time. Worse, as I might note for Wyoming's school districts (I cannot knowledgeably speak for other states), there appears to be no consistency as regards reception of payments from the U.S. Department of Impact Aid.

As an example, two Wyoming Districts (Fremont County School Districts #14 and #21) received 40 percent of their 2014 Impact Aid program funds in December 2013; they received an additional 40 percent of their fiscal 2014 funds in March 2014. Another Wyoming District (Fremont County School District #38) did not receive any fiscal 2014 funding in December, and finally received its 2014 Impact Aid funds in mid-March of 2014. Yet another Wyoming District (Fremont County School District #6) is thought to have received its 2014 funds as of March 28, 2014. It should be noted that for the 2014 program year, it was Wyoming's turn to provide documentation to the U.S. Department of Education to verify the Impact Aid application figures. Fremont County School District #6 had provided suitable documentation no later than April 17, 2013 as may be verified by email commentary in the supplied Appendix, yet did not receive payment until March 28th, 2014 (probably). Please see Appendix C, pages 1 and 2.

Another example of lack of performance is the processing of another area of Wyoming's payments. One of the three methods of calculating payments involves the use of what's called a "generally comparable district." This is the oldest method of calculating payment, and the Impact Aid law, both current and for reauthorization purposes, requires selection of the best method for payment purposes. The file properties of this payment basis for Fiscal Year 2013, of which I've kept a copy on my computer, and which the Wyoming Department of Education must certify to the U.S. Department of Education shows last saving of the file in August 2012. This means that all work was completed on the file in Wyoming and it was transmitted not later than August 2012 to the U.S. Department of Education. The payment of these Fiscal Year 2013 funds was not done until February 25, 2014. Please see Appendix D. Frankly, my file transmission email is so long ago that it no longer exists. You might look, for another example, at Appendix E, which is the transmission of Fiscal Year 2014 information, provided to the U.S. Department of Education on April 1—2013. It will be some time until we see these funds, but it has already been slightly over a year since the information was supplied.

Anecdotally, districts have related that the U.S. Department of Education has related having staffing problems and/or data processing issues that prevent timely payment processing. These things do indeed happen, and we've all had them. However, when these excuses are used year after year (again, anecdotally), this certainly becomes an irritant at the school district level, but in the end, what this means is at least some of the students who *should* have received the benefit of these funds to provide their education will not receive the benefit of these funds. Please also see Appendices F and G. These are part of a presentation of the U.S. Department of Education to the National Association of Federally Impacted Schools Association on March 17, 2014 regarding payment processing timelines. I'd like to point out here that processing of some aforementioned "Basic Support" 8003 funding dates back three years to 2011; likewise the 'Payments for Property' 8002 funding goes even further, back to 2010. To be fair, there are legal issues that may impede payment processing by the U.S. Department of Education. On the other hand, these legal issues are now dragging on for four years.

Schools cannot provide a consistent program platform to "Cultivate the Next Generation" without having at least a relatively consistent fiscal basis. Some of the programs noted above, like that of Fremont County School District #14, are becoming static, as the Impact Aid funding necessary to provide and expand such programs has relatively dwindled.



It isn't right to whine about problems without offering solutions, so, quite frankly, first and foremost providing a 4 percent Impact Aid appropriations increment for fiscal 2015 as compared to 2014 would begin to address the issues; this would require about \$64 Million.

Working toward forward funding of the program and thus alleviating a lot of the payment problems is more difficult, as that requires a 'double appropriation' for two fiscal years in one, currently requiring about \$2.774 Billion. With our current national fiscal situation, this is not an easy issue to address.

However, to really "Cultivate the Next Generation" for Native students, these should be concrete goals to achieve. Finally, steps should be taken to fully fund the program in order to properly address the issue of federal responsibility for education of federal, and in our case here today, Native students. Frankly, although it will likely prove politically unpalatable for the foreseeable future, the source of funds to do these tasks *should*, by the way our government is supposed to work, be achieved during the long overdue rewriting of the federal tax code as a part of proper balancing of federal revenues and expenses.

Thank you.

**Attachments**

Appendix A  
P1

## Number of Federally Connected Children in Average Daily Attendance by Student Category

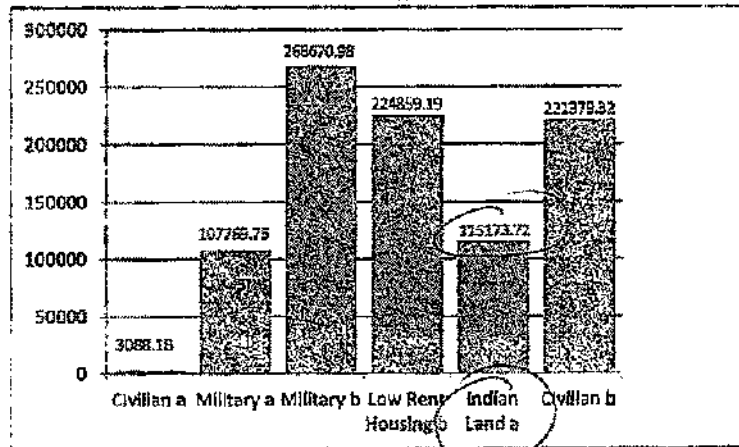
Fiscal Year 2013

• Notwithstanding the number of students not yet verified on Table 9 (of the Impact Aid application - base house removal) there are approx. 940,941.14 federally connected children in average daily attendance (ADA) in the program. (Fiscal Year 20123 estimate)

- 3,038.18 civilian "a" (children whose parents live and work on federal property)
- 107,369.75 military "a" (children whose parents reside on-base)
- 268,670.98 military "b" (children whose parents reside off-base)
- 224,859.19 low rent housing "b" (children whose parents reside in federal low-rent housing)
- 115,173.72 Indian lands "a" (children who reside on Indian Trust/Treaty Land including Alaskan Natives residing on Alaskan Native Claims Settlement Land)
- 221,379.32 civilian "b" children (children whose parents live on and work off of federal property OR whose parents work on, but live off of federal property)\*

• Civilian "b" children can only be calculated into a school's payment if there are at least 1,000 in the district, or if they represent 10% or more of the school district's Average Daily Attendance (ADA).

**Federally Connected Children in ADA by Student Category  
FY 2013**



Appendix A  
P 2

Saturday April 5, 2014

### BIE Website

Home  
About Us  
Services  
Contact Us

- Home
- About Us
- Services
- News
- Act
- Regional Offices
- Education
- NABIS
- Emergence
- Research
- BIEHS



Home For Parents and Students

#### Parents and Students

As stated in Title 23 CFR Part 312.3, BIE's mission is to provide quality education opportunities from early childhood through life in accordance with the Tribe's needs for cultural and economic well-being, in keeping with the wide diversity of Indian tribes and Alaska Native villages as distinct cultural and governmental entities. The Bureau is to manifest consideration of the whole person by taking into account the spiritual, mental, physical, and cultural aspects of the person within family and Tribal or Alaska Native village contexts.

In School Year 2011-2012, the 183 Bureau-funded elementary and secondary schools, located in 73 states, served approximately 41,057 Indian students, which is based on a three-year average student count known as the Average Daily Membership or ADM.

- Schedule of Events
- BIE Presidential Address (Lakota Journal/PAJ)
- Letter from the Director

#### BIE Website

- Home
- About Us
- Services
- Contact Us
- Feedback

Appendix B

## The Basics of Impact Aid

### General Information

• Impact Aid is the second oldest elementary-secondary federal education program administered by the Department of Education currently in law, and was first passed in 1930 under President Harry Truman.



• The program was formed to help make up the lost local tax base to school districts imposed upon by federal property. In other words, people living on federal property do not pay local property tax. People who work on federal property in turn, work for companies that do not pay local property tax. Also, people who work for the military have the ability to shop for food and other items at a PX that does not charge sales tax. Therefore, school districts lose not only property tax revenue, but also sales tax and licensing fees. The program was also designed to provide payments in lieu of taxes to school districts that have had large parcels of land taken off the tax rolls after 1938 as a result of a federal action.

• There are basically four areas of federal Impaction: Indian trust or treaty lands, low rent housing projects, and military bases, and other federal ownership of land such as national parks, federal prisons, VA hospitals, and other federally owned parcels of land.

• The Impact Aid Statute was originally referred to as P.L. 81-874. In 1965 it was used by Congress as the vehicle to build the Elementary and Secondary Education Act. In 1994 Impact Aid was folded into ESEA as Title VIII (P.L. 81-874 was repealed). The current law was scheduled to be reauthorized in FY 2007. Currently, the law has been extended through FY 2013 and it appears very likely that the extension will continue through FY 2014.

• It is the only education program that is not forward funded. When Congress appropriates dollars annually in the fall, the money is immediately wired to school district's bank accounts. Other programs' dollars are designated for the following school year, placing them in less of a financial bind in the case of a continuing resolution (CR).

• The 8003 (b) Basic Support part of the program is currently (F.Y. 2014) funded at about 58% of need, while the 8002 Federal Property part of the program is funded at 3.5% of need OR Section 8003 has a 42% unfunded need while Section 8002 has a 96.5% unfunded need. The 8002 program was amended with the passage of the Department of Defense Authorization bill in December 2012 - the effects of the formula changes have not yet been determined. The amendment only applied to FY '13 and '14, meaning the language must be extended for it to apply to FY '15 and all succeeding years.

• The money is appropriated through the Labor - HHS - Education Appropriation Bill.

• The Impact Aid program is the most efficient of all education programs, as the money is wired directly from the Department of Education to the school's bank accounts, avoiding administrative costs at the state level. In some cases the funds are wired to a county administrative unit for disbursement to the school district or in the case of a dependent school district (doesn't possess the authority to tax directly) to the city or county treasurer.

• There are no "strings attached" to the money and districts can use it in the areas they need it most as determined by the locally elected school board. It can be used for construction, salaries, supplies, unless otherwise prohibited by state law.

Appendix C  
Pl.

From: dhudson82520@yahoo.com [mailto:dhudson82520@yahoo.com]  
Sent: Wednesday, April 17, 2013 2:33 PM  
To: Travis Sweeney  
Subject: Re: previous item

Hi, Travis,

Ah, if you'd send what you sent to Joyce (as opposed to the notification), that would be good. Tara was not too thrilled about that new item, and for the amount of work involved, I can't say I blame her.

Dan

From: Travis Sweeney <travis@tre6.k12.wy.us>  
To: dhudson82520@yahoo.com; Nina Garland <ngarland@tremont21.k12.wy.us>; Dave Rushforth <dave@tremont14.k12.wy.us>; Johnathon Braack <braack@tremont38.k12.wy.us>  
Sent: Wednesday, April 17, 2013 2:22 PM  
Subject: RE: previous item

*This email sent 4/17/13  
U.S. Department notes  
"in great order, no  
other documents  
needed"*

Dan,

Here is what I sent to Mrs. McKinley and below is her response, so I don't think you need to worry about the tax assessor. Let me know your thoughts.

Thanks,

Response from Mrs. McKinley:

Hi Mr. Sweeney,

I was able to review all the documentation you've submitted for the FY 2014 mail-in review because it was in great order. I do not need any other documentation from you at this time. Thank you for such a good job. Joyce

Joyce R. McKinley  
Program Specialist  
Impact Aid Program  
202-260-2227  
Fax: 202-205-0088  
Joyce.McKinley@ed.gov

Travis Sweeney, SPD  
Business Manager  
→ FCSO #6 Wind River  
(307) 856-7970 x 304

*From this DISTRICT*

Appendix C  
P2

----- Forwarded message -----  
From: Clapp, Diana <dianac@fre6.k12.wv.us>  
Date: Sun, Mar 30, 2014 at 8:11 PM  
Subject: Fwd: Voucher 8003-60-WY-2014-2105-1  
To: "Lake, Linda" <lindal@fre6.k12.wv.us>

Whewooooo

Diana Clapp  
Superintendent  
→ Framont Co. School District #6 *To the same DISTRICT*  
307-856-7970 Opt. 1

----- Forwarded message -----  
From: Rempson, Ulyssa <Ulyssa.Rempson@ed.gov>  
Date: Fri, Mar 28, 2014 at 10:55 AM  
Subject: Voucher 8003-60-WY-2014-2105-1  
To: "dianac@fre6.k12.wv.us" <dianac@fre6.k12.wv.us>

*payment processed  
3/28/14 -  
not quite  
1 yr. later*

A voucher for your school district's Impact Aid payment is attached. For all vouchers, you should see two PDF documents: the voucher, and the text that normally is printed on the reverse side of the voucher. For overpayments, 40% LOT payments and construction formula payments, you will see additional PDF documents.

If you have a question about this payment, please contact the Impact Aid Program at the U.S. Department of Education and ask to speak with your state analyst. Please telephone us at (202) 280-3858, or contact us by e-mail at Impact.Aid@ED.gov.

For problems with this e-mail message or its attachments, please reply to the original sender. Thank you.

Attachments Enclosed.

2013 LCR Payment processed 2/25/14 Appendix

U.S. DEPARTMENT OF EDUCATION OFFICE OF ELEMENTARY AND SECONDARY EDUCATION IMPACT AID PROGRAM WASHINGTON, D.C. 20202-0244 YOUCHER FOR IMPACT AID SECTION 8003 PAYMENTS (TITLE VII of the Elementary and Secondary Education Act)				Voucher Number 312604 2013-3	Fiscal Year 2013	Date 02/25/2014
				Total ADA 421.83	Total Membership 463	Application Number 63-WY4213-0705
				Local Contribution Rate & Type \$10,641.00 Generally Comp. District	Total Current Expenditure \$9,898,000.00	
Fremont County School District #38 Attention: Ms. Connie Gay 445 Little Wind River Bottom Road Arapahoe, WY 82510				District District Number: 18-243-1239		
				State District Number: 18-243-1239		
				Program Code: 304180713-567D		
				Pay Type: Merit		
				County: Fremont		
Negotiated Rate 0.93120	Absentee Rate = Prior Year ADA / Prior Year Membership *	LOTS% = TCEN% + Membership% 446	LOTS% 992.00%	TCEN% 41.48%	Membership% 75.94%	
SECTION 8003(B) BASIC SUPPORT PAYMENT						
						LOT Percent Paid: 80.0000%
Category	Membership	ADA	Weight	WEU	Max B3P	Full LOT
(A) (1)	0	0.00	1.00	0.00	\$0.00	\$0.00
(A) (2)	0	0.00	1.00	0.00	\$0.00	\$0.00
(B)	0	0.00	1.00	0.00	\$0.00	\$0.00
(C)	344	320.58	1.25	400.41	\$4,020,516.81	\$4,020,516.81
(D) (1)	0	0.00	0.20	0.00	\$0.00	\$0.00
(D) (2)	0	0.00	0.20	0.00	\$0.00	\$0.00
(E)	0	0.00	0.10	0.00	\$0.00	\$0.00
(F)	0	0.00	0.05	0.00	\$0.00	\$0.00
(G) (1)	0	0.00	0.05	0.00	\$0.00	\$0.00
(G) (2)	0	0.00	0.05	0.00	\$0.00	\$0.00
<b>8003(B) Total</b>	<b>344</b>	<b>320.58</b>		<b>400.41</b>	<b>\$4,020,516.81</b>	<b>\$4,020,516.81</b>
(A) (3)	0	0.00	1.00	0.00	\$0.00	\$0.00
(B)	0	0.00	1.00	0.00	\$0.00	\$0.00
(C)	49	45.63	1.00	45.63	\$47,911.50	\$47,911.50
(D) (1)	0	0.00	0.50	0.00	\$0.00	\$0.00
(D) (2)	0	0.00	0.50	0.00	\$0.00	\$0.00
<b>8003(B) Total</b>	<b>49</b>	<b>45.63</b>		<b>45.63</b>	<b>CVD Rate Paid: \$1,250.00/VYR1</b>	<b>\$47,911.50</b>
8003(B) Maximum:						8003(g) Reduction
8003(a) Hold Harmless						\$0.00
8003(b)(2) Newly Impacted Local Educational Agency:						\$0.00
8003(a)(2) Late Applicant 10% Payment Reduction						\$0.00
8007(a) Construction - Instant Loans						\$0.00
8007(a) Construction - Uniformed Services						\$0.00
Over(1)						\$0.00
Over(2)						\$0.00
Over(3)						\$0.00
Total Payments Summary						\$1,294,224.85
Prior Payments for this Fiscal Year						\$2,598,036.41
Overpayment						\$0.00
Amount Certified for Current Payment this Fiscal Year						\$676,284.54
Deductions for Prior Overpayments 2013: 8002b, 8351, 565, 15						\$-81,666.19
Amount of Payment to Applicant						\$318,729.29

Appendix E

File Mail News Books Finance Weather Games Groups Answers Screen Flickr Usenet More

APVED Let Search List Share View EX

Compose Search Search results Back Forward Print View Print Share

Wyoming LCI Calculators for Fiscal 2014 (3)

Edwin, Robb  
To: Kimberly Adams, Barbara, Lisa, and Aileen

Kim,  
We have received your data.  
If we have questions, we will let you know.  
Thanks,  
Edwin

FTI's Jim Bartholmer no longer works in this office.

Kim E. Adams, PH.D., M.Ed., LSW  
Group Leader, Program Operational Group, Adult Ed Program  
Chief of Instruction, Community Services  
111 Department of Education  
601 Maryland Avenue, C.B., 108 St. SE, Cheyenne, WY 82002-0108  
kim@doe.wy.gov

From: Kimberly Adams [mailto:kadams@doe.wy.gov]  
Sent: Monday, April 02, 2012 11:13 AM  
To: CESA, Tracy-Anne [mailto:tracyanne@cesaweb.org]  
Ces Barbara, Joyce; dbarbar@cesaweb.org; McKinley, Joyce;  
Kim, Marilyn; Robinson, Roger  
Subject: Wyoming LCI Calculators for Fiscal 2014

Good Morning,

Attached for your review is the file containing the State of Wyoming's 2014-15 completed Local Contributor Rates for local year 2014 funding. All applicants need the amendments of their applications when comparing fiscal year 2011 rates and local year to local year 2012.

Please contact me if you have any questions.

Sincerely,  
Kimberly Adams  
Wyoming Department of Education  
Phone: 307.272.2200  
kim@doe.wy.gov

EX-111 ED and FMS are, in connection with the execution of the contract for the purchase of goods and services, is subject to the Wyoming Public Access Act and may be disclosed to third parties.

Reply, Reply All or Forward if Necessary

McKinley, Joyce Good Morning, re above Apr 1, 2012

Me - Forwarded Message - From Tracy Wed, Feb 22, 2012

1 of 1 (2/22/12)





3/1A/2014  
*Appendix F*

**FY 2014 Payments**

**Installation Housing Under  
Renovation**

**21 Applications**

**Payment adjustments after  
8003(b)2 payments**

**Payments from Prior years  
On Hold**

FY 2011	FY 2012
• May 2013 Interims	• Late 2014
• GCD LCR Increases	• GCD LCR Increases
• Interims 98% LOT	• Increase 85% to 90%?
• Remaining Balances	• \$900 to \$1,100 CWD?
• \$14,064,048 8003(b)	• Remaining Balances
• \$ 6,661 8003(d)	• \$ 149,436,917 8003(b)
• Finals 97.xxxx% LOT	• \$ 9,757,189 8003(d)

*3yr. +  
2yr  
k/c*

3/14/2014

*Appendix  
G-*

New 8002 Provisions Foundation Payments + Formula	
FY 2010	
Foundation and Prior Payments	\$62,006,441
Remaining Funds	\$5,201,559
FY 2011	
Foundation and Prior Payments	\$61,949,043
Remaining funds	\$5,121,940

*Note -  
4 yr. in  
past -  
still  
not done*

New 8002 Provisions Foundation Payments + Formula	
FY 2012	
Foundation and Prior Payments	\$60,749,134
Remaining funds	\$6,198,096
FY 2013	
Foundation and Prior Payments	\$58,703,069
Remaining funds	\$4,742,420

The CHAIRMAN. Right on the mark. Thank you, Mr. Hudson.  
Mr. Siqueiros?

**STATEMENT OF ALBERTO SIQUEIROS, E.D.D., SUPER-  
INTENDENT, BABOQUIVARI UNIFIED SCHOOL DISTRICT,  
TOHONO O'ODHAM NATION**

Mr. SIQUEIROS. Thank you, Mr. Chairman, Vice Chairman and  
members of the Committee.

I am the very proud superintendent of the Baboquivari Unified  
School District on the Tohono O'odham Nation.

I am here to tell you that transformation is working in our school district. I thank the Committee, the U.S. Department of Education and the Indian Affairs Committee, in particular, for the support of the things that are going on in our school district.

However, I will tell you that in September 2009 when I arrived at my school district, I would classify or characterize things as probably the most challenging experience I have ever experienced in my entire life. Things were in disarray; systemically, we were broken in every aspect of any expectation that a parent, community member or governing board member, the U.S. Congress or the Senate would have regarding a public school.

Rather than just make lofty goals and establish short and long term aspirations for our kids and for ourselves, we decided to take a very aggressive approach to transformation. In fact, my elementary and high schools in January 2010 were classified as PLAs, persistently lowest achieving schools. That meant that we were in the bottom five percent of all schools in the State of Arizona. My middle school was a Tier 2 corrective action school, not that far behind.

In fact, I will tell you that when I first arrived and looked at the data going back to the early 2000s, my elementary kids in the third grade were achieving mastery on the State assessment at about 50 percent in reading, writing and math.

However, as they progressed through the grades, by the time they were tenth graders, taking the High Stakes Assessment for graduation from high school, less than 30 percent of our students were achieving mastery. Instead of getting better, we were regressing. This not only required courageous conversation, but also required courageous action.

Working together within our community with the support of my governing board, we began a comprehensive transformation effort that included rehiring our teachers. At that particular point, Arizona law permitted me to non-renew certain classifications or classes of teachers. We non-renewed 52 of our 87 teachers and started all over. Of the 52 that were non-renewed, 13 were invited to come back after an interview process.

Our goal moving forward was not just to hire warm bodies to fill spaces, but to look and seek highly qualified and highly effective teachers. Sherman Alexi classifies his experiences growing up in the State of Washington as follows: The teachers that end up in tribal school situations are typically teachers without options. Consider for a moment how challenging that is. Usually we are located out in the middle of nowhere, very far from large urban settings, so it is challenging to find and retain teachers in our situations.

As part of this process, we have leveraged our impact aid Federal dollars, our entitlement dollars and our State aid to create a situation by which we can recruit highly effective teachers and sustain them over a period of time.

We have also looked at recruiting effective principals. We believe that the principal is the most influential part of the educational system; the teacher is the most important. Direct instruction matters the most.

In addition to hiring teachers, we have created a very comprehensive approach to our instruction. We have identified four

fundamental questions that we ask: what do we want our kids to learn; how do we know when they have learned; what do we do when they do not learn; and what do we do when they do learn?

As we answered those questions, we designed a very successful program that I will tell you right now, in the very short period of time, we have had some huge successes. Our goal is to truly create a college and career going culture in our school district.

In May 2008, our graduation rate was 39 percent. I am pleased to report that in May 2013, that rate elevated to 78 percent. Thirty of our students out of 52 graduating seniors applied for college; 24 were accepted and 19 enrolled. Over \$2 million in scholarships for our school district was a record. The number of kids attending college was also a record.

You can see that our transformation effort is really producing the intended outcomes and our students are becoming much more successful through self-determination.

Thank you.

[The prepared statement of Mr. Siqueiros follows:]

PREPARED STATEMENT OF ALBERTO SIQUEIROS, ED.D., SUPERINTENDENT,  
BABOQUIVARI UNIFIED SCHOOL DISTRICT, TOHONO O'ODHAM NATION

### **Background**

In January 2010, the Baboquivari Unified School District (BUSD) took the bold step to say enough to a legacy of mediocre performance and results, and committed to transforming itself to an excellent school system. Since that time, teachers, staff, administrators, parents, governing board, and of course, students have put forth an unprecedented effort to move from a school district producing mediocre results to one with high expectations and accountability! Our students have made significant strides in their academic "self-determination" to become effective learners who strive for excellence and our staff/teachers' level of expertise and experience has never been better. We believe the Baboquivari Unified School District is now poised to become the great educational institute that we all envision, and that our students will be college and career ready upon graduation from high school! To this end, we have challenged our students, parents, community, and the BUSD educational team to take full advantage of our ongoing transformational efforts toward ensuring that:

1. Students will reach their academic potential preparing them for the next academic year (yes, including college for our high school graduates);
2. Parents will be highly involved and engaged with their children's education;
3. Schools will provide a nurturing and positive learning environment conducive to effective learning; and,
4. The entire community will develop the "determination" that makes the education of our children its highest priority!

Long gone are the days of low expectations, mediocre performance and results often seen in Tribal educational settings. We insist that the entire BUSD community support our efforts in educating our children. We believe that a community with high expectations will result in a quality educational system! These efforts will positively impact the health and wellness, economic prosperity, and quality of life of the Tohono O'odham for generations to come. The students of the Tohono O'odham Nation deserve a quality education and the Baboquivari Unified School District is poised and committed towards fulfilling its obligation.

Examples of our students' success include:

- Nearly a 40 percent increase in Baboquivari High School's graduation rate over the past five years.
- Six Gates Millennium Scholars and one Dorrance Scholar over the past three years.
- Over \$2 million in scholarships in 2013 (all-time high for BHS).
- State & National Science Fair winners in 2012, 2013, and 2014.
- 52 seniors graduated in the Class of 2013; 30 applied to college; 24 were accepted; 19 enrolled in college in 2013 (all-time highs for BHS).

- K–3 cohorts have the highest achievement of all grades as a result of the full benefit of our current transformation efforts.

### **Call to Action: Our Journey to Success**

As one of two school systems on the Tohono O’odham Nation, BUSD is a state public school serving 1,100 students in Preschool through 12th grade (the Bureau of Indian Education serves approximately 800 students). BUSD has a P–5 elementary school, 6–8 middle school, 9–12 high school, and two alternative schools serving students in grades 6–12. In 2012, Baboquivari High School (BHS) and Indian Oasis Elementary School (IOES) were designated as Persistently Lowest Achieving Schools by the Arizona Department of Education. By definition, these two schools were in the bottom 5 percent of all schools in Arizona. In May of 2008, BHS had a graduation rate of 39 percent and IOES had not made Adequate Yearly Progress in several years (Arizona Department of Education, 2008). As a result, a call to action was necessitated and put into motion by the BUSD Governing Board. The first step was initiated in the summer of 2009 when the new superintendent was hired to spearhead the transformation of BUSD.

With the support of the Governing Board, the newly hired superintendent began the process of developing a strategic plan at addressing the root cause of BUSD’s underperforming schools. Several internal data points including student achievement, attendance, enrollment, discipline, college going rates, student interviews, community input, budgetary allocations and expenditures, teacher/staff performance, and parent involvement & engagement rates were used in a comprehensive needs assessment. Additionally, data points directly associated to the overall wellness of the Tohono O’odham Nation including high school completion rates among adults, college attainment levels, unemployment rates, and incidences of health issues were utilized. As a result, four key areas were identified to guide the work of transforming BUSD:

1. Design a highly effective and efficient educational support services division: Human Resources, Transportation, Facilities, Technology, and Finance.
2. Establish positive and meaningful partnerships and relationships with key stakeholders including the Tohono O’odham Nation, higher education institutions, parents, and the various wraparound service agencies on the Tohono O’odham Nation.
3. Develop a highly effective system of support for the Governing Board that leads to highly effective governance.
4. Develop a teaching and learning approach based on best practices that focuses on student achievement.

The emphasis moving forward was to assume a systems-thinking approach by which all district divisions required partial to full overhauls. Unfortunately, the comprehensive needs assessment demonstrated serious inefficiencies within all district departments and divisions. The following sections will identify those deficiencies along with their remediation.

### **Educational Support**

The design of a highly effective and efficient educational support services division that included Human Resources, Transportation, Facilities, Technology, and Finance was and continues to be the basis for supporting highly effective instruction and ultimately learning.

#### *Human Resources*

The quality of any organization is dependent on the quality of its employees. BUSD believes that teachers are the most important and that principals are the most influential members of the school district. And of course, other staff including non-certificated personnel and all district level-administrators exists to provide key levels of support to the teaching and learning that occurs in classrooms. Following were the existing deficiencies and the remediation BUSD has taken over the last four years toward building and developing the quality of services provided by employees:

#### *Human Resource Deficiencies and Remediation:*

Ineffective hiring practices and procedures that de-emphasized hiring highly effective certificated personnel and support staff were exceedingly evident. BUSD had resorted to simply filling positions by settling with the only candidate applying for a teaching vacancy.

BUSD committed to developing a comprehensive approach and philosophy of hiring only effective personnel. Specifically, the following corrective steps were taken:

- a. BUSD determined that it would follow a turnaround approach in the School Improvement Grant process and chose to non-renew all probationary teachers in the spring of 2010. In all, 49 out of 87 classroom teachers were non-renewed. All the non-renewed teachers were provided the opportunity to re-apply for teaching positions and only 13 were rehired. All other teachers for the following school year were hired from a BUSD hosted teacher fair held in Tucson, Arizona.

It is important to note, that BUSD was bound by Arizona Law in its decision to select only probationary teachers for non-renewal. Because BUSD was not effectively following State mandated teacher evaluation procedures, it could not bring forward statement of charges for poor performance for teachers in the continuing category.

- b. BUSD determined that it had to develop a comprehensive approach to hiring teachers. The following procedures and policy changes were put in place:

- Developed two strategies for teacher recruitment:

*Teacher Recruitment One or TR1:* When a vacancy exists, BUSD will follow the typical hiring procedures in school districts: post an advertisement, accept applications, invite qualified candidates to interview, select the bestqualified candidate.

*Teacher Recruitment Two or TR2:* BUSD administration will identify superstar teachers from other school districts and actively recruit them. Identification of such teachers is based on referrals by other educators, newspaper articles indicating previous successes of a teacher such as awards or implementation of unique programs, or self identified teachers that contact BUSD. The superstar status is based on data that demonstrates their ability to move students academically. The concept of TR2 is very similar to how college sports coaches identify and recruit star athletes.

- BUSD committed to increasing teacher pay by strategically utilizing its Federal funding (including Impact Aid) and State funding. BUSD went from being one of the lowest paying school districts in Arizona to the highest in 2013. The goal is to continue on this trajectory each year.

- BUSD changed the governing board policy that provides the superintendent discretion in placing newly hired TR2 teachers on any step on its teacher salary schedule. Arizona school districts typically have policy that awards between five to ten years of experience to newly hired teachers for placement on salary schedules. Commonly, this is why teachers don't move from one school district to another after they have surpassed this range of years of employment in any one school district. BUSD now has the ability to recruit experienced superstar teachers from other school districts by leveraging this change in policy.

- c. BUSD determined that it had to develop a comprehensive evaluation system for teachers. It appeared that prior to 2010, employees were not provided with an effective evaluation. For teachers it simply became a process of compliance with law and not providing accurate and meaningful evaluations.

The shift from a philosophy of compliance to one of meaningful feedback for continuous teacher growth has become the norm in BUSD. Teachers recognize that the principal will progress monitor their instruction as a means toward improving academic achievement of students. As a result, BUSD developed and implemented the Teacher Performance Evaluation System based on the Arizona Framework for Measuring Educator Effectiveness. Key components of this system include:

- All teachers, regardless of experience, receive at least two evaluations per year. The first evaluation is completed by the end of the first quarter of the school year. This provides the teacher with feedback early in the year and, if warranted, the teacher is placed on an improvement plan with the necessary support.

- The school principal is required to conduct multiple formal and informal teacher observations throughout the year.

- Three district teams comprised of the superintendent, key district personnel, principals, and school improvement coaches conduct monthly walkthroughs that provide principals with specific observational feedback on teacher performance. Each of the teams observes the same teachers monthly and the observational data is scored and monitored throughout the year.

- Each teacher is also evaluated based on the academic achievement growth of their students using classroom and whole school results. Issuance of subsequent year contracts is based on these components of the BUSD Teacher Performance Evaluation System.
- d. BUSD requires an annual evaluation of all non-classroom certificated staff and all non-certificated staff. Though a policy requiring annual evaluations had been in place in previous years, it was not until recently that this became the expected practice for all supervisors.
- e. BUSD implemented strategic and curricular aligned professional development for instructional certificated staff and para-professionals. All certificated staff received an extended contract that requires attendance in professional development before the beginning and end of the school year. During the 2013–14 school year, instructional staff was provided 19 days of professional development aligned to the district curriculum and expectations including Common Core Standards, AVID (Advancement Via Individual Advancement), Success for All Reading, PowerTeaching Math, technology, and Tohono O’odham Culture awareness.
- f. All BUSD non-instructional support staff receive job-specific training during the summer and throughout the school year as needed.
- g. BUSD strongly believes that school principals are the most influential members of the school district. As a result, three highly effective school principals with a deep knowledge of instruction, learning, and successful school leadership experiences are currently leading the three schools in BUSD. Each of the principals were recruited and invited to apply.

#### *Transportation*

##### *Transportation Deficiencies and Remediation:*

The BUSD transportation required a shift from antiquated transportation procedures to a system that took into account more current methods of training, routing, and maintenance of its vehicle fleet.

The following changes resulted in improved transportation of students to school and home:

- a. Hired an experienced transportation director to assist in providing effective leadership.
- b. Downsized the number of mechanics from five to one in accordance with industry standards based on the size of the district’s bus and white fleet. The one remaining mechanic oversees general breakdowns and miscellaneous repairs of the fleet.
- c. Determined that it is more cost effective to contract out repairs and general maintenance of the district’s fleet.
- d. Developed more strategic bus routes to reduce, as much as possible, the time students spend on the bus. Due to the remoteness of the district this continues to be a concern.
- e. Provide ongoing training to bus drivers in transportation specific areas in addition to areas generally considered more academic such as Positive Behavioral Intervention and Supports (PBIS), Child Find, Mandatory Reporting, and Tohono O’odham Culture awareness.

BUSD acknowledges that our bus drivers are the first and last school employees to see our students daily. As such, we strongly view this department as a critical component of student success.

#### *Facilities*

##### *Facilities Deficiencies and Remediation:*

The BUSD Facilities were in major need of remediation at the start of the 2009 school year. All aspects of classrooms were in poor condition from walls needing repair and painting, inoperable light fixtures, stained and dirty carpets, and broken furniture. Generally, our school grounds were not maintained and in poor condition as well. Playgrounds, common areas, and athletic fields and facilities were not up to standard. Our students were not being provided a learning environment conducive to effective learning.

The following changes resulted in aesthetically pleasing and safe learning environments for students, teachers & staff, and parents:

- a. Hired a facilities director and grounds lead with expertise in the areas of facilities & grounds maintenance and repair.

- b. Strategically leveraged our Impact Aid, ARRA funds, and donation funds in the development of a comprehensive plan to fix all existing facilities and grounds and to develop maintenance schedules including:
- Purchase of new furniture aligned to our teaching practices (desks and tables easily movable for cooperative learning activities).
  - Replaced carpet in all classrooms.
  - Painted all classrooms and in the process of painting the exterior of schools.
  - Repaired classroom fixtures such as clocks and pencil sharpeners.
  - Repaired roofs and replaced ceiling tiles.
  - Designed and built a playground for the elementary school.
  - Brought all athletic fields and courts up to Arizona Interscholastics remoteness Association standards so that our student athletes were provided safe venues to practice and play games. This included the purchase of score boards in several venues that didn't have them.
- c. Provide department specific training and support for all employees in accordance with industry standards.

#### *Information and Technology*

##### *Information and Technology Deficiencies and Remediation:*

BUSD had several areas of concern regarding its ability to deliver IT services both as a management system and as an instructional tool. Because this area required a high level of expertise, a new IT director was hired with the expertise and school district experience needed to resolve a variety of key issues. The following provides details of the deficiencies and how they were remediated.

##### *Internet Service*

The district had only 9 mbps of bandwidth total during the 2010–11 school year. The bandwidth was shared with the district office and all three school sites. Each school site had only 1.5 mbps each. During the 2012–2013 school year the district was upgraded to 200 mbps; 100 mbps at the district office/middle school, 50 mbps at the elementary school, and 50 mbps at the high school.

In November 2011, the district procured Internet services using the E-Rate process. No vendors were able to deliver services at the 1000 mbps rate. The only service provider that could promise more than 50mbps was the Tohono O'odham Utility Authority (TOUA). The district applied for E-Rate funding and asked the vendor to deliver service at the earliest available time allowable using E-Rate funding. At the time, TOUA did not have any fiber based Internet services. After many conversations and pressure on TOUA, Fiber Optic services became available to BUSD in July 2012. BUSD was the first TOUA customer able to order fiber optic Internet services. However, the district was not able to fully switch to the fiber optic Internet services until December 2013. This was due to TOUA's inability to provide reliable service.

##### *E-Rate Funding*

Baboquivari School District had not received E-Rate funding between FY 2008 and FY 2011. This was due to procurement and filling deadline issues. BUSD brought in a consulting vendor to help correct issues and get the district back in good standing with the E-Rate Program. The district is now reimbursed for 90 percent of all communications services. This includes Internet, telephone, cellphones, websites, internal connections, and maintenance of internal connections.

##### *Infrastructure*

The district infrastructure was not fully operational through the 2010–11. The district had purchased a wireless solution and it was never configured or fully installed. Access points were mounted and no cabling was present to power up the wireless access points. Network switches were connected at lower than ideal speeds using copper and not fiber. Some network switches were broken and not replaced. Servers were also in need of upgrades and replacement parts.

During the fall of 2012 the district procured a full district-wide infrastructure overhaul using E-Rate funding. Funding was approved in February 2013. The district completed work at all sites in January 2014. E-Rate funds were only used at the middle school. School Improvement Technology Grant funding was used at the elementary and high schools. Using the school Improvement Technology Grants allowed the district to get the project fully funded. E-Rate funding only covers 90 percent of any costs.

##### *Hardware*

The district purchased 800 student laptops during the 2008–09 school year. Only 450 of those devices were deployed in 2010. Many of the deployed laptops did not have sufficient wireless coverage to be used effectively. After the infrastructure was installed and repaired all the devices were deployed.



*Power*

Power is still a big concern. Most of the network infrastructure had no battery backup power. The district infrastructure now has at least 2 hours of runtime and can support wireless devices and phones for that time.

*Support*

The district now has effective and responsive tech support. District technicians are able to work with staff and ensure that all district technology is in good working order. Also, the district now has a technology integration specialist. This position supports teachers directly in effective technology and content integration.

*Finance**Finance Deficiencies and Remediation:*

Effective budgeting processes are essential to the successful operation of a school district. BUSD receives funding from State Aid, Federal Entitlement Funds, and Federal Impact Aid. However, during the 2009–10 school year it became evident that BUSD didn't have defined budgeting processes with a clear focus toward supporting schools. The major areas of concern included:

- a. Lack of a defined budget development processes.
  - Decisions were made arbitrarily by the District's business manager and superintendent without input from key stakeholders including principals, department directors, and parents
  - The school board had little to no involvement in the development of the budget, other than final approval.
- b. Lack of effective and efficient budget management processes.
- c. Out of compliance with State of Arizona Audit requirements. In the 2009–10 school year, auditors were unable to complete discovery due to a lack of established general budgeting procedures, therefore, the completion of audits were delayed over a four-year period.

The following measures were taken to remediate these deficiencies:

- a. Hired an effective school business manager with 20 years of successful experience in Arizona public schools.
- b. Developed an inclusive budget development process that included the formation of a budget committee comprised of teachers, parents, principals, and district administrators.
- c. The Governing Board is provided a detailed budget report at a regular board meeting once a month.
- d. A study session is held annually with the Governing Board to review budget recommendations and to gather input from members.
- e. Upgraded budgeting and payroll software.
- f. Provide ongoing training to the business department staff.
- g. Developed best practice business procedures.
- h. Hired a reputable school auditing firm that assisted in bringing BUSD into compliance with the Arizona Auditing requirements.

**Meaningful Partnerships**

Key to the success of BUSD is the establishment of positive and meaningful partnerships and relationships with key stakeholders including the Tohono O'odham Nation, higher education institutions, parents, and the various wraparound service agencies on the Tohono O'odham Nation. BUSD strongly believes that if we are not successful with this component, our transformation efforts will plateau and sustainable effective learning will not occur.

*The Tohono O'odham Nation*

BUSD believes that a strong partnership with the Tohono O'odham Nation's leadership is a key component in the sustainability of an effective school system. Of particular mention is BUSD's efforts to create a C–20 Council on the Tohono O'odham Nation that brings key decision makers together to support the education of children (the C in this case refers to conception). Such a group will create the necessary collective efficiencies, not only for the benefit of BUSD, but the greater community as well. All service agencies and departments on the Tohono O'odham Nation will develop the much needed coordinated health and wellness approach so urgently needed.

As an example, it is critical that a priority is placed on providing an expecting female the needed wraparound services she requires so that both mom and the baby have a healthy pregnancy term. There are two primary reasons for this: First, the

expected female needs guidance and support in maintaining a healthy pregnancy from prenatal care to awareness on what the dos and don'ts are during a pregnancy. For example, the incidence of Fetal Alcohol Syndrome has a direct correlation on the child's health and cognitive abilities for the rest of his/her life. Expecting moms need to have knowledge of this and know exactly where and how to get the necessary assistance. Unfortunately, the standard of prenatal care for Native American women is not at the level recommended by the medical profession. Again, there is a need to provide all the necessary services to ensure that expecting moms have knowledge and access to the appropriate prenatal care and information associated with a healthy pregnancy. Secondly, brain research clearly informs us that the brain is about 80 percent fully developed by the age of three and to a great extent, the level of prenatal services are highly correlated to the cognitive developmental levels of children in Tribal environments. Sadly, there exists a crisis surrounding this matter.

Just as critical in the C-20 Concept is the quality of early childhood services and education provided to children in our community. The research on learning suggests that children who are exposed to strategic learning opportunities and that are provided the appropriate levels of nutrition and wellness care are more apt to succeed academically. Unfortunately, this too is in a state of crisis and requires a significant overhaul. For example in BUSD, we do not see a correlation with kindergarten readiness with those students that are enrolled in the Tohono O'odham Nation's Head Start Programs and those that are not.

The current levels of wraparound services and safety nets for children of all ages fall short of providing the quality of services needed to support BUSD students and their families. The C-20 Concept is intended to support the necessary changes that lead to the delivery of effective wraparound services and the development of the much needed safety nets for all BUSD children and their families. However, extensive work is required to reach this goal.

Generally, BUSD is garnering the needed support from the Nation's leadership through the following means:

1. Regular meetings with the Human Resource Development Committee of the Legislative Council. BUSD provides progress reports and updates on program changes in addition to the implementation of new programs.
2. Annual Progress Report presentations to the Legislative Council.
3. Established meetings with directors and leaders of the Tohono O'odham Nation's key departments including Education, Behavioral Health, Recreation, Police Department, Fire Department, and Public Safety, along with the leadership of the Indian Health Services. This effort is continuously improving as BUSD strives to build collaborative partnerships and relationships with the various agencies on the Tohono O'odham Nation.
4. Periodic progress report presentations and meetings with the Chairman of the Tohono O'odham Nation. This is an area that continues to improve annually.
5. BUSD's direct involvement in the Circles of Care Grant that supports a coordinated model of the delivery of effective wraparound services and the development of safety nets for the Tohono O'odham Nation.

#### *Higher Education*

BUSD has established effective partnerships with several institutions of higher education including the University of Arizona, Pima Community College and the Tohono O'odham Community College. In particular the Tohono O'odham Community College (TOCC) and BUSD have established a comprehensive partnership to support the needs of students. Key components of this partnership include:

1. Monthly collaborative meetings with BUSD and TOCC leadership.
2. Implementation of a dual credit programs where juniors and seniors earn college credit for Math and English classes taught at Baboquivari High School.
3. TOCC and BUSD are partners in the delivery of a United States Department of Education i3 Innovation Grant that provides students in K-12 with AVID. AVID is a college preparation system that infuses key strategies and expectations in the development of a college going culture.
4. An MOU that ensures that both institutions will maintain a collaborative partnership in providing education to the Tohono O'odham in Preschool through Community College.

Additional information related to BUSD's partnership with the University of Arizona is described later in this document.

*Parent Involvement and Engagement*

BUSD has made the involvement of parents, guardians, and caretakers a priority. The research and literature in educational best practices suggests that perhaps the most important component of student success is the level of parental involvement in their children's education. BUSD has implemented several key strategies and programs in supporting our parents, guardians, and caretakers involvement in their children's education. Among these are:

1. POP Academy: The Power of Parents Academy is designed to engage parents at two critical levels in the lives of their children as described below:
  - a. Provide a series of classes over 15 hours in seven weeks on topics that affect their children's lives and that impact their quality of life now and in the future. This includes the following topics:
    - How to navigate the school system successfully (communicating with teachers, principals, and staff).
    - How to setup homework expectations that lead to effective learning.
    - Knowledge and awareness of social issues that influence their children (gangs, controlled substances, sexual activity, etc.).
    - Basic life skills such a financial literacy, how to maintain your vehicle, how to repair leaky faucets.
    - Topics surrounding health and wellness.
  - b. Enforce to parents the significance of their own education by building the selfdetermination that they too can become lifelong learners. Their attendance not only helps them but they also become role models for their children. This in itself is perhaps the most significant aspect of the POP Academy: children seeing their parents attend school.

BUSD is collaborating with TOCC in the development of programs that will encourage parents in returning to school to earn a GED and/or to continue their education. Unfortunately, nearly 50 percent of the adults on the Tohono O'odham Nation have not graduated from high school and very few have college degrees.

The POP Academy will eventually assist our parents in continuing their education as follows:

- Those that successfully complete the POP Academy will earn a college credit through TOCC.
- Those who have not graduated from high school will be encouraged to enroll in TOCC's Adult Education Program leading to a GED.
- Those who have graduated from high school will be encouraged to enter a certificated program, an associates degree or a transfer program.

An educated populace results in an improved quality of life for all members of the Tohono O'odham Nation. Certainly, as research suggests, there is a correlation in students' academic success and the levels of educational attainment of their parents. The POP Academy is designed to capitalize on this.

2. BUSD strongly believes in the significance of parent involvement and engagement and has dedicated funding that provides a fulltime district level administrator and a parent involvement specialist at each campus.
  - a. The district Coordinator of Parent/Community Involvement & Engagement oversees all related programs and events associated with this effort.
    - Provides training and support for the site-level parent involvement specialist.
    - Plans and implements district level programs including the Back to School Celebration and the Miracle on Main Street Winter Festival. The Back to School Celebration is a comprehensive effort that brings over 1,000 students and parents to a community type fair. Students receive haircuts, backpacks and supplies, and participate in fun activities; while parents are provided classes in a variety of school and community related topics. The Miracle on Main Street provides and brings a community building approach where the schools and community agencies provide educational activities for students, school and community leaders perform Christmas carols, and students and adults are provided culturally relevant stories. Well over 1,000 meals are served to those in attendance.
    - Oversees the POP Academy.
    - Oversees the McKinney-Vento Homeless Assistance Program.

- Leads BUSD's community outreach efforts including newsletters, communiqués, and community meetings.
- b. The site level Parent Involvement Specialists work directly with teachers and principals in all aspects of engaging parents including:
    - Conducting home visits as needed.
    - Providing transportation to parents to school events/meetings and to school related appointments with external agencies.
    - Making referrals for students and families to wraparound agencies as needed.
    - Participating in a variety of parent meetings.
    - Translating for parents as needed.
    - Overseeing their sites clothing bank.
    - Collaborating with the district coordinator in the delivery of all parenting classes and events.
  3. Generally BUSD expects parents, guardians, and caretakers to be fully involved and engaged in their child's education. BUSD has established a compact that requires the following of parents:
    - a. Read to and/or with their child at least 20 minutes daily.
    - b. Spend at least 10 minutes daily having a meaningful conversation about school with their child.
    - c. Volunteer at a minimum 4 hours monthly in their child's school. This can include participation in the POP Academy and other parent classes and events throughout the year.
    - d. Attend the back to school event where students are provided backpacks school uniforms, shoes, haircuts, etc.
    - e. Attend Parent/Teacher conferences as scheduled twice per year or as needed.

### **Governance**

BUSD strongly believes in providing a highly effective system of support for the Governing Board that leads to highly effective decisionmaking.

- a. The superintendent maintains communication with each board member in matters related to the operation of the school district. In BUSD this includes regular written updates along with communication on pertinent information as it occurs.
- b. The superintendent provides the Governing Board with the necessary information that prepares members for effective decisionmaking at official meetings. This includes the dissemination of critical information in the board packet delivered timely in advance of scheduled board meetings so as to provide adequate time for review. Additionally, in BUSD, the superintendent meets and/or calls each board member in the days prior to the board meeting to provide additional information and/or clarification to items and supporting documents as needed.
- c. The superintendent ensures that timely and effective training is provided to the Governing Board and its members. Additionally, an annual retreat is held where the Governing Board reviews previous years goals and outcomes, and sets the same for the subsequent year.

### **Teaching and Learning**

BUSD is highly committed to providing a rigorous learning environment for each of its students. To this end, BUSD has implemented a teaching and learning approach based on best practices that focus on student achievement. We also believe that the most significant aspect of learning is direct instruction and as such, we have focused on improving our teachers preparation and readiness to deliver a rigorous curriculum that leads to students being next year ready at the completion of the current school year, and of course, college and/or career ready upon graduation from high school. BUSD believes that the most influential members of the district are its principals and that its teachers are the most important. BUSD also recognizes that the development of highly effective learning environments can only occur through individuals that have a clear purpose, unwavering passion, and a powerful persistence. BUSD has such a team of professionals in its teaching staff, administrative team, and support staff.

As previously mentioned in this document, BUSD has implemented a comprehensive approach at providing training and support to all members of the instructional team including teachers, para-professionals, principals, and district staff and admin-

istration. Specifically, the instructional team participates in a focused effort that includes:

1. Professional Development (PD) for the Instructional Team
  - a. 24 days contractually required PD in 2013 and 19 days in 2014 (these days were scheduled prior to the school year and after the school year, with three days occurring during the school year; reduction in PD days attributed to decreased funding).
  - b. Additionally, job-embedded training and support is provided throughout the year in reading and math. Trainers model lessons and strategies, observe teachers, and provide immediate feedback and coaching.
  - c. Site level instructional coaches provide differentiated professional development and support to teachers aligned to principal observations and district walkthrough observations (described in the Human Resource section of this document).
  - d. The following topics and areas continue to be the focus of the BUSD Professional Development Program:
    - Common Core Standards
    - Tohono O'odham Culture
    - Beyond Textbooks (curriculum mapping, lesson planning, and benchmark assessments)
    - Marzano's Art and Science of Teaching
    - Classroom Management
    - Technology as an Instructional Tool
  - e. All teachers new to the district and all teachers in their second year in the district are required an additional 16 hour of professional development in the BUSD New Teacher Induction Program. Teachers receive extended training in the areas highlighted above. This is part of our efforts at ensuring that all teachers receive the same level of training and support in the expected pedagogy and curriculum.

Additionally BUSD has set very clearly articulated expectations for teachers that are employed in our schools. The teacher contract includes the following language that articulates expectations:

1. The Teacher agrees to teach such grade, grades or subjects and to perform such other professional duties as may be assigned by the Governing Board or its administrators including but not limited to:
  - a. Meet the needs of all students through the use of the District's adopted instructional strategies, programs and procedures so that all students are given every reasonable opportunity to achieve one year's growth in the course(s) taught. This includes, but is not limited to the use of AVID strategies, Success for All, and all other adopted materials.
  - b. Integrate the provided technology into everyday instruction in alignment with the District's grade level and/or content expectations.
  - c. Maintain a classroom environment that promotes effective learning through the use of best practice routines and procedures, displaying exemplary student work, posting learning objectives prominently visible to students in grade level appropriate language, maintaining bulletin boards/displays consistent with current instructional themes, and that promotes the Tohono O'odham Culture.
  - d. Maintain an adherence to professional growth by attending all District approved professional development during the term of the contract.
  - e. Collaborate with grade-level and/or content teachers at a minimum of once per week in the development of lessons, units, and activities in alignment with the District's curriculum.
  - f. Collaborate with grade-level and/or content teachers and other school personnel at a minimum of once per week in the disaggregation of student achievement, attendance, and behavioral data so as to develop and implement differentiated instruction as needed.
  - g. Meet District expectations in the use of school-wide and classroom quantitative data that measures student academic progress in alignment with the Arizona Framework for Measuring Educator Effectiveness
  - h. Complete lesson plans weekly in alignment with the district's curriculum and post electronically utilizing the District's lesson plan template.

- i. Maintain accurate records in Infinite Campus, which are updated and posted as required by the District. This includes, but is not limited to, grade book, grades, attendance, and correspondence.
- j. Develop and design a teacher web page that includes, but is not limited to, teacher welcome page, lesson plans, curriculum, assignments, and links. k. Provide timely communication to each of your student's parents or guardians at a minimum once per quarter or as needed.
- l. Recognize the significance of the Tohono O'odham Culture in teaching and learning and, as such, demonstrate proficiency through its integration into daily instruction in alignment with the District's expectations.

As part of the issuance of contracts, each principal meets with each teacher and reviews the language to ensure that there is full understanding and agreement of the district's expectations.

BUSD has implemented the following key initiatives over the past four years that will enable students to be next year ready upon the completion of the current school year and college and career ready upon graduation from high school. The selection of these initiatives was strategic having been preceded by careful review, research, and dialogue with principals, teachers, and school improvement specialist.

- Common Core Implementation—Though required in Arizona through a phase-in over three years, BUSD implemented fully prior to the full implementation time period. The Common Core Standards provide the rigor our students need to successfully be college ready.
- Success For All Reading—provides a very structured program with intensive professional development and training. As a result, BUSD teachers have become effective teachers of reading. SFA also provides fluid leveled groupings that support struggling as well as proficient readers.
  - IOES was labeled as an SFA Ambassador School as a result of significant growth in reading.
- Power/Teaching Math Framework—Similar to SFA, this framework provides effective instructional strategies incorporated with our math adoptions.
- Beyond Textbooks—Provides BUSD teachers for a framework for curriculum mapping, teacher resources for lesson planning, and assessment calendars.
- Increased rigor in graduation requirements. The BUSD Curriculum provides our students with a much deeper understanding of the Common Core Standards in all courses. Additionally, high school students are offered the necessary honors courses through direct instruction on campus, online courses, and dual credit courses through TOCC and Pima Community College.
- Data Driven Response to Intervention
  - Effective use of Formative & Summative Assessments at all levels
  - GALILEO weekly and quarterly assessments
  - Interventions provided during school, afterschool, Saturdays, and all Intercessions
- BUSD added 23 school days to the school year in 2011. The additional days was an increase to the 157 day school year up to that point.

More specifically in our goal of students being college ready upon graduation from high school, BUSD has implemented the *Wisdom Project*. The Wisdom project is a joint effort with TOCC under a United States Department of Education i3 Innovation Grant in the delivery of a college readiness system. As mentioned previously, the implementation of the AVID system is funded through this grant. AVID, Advancement Via Individual Determination, is a college readiness system for elementary through higher education that is designed to increase school-wide learning and performance. AVID accelerates student learning, uses research based methods of effective instruction, provides meaningful and motivational professional learning, and acts as a catalyst for systemic reform and change (AVID, 2014). Beginning in elementary school the WICOR method, which stands for writing, inquiry, collaboration, organization, and reading becomes the standard for learning. AVID curriculum is used in AVID elective classes and in content-area classes. These basic skills are research-based strategies that help prepare students for college.

Additional components of the *Wisdom Project* are:

- Dual Credit Courses through TOCC and Pima Community College.
- Focused visits to university and college campuses where students are introduced to specific fields of study and professions.

- Teen Town Hall where students plan and implement a forum where community leaders from throughout the Tohono O'odham Nation are invited to respond to specific student issues, concerns, and questions.
- On campus college fairs and presentations where students receive information from colleges from throughout Arizona and the United States.

Components of the Wisdom Project currently in development are:

- Internships where high school students will be placed in degree required job experiences.
- The Compact to Academic Success (CAS). BUSD is finalizing this unique program with the University of Arizona (UA) that provides Baboquivari High School Students with the following based on very specific requirements while in high school:
  1. Automatic Admission to the UA.
  2. "Front of the line" status for financial aid and scholarship opportunities.
  3. Dedicated retention services while enrolled at the UA

BHS students must:

1. Maintain a GPA of 3.0 or higher
2. Maintain an attendance rate of 95 percent or higher
3. Must be involved in extra-curricular activities
4. Model exemplary citizenship
5. Successfully complete all prerequisite courses
6. Meet ACT or SAT requirements

Our goal is to expand this program to other universities in Arizona in subsequent years.

### **Next Steps**

Additional efforts are currently in development and scheduled for implementation for the 2014- 15 school year:

- BUSD is adding an additional 20 days to the 180 day school year currently in place.
- Implementing a digital program:
  - All math and reading materials at the elementary school will be fully digital
  - The middle school and high school will be fully digital
  - Each student will be issued a take home tablet that will have all materials as listed above on their tablets
  - Each classroom will have a 75" HD monitor with a touch overlay that will permit the teacher and students to manipulate it with their finger. Additionally, the teacher and students will have the capability of manipulating the 75" HD monitor from their tablet.
  - This will create a true 21st Century learning environment that prepares students not only for college, but also for the exponentially moving technological world. This will permit our students to develop skill sets and foundational knowledge of 21st century possibilities.
- Moving to a School-wide III budgeting process that permits the blending of all entitlement funds with State aid.
- Development of a Foundation that will support scholarships for students, additional educational programs, and increased salaries for teachers and staff.

The development of a Superstar Teacher salary schedule based on specific criteria aligned to student achievement and leadership. Teachers successfully meeting this criteria are moved to a "master level" pay rate significantly higher than the current salary schedule.

### **Closing**

BUSD is committed toward meeting its obligation of providing a comprehensive learning environment that leads to college and career readiness for our students. Over the past four years, BUSD has had courageous conversations with all key stakeholders and has taken the courageous actions resulting in improved outcomes for students. Though we celebrate these successes, we recognize the need toward continued improvement and will continually strive to do what is best for our students. I thank you for allowing me the opportunity to share the challenges and successes on BUSD's Journey to Success and welcome further discussion.

The CHAIRMAN. Thank you.  
Mr. Gish?

**STATEMENT OF BRENT D. GISH, EXECUTIVE DIRECTOR,  
NATIONAL INDIAN IMPACTED SCHOOLS ASSOCIATION**

Mr. GISH. Chairman Tester, Vice Chairman Barrasso and members of the Senate Committee on Indian Affairs, thank you for the opportunity to come before you today.

My name is Brent Gish. I serve as Executive Director of the National Indian Impacted Schools Association, commonly known as NIISA. Prior to accepting this position, I was privileged to work as a teacher and school administrator at two of Minnesota's federally impacted Indian land school districts for nearly 40 years.

The Impact Aid Program, established by Congress in 1950 and administered through the Department of Education, provides Federal funds for public school operations that otherwise would have been provided by local tax revenues but for the presence of Federal property.

The program provides funding for eligible districts enrolling federally-connected children. My comments will focus on the challenges faced by Indian land school districts and the children they serve.

There are roughly 1,350 public school districts nationwide receiving impact aid payments; 635 of those are Indian land school districts. These districts enroll over 941,000 federally-connected students, of which approximately 115,000 reside on Indian treaty, Federal trust and Alaska Native Claims Act lands.

The Impact Aid Program supports educational services to over 12 million children enrolled in eligible districts. The Impact Aid Program provides a formal link between tribal governments and public school districts.

Through the Indian policies and procedures written into current law, tribes and parents of Indian students are afforded the opportunity to provide valuable insight and recommendations on whether Indian students are equal participants in all district programs and school activities.

Should they determine the need, they may request changes in school programs and content. If the discussions reach an impasse, the impact aid statute provides for an administrative appeal process. NIISA supports the IPP process in current law.

The timeliness of impact aid payments is a major concern for eligible districts. Boards of education and school administrators must make very difficult and legally binding decisions regarding programming and personnel for the upcoming year without knowing how much impact aid funding they will be receiving, trusting that Congress will pass an appropriations bill in a timely manner.

For some heavily impacted school districts, impact aid can represent 50 percent or more of their operating funds. It cannot be overemphasized how critical impact aid is in providing basic, day-to-day educational services.

With the current Federal budget deficit and the Budget Control Act of 2011 passed to address the budget shortfall, we acknowledge the challenges that forward funding would present to the Congress.



However, we believe the rationale for it is sound, is in the best interest of Indian land students and tribal communities.

The implementation of the Budget Control Act hit Indian land school districts in Fiscal Year 2013, a year before most Federal education programs. Faced with a reduction in impact aid funding, our districts sought ways to absorb the loss with the least negative impact on our students.

These cuts came at a particularly critical juncture in school reform and restructuring efforts. A high percentage of Indian land schools are in various stages of school improvements. Evidence-based programs and strategies have been adopted to close the achievement gaps, improve attendance, increase graduation rates and advance culturally relevant practices and strategies in preK-12 classrooms, the ultimate goal being to prepare our students for tomorrow's workforce and higher education. If we are to be successful, federally impacted Indian land districts need adequate resources to get it done.

NIISA gratefully acknowledges that for Fiscal Year 2014, Congress restored impact aid funding levels to near pre-sequestration levels. We propose, however, a modest four percent increase for Fiscal Year 2015 which would allow Indian land districts to begin the recovery process due to loss and declining revenues, to invest in new technology, to rehire teachers and support staff, to implement more culturally relevant practices and classes, to upgrade facilities and more.

The goal of each and every one of our districts is to become a high performing school district. We fervently believe that we can accomplish it, our school boards and administrators can make it happen with adequate resources, impact aid being one very critical element.

Section 8007 of the law authorizes appropriations for school construction and facility maintenance. The amount appropriated in recent years has been grossly inadequate to address the backlog of need for facility replacement, renovation and maintenance of Indian land districts.

The ability of Indian land districts to address facility needs varies but for many it is nearly impossible to secure the necessary bonding for construction or major renovation. It is urgent that Congress seek a solution for this critical need.

Thank you, Mr. Chairman and members of the Committee.

[The prepared statement of Mr. Gish follows:]

PREPARED STATEMENT OF BRENT D. GISH, EXECUTIVE DIRECTOR, NATIONAL INDIAN IMPACTED SCHOOLS ASSOCIATION

Chairman Tester, Vice Chairman Barrasso, Members of the Senate Committee on Indian Affairs, thank you for the opportunity to appear before you today on behalf of the National Indian Impacted Schools Association and the National Association of Federally Impacted Schools.

My name is Brent Gish. I serve as the Executive Director of the National Indian Impacted Schools Association (NIISA). Prior to accepting this position, I was privileged to work as a teacher and school administrator in two of Minnesota's federally impacted Indian land school districts for nearly 40 years.

The NIISA organization is an advocacy organization working on behalf of some 635 public school districts that enroll children whose residence is located on Indian treaty, federal trust, or land conveyed under the Alaska Claims Settlement Act. These parcels of land are exempt from taxation, the primary sources of operating

funds for public schools. The long term goal of NIISA is to secure full funding of the Impact Aid program.

The Impact Aid Program, established by Congress in 1950 and administered through the Department of Education, provides federal funds for public school operations that would have otherwise been provided by local tax revenues but for the presence of federal property. It should be noted that the Impact Aid Program also provides funding for districts enrolling children whose parents serve in the armed forces residing either on or off military installations, federal low rent housing and civilians that live on or work on federal property. My comments will focus on the challenges faced by Indian lands school districts.

As you are no doubt very keenly aware, approximately 93 percent of American Indian and Alaska Native elementary and secondary students attend public schools with the remaining 7 percent of students attending Bureau of Indian Education/Bureau of Indian Affairs and privately funded schools.

Roughly 1,350 public school districts nationwide receive Impact Aid payments. These districts enroll over 941,000 federally impacted students of which approximately 115,000+ reside on Indian/trust/Alaskan Native Claims Settlement Act lands. The revenues generated by federally impacted students through the Impact Aid program supports educational services to over 12,000,000 children enrolled in eligible districts. Impact Aid is non categorical funding and therefore can be utilized for any allowable expenditure as authorized by state education agencies and the local school board. This is but one example of efficient and effective utilization of federal programs, dollars generated by a segment of the student population benefiting the whole student community.

Every state represented on the Senate Committee on Indian Affairs receives substantial amounts of federal Impact Aid. In FY 2013, estimated Basic Support payments amount to nearly \$610,000,000 or half of the total Impact Aid appropriation of \$1.2+ billion.<sup>1</sup> It should also be noted that in addition to basic support funding, eligible districts receive funding for children with special needs and facilities upkeep and repair.

For Indian Country, the Impact Aid program is a vital element of public policy for providing every child with a free and appropriate public education or as is the focus of this hearing, "Cultivating the Next Generation". Signed into law in 1950, the Impact Aid program is one of the oldest federal education programs. The land base that generates Impact Aid consists of 53 million acres of Indian trust land in the lower 48 states and 44 million acres included in the Alaska Native Claims Act. The Impact Aid program is but one example of the United States government fulfilling its trust responsibility—in this case, for education—for American Indian and Alaska Native peoples.

The Impact Aid program provides a formal link between tribal governments and public school districts serving students residing on Indian lands by requiring school districts to consult with tribes and members of tribal communities. Federally impacted school districts must consult with tribes and Indian communities to develop Indian Policies and Procedures (IPP). Through this process, tribes and parents of Indian students are afforded the opportunity to provide valuable insights and recommendations on whether Indian students are "equal participants" in all district programs and school activities. Further, tribes and parents may request changes in school programs and content. Should discussions reach an impasse, the Impact Aid statute provides for an administrative appeal process. We support the processes established through the Indian Policies and Procedures provision in current law.

The timeliness of Impact Aid payments is a major concern for eligible districts. Impact Aid is not a forward funded program as are other major education programs, e.g., Title I, Individuals with Disabilities Act (IDEA) and Bureau of Indian Affairs/Bureau of Indian Education, etc. Boards of Education and school administrators must make very difficult decisions regarding programming and personnel for the upcoming school year without knowing how much Impact Aid funding they will be receiving. For some heavily impacted school districts, Impact Aid revenues can represent 50 percent or more of its operating funds. It cannot be over-emphasized how critical Impact Aid is in providing *basic* day-to-day educational services.

Forward funding of the Impact Aid program would be a major step forward, and long overdue I might add, in providing timely payments to school districts. With the federal current budget deficit and the Budget Control Act of 2011 to address deficit, we acknowledge the challenge that forward funding would present to Congress, how-

<sup>1</sup> Alaska—\$132.6 M; Arizona—\$160.3 M; Hawaii—\$31.8 M; Idaho—\$4.8 M; Minnesota—\$18.1 M; Montana—\$40.7 M; Nebraska—\$15.6 M; North Dakota—\$23.8 M; New Mexico—\$86.1 M; South Dakota—\$47.8 M; Washington—\$39.3 M; Wyoming—\$8.6 M

ever, we believe the rationale for it is sound and in the best interest of Indian lands students and tribal communities.

The implementation of the Budget Control Act hit Indian lands school districts in FY 2013, a year before most other federal education programs. Faced with a reduction in Impact Aid funding, our districts sought ways to absorb the loss in funding in a variety of ways: reduced professional development; increased class size; deferred facility maintenance; reduced instructional staff; reduced support staff; reduced course offering including culturally relevant classes; reduced technology replacement and expanded student usage; close community based schools; reduce bus routes and extra curricular transportation, etc. These cuts came at a particularly critical juncture in school reform and restructuring efforts. A high percentage of Indian lands schools are in various stages of school improvement. Evidence based programs and strategies have been adopted to close the achievement gap, improve attendance, increase graduation rates and embed culturally relevant practices and strategies PreK–12 with the ultimate goal being to prepare our students for tomorrow's workforce and higher education. If we are to be successful, federally impacted Indian land districts need adequate resources to get it done!

To illustrate the challenge “the sequester” posed to Indian lands districts, school administrators offered the following insights and perspectives. One superintendent from an Oklahoma district stated his district has ‘virtually no local tax base’ from which to fall back on in times of budget reduction. It was further sighted by a superintendent serving students living on Navajo trust lands, “It is important for all students to have opportunities equitable to other districts with lucrative tax bases. . .To penalize students due to lack of a tax base and the failure of the federal government to pay its ‘fair share’ of the tax burden is a detriment. . .There are no alternative resources to make up to lost Impact Aid revenues. . .” Finally, a superintendent from a Nebraska school district put it this way in referencing the impact of the sequester, “We are planning for tough times instead of seeking ways to provide children with more opportunities to be successful in life’s endeavors.” Suffice it to say, the sequester hit federally impacted Indian land school districts hard and to the detriment of the students, their communities and reservations.

The illustrations above reflect the impact of the sequester on FY 2013 and previous years of funding levels that fall short of keeping up with inflation. NIISA gratefully acknowledges that for FY 2014, Congress restored Impact Aid funding levels near pre sequester levels. NIISA wishes to express its deepest and most sincere appreciation. We are hopeful that future budgets and appropriations passed by Congress will reflect its obligation to adequately compensate federally impacted school districts for lost taxing authority. And, as we prepare for FY 2015, the Administration’s Budget request to Congress would increase the Department of Education’s Impact Aid budget by 1.9 percent. Given the deficit our country is facing, one might conclude that increase is more than fair. However, I would point out that the Impact Aid program has not been fully funded since 1969 resulting in prorated payments to eligible districts. The NAFIS/NIISA request to Congress is for a modest 4 percent increase. That would allow Indian land districts to begin the recovery process due to lost and declining revenues. . .to invest in new technology; to rehire teachers and support staff; to implement more culturally relevant practices and classes; to upgrade facilities; etc. The goal of each and every one of our districts is to become a high performing school district. We firmly believe it can be accomplished. Our school boards and administrators can make it happen with adequate resources, Impact Aid being one very critical element.

Finally, Impact Aid is authorized under Title VIII of the Elementary and Secondary Education Act. Section 8007 authorizes appropriations for school construction and facility maintenance. The amounts appropriated in recent years have been grossly inadequate to address the backlog of need for facility replacement, renovation and maintenance in Indian lands districts. The ability of the Indian land district to address facility needs varies but for many it is nearly impossible to secure the necessary bonding for construction or major renovation. For instance, there are 80 school districts made up entirely of Indian lands and there are an additional 161 school districts which have at least 50 percent Indian lands. The situation was not created by the Indian lands districts and needs a federal solution!

Chairman Tester and Members of the Senate Committee on Indian Affairs, thank you for extending an invitation to the National Indian Impacted Schools Association to appear before this Committee. We look forward to working with you as legislation comes before Congress that affects children residing on federal trust, tribal and Alaska Claims Settlement lands.

The CHAIRMAN. Thank you, Mr. Gish, and thank all of you who provided testimony today. I appreciate your coming to Washington and providing your perspective on our children's future.

I will start with you, Ms. Broaddus. Senator Dorgan sat in the same seat last week. He told us about a roundtable that he held with Federal agency officials working on programs that affect families and children. His organization was doing something very, very similar in one instance on the same reservation without knowing. Everyone was working but no one was communicating because they didn't know the other was there.

You brought up the importance of communication and collaboration. Can you speak to some of the collaboration that OPI and Montana have been involved in, their success and why they were successful?

Ms. BROADDUS. Coordination and collaboration in Indian Country is often more difficult and complicated than it seems with many funding streams and many different interests at the table. At the Office of Public Instruction, we found those partners are very willing, however, especially when it comes to issues surrounding children and families on our reservations.

We have coordinated meetings from the very beginning of our school improvement grants. As an example, we asked that all partners come to the table to talk about this unique funding stream and the ways that Montana wanted to employ specific strategies for American Indian students.

Everyone came to the table and brought forth really great ideas and really helped us as valuable partners in our overall process.

The CHAIRMAN. We all know about the population figures. For example, in Montana, we have 3,600 individuals, about 7 percent of our general population is Native American, yet 17 percent of our male inmates are Native American, 21 percent are female.

One thing I know contributes to higher incarceration is lack of educational attainment, yet in Montana—you can correct me if I am wrong—Native kids are expelled or suspended from schools at rates that far exceed their population, making it in some cases nearly impossible to complete their education.

Why do you think this is happening in your personal opinion and is there anything we can do to help turn it around?

Ms. BROADDUS. That is a very complicated but very good question. I agree with those specifics regarding suspension and expulsion rates across our State. In particular, I think a key issue at the heart of the matter is the difficult life experiences and the trauma that many American Indian students face.

I think often behaviors described as discipline issues could often be solved in better addressing student mental and emotional needs and concerns. Through our Schools of Promise work we have trained our teachers and our administrators to understand those signs of trauma and PTSD in American Indian students and to better respond to give them tools they can use to decelerate those behaviors in our schools.

The CHAIRMAN. I appreciate that.

I am going to go to you, Dr. Siqueiros.

I think we are all impressed by the strides you have made in your school district. I think your experiences may help us develop

policies for under performing schools but it probably isn't easy, as you just said.

You took up the first challenge of realigning faculty and administration. How vigorous was the evaluation process and how did it affect instruction throughout that process?

Mr. SIQUEIROS. At that particular point, my school district did not have a very successful comprehensive evaluation process in place. We took what was in current use and revised and modified it. We had expectations that all employees, particularly our teachers, would be evaluated.

The evaluation process was not simply for dictating if you were coming back or not. Think about that for a moment. One of the things we implemented was that all teachers would be required to have the first evaluation be completed by October 15, the end of the first quarter. That allowed us, as an instructional team, to provide the necessary support for that teacher to improve.

Secondly, it also gave us the opportunity within Arizona law that in the event we had to bring forward a statement of charges for dismissal, it gave us that opportunity as well. At that particular point, because of all those efforts and the efforts in terms of our teacher recruitment and retention efforts, we brought in a different type at the level of expertise for our school district that we had not seen before.

That does a number of things. One, those highly effective teachers are not just graded in the classroom for direction instruction, but they are also role models for the neighboring teacher in the classroom next door.

The CHAIRMAN. Amen, brother.

I am impressed with your technological upgrades, although I actually come from rural America and I know that there is a lack of access to high speed Internet. Tell us more about your experience with the E-Rate process and how increased access to the Internet is affecting instruction in your schools?

Mr. SIQUEIROS. I would tell you that we are incredibly challenged right now with bandwidth, accessibility and capacity within the Tohono O'odham Nation. The Nation received a large grant a few years ago and they are laying fiber optics throughout the Nation, in particular for the school systems and other government agencies.

The capacity that the Tohono O'odham Utility Authority has right now is not sufficient to serve all of its customers. Given our technology emphasis moving forward, we would take about 50 percent of total capacity.

We are in the process of utilizing our E-Rate funding possibilities—I hope I use the terminology correctly—we are going to dark fiber to that capacity by borrowing, hopefully, or renting the pipe that comes in from Tucson, Arizona to the Tohono O'odham Nation to purchase from a third vendor the necessary bandwidth for us to do the necessary work. That funding will come directly from our E-Rate.

The CHAIRMAN. Thank you very much.

Vice Chairman Barrasso?

Senator BARRASSO. Thank you very much, Mr. Chairman.

I have questions for Mr. Hudson.

Your written testimony talks about teacher quality having about six times the positive effect on student learning in terms of other factors combined. Teacher quality improvement was instrumental in improving the reading proficiency at the Fremont County School in Ethete, Wyoming. The proficiency went up significantly in grades K-6. Can you elaborate on how teacher quality was increased in the Fremont County Schools?

Mr. HUDSON. We decided to put an intensive reading program in place. Our teachers virtually had to be retrained and we had two lead teachers who were extensively trained and then that was distributed throughout the entire K-6 educational staffing. First teachers were trained and additionally, the paraprofessional educators we had were also trained.

This meant whether you had the teacher or the paraprofessional, they were both capable of influencing the reading and eventually the mathematics instruction that was given to the students. Consequently, within those two areas, our test scores which had shown zero percent proficiency for I couldn't even tell you how long, managed to come up to 60 percent proficiency within one year by virtue of having those lead teachers and the program they developed with folks from Sheridan, Wyoming. They instigated that and came up with some dramatic gains in reading. They weren't quite as good in mathematics but there was a 40 to 50 percent increase.

It has also increased the class time devoted to reading and mathematics. This came at the expense of cultural programs but since we are tested and evaluated in reading and mathematics, that is where we put our efforts. So far they have paid off.

Later in the written testimony, you might note that it has not gone up from that 60 percent. It stagnates. It is like my colleague from New Mexico notes, for some reason it hits a platform and it is very difficult to drive it past that point. We are still trying but haven't gotten much farther than that.

Senator BARRASSO. Following up with that, we heard from Dr. Siqueiros that the teachers are most important, but the principals are most influential. I wonder if we can visit a little about that because recruitment and retention of qualified teachers are issues many tribal communities face.

In your written testimony, you mentioned teachers are the educational resource for Indian children. Can you talk a bit about the role of the principal in helping with recruitment, with putting forward a program? You mentioned how intensive the retraining of the teachers was to have them prepare to help students in this way and maybe some of those retention strategies you are now going to use in Fremont County and whether maybe we can replicate those successes in other places.

Mr. HUDSON. The principals are actually also a part of the staff training. They went through this and made sure the teachers attended the training sessions to start. Their evaluation programs also started to require they had to be proficient within reading and mathematics instruction as delivered to the students. That became part of their evaluation.

Wyoming requires any initial teacher to be evaluated twice and a continuing contract teacher once a year. The evaluation was rewritten to include proficiency in their instruction in mathematics

and reading. Additionally, staff training was provided by the principals to any of the staff who came up with deficiency in providing these programs to the teachers and in turn, to give it to the students.

From an administrative point of view, the principals have to be trained to do a proper evaluation of the staffers. It isn't the same plain Jane evaluation as has been pointed out that says okay, we've done this, looks good, you're doing a good job, you step in the classroom twice a year, then you walk out the door and the teacher goes back to what they were doing anyway.

The staff has to be quarterly and directly evaluated as far as their capability of putting this program into effect. If they don't put the program into effect, then it doesn't happen and a lot of excuses start. The administrators have to develop and implement a very valid teacher evaluation platform.

In turn, our superintendent, Ms. Michelle Hoffman—you are familiar with her—was the driving force to put this into place. She said this will be and when she says that, it is.

Senator BARRASSO. You talked about parental involvement and also used the term trusted adults. Could you talk a bit about that?

Mr. HUDSON. Primarily the Fremont County School districts, the adults are an integral part of the educational program because they are there at every school board meeting, not just for the required impact aid meeting. They have a valid input into the educational program of their students.

We hold teacher-parent visitations at least twice a year on a formal basis and informally at any time so the students and parents can visit with the appropriate instructor and/or the administrator.

Sometimes discipline gets to be an issue and because of that we have hired additional counselors to try and forestall such issues before such things as suspension or expulsion happen. Teacher involvement of educated parents is a very valid part of that program.

Senator BARRASSO. Thank you. Thank you so much for your testimony.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Barrasso.

Senator Heitkamp?

**STATEMENT OF HON. HEIDI HEITKAMP,  
U.S. SENATOR FROM NORTH DAKOTA**

Senator HEITKAMP. Thank you, Chairman Tester and Vice Chair Barrasso.

One of the first hearings Senator Tester had as Chairman of this Committee was to talk about early childhood learning, helping prepare children before they come to your institutions to actually be ready to learn. I think as we look at how we can get beyond the plateau, we definitely believe that is a strategy that needs to be pursued.

I want to take a moment and think about who you all represent and then think about a room full of kids because that is who you are really here representing. In your hands are the futures, their futures. Kids behind their parents, their grandmas and grandpas, usually will tell you the most significant and important people in their lives are their teachers.

That is why I think it is so important that we get that piece right and that we recruit the best and brightest of those teachers. We try to get kids more prepared to learn but I think you are absolutely headed in the right direction.

I was listening to your story and said, man, I wish we could do that in our schools in North Dakota. I wish we could take your programs and introduce them in North Dakota. You kind of brushed over how you actually got to the recruitment of those teachers. Was it pay increases, was it additional time off, additional support, promises of more access to decision making in the classroom? What was it that you pitched to those new teachers that made such a compelling case that you were able to get folks to come to Indian Country and your school districts and teach?

Mr. SIQUEIROS. Before I answer that question, I want to put an emphasis towards conception in early childhood education. We are incredibly concerned about what occurs at conception to a child and all the issues that exist on tribal lands.

In our committee, we are emphasizing that very issue, that all the wraparound services need to come to the aid of that mom to prevent FSA and to prevent nutritional issues. Think about brain development for a second. The brain is almost fully developed by the age of three, somewhere between 80 and 85 percent, way before we get them in pre-school, kindergarten through 12th grade. It is important that we address that as well. The importance of wrap-around services is critically important.

In response to your question about teacher recruitment, we established two recruitment efforts, what we call a Teacher Recruitment I and Teacher Recruitment II. TR1 is the typical. We have an opening, post the position on our web page, we take and screen applications and invite people for interviews. With TR2, we go out and seek highly effective teachers, either word of mouth, they won an award, they come out in newspapers, something like that. We go out and recruit them very much like college football coaches recruit their star quarterback. We have taken that approach.

Because we have leveraged our Federal impact aid dollars and our entitlement dollars and our local State aid, we have been able to raise our teacher starting salaries. We are now the highest paid school district in the State of Arizona as a result of leveraging those dollars to apply as much as possible back to the classroom. I need that great teacher to make this happen.

Secondly, we also provide highly intensive, professional development programs that are in line with our curriculum and our expectations of instruction. We are also clear about those expectations when we sign or issue a contract. What we expect is fully spelled out in their contracts.

Third, we take care of folks. It is not just about the money, it is not just about professional development. We work really hard to create an environment that is effective for them as much as it is for students. We spend a lot of time in indoctrination of the Tohono O'odham culture because the majority of our teachers are not Native Americans.

Senator HEITKAMP. It sounds like it is absolutely the right direction. I appreciate your comments about don't just look at early childhood, look at all those things.



Senator Murkowski and I have introduced a commission on the status of Native Americans bill because I think we have for too long siloed these issues. We are here talking about K–12 education, we talk about higher education and student attainment, we talk about public health, and we talk about housing.

We talk about all these issues but at the end of the day, all we really want to do is create a much better environment from the word go for Native American children because that is going to elevate everyone. Too often, you have these struggles where we fight over what is really very few resources saying no, don't put it in housing, it is much more important to put it in education; no, don't put it here.

If I could have another second, I want to talk about forward funding. We saw this during the shutdown. I can't tell you the panic calls I got from schools who are already late in getting their payments saying now what, now what do I do? Should I lay off teachers, where do I go with this?

I think everyone here who understands Indian Country understands the importance of forward funding. I will ask you what are the other things we can do on impact aid schools collaboratively beyond forward funding that could make a difference? I guess that is to you, Mr. Gish.

Mr. GISH. We understand the difficulties that basically a double appropriation would bring and yet we want to continue to keep it at the forefront because these are the challenges that our school districts face. They are making a decision in March and April, negotiating with bargaining units and entering legal contracts with them. We have to make decisions based on the fact that Congress will act in good faith.

If appropriations could at least come in a timely manner, even if it weren't a forward funded program, if we could say we can count on that first payment coming in October after beginning our school year or even a month or two later, there have been times that we have had to face no funding until mid-winter, until February and March and that means our school districts are out there, borrowing money, paying interest and those dollars never return. Those are dollars taken away from our students.

It would be critical and be a huge step forward if the appropriations would come and federally impacted schools are going to get their first payment as schools begin. That would be huge.

On early childhood—if I might add on to that—it is the most fertile ground in Indian Country. If we have a child who comes to school ready to learn, we can do miracles but when our first step is to start remediation, it means catch up and some never will.

Ms. Broaddus said we can't do it alone. That is absolutely true. We need to be able to tap into every other resource in the tribe, early childhood programs or Head Start programs and put our heads together. We can do it together.

If we knew we had an appropriation and could count on it in those early months in the fall, that would relieve a lot of the stress and pressure and those dollars that go out of our school systems to pay interest.

Senator HEITKAMP. Thank you.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Mr. Gish. You are right on early childhood.

Senator Franken?

**STATEMENT OF HON. AL FRANKEN,  
U.S. SENATOR FROM MINNESOTA**

Senator FRANKEN. First of all, I would like to recognize Mr. Gish. Thank you for being here. Thank you for all your years of work in education and in Indian Country.

Chairman Tester, I would like to commend you for the series of hearings on Indian education issues.

One of the things I want to talk about is school construction and school reconstruction. The Bug O Nay Ge Shig School on Leech Lake Reservation has been a project of mine, to get this thing reconstructed. It's a pole barn. The kids actually have to leave the school if winds get above 40 miles an hour.

We had a very tough winter this year and sometimes that means they have to leave the school when it is below zero and the wind is howling. They have to run to another structure about 400 yards away. There are all kinds of physical problems with this school.

Mr. Siqueiros, you mentioned the renovation of school facilities in your district as part of your overall school improvement plan. Can you elaborate on how you were able to create a safe learning environment for your students and staff?

Mr. SIQUEIROS. One of the things we have done effectively is through our finances and our budgeting processes. I mentioned in my opening statement we have been able to leverage all our funding sources highly effectively.

We have been able to carry forward our impact aid dollars and keep them in reserves up to about \$5 million annually. Initially, one of the things we did was reinvest those dollars and renovate some of our facilities that were in dire need of renovation from painting walls to replacing furniture, carpets, tiles, leaking roofs, on and on and on.

One of the issues we are hoping to prevent reoccurring over and over is lack of maintenance of our facilities. That is our emphasis for our school district, that we provide the necessary resources in terms of not just the money but also people power that are knowledgeable and expert and can do this for us.

The unique circumstance that we face—because we are 60 miles outside of Tucson, Arizona—is if our air conditioning breaks, there is some additional cost to get folks out.

Senator FRANKEN. How far out?

Mr. SIQUEIROS. Sixty miles. That requires that we have trained personnel go in and change air filters, provide general maintenance and things like that. In Arizona, obviously we have extreme heat.

Senator FRANKEN. Dry heat though, isn't it?

Mr. SIQUEIROS. Dry heat, absolutely.

Senator FRANKEN. It's cold in Minnesota, dry cold so it is not so bad.

Mr. SIQUEIROS. Very true.

That is the approach we have taken. However, our goal in the very near future is to add an additional wing at our elementary school that we will leverage with impact aid dollars. Hopefully, we

will be in a position to apply for some of those contract dollars from impact aid but we are also going to leverage some of that with some local funding opportunities from a program called First Things First that will allow us—we find matching dollars—up to \$5 million to build an early childhood center for our school district.

Senator FRANKEN. I think that is great. I met with the Tohono's Chairman. Tohono is 60 miles from Tucson and that, as those of us who work on this Committee know, makes a difference in terms of the finances of a tribe.

Leech Lake that I am referring to—Mr. Gish knows—is not near a big city like Tucson. It is near Bemidji, but a population center makes a difference in terms of how you can put aside the impact aid.

Let me talk about mental health a bit because I had a roundtable in St. Paul with a lot of the different Bands and tribes in Minnesota on impact aid and what had to go by the wayside. We had one Band where they had to lay off their mental health people in the school and they had a couple suicides.

I just think that mental health is tremendously important. I put forward a bill called Mental Health in Schools. We actually got about \$55 million in funding in the last appropriations to do grants for schools that use a kind of model where they train everyone from the school bus driver to the teachers to the lunch ladies to recognize when a kid may have a mental health issue and to go to the counselor or school psychologist. These were some of the people who were lost when impact aid got cut.

Having those professionals see the kid and get the kid access to community mental health services has made a huge difference. It is a great program and has made such a difference to kids and obviously to their families.

Can you talk, Mr. Gish or anybody, about the needs in Indian Country in terms of mental health services and substance abuse treatment services?

Mr. GISH. I like to give credit where credit is due. The credit goes to the Red Lake Nation where I spent the last six years of my career. My service came right after a very traumatic tragedy that occurred in the school and the community.

As we looked at a recovery plan, we first looked at what are the characteristics of high performing schools and looked at research there. Foundational to that was just as we are speaking, that we need healthy learners. If we are going to make great progress and become a high performing school, we need healthy learners. Healthy learners make healthy schools.

We got a multi-faceted approach but it began with the Red Lake Nation and their health services, specifically their mental health services. They provided our schools what we call cultural counselors, trained individuals, enrolled members of the Red Lake Band who were in each and every one of our schools.

They became the first level of mental health services for a child. Maybe they were just angry some day and needed to talk to someone but it was someone who looked just like them, someone from their culture and someone who understood where they were coming from. They had resources above them and also had school psychologists who were available as well.

After that first level says no, this goes beyond me, this is more than just a little bit of a single incident or anger but going to people more technically trained and have the education and background. Then further, we had access to the Indian Health Service and the mental health division there where clinical psychologists and psychiatrists were available.

Mr. Tester may remember this. We incorporated the services of the Native Children's Trauma Center, which is at the University of Montana in Missoula. They came in and trained all staff that we had from our bus drivers to food service, to all of our teachers, to our administrators and board members as well so that we could recognize characteristics of children who are suffering.

We have children where there is situational trauma they are going through but there is also historical trauma we are dealing with. It doesn't simply go away over time so we developed strategies that we could incorporate.

I will tell you after we had a suicide incident, we put into place a crisis management plan the next day ready to pay for students who were going to be traumatized by this and very upset. We discovered there was a suicide pact and six individuals were ready to follow through with that. The system worked. All six were placed. They went to the Indian Health Service, they were placed in a facility in Grand Forks, North Dakota.

All six are walking this earth today. I will tell you I believe it is because the plan actually worked. I will give credit where credit is due. We had people who were intervening, services that worked and the system worked that time.

Senator FRANKEN. I think we just need to do that both in Indian Country and nationwide. We need to really understand that about 1 in 5 children nationwide will experience a serious mental health issue in their lives and about 70 to 80 percent never get diagnosed or treated.

That is where we can save a lot of pain for a lot of people and a lot of families, a lot of kids and as a country, do ourselves an enormous favor.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Franken.

I will say from my perspective, I think the greatest opportunity we have in education is early childhood. The greatest challenge we face as a country is with mental health. This is a problem that is not going to go away. It will only be remediated if we are able to do the right thing at the State, Federal and local levels.

I just want to say thank you all for your testimony. I appreciate it very much.

Mr. HUDSON? Make it as concise as possible.

Mr. HUDSON. One thing I would note in the Ethete and Fremont County areas, we have our grandparents of the students employed within the school district to address their needs. Not only are they out there basically as professionals but these are people they are related to and know and they can trust. Then they go on to the counselors.

Secondly, as Mr. Gish pointed out in school construction, the current year, 2014, there is \$17.6 million in impact aid out there for construction. That is about enough to build one 400 student ele-

mentary school in the whole United States, just one. Consequently, I tend to think it is somewhat under funded.

Thank you, Mr. Chairman.

The CHAIRMAN. That is an understatement.

Thank you all for your testimony. There will be questions we are going to have to submit. We can talk with this panel literally until summer. Thank you all very much for your perspective. Thank you for your testimony and thank you for your commitment to be here.

With that we will bring up our second panel which consists of Mr. Bill Mendoza, Executive Director, White House Initiative on American Indian and Alaska Native Education, U.S. Department of Education.

Mr. Mendoza, it is very good to have you here. I want to thank you for joining us today.

As with the previous panel, I would ask that you try to keep your testimony to five minutes. Your entire written testimony will be made a part of the record. With that, welcome.

We might do this as standard operating procedure. I appreciate your being willing to be on the second panel. One of the things I have found through my short tenure here is it gives me great perspective if I can hear what the folks on the ground are saying. I think as someone in the Administration, it can help you and everybody else too.

Thank you for being here. You may proceed with your testimony.

**STATEMENT OF WILLIAM MENDOZA, EXECUTIVE DIRECTOR,  
WHITE HOUSE INITIATIVE ON AMERICAN INDIAN AND  
ALASKA NATIVE EDUCATION, U.S. DEPARTMENT OF  
EDUCATION**

Mr. MENDOZA. Good afternoon, Chairman Tester, Ranking Member Barrasso and distinguished members of the Committee. Thank you for the opportunity to testify today.

While I am here as the Executive Director of the White House Initiative on American Indian and Alaska Native Education, I am also an Oglala and Sicangu-Lakota product of public schools. I worked as a teacher and principal in public schools. My children attend public schools and have dedicated my professional life to improving and supporting the needs of all American Indians and Alaska Native Students.

American Indian education is sometimes thought to mean education provided by Bureau of Indian Education funded schools. However, as every speaker has testified before you today, the reality is that the vast majority of Native students, 93 percent, attend public schools operated by their local school districts.

These schools are located both on and off reservations and in urban centers. In many cases, there is coordination between local education and tribal communities. However, as we hear time and time again from tribal leaders and from educators, more often than not, these public schools exist without meaningful input from the tribal community.

Absent this interaction, our public schools are less informed about culture and unique needs of our Indian students and Native students lack access to culturally approved curricula, educators with sufficient cultural training and adequate learning conditions.

These challenges may act as barriers to quality of education and contribute to poor outcomes for Native students.

Native students comprise just one percent of the overall student population. However, according to the Department's civil rights data collection, we know that Native students account for roughly seven percent of kindergarten students held back; two percent of school suspensions; and three percent of expulsions.

In addition, males are suspended more than two times the rate of their peers and females are more than three times likely to be suspended as well. According to the National Center for Education statistics, Native students drop out at a rate nearly twice that of other students. They lag behind their peers in graduation rates and complete AP courses at a significantly lower rate than their peers.

The NIES study report shows the achievement gap is widening in mathematics between Native students and their peers and reading scores remain stagnant.

These figures are important because they paint a picture for the landscape of public education for our Native students. We must also be careful that we are drawing the proper conclusions. We need to dig deeper to better understand why these disparities exist so that we can put in place meaningful support that will improve outcomes for all students attending our public schools.

The Department of Education provides support to these students in a variety of ways. There are large dollar programs such as Title I and impact aid that direct funds to communities with high concentrations of low-income students as well as communities affected by Federal activities.

In addition, the department administers several formula grants and discretionary competitive grants designed to support the unique cultural and language needs of Native students, increase the number of American Indian and Alaska Native teachers, school administrators and other school officials and build capacity of tribal education agencies in partnership with State educational agencies and to support the unique needs of Alaska Natives and their communities.

Early in the Administration, President Obama demonstrated a deep commitment to Native students and the tribal community by issuing a memorandum instructing agency heads to engage in regular meaningful consultation with tribes. In 2011, he signed an executive order further signaling his commitment to improve educational outcomes cradle to career for American Indians and Alaska Natives.

Secretary Duncan has also shown unwavering commitment to these students. He has visited numerous reservations and tribal communities, held roundtable discussions and participated in consultation and commencements.

One of the consistent themes expressed by tribes and tribal communities has been the lack of opportunities for them to engage meaningfully in the education of their children. The department understands the best solutions for Native students come from those who these students the best, the tribes.

As a direct result, in 2012, we launched a pilot program, the State Tribal Education Partnership Program. We plan to continue this first of a kind effort in order to further respond to the tribal

community. My office, the White House Initiative on American Indian and Alaska Native Education is actively engaged in these issues and includes the President's Interagency Working Group on Indian Education, the DOI Education Joint Committee on Indian Education and the National Advisory Council on Indian Education.

I have expounded on this work in my written testimony and would be happy to discuss this in more detail in the question and answer portion.

Chairman Tester and members of the Committee, thank you for the opportunity to testify today.

[The prepared statement of Mr. Mendoza follows:]

PREPARED STATEMENT OF WILLIAM MENDOZA, EXECUTIVE DIRECTOR, WHITE HOUSE INITIATIVE ON AMERICAN INDIAN AND ALASKA NATIVE EDUCATION, U.S. DEPARTMENT OF EDUCATION

Good afternoon, Chairman Tester, Ranking Member Barrasso, and distinguished Members of the Committee. Thank you for the opportunity to testify today about the status of the American Indian and Alaska Native (AI/AN) students in our public schools.

#### **AI/AN Student Profile**

American Indian education is sometimes thought to mean the schools operated by the Bureau of Indian Education (BIE) or by Indian tribes or tribal organizations. However, the reality is that the vast majority of AI/AN students—approximately 93 percent—attend public schools operated by their local school districts. These schools are located both on and off reservations and tribal lands.

In some cases, there is coordination between the local education agency (LEA) and the tribal community. However, more often than not, these public schools exist without meaningful input from the tribal community. Absent this interaction, our public schools are less informed about the culture and unique needs of our Indian students. AI/AN students lack access to culturally appropriate curricula, educators with sufficient cultural training, and sometimes adequate learning conditions. These challenges may act as barriers to a quality education and contribute to poor outcomes for AI/AN students.

We know the earlier we start providing educational opportunities to our students, the more successful they will be as adults. The best investment we can make is to provide our children with a strong start and foundation for learning.

The Department of Education recently released the Civil Rights Data Collection (CRDC) for 2010–2011. This is the first time since 2001 that we have data from nearly every public school in the country that tells us about specific subpopulations including AI/AN students. While we know that AI/AN students comprise about one percent of the overall population, according to the CRDC report about seven percent of the 140,000 kindergarten students held back were AI/AN students. These AI/AN kindergartners are held back at nearly twice the rate of white children. Further, states like Oregon, Wyoming, Montana and Arizona with high American Indian populations are among the States with the lowest percentage of school districts operating pre-school programs.

The CRDC report also collected data on school discipline. Similarly, AI/AN students represent a disproportionate share of disciplinary action as they are less than one percent of the student population but account for two percent of out-of-school suspensions and three percent of expulsions. AI/AN males are suspended at more than two times the rate of their white peers with, on average, six percent of white male students being suspended compared to approximately 13 percent of AI/AN males. Young AI/AN females are more than three times more likely to be suspended from school as their white counterparts, with, on average, two percent of white females students being suspended from school as compared to approximately seven percent for AI/AN female students.

Each day that our students are not in the classroom they are missing out on valuable instruction time.

One of the most important factors in raising student achievement is an effective teacher. While there certainly are effective first year teachers, research shows that teachers on average increase their effectiveness over their first few years of teaching. It is interesting to note that the CRDC report found disparities in access to experienced teachers for AI/AN students. The data shows AI/AN students attend

schools with higher concentrations of first-year teachers at a higher rate than white students. Specifically, approximately four percent of AI/AN students attend schools where more than 20 percent of teachers are in their first year of teaching, compared to one percent of white students.

We also know AI/AN students are less prepared for college and career. Looking at the high school graduation rates and drop-out rates for 2011, we see AI/AN students dropout at a rate that is nearly twice that of all students. In fact, AI/AN students account for the highest dropout rate of any racial or ethnic population. And AI/AN students are lagging in increasing their graduation rates. The average graduation rate for all students increased six points, from approximately 75 percent in 2007–2008 to 81 percent in 2011–2012. Yet, over this period the graduation rate for AI/AN students increased just four points, from approximately 64 to 68 percent.

But graduating isn't always enough. We must ensure AI/AN students are taking rigorous coursework to be best prepared for today's economy. In 2009, only about 20 percent of the AI/AN graduates completed an Advanced Placement course. This is extremely low when we consider the comparable approximate figures for Asian/Pacific Islander (66 percent), White (37 percent), Black (22 percent) and Hispanic (34 percent) graduates.

And even fewer AI/AN high school graduates (approximately 18 percent) have completed an analysis or pre-calculus course compared to the average for all students (approximately 35 percent). We also see drastic differences in the completion of courses in chemistry or physics compared to the averages for all students (approximately 70 percent and 36 percent, respectively).

In 2011, the National Indian Education Study (NIES) reported the results of the mathematic and reading achievement levels of fourth- and eighth- grade AI/AN AI/AN students, using a nationally representative sample.

The math assessment showed that AI/AN fourth-grade students scored approximately 16 points lower on average than non-AI/AN students in math. AI/AN eighth-grade students scored approximately 19 points lower on average in math than non-AI/AN students. This represents an even wider gap compared to the 2005 NIES scores that showed a gap of approximately 12 points for fourth-graders and 15 points for eight-graders. And while there are no significant changes in average reading scores for AI/AN students compared to 2005, overall gaps separating AI/AN students from their white peers have mostly widened.

For those in poverty, the difference is even starker. Using the National School Lunch Program (NSLP) as an indicator of family income, we know that in 2011, AI/AN eighth-grade students who were eligible for NSLP had average reading scores approximately 20 points lower, on average, than AI/AN eighth-grade students who were not eligible for NSLP.

### **Department Programs that Support AI/AN Students**

The Department administers a variety of formula grants as well as competitive grants to support AI/AN students.

Impact Aid is a formula grant program under section 8003 (Basic Support Payments) of the Elementary and Secondary Education Act (ESEA) that provides direct funding to school districts that are affected by federal activities. The Basic Support Payments program was funded at \$1.2 billion for FY 2014 and approximately one-half of those funds will be distributed to districts that provide free public education to children living on Indian lands.

Title VII, Part A provides formula grant funds to over approximately 1,300 districts that educate AI/AN students. The funds must be used for supplementary services to meet the needs of those students, including their language and cultural needs, to help them succeed in school. In addition, Title VII, Part A also authorizes several discretionary programs designed to improve the quality of education for Indian students and to prepare and train Indians to serve as teachers and school administrators. Funds are awarded competitively and currently support the following programs: Demonstration Grants (Section 7121); Professional Development Grants (Section 7122); and the State Tribal Education Partnership (STEP) (Section 7131).

Demonstration grants provide support in such areas as innovative programs, remedial instruction, bilingual and bicultural programs, guidance and counseling, early childhood and kindergarten programs, secondary-to-postsecondary education transition programs, school-to-work programs, and family literacy services.

Professional Development grants support increasing of the number of American Indians qualified in teaching, school administration, and other education professions, and improving the skills of those individuals. Individuals receiving training under this program are required to secure employment in a field related to their education and benefiting Indians. If they do not meet this requirement, they must



pay back the amount of the assistance. Awards focus on pre-service teacher and pre-service administrator training.

The Alaska Native Education (ANE) program supports activities that provide educational opportunities that are culturally relevant and beneficial to Alaska Native Students and the community. In 2012–2013, there were 57 active ANE grants for a total investment of just over \$31 million.

The Department understands the best solutions for AI/AN students come from those that know these students best, the tribes. We remain committed to strengthening and advancing our relations with Indian tribes.

In 2009 President Obama issued a Memorandum to the heads of executive departments and agencies emphasizing his commitment to regular and meaningful consultation and collaboration with tribal officials in policy decisions that have tribal implications. The memorandum called for complete and consistent implementation of Executive Order 13175. It also directed each agency to submit a detailed plan of action that the agency will take to implement the policies and directives of E.O. 13175.

The Department was quick to respond to the Memorandum. In 2010, the Department conducted six tribal consultations with tribal leaders and Indian educators. We held consultations in New Mexico, South Dakota, Oklahoma, Alaska, Arizona, and Washington and learned much from the discussion. As a result, we issued a report in November 2011 titled “Tribal Leaders Speak: The State of Indian Education.”

We continue to have regular consultation with these leaders and have held additional consultations in Denver, Green Bay, Stockton, Los Angeles, Seattle, Chicago, Troy, Anchorage, Scottsdale, Niagara, and Smith River. This year the Department, in partnership with the National Indian Education Association and The United and Southeastern Tribes, held the first consultation of 2014. We have three more consultations scheduled for later this year in Oklahoma, Montana and North Dakota.

One of the consistent themes expressed during these consultations has been the lack of opportunities for tribes to meaningfully participate in the education of their own children. In response, the Obama Administration proposed, in our ESEA reauthorization blueprint, to elevate the role of tribal education agencies (TEAs).

Additionally, the FY 2012 appropriation provided funding for the Department to create a pilot competition designed to increase the role of the TEA in meeting the education needs of students attending public schools on the tribe’s reservation. The State Tribal Education Program (STEP) is the result of this effort. The STEP program aims to promote collaboration between TEAs and state educational agencies (SEAs). The program is also intended to build the capacity of tribes as they develop and enhance their roles, responsibilities and accountability in Indian education.

The pilot program funded projects created through cooperative agreements between TEAs and SEAs that allow the TEAs to perform some state-level functions for certain Federal grant programs funded through ESEA, specific to public schools located on tribally controlled lands.

In 2013, Secretary Duncan and Secretary of the Interior Jewell traveled to Wyoming for a series of events to highlight the importance of education that included a roundtable discussion with local tribal leaders and two school visits. During this trip the Secretaries engaged with state and tribal representatives as well as youth from the Eastern Shoshone and Northern Arapaho tribes.

I am proud to inform you that the Secretary has visited reservations and tribal communities in Montana, Alaska, South Dakota, New Mexico, Wisconsin, Wyoming and Arizona. These visits have allowed him to witness first-hand the problems that Indian country faces. His visits have included roundtable discussions as well as commencement addresses at Sinte Gleske University, Navajo Technical University and College of Menominee Nation. This year he will be the commencement speaker at Salish Kootenai College in Montana. The Secretary welcomes these opportunities to learn more about the unique challenges facing AI/AN students and to highlight the important role tribal colleges and universities play in providing access to higher education for the community. He understands the vital role tribal colleges and universities (TCUs) play in language and cultural preservation.

The White House Initiative on American Indian and Alaska Native Education (Initiative), housed at the Department of Education, has responsibility to carry out the President’s Executive Order 13592, signed December 2, 2011. The Initiative seeks to support activities that will strengthen the Nation by expanding educational outcome opportunities and improving educational outcomes for all AI/AN students. The Initiative is also committed to furthering tribal self-determination and we work to ensure AI/AN students, at all levels of education, have an opportunity to learn their Native languages and histories as well as receive complete and competitive

educations that prepare them for college, and careers so they may lead productive and satisfying lives.

In order to meet the goals of the Executive Order the Initiative is actively engaged in three major activities; the ED Joint Committee on Indian Education, The President's Interagency Working Group on Indian Education and the Native Languages Working Group.

The Initiative formed a DOI-ED joint Committee on Indian Education (Committee), which includes tribal leader representatives from the Tribal Education Budget Council. The Committee was formed as a result of a 2012 ED-DOI Memorandum of Understanding (MOU). The MOU leverages the expertise of both departments to improve educational opportunities and outcomes for AI/AN students. The Committee has started working on developing plans to implement seven specific goals and activities that are outlined in the MOU.

The President's Interagency Working Group on Indian Education (IWG) was established in the E.O. 13592. The IWG held its inaugural meeting in 2013. Senior Administration Officials from 29 agencies came together to begin interagency implementation of the E.O. The departments will work to develop four year plans that will focus on expanding educational opportunities and improving outcomes for AI/AN students including helping ensure the opportunity to learn their Native language.

The Native Language Working Group resulted from a Memorandum of Agreement between the Department of Education, U.S. Department of Health and Human Services Administration for Children and Families and the Department of Interior Bureau of Indian Education. We are working to achieve the goals of the Agreement (MOA) on Native Languages. In addition to developing a course of action, the MOA provides a framework for collaboration and coordination across Federal agencies to help preserve and revitalize native languages.

The Native Language Workgroup is planning a Native American Languages Summit; *Working Together for Native American Language Success* for June, 2014. During this conference, Federal partners and organizations with Native Language programs will come together to discuss methods for measuring success. The goal is to work together as a team to ensure the preservation and acquisition of Native languages so that they may not only be revitalized but that Native youth have a command of the language from a linguistic and cultural perspective.

The Department of Education has taken significant steps to promote the preservation and revitalization of native languages including the following:

- The Office of Postsecondary Education (OPE) has included an Invitational Priority to support activities that strengthen Native language preservation and revitalization in institutions of higher education in the Title III Alaska Native and Native Hawaiian-Serving Institutions grant competition in FY 2014.
- The Office of Indian Education (OIE) has made several important changes to the application for Title VII formula grants for FY 2014 in order to emphasize the statutory requirement that grant funds be used as part of a comprehensive program for meeting the culturally-related academic needs of Indian students, including the language and cultural needs of the children. In 2013, there were approximately 1,300 Title VII programs and 500,000 students served nationwide.
- In 2013, the South Central Comprehensive Center (SC3), one of three ED Regional Comprehensive Centers, supported the Oklahoma State Department of Education (OSDE) in the development of the native language certification and is continuing to provide technical assistance during statewide implementation of an alternate pathway in native language certification. This work addresses the critical need for fluent native language instructors in efforts to enhance native language revitalization among the 39 Oklahoma tribes.

Through dedicated funding including ED's Strengthening Institutions Program and Title III grants, several tribal colleges have implemented native language activities as part of their curricula. For example, Cheyenne language courses are currently being offered at Chief Dull Knife College in a four course series and the college also provides summer Cheyenne language immersion experiences for youth in the surrounding communities; Fort Berthold Community College, a tribal college of the Three Affiliated Tribes, has started a project that will provide linguistic training to tribal members in technologically advanced methods of linguistic data collection and analysis aimed at preventing the loss of the highly endangered Mandan language; and the Blackfeet Language Studies curriculum at Blackfeet Community College is designed to promote language fluency in accordance with Blackfeet Language standards, which are equivalent to national standards for language acquisition.

The Department of Education continues to hold consultations with tribal leaders on ways the Department can help address the need to preserve, protect, and promote the rights and freedom of Native Americans to use, practice, and develop native languages.

In addition, the U.S. Department of Justice and the U.S. Department of Education have collaborated to ensure that AI/AN students who are not proficient in English are appropriately identified as English Learners (ELs) and offered language support services until they achieve proficiency in English. Toward this end, the Departments reached two settlement agreements with the State of Arizona regarding its Home Language Survey (3/25/11) and its process for testing ELs (8/31/12). In February of this year, the Department of Justice also reached a settlement agreement with a school district in Arizona to ensure its Navajo-speaking ELs receive appropriate EL services with teachers who are trained to provide those services.

The National Advisory Council on Indian Education (NACIE) also plays a vital role in how we address the unique needs of AI/AN students. NACIE is comprised of fifteen American Indians (including Alaska Native) that are appointed by the President. NACIE advises the Secretary on the funding and administration of any program, including those established under Title VII, Part A of the ESEA, with respect to which the Secretary has jurisdiction and that includes Indian children or adults as participants or that may benefit Indian children or adults. NACIE annually submits a report to the Congress on the activities of the Council which may include any recommendation the Council considers appropriate for the improvement of Federal education programs that include or may benefit Indian children or adults as participants.\*

Moving forward, the President has requested funding for vital new programs, such as Race to the Top Equity and Opportunity, a new College Success Grants for Minority-Serving Institutions Initiative, First in the World (FITW) funds focused on institutional innovation, and additional existing programs that are critical to addressing the needs of many AI/AN students.

The Department remains committed to better understanding the needs of AI/AN students and to our responsibility to help improve the educational outcomes for all AI/AN students. Thank you for the opportunity to testify today and I happy to respond to any questions.

The CHAIRMAN. Thank you for your testimony.

They have called a roll call vote on the floor so I am going to make my questions short. You make your answers short. I doubt anyone is coming back because there are multiple votes.

The White House Initiative on American Indian and Alaska Native Education has been in existence for about three years. How are you measuring the progress and success of the work of that program?

Mr. MENDOZA. My measurement of the progress of this initiative centers around how we are changing the context within the Federal family of how we look at American Indian and Alaska Native education. As we have come into what amounts to a paradigm shift in approaching this issue, we are looking at closing the gaps between how the Federal Government, States and tribes are working together.

To that end, we are engaged in a number of activities that directly effect how the Federal Government operates in terms of how we utilize grants, contracts, services, loans and so forth to affect Indian communities. We work directly from the lens of self-determination and self governance for tribes. I would be happy to expand on some of those specific mechanisms that I mentioned in my remarks.

The CHAIRMAN. I would like you to, in written form if you may, cite me some of your most significant achievements with this pro-

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\*A copy of the NACIE Annual Report to Congress 2012-2013 has been retained in the Committee files.

gram to date. I would love to see those so we could potentially utilize them.

In the Department's appropriation for 2012, funds were included for a pilot program known as State Tribal Education Partnership, STEP. Can you tell us how the implementation of this pilot program is going?

Mr. MENDOZA. The implementation of this program is proceeding in a way we feel is dramatically changing the way States and tribes are working together. In areas of the country like Oklahoma, New Mexico and Idaho, we see a tremendous amount of effort being put into formal collaborations between these entities that are getting at the root causes of some of these issues where we are dealing with culturally responsiveness, the teaching field and looking at how we are supporting the capacity building of tribal education agencies in some of the critical formula programs.

We couldn't be happier with how these tribal education agencies are growing through these programs and how we can move forward in strengthening the program.

The CHAIRMAN. Very good.

I am going to put some additional questions to you in writing. You heard the testimony of the previous folks. If there are things they said that are applicable to the department and the department would like to respond, I would love to hear your response.

There are some programs out there that I think have real merit and I think we might be able to take them more than just regional and more than just single school districts.

Thank you, Mr. Mendoza. I appreciate your testimony. I am sorry we have this vote right now but sometimes we have to do that.

I want to thank all the witnesses for their testimony today. This Committee will continue to work on these issues and work on legislation to make productive changes. As I said in my opening, I am a big believer in education. I think it is one of the keys to getting people raised up in the economic strata and how we build our economy. Indian Country and Indian education is incredibly important in all of this.

The hearing record will remain open for two weeks.

With that, the hearing is adjourned.

[Whereupon, at 3:43 p.m., the Committee was adjourned.]

# A P P E N D I X

## PREPARED STATEMENT OF THE NATIONAL INDIAN EDUCATION ASSOCIATION

Tribal leaders and Native advocates have consistently listed education as a top priority for our communities. The National Indian Education Association (NIEA) is excited that the Senate Committee on Indian Affairs has heard the collective call for reform and is working to highlight the condition of Native education and find solutions to persisting problems. As NIEA and Native education stakeholders have stated for years, a strong education foundation is critical to the future of tribal nations and Native communities. To provide recommendations for strengthening that foundation and as this Committee works with Congress and the Administration, we request this written testimony and supplemental documents be submitted into the record.

NIEA was incorporated in 1970 and is the most representative Native education organization in the United States. NIEA's mission is to advance comprehensive and equal educational opportunities for American Indian, Alaska Native, and Native Hawaiian students. NIEA supports tribal sovereignty over education as well as strengthening traditional Native cultures and values that enable Native learners to become contributing members of their communities. As the most inclusive Native education organization, NIEA membership consists of tribal leaders, educators, students, researchers, and education stakeholders from all 50 states. From communities in Hawaii, to tribal reservations across the continental U.S., to villages in Alaska and urban communities in major cities, NIEA has the most reach of any Native education organization in the country.

### **The State of Native Education**

Native education is currently in a state of emergency. Native students lag behind their peers on every educational indicator, from academic achievement to high school and college graduation rates. Just over 50 percent of Native students are graduating high school, compared to nearly 80 percent for the majority population nationally. Further, only one in four Native high school graduates who took the ACT scored at the college-ready level in math and only one-third in reading comprehension, as compared to more than half for white graduates. Increasingly alarming, only 40 percent of Native college enrollees in 2004 actually graduated college with a bachelor's degree by 2010. Nearly 62 percent of the majority students graduated. For Native students to succeed in college and careers, they must have a strong education foundation that also meets their local needs and strengthens their linguistic and cultural identity.

### **Native Student Demographics<sup>1</sup>**

- 378,000, or 93 percent of Native students, attend U.S. public schools, comprising 0.7 percent of the total public school population (2010–2011 school year).
- Of all Native students, 33 percent live in poverty, compared to 12 percent of Whites (2011–2012 school year).
- 29 percent of these students attend high-poverty city public schools, compared to 6 percent of Whites (2009–10 school year).
- Only 52 percent of Native students live in two-parent households, compared to 75 percent of Whites (2011).
- After the most recent census, only 65,356 Natives ages 25 years and older had a graduate or professional degree.

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<sup>1</sup>National Center for Education Statistics, Institute of Education Sciences, United States Department of Education. National Indian Education Study 2011. (NCES 2012–466). <http://nces.ed.gov/nationsreportcard/nies/>

## **Public Education Recommendations**

NIEA's work over more than forty years has centered on reversing these negative trends to ensure our communities have the future leaders they need to thrive and sustain local cultural and linguistic traditions. The following public education recommendations are based on resolutions passed by our membership as well as past policy work and community outreach regarding needed regulatory and legislative reform.

### *I. Equitably Fund Native-Serving Schools*

Tribes and Native communities have a tremendous stake in an improved public education system. With 93 percent of Native students attending traditional public schools, education should prepare Native students not only for active and equal participation in the global market, but also to be positive, involved members and leaders of their communities. To support that participation, the federal government must uphold its trust relationship with tribes. Established through treaties, federal law, and U.S. Supreme Court decisions, this relationship includes a fiduciary obligation to provide parity in access and equal resources to all American Indian and Alaska Native students, whether they attend Bureau of Indian Education (BIE), charter, or public schools.

As tribes work with Congress to increase their role and responsibility in administering education, federal support should increase for tribal governments and Native education institutions to repair the damage caused by shrinking budgets and sequestration. Historical funding trends illustrate that the federal government is abandoning its trust responsibility by decreasing federal funds to Native-serving programs by more than half in the last 30 years.

Fortunately, Congress postponed sequestration for two years and increased funds to many programs. However, Congress and the Administration maintained FY 2013 sequestration levels in FY 2014 for Native education funding in Title VII—the Native education title under the Elementary and Secondary Education Act (ESEA). This action is incomprehensible and unacceptable. Now is the time to invest in Native education by strengthening the ability of tribes to participate in education as well as provide adequate funds to schools serving Native students. Tribal governance of education services is crucial as well as increasing collaboration and engagement among key stakeholders and decreasing barriers that inhibit tribes from equally participating in education.

### *II. Strengthen Tribal Self-Determination*

Congress should assist tribes who wish to participate in the delivery of their children's education by strengthening tribal education agencies. Since the late 20th Century, Congress has worked to strengthen tribal capacity to directly serve their citizens. In this spirit, tribes should have the same ability as state and local education agencies to administer education services because many Native-serving public schools are located on or just outside tribal lands. In FY 2012, Congress funded an authorization under the Department of Education (ED) for tribal capacity building in public reservation schools under the State-Tribal Education Partnership (STEP) program. STEP was not only a good first step to increase cooperation and collaboration among states, tribes, and local schools, it succeeded in increasing, albeit in a limited way, the capacity of tribes to administer education programs.

True tribal self-determination without the state acting as an intermediary in education should be afforded. All tribes who wish to participate should have the authority and funding to build their capacity to administer education programs. Native leaders understand their children best and Native communities can better address a child's unique educational and cultural needs. Providing tribes the ability to administer education programs would ensure that tribes have the same ability as state education and local education agencies. The ESEA should authorize tribes to operate title programs in public schools located on tribal lands and that serve Native students. ED would then work with tribes to identify appropriate title programs for administration allowing tribes the opportunity to partner with their particular local education agency for effective implementation.

### *III. Expand Collaboration and Engagement*

Since Native students often transfer between their local schools, there must be collaboration among federal, state, and tribal governments, as well as between tribes and their local schools, to ensure the academic and cultural needs of Native students are addressed. While the federal government has a trust responsibility to work with tribes, tribal concerns are often excluded at the state and local level. Local education agencies and their schools should partner closely and consult with tribes when developing programs that serve Native students. Further, local schools

should work with tribes to develop school calendars that account for cultural events, local outreach that successfully engages parents, and professional development and/or technical assistance training that includes cultural and linguistic traditions.

Native parents must be involved in Native-serving public schools to provide their children familial support. Otherwise, local work to increase the success of Native students will fail. Parents and family members must feel comfortable in their child's school environment. Schools should ensure parents understand how to navigate the school's administrative and educational structure, so parents understand the appropriate support needed at home in order to complement their child's learning in school.

Congress should also ensure public schools engage their local tribes to make sure a network of care provides parents additional services, such as health and wellness and behavioral supports, where needed. Unfortunately, Native-serving schools often work in a vacuum or hire non-Native staff unaware of their local population's needs. These attributes are not conducive for creating stability for Native parents and communities who rely on local relationships built on a foundation of trust. Tribes and Native communities should have the ability to work with their local public schools to ensure Native parents feel comfortable engaging teachers and administrators. This begins by increasing tribal access to work with school administrators and teachers so school staff understand the significance of a holistic education rooted in the local Native culture and language.

Native languages are not only crucial for protecting and strengthening Native culture and increasing family engagement, a curriculum steeped in linguistic tradition also raises student achievement by helping the child learn in a familiar environment. To support such initiatives, this Committee should move Senate Bill 1948—the Native Language Immersion Student Achievement Act—so that eligible schools may participate in a grant program that provides new funds to develop and maintain Native language programs. Immersion programs increase Native student success rates by providing a well-rounded education that includes mathematic and language arts, while also strengthening Native traditions. Further, sustainable funding for immersion programs would generate data to help education stakeholders create best practice models for educating Native students.

#### *IV. Reduce Inequitable Regulation*

Increasing self-determination for tribes to administer services and work with local stakeholders will not succeed unless there are fewer restrictions on tribes to engage their public schools. Native students often transfer between public, charter, and BIE schools that serve their community. This constant mobility creates information gaps, as systems are not required to track and coordinate student data when students transfer.

Provided the same access as local education agencies, tribes and their education agencies can better track and measure their student populations when provided parity in access. With a more complete database, tribes can utilize and create data pools where information is deficient. Unfortunately, the Family Educational Rights and Privacy Act (FERPA) exclude tribes from equitably accessing their Native student's records. Amending FERPA to provide basic parity for tribes to access data would create accurate student statistics that help create more effective models for addressing issues that decrease Native student achievement rates.

Likewise, Native-serving programs in public schools must not be restrictive due to agency implementation. Rather, they must function as Congress originally intended. Title VII administered by ED provides supplemental grants to ensure programs serving Native students meet basic elementary and secondary educational needs as well as address the unique culturally-related academic needs of Native children. Citing the Government Performance and Results Act (GPRA), the Office of Indian Education within ED utilizes systems that measure Native student academic achievement as the benchmark for Title VII programmatic success.

This measurement system functions contrary to congressional intent for Title VII. Under the current iteration of ESEA, the law stipulates that Title VII formula grant programmatic success is based on supporting cultural education and creating a presence for Native education. This cultural presence creates a unique focus in a school district or school in order to work in concert with ESEA, rather than directly increasing the academic achievement of Native students. Congress should ensure that eligible entities receiving Title VII funds have the ability to serve Native students as law stipulates—not as ED interprets. Providing this oversight will ensure restrictive barriers are diminished in Native-serving schools and that more appropriate evaluation tools are utilized to measure an important Native-serving program.

*V. Elevate the National Advisory Council on Indian Education*

The Federal Government must recognize and support tribal self-determination in education as well as entities that represent and work to improve Native education. For too long, ED, the Administration, and Congress have ignored the annual reports of the National Advisory Council on Indian Education (NACIE). As the body that works to advise the Secretary of Education on Native issues, NACIE must be elevated.

We request this Committee work to provide oversight to ED, so that NACIE has the opportunity to annually meet with the Secretary as well as the President. Further, their annual reports to Congress seldom receive response and issues continue to persist from year to year without being addressed. We call on this Committee to ensure Congress provides a response to their report and work with the White House Initiative on American Indian and Alaska Native Education and the Office of Indian Education within ED to ensure the Secretary responds to the annual NACIE report. In this vein, NIEA supports and includes the 2013 NACIE Report into the record in hopes of raising awareness of their issues.

**Conclusion**

We also include the 112th Congressional legislation, the Native Culture Language, and Access for Success in Schools (CLASS) Act—Senate Bill 1262, as an addendum.\* This comprehensive bill included Native stakeholder’s requests for needed legislative reform under the Elementary and Secondary Education Act, so that Native students and tribes have increased parity to participate in Native-serving education systems, such as public schools. Because the Senate’s ESEA reauthorization—the Strengthening America’s Schools Act of 2013—passed out of the Senate Health, Education, Labor and Pensions (HELP) Committee, we recommend this Committee work to include CLASS Act technical amendments in the chance the ESEA bill moves to the Senate floor for consideration.

NIEA appreciates the continued support of this Committee and we look forward to working closely with its members under the leadership of Chairman Tester and Ranking Member Barrasso. We share your commitment to Native education and strengthening our partnership to ensure Native-serving public schools are as effective as possible. To achieve this, there must be collaboration among all entities that touch a child’s life and at all levels—tribal, federal, state, and local. It is difficult to speak of increasing the success of Native students when addressing only one part of the education system, so we must work with all systems since our students frequently move between schools during their scholastic career. While this hearing focused on public schools, NIEA is happy to see the Committee highlight the need for parity in all systems serving our children. Only by working with all stakeholders will we increase our students’ preparedness for success no matter where they learn.

Once again, thank you for this opportunity.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. TOM UDALL TO  
BRENT D. GISH

*Question.* What standards and best practices exist for public schools to assess highly qualified teachers of Native languages and culture so that Alaska Native/American Indian pupils (indeed all students) may learn of and in Native language and culture?

*Answer.* A growing number of states are now recognizing the value and need to imbed Native language and culture into diverse classroom settings to provide cultural relevance and to support Native language preservation. It has been a great challenge to identify and recruit highly qualified Native language and culture teachers. Very few college programs offer licensure in Native languages and the demand far exceeds availability. States have relied on tribes to identify, assess competency, and recommend licensing. Through Memorandums of Understanding (MOU), the state then grants a license to teach in the language specialty area.

In addition to a shortage of highly qualified teachers, there exists a shortage of Native language curriculum, learning materials and support policies, ie accepting Native language and culture course work for graduation credit. It is acknowledged that this area of high need is being addressed by tribal education departments, tribal colleges, state and private universities, and for profit companies but there is a backlog of need for quality materials that fit under the umbrella of “common core standards”.

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\*The information referred to has been retained in the Committee files.



Currently there is limited research and proven practice in the area of Native language and culture, the principles of quality instruction apply to this unique discipline as it does for all other disciplines. It is my belief that the teachers of Native language and culture who are licensed by tribes would benefit greatly by enrolling in courses that address proven practices in pedagogy ie, behavior management, differentiated instruction, assessment, data analysis, etc. Further, I highly support and encourage Congress/SCIA to support tribes, states and local school districts in their quest for high performing schools where all students are valued as demonstrated by the teaching of Native language and practicing cultural relevance for all learners.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. TOM UDALL TO  
DANIEL HUDSON

*Question.* What standards and best practices exist for public schools to assess highly qualified teachers of Native languages and culture so that Alaska Native/American Indian pupils (indeed all students) may learn of and in Native language and culture?

*Answer.* First, teachers of Native language and culture may very well not fit the Elementary and Secondary Education Act (ESEA) definition of “highly qualified”. These instructors, at least in the states of Wyoming, Montana, New Mexico and Arizona, are initially licensed and renewed for classroom instruction by each state, but required competency for such licensure is determined by their individual Tribe. (See Appendix A for these documents.)\* Regarding renewal, Montana and Arizona require sixty hours of additional instructor work during the license periods, for license renewal; the other two States noted do not, to the best of my knowledge, require additional training for license renewal.

It should be noted that this does not necessarily imply a diminished instructional person as regards the “highly qualified” term vis-à-vis Native language and culture instructors. Usually an instructor has to have a minimum of a Bachelor’s degree in their teaching area and today, pass the Praxis test in their subject area to confirm competence. For a Native language and culture instructor, there simply does not exist coursework or indeed professors at the collegiate level for them to attain a college-conferred Bachelor’s degree in, say, Arapaho language and culture, let alone the Praxis test to confirm competency in that instructional area (One might contrast this to a college degree for Spanish language instruction, which is indeed available and instructional competency is capable of being tested.) Thus coursework competency in Native language and culture is and currently has to be determined by each instructors’ Tribal certification mechanism.

Past the point of initial competency, then, which has to be verified by the Native Tribe and their respective competency requirements, other assessments of classroom teachers can certainly be applied to Native language and culture instructors in the same manner as other subject areas. Such things as classroom management, student involvement in the course material, presentation of course material, and so on can be assessed as for any other instructor. It might be noted that currently these assessments are performed with a school district level selected assessment mechanism, and the yearly number of such assessments is determined by each individual state. Wyoming, for example, requires teachers to be formally assessed not less than twice a year for the first three years of their employment, while such teachers are not tenured. After tenure has been granted, formal assessment is then required not less than once a year. Logically, assessments could be performed more often than these standards for all certified instructors (teachers) including Native language and culture instructors, and frankly, best practice would indicate more frequent informal assessments can be provided during the first few years of an instructor’s employment with the intent to provide assistance and guidance to a beginning teacher; this would also include Native language and culture instructors for their coursework delivery.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. TOM UDALL TO  
MANDY SMOKER BROADDUS

*Question.* What standards and best practices exist for public schools to assess highly qualified teachers of Native languages and culture so that Alaska Native/American Indian pupils (indeed all students) may learn of and in Native language and culture?

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\*The information referred to has been retained in Committee files.

Answer. The Montana Office of Public Instruction (OPI), in recognition of the status as sovereign nations held by American Indian tribes, divests authority to recognize and approve all teachers of Native language/culture to that tribal group. OPI allows tribes to create their own process for determining what standards are used to determine who is a "highly qualified" instructor of a Native language. The OPI receives that information from each tribe, and awards a Class 7 certification for Native American Language and Culture.

However, because Montana's constitutional mandate, known as Indian Education for All, requires that ALL teachers at ALL grade levels include appropriate and authentic American Indian content (including history, culture, contemporary issues, etc.), OPI actively provides professional development, resources and materials to all teachers and districts across the state. The OPI leads this effort through funding from the state legislature but does not assess whether individuals are highly qualified as a result. OPI efforts require that any and all teachers should feel comfortable and at ease in teaching American Indian content so that this important work can reach as many Montana students as possible.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. HEIDI HEITKAMP TO  
WILLIAM MENDOZA

*Question 1.* In November last year I went to the visit Cannon Ball Elementary School which is located within the Standing Rock reservation. The school is in dreadful condition; full of mold, rats, a leaking roof, lack of safe playground equipment. It is 100 percent federally impacted and so there is no taxable state land nearby to support this school and thus heavily relies on Impact Aid. This is also one of the lowest performing schools in North Dakota. I am concerned about the message we send children about how they are valued when they show up to learn in these conditions. What is the White House Initiative doing to improve the conditions of facilities for federally impacted schools like Cannon Ball?

Answer. We have also heard from tribes about the poor condition of certain schools on reservations, including tribally-controlled schools funded by BIE as well as public schools. For the public schools, section 8007 of the Elementary and Secondary Education Act of 1965 (ESEA) authorizes the Department of Education ("ED" or "Department") to make grants to support school construction in local school districts that educate federally connected students or have federally owned land. The authorizing law provides that 40 percent of program funds are for formula grants and 60 percent for competitive grants; however, Congress routinely overrides this statutory allocation. In the last five years, formula construction grants under Section 8007(a) were funded in Fiscal Years (FY) 2010, 2011, and 2014, while competitive grants under Section 8007(b) were funded in Fiscal Years 2012 and 2013. Formula construction grants generally go to more districts in smaller amounts, typically in the tens of thousands of dollars, whereas competitive grants go to fewer districts in larger amounts, and recently ranged up to \$6 million. The Solen (North Dakota) School District received a competitive grant in FY 2010 to fix a leaking roof and a malfunctioning HVAC system at Cannon Ball Elementary School. By August of 2012, the district had used the \$215,000 award to completely replace the roof over part of the school, install new shingles on other portions of the roof, and replace its HVAC system. It has not applied for a competitive award since.

For FY 2015, the Administration has requested \$17.4 million for this construction program, the same as the 2014 level. These funds would be used entirely for competitive grants and would be available for two years, which is consistent with the Administration's ESEA reauthorization proposal, which would eliminate the formula component of the program. By awarding funds through a competitive process, the Department can ensure that districts with the greatest needs receive sufficient funds to make emergency repairs.

With regard to other sources of funds to improve school facilities, most Department formula grant statutes do not authorize the use of funds for construction purposes. However, there are specific uses that are possible under various programs. The Department is considering working with the BIE to issue guidance to both public and BIE-funded schools on how to leverage existing federal funding streams to improve school facilities.

*Question 2.* In November 2009, President Obama signed an Executive Order requiring Departments and Agencies to submit a consultation policy within 90 days. In the last five years, many federal agencies have been able to develop and implement a tribal consultation policy. Has the Department of Education developed a consultation policy?

*Question 2a.* If there is a draft, would it be possible to share with the Committee?

*Question 2b.* What is the timeline for finalizing the policy?

Answer. Yes, the Department has an existing consultation policy, developed in 2001, which we have attached. The Department is developing a revised consultation policy and we are consulting with tribal leaders and tribal communities on the revised draft. We will provide you with a copy as soon as it is completed.

*Question 3.* In your testimony you talk about the vital role the National Advisory Council on Indian Education (NACIE) plays in addressing the unique needs of Native students. NACIE submits an annual report to Congress on specific ways to improve education outcomes for Native students. When the annual report is submitted each year, how do you respond?

*Question 3a.* Can you discuss the steps the White House Initiative is taking to help implement their specific recommendations?

Answer. We are currently working on a formal response to the list of recommendations that NACIE submitted to the Department. In addition to providing support to NACIE in the development of its report to Congress each year, the White House Initiative (“WHIAIANE” or “Initiative”) works closely with various agencies and offices to address NACIE’s specific recommendations. For example, the Initiative works closely with the Executive Office of the President to help ensure American Indian and Alaska Native (AI/AN) participation in the development and implementation of key Administration priorities. The Initiative also works to strengthen the relationship between the Department of Education’s Office of Indian Education (ED/OIE), and the Department of the Interior’s Bureau of Indian Education (DOI/BIE), to draw upon each agency’s expertise and resources to help improve AI/AN education.

The Department’s work is directly and indirectly addressing NACIE’s specific recommendations. With respect to the recommendations on which the Department can have an impact (grouped by subject area), we are doing the following:

- *NACIE’s priority to raise the profile of Indian education.* The Department has taken steps to strengthen partnerships among the Federal government, tribes, and States. In 2009, President Obama issued a Memorandum to the heads of executive departments and agencies emphasizing his commitment to regular and meaningful consultation and collaboration with tribal officials in policy decisions that have tribal implications. The Memorandum called for complete and consistent implementation of Executive Order (EO) 13175. It also directed each agency to submit a detailed plan of action to implement the policies and directives of EO 13175. The Department was quick to respond to the Memorandum by conducting ten tribal consultations with tribal leaders and tribal communities in 2010–11. Since then, we have held over 30 national consultations with tribes and tribal communities around the country. More information on these consultations can be found at: [www.edtribalconsultations.org](http://www.edtribalconsultations.org).

Additionally, in 2012, the Department led development of two major Memoranda of Agreements (MOA) regarding: (1) strengthening coordination and collaboration between DOI and ED; and (2) DOI, HHS, and ED working together to encourage programs and projects that include instruction in, and preservation of, native languages. In addition to developing a course of action, these memoranda provide a framework for collaboration and coordination across Federal agencies to help expand educational opportunities, improve outcomes for all AI/AN students, and help preserve and revitalize native languages.

The Initiative leads the DOI–ED Joint Committee on Indian Education (Committee), which includes tribal leaders from the Tribal Education Budget Council. The Committee was formed as a result of the 2012 ED–DOI Memorandum of Understanding (MOU). The MOU leverages the expertise of both departments to improve educational opportunities and outcomes for AI/AN students. The Committee is developing plans to implement seven specific goals and activities that are outlined in the MOU.

The President’s Interagency Working Group on Indian Education (IWG) was established by EO 13592. The IWG held its inaugural meeting in 2013. Senior Administration Officials from 29 agencies came together to begin interagency implementation of the EO. The departments are developing four-year plans that will focus on expanding educational opportunities and improving outcomes for AI/AN students, including helping ensure the opportunity to learn their native languages.

The Native Language Working Group derives from a Memorandum of Agreement on Native Languages among ED, the Department of Health and Human Services’ Administration for Children and Families, and DOI/BIE. We are working to achieve the goals of that Memorandum. In addition to developing a course of action, the MOA provides a framework for collaboration and coordination across Federal agen-

cies and we have already taken significant steps in helping to support the preservation and revitalization of native languages.

- *NACIE's call for the preservation and adequate funding for all Indian education programs.* The Department has demonstrated strong support for AI/AN students through formula and competitive grants to help meet their unique needs. Approximately one-half of the \$1.2 billion in Impact Aid Basic Support Payments for FY 2014 will be distributed to districts that provide free public education to children living on Indian lands. Title VII, Part A, of the ESEA provides formula grants to over 1,300 school districts that educate AI/AN students totaling approximately \$100 million for FY 2014. The funds must be used to meet the needs of those students, including language and cultural needs, to help them succeed in school. Additionally, several competitive programs that help improve the quality of education for Indian students and prepare and train Indians to serve as teachers and school administrators are supported through Title VII, Part A, including Demonstration Grants (Section 7121); Professional Development Grants (Section 7122); and the State Tribal Education Partnership (STEP) program (Section 7131). Moreover, the Alaska Native Education (ANE) program supports activities that provide educational opportunities that are culturally relevant and beneficial to Alaska Native Students and the community. In 2013, there were 57 active ANE grants for a total investment of \$31.5 million.

The Department also granted approximately \$138.3 million to tribal colleges and universities (TCUs) in FY 2012. This funding was dedicated to four activities: (1) improving and strengthening the academic quality, institutional management, and fiscal stability of TCUs; (2) grants and loan assistance authorized under Title IV of the Higher Education Act of 1965 (HEA) to help TCU students pay for college; (3) grants to prepare and train AI/ANs to serve as teachers and education professionals; and, (4) grants to Federally recognized Indian tribes, tribal organizations, Alaska Native entities, and eligible BIE-funded schools to improve career and technical education (CTE) programs for AI/ANs.

- *NACIE's prioritization of early childhood education.* The Department has ensured that tribes and Indian organizations are eligible early-learning providers in the upcoming competition for Preschool Development Grants. We intend for high-quality preschool programs to be located in regionally diverse communities or consortia of communities in cities, towns, counties, neighborhood, districts, and rural or tribal areas, with a high level of need or distress as determined by the State. Programs must use early learning standards that are developmentally, culturally, and linguistically appropriate. Our intention is that programs serving Indian children would support native or home languages.

- *NACIE's recommendation that the Department place a high priority on improving technical assistance to Indian Country.* ED's OIE provided approximately \$993,000 in FY 2012 funds to three Regional Comprehensive Centers to improve outcomes for AI/AN students by providing technical assistance to State educational agencies (SEAs). This support will amount to nearly \$5 million in technical assistance services, including working with States to help them gain a better understanding of the issues and challenges facing AI/AN students, building cultural competency among staff, and delivering instruction that is culturally appropriate for students. ED also continues to partner with the National Congress of American Indians, the largest member organization of AI/AN educators and advocates in the country, to deliver high-quality technical assistance during their annual convention. The fourth annual ED Technical Assistance Day, "Strong Partnerships, Successful Students," brought over 300 AI/AN educators and advocates together with ED Senior Officials and program staff to engage on the Administration's reform agenda, initiatives, programs, and funds available to support AI/AN students.

- *NACIE's priority regarding the advancement of intergovernmental collaboration.* Interior Secretary Sally Jewell and Education Secretary Arne Duncan have convened an American Indian Education Study Group (Study Group), which is charged with finding solutions to the challenges faced by BIE-funded schools. Since September 2013, the Study Group has developed a draft framework for education reform and conducted numerous listening sessions with tribal leaders and representatives throughout Indian Country to determine how to build the capacity of tribes to operate high-performing schools that ensure that all BIE students are well-prepared for college, careers, and tribal and global citizenship. In response to the many insightful comments presented at the listening sessions, the Study Group developed and released a draft framework based on four pillars of educational reform: (1) Effective Teachers and Principals—Help Tribes identify, recruit, retain, and empower diverse, highly effective teachers and

principals to maximize achievement in all tribally controlled schools; (2) Agile Organizational Environment—Build responsive organizations that provide resources, direction, and services to Tribes so they can help their students attain high-levels of student achievement; (3) Budget Aligned to Capacity Building—Develop a budget that is aligned to, and supports, BIE’s new mission of tribal capacity-building and scaling up best practices; and 4) Comprehensive Support Through Partnerships—Foster parental, community, and organizational partnerships to provide the emotional and social supports BIE students need in order to be ready to learn. In April and May of 2014, the Secretaries conducted consultation on the draft framework and provided tribal leaders with an update on the work of the Study Group. The Secretaries are reviewing the recommendations from these consultations.

With regard to public schools serving Indian students, see “NACIE’s priority to raise the profile of Indian education,” above, for discussion of recent interagency efforts.

*Question 4.* An overarching concern from Native education advocates is the need to elevate Indian education issues. The President has sanctioned numerous Advisory Councils for other minority groups, yet the data indicates that Native students are the lowest performing group served in our public schools. How is the White House Initiative working to elevate NACIE’s work in the Department of Education so the Secretary and President use them as a resource for public education and Native education issues?

Answer. In addition to other responsibilities, NACIE serves as the advisory council to the Initiative, in accordance with Section 5(a) of EO 13592. The Initiative has taken a number of significant steps to directly and indirectly engage with NACIE to implement EO 13592. The Initiative has worked closely with NACIE, and with the Office of Indian Education within the Department, with other Federal agencies and offices, especially with DoI/BIE and HHS, and the Executive Office of the President to help ensure AI/AN participation in the development and implementation of key Administration priorities.

The President’s Interagency Working Group on Indian Education has also brought together Senior Administration Officials from 29 federal agencies to implement the President’s Executive Order. The development of the Federal agencies’ two-part, 4-year plans is under way and will focus on the agencies’ efforts to help expand educational opportunities and improve educational outcomes for all AI/AN students. We look forward to providing you these plans when they are completed.

*Question 4a.* What structural changes within the Department of Education are being made to make Indian students a higher priority?

Answer. The establishment of the 2012 MOA with DOI has elevated the educational issues regarding Indian students within ED. Based on the MOA, we have established a Joint Committee on Indian Education, consisting of high-level officials from DOI and ED and additional subcommittee members, which includes tribal leaders from the Tribal Education Budget Council. We have established structured committee meetings that meet at least quarterly to work on the goals and specific activities designed to reach the stated goals to improve Indian education. The goals address several major areas that will also strengthen the relationship between ED and BIE to help improve primary, secondary, and postsecondary education for AI/AN children and young adults.

Major areas addressed by the goals include: increasing educational opportunities and educational outcomes of AI/AN students; enhancing tribal sovereignty to build the capacity of tribal education agencies (TEAs); streamlining the agreement process for educational studies conducted on tribal lands; partnerships to help increase students completing college; and expanding and merging databases between ED and BIE to share and implement best practices. Currently, the subcommittees are working on clarifying the goals and developing long- and short-term solutions. After the subcommittees complete this work, a final report will be developed and submitted to the Secretaries for further action, which will include approval for prioritized implementation.

*Question 5.* The President’s FY 2015 budget slightly increases its support for historically black colleges and universities to \$309 million, while Hispanic-serving institutions would receive \$207 million. TRIO and GEAR UP would continue at \$838 million and \$302 million. In comparison, tribal colleges would only receive \$55 million. The Federal Government has a documented trust and treaty responsibility to tribes which makes it unique. Tribal colleges play a huge role in ensuring student success at four year institutions, as well as assisting parents to obtain their GEDs and continue their education, which we know is important to ensuring their children succeed academically. How is the White House Initiative working to ensure there

is more parity in the President's budget to better match the support given to other minority higher education programs?

Answer. The FY 2015 request would provide a total of \$530 million in competitive funding and \$255 million in mandatory funding for the programs for minority-serving institutions under Titles III and V of the HEA. The President recognizes that the colleges that participate in these programs, including tribal colleges, play a unique and vital role in providing higher education opportunity to institutions that enroll a large proportion of minority and disadvantaged students. However, due to current budgetary constraints, the fiscal year 2015 request would maintain discretionary funding at the fiscal year 2014 level for these programs. The President's fiscal year 2015 budget request for the Title III/Title V minority-serving institutions programs includes an increase because fiscal year 2014 funding for the mandatory programs (mostly Titles III and V programs) reflected the 7.2 percent sequester that went into effect on October 1, 2013, pursuant to the Budget Control Act of 2011 (P.L. 112-25). The 2015 President's Budget does not reflect a sequester for these programs, resulting in a small increase in funding over the 2014 mandatory levels.

The FY 2015 request for discretionary funding for the vast majority of Higher Education programs, including the Federal TRIO Programs and Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP), is the same as provided by Congress in the FY 2014 appropriation. The TRIO and GEAR UP programs, for which Tribal Colleges are eligible, collectively serve and assist hundreds of thousands of low-income individuals, first-generation college students to help them prepare for, enter, and complete college and graduate studies. In FY 2013, fifteen Tribal Colleges and Universities received support from the TRIO programs and the GEAR UP program totaling approximately \$4 million.

The 2015 request for ED's Higher Education Programs supports programs that help achieve the President's goal that, by 2020, America will once again have the highest proportion of college graduates in the world. To support this goal, the request includes a number of grant initiatives to improve affordability, quality, and success in postsecondary education that Tribal Colleges would be eligible to apply for, including: the First in the World fund, which would make competitive awards to institutions of higher education to encourage innovation; College Success Grants for Minority-Serving Institutions and Historically Black Colleges and Universities, which would be made available through competitive grants to support implementation of sustainable strategies for reducing costs and improving outcomes for students; and the College Opportunity and Graduation Bonus that would reward colleges that successfully enroll and graduate a significant number of low- and moderate-income students on time and that would encourage all institutions to improve performance. Tribal colleges or universities would also be eligible for funds in States that receive grants under the Administration's proposed State Higher Education Performance Fund to support, reform, and improve the performance of their public higher education systems.

In FY 2015, the White House Initiative on American Indian and Alaska Native Education will continue to coordinate with the National Advisory Council on Indian Education and the White House Council on Native American Affairs; assist the Department as liaison between the executive branch and the tribal colleges; and work with other Federal agencies, as well as other public and private partners, to strengthen the capacity of these institutions, which we regard as vital in providing higher education opportunity to these institutions.

*Question 5a.* United Tribes Technical College (UTTC) is one of two tribal technical colleges authorized and funded under Title V of the Tribal College Act to provide postsecondary career and technical education. UTTC provides comprehensive education and training programs to Indian students from more than 75 tribes. For several years, UTTC has sought forward funding of its programs to bring it on par with the other tribal colleges nationwide that received forward funding, at the Administration's request, in fiscal year 2010. What steps will the Administration take to make sure UTTC is forward funded like the other tribal colleges?

Answer. The Department has not requested forward funding for the Tribally Controlled Postsecondary Career and Technical Institutions (TCPCTI) program, authorized under Section 117 of the Carl D. Perkins Career and Technical Education Act, because the timing of the forward-funded appropriation and corresponding awards under the Bureau of Indian Education (BIE) is similar to the timing of the appropriations for Department of Education's Section 117 program. For example, FY 2014 current funding for Section 117 recipients, which provides funds for the 2014-15 school year, became available on October 1, 2013, well in advance of the 2014-15 school year. The 2014 forward funding for the BIE tribal colleges, which is also for the 2014-15 school year, will become available on July 1, 2014, and awarded to recipients before the school year starts.

The key factor in determining the TCPCTI award schedule is the statutory requirement to partially base award amounts on the most recent school year's Indian student counts. For example, to determine how much funding each grantee would receive from the FY 2014 appropriation to carry out activities during school year 2014–15, we must use Indian student counts based on summer, fall, spring, and continuing education enrollment from school year 2013–14 to make FY 2014 awards for the 2014–15 school year. Generally, the Department requests Indian student count data from grantees in June. After grantees submit the counts, Department staff review the data to determine if there were significant increases or decreases and then follow up with the institutions to verify the information. On occasion, the institutions have revised their student counts as a result of these follow-up conversations. Once we have final student counts, we run the formula to determine grant award amounts.

In addition, ED regulations require that, before making continuation grant awards, the Department must also determine that grantees have made substantial progress toward meeting the targets and projected outcomes they proposed in their applications, and that they have used funds in a manner that is consistent with their approved applications and budgets. We also must negotiate between program staff and grantees regarding budgets and uses of funds for the subsequent school year. Generally, all of these activities require several weeks of back-and-forth communications between program staff and the grantees during the summer months (again, the process can't start until we receive updated student counts, which are not available until the end of the previous school year), with final grant awards made in August or September.

In recognition of the fact that at least one grantee conducts preliminary school-year activities in mid-summer (before final grant awards are made), we often make partial grant awards to the grantees earlier in the summer to assist them in carrying out these early school-year activities.

*Question 6.* In your written testimony you highlight the President's grant funding initiatives. I support the concept of rewarding high performance but oftentimes low performing schools are low performing simply because they lack resources. These low performing schools in North Dakota often have high percentage of Native students and are in remote areas so they do not have the resources to put together competitive grant applications. What is the White House Initiative doing to expand formula-funded programming to target areas of the country with the highest need?

*Answer.* The Administration firmly believes that all children deserve a world-class education, regardless of their race, ethnicity, disability, native language, income level, or Zip Code. The focus should be on schools and students who are at risk, and on meaningful reforms that will help these students succeed. Historically, the Federal role in education has been to provide funding for students who need it most, and the fiscal year 2015 budget continues to protect the formula funding that supports millions of disadvantaged and vulnerable learners throughout the country, including Indian students receiving support through Title VII, Part A of the ESEA. Title VII provides formula grants to over 1300 LEAs (as well as BIE-funded tribally-controlled schools, and some tribes that apply in lieu of the LEA) in their efforts to reform elementary and secondary school programs that serve Indian students. The Office of Indian Education (OIE) has implemented recent changes to this formula grant program that emphasize the use of funds for culturally-responsive education practices and local coordination among federally-funded education programs in schools for the benefit of Indian students.

The lion's share of the FY 2015 budget request for K–12 programs—nearly 90 percent of K–12 discretionary spending—goes to formula funds. At the same time, competitive funds can drive positive change and there is a role for competitive funding in education reform. The Department can target specific areas and reforms through competitive awards that support State and school district reforms, which will also help them, and other States and districts, use their formula funds more effectively for kids.

*Question 7.* The KIDS COUNT® policy report, *Race for Results: Building a Path to Opportunity for All Children* report makes four policy recommendations to help ensure that all children and their families, independent of race and ethnicity, achieve their full potential. The report suggests we need to: (1) Gather and analyze racial and ethnic data; (2) Use data to target investments; (3) Develop and implement promising and proven programs/practices; and (4) Connect vulnerable groups to new jobs and opportunities. How does the White House Initiative use this kind of report to advocate for developing programs which follow these kinds of recommendations?

Answer. The Department considers input and policy recommendations, such as those recommended by the KIDS COUNT policy report, from a broad range of stakeholders in developing programs. These take the form of reports and policy briefs, public comments on blog posts, letters and e-mails, public testimony, and meetings. In developing programs, we use various communication tools to publicly encourage all interested parties to submit opinions, ideas, suggestions, and comments pertaining to a particular program.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. TOM UDALL TO  
WILLIAM MENDOZA

*Question 1.* We are concerned about the lack of AN/AI teachers prepared and able to be hired and retained, especially by LEAs with large AN/AI student populations. Do you have any estimates on the proportion of AN/AI teachers compared with AN/AI pupils in public schools in states with high AN/AI populations?

Answer. We have very limited data on the proportion of AI/AN teachers in 12 selected states with relatively high AI/AN enrollments. In those states, the proportion of AI/AN students averages 4.8 percent, and the proportion of AI/AN teachers averages 1.8 percent. Please see table provided separately.

*Question 2.* What are the Administration's efforts to strengthen the pipeline for AN/AI teachers to be recruited by public schools?

Answer. In our 2010 proposal for reauthorizing the Elementary and Secondary Education Act (ESEA), we envisioned continuation of formula and competitive grants to provide strong support to help meet the unique needs of AI/AN students. The Department's proposal would provide greater flexibility in the use of funds to carry out programs such as Native language immersion and Native language restoration programs, as well as to develop tribal specific standards and assessments. The proposal would also improve access to funds for Indian tribes under other ESEA programs, and would recognize and strengthen the role of tribal education departments in coordinating and implementing services and programs for Indian students within their jurisdictions. However, because the ESEA has not been reauthorized, our vision for improving AI/AN programs through greater flexibility and access to funds has not come to fruition.

The Office of Indian Education (OIE), in the Office of Elementary and Secondary Education (OESE), administers Indian Education Professional Development (PD) Grants under Title VII-A-2 of the ESEA. The purpose of the PD grant program is to prepare and train American Indian/Alaska Native (AI/AN) professionals to increase the number of qualified individuals in professions that serve AI/AN populations across the United States, primarily as teachers, school administrators, teacher aides, language instructors, and ancillary education personnel. OIE awards grants to institutions of higher education that then provide supplemental funding and support to undergraduate and graduate students who are pursuing degrees and/or certificates in education. The participants who accept funding and training under this program must perform work that benefits Native people, and is related to their training, or repay the assistance.

The Department is in the initial stage of rulemaking, and has consulted to amend the current regulations for the PD program. The Department consulted with AI/AN tribes to better understand specific barriers that affect teacher recruitment and preparation. The feedback that the Department received through consultation is currently informing the rulemaking for this program. For example, the Department learned that providing more information about the "payback" requirements would help prospective participants make more informed decisions about participating in the program. The Department will provide the Notice of Proposed Rulemaking to the committee as soon as it is publicly available.

*Question 2a.* How successful are the loan repayment programs?

Answer. For OIE's PD program, the Department developed a web-based data collection system to track and monitor participants' compliance with the work-related payback requirement, facilitate grantee reporting of student training costs, and capture data required by the Government Performance and Results Act of 1993 (GPRA). This system collects real-time data from the field that provides the Department with an opportunity to identify ways to provide more timely and relevant technical assistance, which is expected to improve grantee performance. A link to the new PD payback system is included here: <https://pdp.ed.gov/OIE/>. Regarding the success of the PD program, see the statistics below.

i. How many teachers does it incentivize?



Answer. Over the past five years of the PD program: 40 grants were awarded; 100 percent of participants who exited or completed their program of study are completing the required payback; 44 percent of participants (148) who have exited or completed their program of study are completing or have completed a work-related payback.

ii. Is the funding fully spent every year?

Answer. Yes, all funds appropriated for this program were obligated to grantees.

*Question 2b.* What suggestions do you have to bolster this program or other efforts to increase the preparation of AN/AI teachers for public schools?

Answer. As explained above, the Department is engaging in rulemaking to further strengthen OIE's PD program and help more participants find jobs in schools serving Indian children. In addition, as stated above, the Department, in its 2010 proposal for reauthorizing the ESEA, proposed continuation of both formula and competitive grants to provide strong support to help meet the unique needs of AI/AN students. The Department's proposal would provide greater flexibility in the use of funds to carry out programs such as Native language immersion and Native language restoration programs, as well as to develop tribal-specific standards and assessments. The proposal would also improve access to funds for Indian tribes under other ESEA programs, and would recognize and strengthen the role of tribal education departments in coordinating and implementing services and programs for Indian students within their jurisdictions.

*Question 3.* What else can the Administration do to help LEAs on/near reservations recruit and retain teachers?

Answer. In addition to the discretionary grant program described above, the Indian Education Formula Grants to Local Educational Agencies (LEAs) program, authorized by Title VII of the ESEA, provides grants to over 1,300 local educational agencies (as well as BIE-funded tribally controlled schools, and some tribes that apply in lieu of the LEA) in their efforts to reform elementary and secondary school programs that serve Indian students. All grantees are required to provide any needed professional development to ensure that teachers and other school professionals who are new to the Indian community are prepared to work with Indian children, and that all teachers who will be involved in programs assisted by the grant have been properly trained to carry out those programs. Some examples of the types of professional development that have been funded by Title VII include integrating Indian-specific content into the general curriculum, Indian Education-specific PD (e.g. instruction in specific language or Indian curricula), and cultural awareness education and sensitivity training.

The Department also administers the Title II, Part A program, the purpose of which is to improve the academic achievement of all students by helping schools and districts improve teacher and principal quality and to ensure that all teachers are highly qualified. Through the program, State and local educational agencies (SEAs and LEAs), and State agencies for higher education (SAHEs) receive funds on a formula basis. Eligible partnerships consisting of high-need LEAs and institutions of higher education (IHEs) receive funds that are competitively awarded by the SAHE. While these funds can be used to support preparation of AI/AN teachers for public schools, the programs do not target any particular group of teachers and funds are not designed to support teacher preparation programs. The focus is on supporting all classroom teachers, particularly teachers who are not deemed highly qualified. However, the BIE receives funds for the Title II, Part A program and carries out activities consistent with the goals of the program, targeting teachers in BIE-funded schools.

The Teacher Incentive Fund (TIF) is another program designed to support teachers. One of the key features of the TIF program is to take teachers who may be effective and move them to being identified as highly effective by supporting them with professional development, and teaching in high-need schools. There are TIF projects, such as the grant awarded to the Maricopa (AZ) County Education Service Agency, that help support teachers of AI/AN students.

In addition to teacher-related programs administered by OESE, the Office of Special Education Programs (OSEP) funds discretionary grants through its Personnel Development Program (PDP) to prepare personnel for careers in the field of special education, early childhood, and related services. These PDP grants pay for tuition, fees, and books, for example, to help ensure that students complete the program. In a recent Fiscal Year, 82 American Indian or Alaska Native scholars were enrolled in OSEP-funded programs that lead to degrees (bachelor's through doctoral levels) and/or certification or licensure.

*Question 4.* What is the Administration doing to disseminate best practices so that LEAs serving AN/AI students can benefit from successful approaches elsewhere?

Answer. The Department supports a network of regional comprehensive and content centers that are committed to supporting the technical and information needs of SEAs and LEAs in the dissemination of best practices, including SEAs and LEAs serving AI/AN educators and students. The Center on Great Teachers and Leaders (GTL Center), a federally supported content center, is based at the American Institutes for Research and funded through a cooperative agreement by ED's Office of Elementary and Secondary Education. The GTL Center is dedicated to supporting State education leaders in their efforts to grow and retain great teachers and leaders for all students. The GTL Center continues the work of the National Comprehensive Center for Teacher Quality (TQ Center) and expands its focus to provide technical assistance and on-line resources designed to build systems that:

- Support the implementation of college and career standards;
- Ensure the equitable distribution of effective teachers and leaders;
- Recruit, retain, reward, and support effective educators;
- Develop coherent human capital management systems;
- Create safe academic environments that increase student learning through positive behavior management and appropriate discipline; and,
- Use data to guide professional development and improve instruction.

For the past 11 years, Tribal Colleges and Universities and other institutions with high American Indian enrollments have been a priority for the Monarch Technical Assistance Center funded by OSEP. The goal has been to create new programs, strengthen existing programs, add specialized strands, facilitate collaborations among 2-year and 4-year institutions, and design program structures that will bolster recruitment and retention of American Indian students who seek degrees and certification to teach children and youth with disabilities in their home communities.

Specific foci of the Monarch Center's technical assistance to Tribal Colleges and Universities include:

- Preparation for approval by the National Council for Accreditation of Teacher Education (NCATE);
- Development of new elementary education/early childhood education program including program design, state approval process, course design, and practicum site development;
- Facilitation of articulation agreements between 2-year and 4-year colleges/universities;
- Creation of a para-educator program to prepare for serving individuals with disabilities;
- Establishing a licensure program that previously depended on outside non-Tribal college for enrollment;
- Provision of leadership and facilitating a process toward creation of a Tribal Colleges and Universities Consortium (TCUC) for Teacher Education that will facilitate intercampus collaboration

The Monarch Center has serviced 17 Tribal Colleges and Universities and 1 Alaska Native IHE.

Finally, the RESPECT Initiative, captured in the *RESPECT Blueprint for Transforming Teaching*, seeks to work with educators to rebuild the teaching profession along the entire spectrum of recruitment, preparation, professional development, compensation, and retention by advocating a higher bar for entry into the field, the establishment of more excellent teacher-training programs, and the development of meaningful career-advancement opportunities that offer competitive compensation and opportunities for increasingly impactful roles and responsibilities. The goal is to establish a teaching profession—including teachers on or near reservations—that is prepared and empowered to help our students meet the demands of the 21st Century.

Over the past four years, this Administration has begun laying the foundation for RESPECT, including by making some progress on the seven critical elements set forth in the Blueprint. To more fully realize the RESPECT vision, the President has proposed \$5 billion in one-time 2015 mandatory funds to provide targeted support for teachers and school leaders by improving preparation and early career assistance, giving teachers and leaders opportunities to develop and advance as they lead the transition to college- and career-ready standards, and ensuring that teachers have a supportive work environment built around shared collaboration. This request would support up to 1,000 grants to States and districts to invest in needed im-

provements to the education profession, reaching up to 1.6 million teachers. We have held hundreds of conversations with thousands of educators on how they can implement RESPECT-like changes in their local contexts and provided capacity-building resources via [www.ed.gov/teaching](http://www.ed.gov/teaching).

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. LISA MURKOWSKI TO  
WILLIAM MENDOZA

*Question 1.* Many tribal organizations in Alaska have contacted me in frustration because, despite working with tribal children in the public schools, they are often unable to get the district to share the students' data with them. I am told that the Department has provided guidance to districts that they may provide student data to tribes in such circumstances. Has the Department considered offering stronger guidance, or promulgating regulations that would require districts to do so? If not, why not?

Answer. Section 444 of the General Education Provisions Act (commonly known as the Family Educational Rights and Privacy Act (FERPA)) does not require educational agencies or institutions to disclose students' education records to others (and permits them to do so only under certain specific circumstances), and the Department cannot require districts to disclose education records under FERPA. Instead, FERPA generally permits educational agencies and institutions to disclose student's education records to others only if the educational agencies and institutions obtain the written consent of eligible students or their parents to do so, unless an exception to the general requirement of consent applies. FERPA applies to educational agencies and institutions that receive funds under any program administered by the Secretary of Education. When a student reaches 18 years of age or attends a postsecondary institution, the student becomes an "eligible student" and all FERPA rights transfer from the parents to the student.

In the preamble to the December 2, 2011, *Federal Register* notice that revised the FERPA regulations, the Department addressed a number of FERPA issues relevant to tribal organizations. The Notice referenced the agreement between the DOI and ED concerning transfers of funds under the ESEA. Under that agreement, ED treats the BIE as a "State educational agency" (SEA) for monitoring and compliance purposes, and each BIE school is treated as an LEA. The Department further indicated in the 2011 Notice that we similarly would treat BIE schools as "educational agencies or institutions" under FERPA and would treat the BIE as a "State or local educational authority" under FERPA. Further, we indicated that we did not consider TEAs to be a "State or local educational authority" under FERPA. The Department also explained that, because we had not proposed to define the term "State and local educational authorities" in the Notice of Proposed Rulemaking, we declined to regulate on this without providing the public with notice and the opportunity to comment.

The Department, however, implemented a significant change that impacts tribal organizations in the Department's 2011 amendment to the FERPA regulations. The Department interpreted the audit and evaluation exception to consent in FERPA to permit State and local educational authorities, such as SEAs and LEAs, to designate as their "authorized representative" any individual or entity to assist in the audit or evaluation of Federal- or State-supported education programs, as long as certain conditions are met. Accordingly, an SEA or LEA that would like to work with a TEA to audit or evaluate the effectiveness of a Federal- or State-supported education program may do so and disclose education records to the TEA serving as the SEA's or LEA's "authorized representative" under the "audit and evaluation" exception to consent in FERPA. The parties would be required to enter into a written agreement that stipulates, in part, that the TEA may use any PII from education records only for the purpose of the audit or evaluation, must protect the PII from further disclosure, and must destroy the PII when it is no longer needed for the purpose for which it was disclosed.

In the most recent Memorandum of Agreement between the Department and the BIE (December 3, 2012), the Department agreed to work with SEAs to promote greater communication between SEAs and tribes, between SEAs and BIE-funded schools, and between tribal governments and BIE-funded schools concerning tribal access to education records of students who are tribal members, consistent with FERPA and other privacy protections. The Department agreed to communicate that: FERPA does not prohibit data-sharing with tribes or TEAs if required steps and safeguards are followed; while FERPA generally prohibits the disclosure of PII from students' education records without parental consent, an LEA or SEA may release information on students to a tribe or TEA in non-personally identifiable form; and

an LEA or an SEA may designate an Indian tribe or TEA as its authorized representative to audit or evaluate Federal or State-supported education programs, under the conditions set forth in the Department's FERPA regulations. (see 34 CFR §§ 99.3, 99.31(a)(3), 99.35). The BIE similarly agreed to work to promote greater communication between BIE-operated schools and tribes concerning tribal access to the education records of students who are tribal members.

The Department has conducted several public information sessions that address these FERPA-tribal issues. At the annual National Indian Education Association conference, which grantees of the Department's Indian Education formula grants attend, the Department sponsors a series of workshops through video-teleconference with presenters from the Department. For the last several years, the Department's Family Compliance Office (FPCO) has presented by teleconference a Q/A session on FERPA. In addition, on March 20, 2014, the Department conducted a webinar on FERPA specifically for State Tribal Educational Partnership (STEP) grantees. During the webinar, which was attended by representatives of tribes, school districts, and States, the FPCO addressed the various ways in which school districts or states can share data on tribal students consistent with FERPA.

The Department also addressed data sharing with TEAs under FERPA in the STEP Grant competition FY 2012 Frequently Asked Questions, available at: <http://www2.ed.gov/programs/step/faq.html#9>. The Department's Office of Indian Education (OIE), working with the FPCO, also plans to issue further guidance to Department grantees regarding options for data-sharing with tribal entities under FERPA.

*Question 2.* Why does the Department house Title VII Part A Indian Education program staff in the Office of Indian Education and Title VII Part C Alaska Native Educational Equity Program (ANEP) staff in the Office of Elementary and Secondary Education? If the Department has decided not to locate ANEP program staff under OIE, please explain why.

*Answer.* The Alaska Native Education Program (ANEP), authorized under Title VII, Part C of the ESEA is administered by the Academic Improvement and Teacher Quality (AITQ) section of the Department's Office of Elementary and Secondary Education (OESE). The Office of Indian Education (OIE) is also located in OESE. The Department is committed to administering programs in as seamless a manner as possible while, at the same time, working together to continually improve cross-program coordination, collaboration, and overall program effectiveness. For example, the policy decisionmaking process for all Indian education programs authorized under Title VII of the ESEA includes an inter- and intra-program staff team with representatives from the WHIAIANE, the OIE, and staff who administer the ANEP and the Native Hawaiian program.

*Question 3.* Neither the 2011 National Indian Education Study nor the recently released Office of Civil Rights data breaks out the data for Alaska Native students as distinct from the American Indian/Alaska Native subgroup. Does the Department have plans to change that? If so, please describe them.

*Answer.* The Office of Management and Budget (OMB) is responsible for establishing government-wide standards for reporting data by race and ethnicity. In 1997, OMB published revised standards for the collection of data on race and ethnicity. In accordance with these standards, the Department published final guidance in the Federal Register on October 19, 2007 on the collection and reporting of racial and ethnic data by educational institutions and other grantees. The 2007 Final Guidance applies to all major Department of Education data collections, including the Civil Rights Data Collection.

One of the data categories included in the Department's 2007 Final Guidance is the category of American Indian/Alaska Native. The Department's 2007 Guidance did not provide for separate reporting for Alaska Native students. Therefore, the Civil Rights Data Collection collects data on the combined category of American Indian/Alaska Native and does not collect separate data for Alaska Natives.

The first year for full implementation of the requirements of the 2007 Final Guidance was the 2011–2012 school year. This gave States and school districts time to implement the necessary changes to their data-collection and recordkeeping systems.

Ultimately, the Department's final requirements aim to strike the balance between minimizing the burden for local education agencies while also ensuring the availability of high-quality racial and ethnic data for carrying out the Department's responsibilities in areas including civil rights enforcement, program monitoring, the identification and placement of students in special education, research and statistical analysis, and accountability for student achievement. We are not planning to change the guidance at this time. However, so long as they can still aggregate the

data into the format required by ED, schools districts and States already have the flexibility to collect racial and ethnic data on sub-categories of students to better meet the needs of their local communities.

*Question 4.* In your written testimony, you noted that since the President signed Executive Order 13592, the following actions have occurred: the White House Initiative on American Indian and Alaska Native Education was formed and has engaged in Listening Sessions with tribes. The President's Interagency Working Group on Indian Education has been formed and 29 agencies met in 2013 to begin interagency implementation of the Executive Order. The Native Languages Working Group was formed and is planning a Native American Languages Summit for this June to discuss ways to measure successful Native language preservation and acquisition. A joint DOI-ED Committee on Indian Education has been formed, which has developed a Memorandum of Understanding to leverage both departments' expertise. The joint Committee has also "started working on developing plans to implement seven specific goals and activities". After the formation of all of these groups, the listening sessions, and the work to develop plans and summits, what, specifically, has resulted that has impacted schools, tribes, and, most importantly, American Indian/Alaska Native students, in public schools across America?

*Answer.* In addition to working closely with the Executive Office of the President to help ensure AI/AN participation in the development and implementation of key Administration priorities, the WHIAIANE coordinates with the Department's Director of Indian Education on programs administered by the Department and also serves as a liaison with other executive branch agencies on AI/AN issues and advises those agencies on how they might help to promote AI/AN educational opportunities.

Through these efforts, the OIE has made several important changes to the application for Title VII formula grants for FY 2014 in order to emphasize the statutory requirement that grant funds be used as part of a comprehensive program to meet the culturally-related academic needs of Indian students, including the language and cultural needs of the children. In 2013, there were approximately 1,300 Title VII programs and 500,000 students served nationwide.

The Interagency Working Group on Indian Education has developed the tools to gather information from agencies and is working with agencies to develop and submit their Federal agency plans. Each agency's plan includes annual performance indicators and appropriate measurable objectives with which the agency will measure its success as well as information on how the agency intends to increase the capacity of educational agencies and institutions, including public schools and tribal colleges and universities, to deliver high-quality education and related social services to all AI/AN students.

To gather the information needed to achieve the seven goals of the MOA, the Joint Committee created an assessment document that was disseminated throughout all three agencies. We have received responses to the assessment document and have begun to review the information.

In addition to the Native Language Summit, the Native Language Workgroup (NLW) has developed a resource assessment document to gather information from federal agencies to identify barriers, levers, and best practices within each agency that will help the Federal agencies further the goals described in the MOA. These findings are being reviewed and will be used to replicate successful programs, implement quality-improvement efforts, and disseminate information and provide technical assistance to Federal, State, and tribal governments; schools; or other entities carrying out Native language activities.

The NLW is identifying research that explores educational attainment and Native language retention and/or revitalization and is reviewing current training and technical assistance related to Native language preservation and maintenance. The NLW is gathering data about effective or exemplary Native language instruction, both in terms of the administration of funds and programs, as well as program impact on educational achievement.

Also, the Office of Postsecondary Education has included an Invitational Priority to support activities that strengthen Native language preservation and revitalization in institutions of higher education in the Title III Alaska Native and Native Hawaiian-Serving Institutions 2014 grant competition.

Consistent with the President's ESEA reauthorization blueprint, a pilot competition was designed to increase the role of TEAs in meeting the educational needs of students attending public schools on tribal reservations. The State Tribal Education Program (STEP) is the result of this effort. Through ED's Investing in Innovation program, the Parents as Teachers National Center replicated a program called BabyFACE. The evidence-supported, home-based service of the successful Family and Child Education (FACE) program serves approximately 1,000 children annually

over the five-year grant in 22 BIE-funded schools. In year three, nearly 900 families were served by parent educators at the 22 BIE sites through home visitations where children received books and annual health screenings.

*Question 5.* You referenced the National Advisory Council on Indian Education in your written testimony as playing “a vital role in how we address the unique needs of AI/AN students.” Please describe which NACIE recommendations have been adopted or otherwise acted upon and which recommendations have been either been rejected or not acted upon during this Administration.

Answer. Please see the response above to question 3 from Senator Heitkamp

*Question 6.* You noted in your testimony that the President has requested funding for a number of new programs, including Race to the Top Equity and Opportunity, College Success Grants for Minority-Serving Institutions Initiative, and First in the World. You also spoke about Impact Aid, Title VII and Title II programs that serve American Indian and Alaska Native students. The Committee has been informed by witnesses at today’s hearing of the importance of Impact Aid funding in schools’ efforts to improve American Indian and Alaska Native students’ outcomes. Yet, the President has proposed to flat fund Impact Aid Basic Support Payments, Payments for Students with Disabilities, Facilities Maintenance, and Construction in FY15. Which of the proposed new programs could be put aside in order to increase funds for Impact Aid and other Title programs that have been shown to be so important to serving Native students?

Answer. The President’s Budget Request reflects the Administration’s best effort to balance existing commitments with support for innovation aimed at addressing gaps in current Federal education programs. We continue to believe that Congress should fund our proposed Race to the Top incentives that target the many inequities in educational opportunity identified by the Equity Commission and amplified in recent data from the Civil Rights Data Collection, the related expansion of support for minority-serving institutions, and First in the World efforts to improve postsecondary outcomes through increased emphasis on college affordability and completion. We also believe that each of these initiatives holds the potential to deliver benefits for American Indian and Alaska Native students.

**Attachments**

THE U. S. DEPARTMENT OF EDUCATION'S CONSULTATION AND  
COORDINATION PROCESS WITH INDIAN TRIBAL GOVERNMENTS UNDER  
EXECUTIVE ORDER 13175

**I. Introduction:** Executive Order 13175 ("Consultation and Coordination with Indian Tribal Governments") provides that each Federal agency must have an "accountable process" to ensure regular and meaningful consultation and collaboration with Indian tribal governments or their representative organizations in the development of "regulatory policies that have tribal implications." "Policies that have tribal implications," "Indian tribe," and "tribal officials" are defined in section 1 of the Executive Order as follows:

"Policies that have tribal implications" refers to regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

"Indian tribe" means an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. 479a.

"Tribal officials" means elected or duly appointed officials of Indian tribal governments or authorized intertribal organizations.

The United States has a unique legal relationship with Indian tribal governments as set forth in the Constitution of the United States, treaties, statutes, Executive Orders, and court decisions. Since the formation of the Union, the United States has recognized Indian tribes as domestic dependent nations under its protection. The Federal Government has enacted numerous statutes and promulgated numerous regulations that establish and define a trust relationship with Indian tribes. This policy is consistent with and in furtherance of that relationship.

**II. The Department's Consultation Process:** The Department of Education's process is set forth below:

In developing any regulatory policies that the Department determines have "tribal implications" as defined in section I(a) of the Executive Order, the Department will implement the following:

- **Notification of consultation opportunities:** The Department will use reasonable means to notify interested tribal officials of the opportunities for consultation, including the establishment of any committees to conduct negotiated rulemaking (in cases in which negotiated rulemaking is required by statute or the Department determines it is appropriate). The means chosen in particular circumstances will

be decided in order to facilitate meaningful and timely input by Indian tribal officials.

The means of notification will include letters, electronic mail, listservs, Federal Register notices, notices in other electronic or written publications, and other available means to communicate effectively with tribal officials.

The Department will use ED's Office of Intergovernmental and Interagency Affairs' listservs, to the extent feasible, to notify the national and regional Indian organizations of the opportunities for consultation.

Whenever possible, the Department will prepare and circulate a written notice of any opportunity for consultation.

- Consultation: When appropriate, consultation may include inviting responses to letters, electronic mail messages, listserv communications, Federal Register documents, regional hearings, national meetings, and other meetings at which opportunities for consultation would be available. The mode of consultation chosen will take into account the goal of meaningful and timely participation and informed decision-making.

To allow for informed consultation, the Department will, to the extent feasible, provide tribal officials with up-to-date information on the Department's activities and events relevant to Indian tribal governments.

When appropriate, the Department will specifically invite input from Indian tribal officials in the preamble of any notice of proposed rulemaking (NPRM) for those regulations that have tribal implications.

- Considerations: To the extent practicable and permitted by law, the Department will not promulgate any regulations that have significant implications for Indian tribal governments that either: (1) impose substantial compliance costs on Indian tribal governments and are not required by statute; or (2) preempt tribal law, unless--

In the case of item (1), funds necessary to pay the direct costs incurred by the Indian tribal governments in complying with the regulations are provided by the Federal Government or the Department has consulted with Indian tribal officials as provided in E.O. 13175;

In either case, the Department has published, in the final regulations, a description of the extent of our prior consultation with Indian tribal officials, a summary of the nature of their concerns and our position supporting the need to issue the regulations, and a statement of the extent to which the concerns of Indian tribal officials have been met; and



In either case, the Department has made available to the Director of the Office of Management and Budget any written communications submitted to the Department by tribal officials concerning the regulations.

- Consultation Official: The Deputy Assistant Secretary for Policy in the Office of Elementary and Secondary Education will be the Department's tribal consultation official and will have principal responsibility for the Department's implementation of Executive Order 13175 and these policies. The Deputy Assistant Secretary will coordinate the Department's policy on consultation with Indian tribal officials, in coordination with the Office of Intergovernmental and Interagency Affairs and other interested offices.
- Coordination: Program officials, in coordination with the Department's consultation official and other offices (such as the Office of the General Counsel) as appropriate, shall determine which regulatory and other related policies have tribal implications, what is the most appropriate method of informing tribal officials about the opportunities for consultation, and the appropriate mode of consultation.

The Department will also consult with the National Advisory Council on Indian Education as appropriate to help with the implementation of this policy.

When feasible and helpful, the Department will coordinate its consultation efforts with other Federal agencies to help ensure proper coordination and lessen burdens.

III. Other Considerations: The Department will act consistently with the provisions of the Executive Order.

Percentage distribution of public school teachers and public school enrollment in selected states enrolling a relatively large number of American Indian/Alaska Native Students, 2011-12. [Standard errors appear in parentheses]

State	White		Black		Hispanic		Asian		Pacific Islander		American Indian/Alaska Native		Two or more races	
	Distribution of teachers, by race/ethnicity (%)	Distribution of enrollment, by race/ethnicity (%)	Distribution of teachers, by race/ethnicity (%)	Distribution of enrollment, by race/ethnicity (%)	Distribution of teachers, by race/ethnicity (%)	Distribution of enrollment, by race/ethnicity (%)	Distribution of teachers, by race/ethnicity (%)	Distribution of enrollment, by race/ethnicity (%)	Distribution of teachers, by race/ethnicity (%)	Distribution of enrollment, by race/ethnicity (%)	Distribution of teachers, by race/ethnicity (%)	Distribution of enrollment, by race/ethnicity (%)	Distribution of teachers, by race/ethnicity (%)	Distribution of enrollment, by race/ethnicity (%)
United States	81.9 (0.53)	67.8 (0.31)	10.3 (0.31)	7.3 (0.37)	7.3 (0.37)	1.8 (0.26)	1.3 (0.26)	0.3 (0.11)	1.3 (0.31)	1.3 (0.31)	1.3 (0.31)	1.3 (0.31)	1.3 (0.31)	1.3 (0.31)
Selected states, total	85.0 (0.65)	3.7 (0.35)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)
Alaska	85.7 (3.93)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)
Arizona	80.1 (2.06)	2.8 (0.69)	13.1 (1.52)	1.7 (0.45)	1.7 (0.45)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)
Arkansas	95.3 (0.97)	1.7 (0.63)	1.0 (0.40)	1.0 (0.35)	1.0 (0.35)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)
Kansas	95.9 (1.84)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)
New Mexico	86.7 (5.95)	1 (0.1)	35.5 (4.98)	0.9 (0.40)	0.9 (0.40)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)
North Carolina	86.1 (1.84)	10.4 (1.54)	2.7 (0.82)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)
North Dakota	84.2 (4.82)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)
Oklahoma	82.0 (1.99)	3.5 (1.11)	1.1 (0.36)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)
Oregon	88.6 (2.06)	1 (0.1)	5.7 (1.52)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)
South Dakota	84.3 (0.93)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)
Utah	87.1 (1.17)	1 (0.1)	0.5 (0.20)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)
Washington	87.6 (2.18)	1 (0.1)	0.5 (0.20)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)	1 (0.1)
United States	51.7 (1.15)	15.8 (0.31)	20.2 (0.31)	4.2 (0.37)	4.2 (0.37)	1.3 (0.26)	1.3 (0.26)	0.3 (0.11)	1.3 (0.31)	1.3 (0.31)	1.3 (0.31)	1.3 (0.31)	1.3 (0.31)	1.3 (0.31)
Selected states, total	57.8 (1.15)	2.6 (0.35)	20.2 (0.31)	4.2 (0.37)	4.2 (0.37)	1.3 (0.26)	1.3 (0.26)	0.3 (0.11)	1.3 (0.31)	1.3 (0.31)	1.3 (0.31)	1.3 (0.31)	1.3 (0.31)	1.3 (0.31)
Alaska	57.8 (1.15)	2.6 (0.35)	20.2 (0.31)	4.2 (0.37)	4.2 (0.37)	1.3 (0.26)	1.3 (0.26)	0.3 (0.11)	1.3 (0.31)	1.3 (0.31)	1.3 (0.31)	1.3 (0.31)	1.3 (0.31)	1.3 (0.31)
Arizona	50.9 (1.15)	2.6 (0.35)	4.7 (0.31)	2.6 (0.37)	2.6 (0.37)	1.3 (0.26)	1.3 (0.26)	0.3 (0.11)	1.3 (0.31)	1.3 (0.31)	1.3 (0.31)	1.3 (0.31)	1.3 (0.31)	1.3 (0.31)
Arkansas	82.1 (1.15)	2.6 (0.35)	4.7 (0.31)	2.6 (0.37)	2.6 (0.37)	1.3 (0.26)	1.3 (0.26)	0.3 (0.11)	1.3 (0.31)	1.3 (0.31)	1.3 (0.31)	1.3 (0.31)	1.3 (0.31)	1.3 (0.31)
Minnesota	73.0 (1.15)	2.6 (0.35)	4.7 (0.31)	2.6 (0.37)	2.6 (0.37)	1.3 (0.26)	1.3 (0.26)	0.3 (0.11)	1.3 (0.31)	1.3 (0.31)	1.3 (0.31)	1.3 (0.31)	1.3 (0.31)	1.3 (0.31)
Nebraska	80.9 (1.15)	2.6 (0.35)	4.7 (0.31)	2.6 (0.37)	2.6 (0.37)	1.3 (0.26)	1.3 (0.26)	0.3 (0.11)	1.3 (0.31)	1.3 (0.31)	1.3 (0.31)	1.3 (0.31)	1.3 (0.31)	1.3 (0.31)
New Mexico	80.9 (1.15)	2.6 (0.35)	4.7 (0.31)	2.6 (0.37)	2.6 (0.37)	1.3 (0.26)	1.3 (0.26)	0.3 (0.11)	1.3 (0.31)	1.3 (0.31)	1.3 (0.31)	1.3 (0.31)	1.3 (0.31)	1.3 (0.31)
North Carolina	82.4 (1.15)	2.6 (0.35)	4.7 (0.31)	2.6 (0.37)	2.6 (0.37)	1.3 (0.26)	1.3 (0.26)	0.3 (0.11)	1.3 (0.31)	1.3 (0.31)	1.3 (0.31)	1.3 (0.31)	1.3 (0.31)	1.3 (0.31)
North Dakota	83.2 (1.15)	2.6 (0.35)	4.7 (0.31)	2.6 (0.37)	2.6 (0.37)	1.3 (0.26)	1.3 (0.26)	0.3 (0.11)	1.3 (0.31)	1.3 (0.31)	1.3 (0.31)	1.3 (0.31)	1.3 (0.31)	1.3 (0.31)
Oklahoma	83.7 (1.15)	2.6 (0.35)	4.7 (0.31)	2.6 (0.37)	2.6 (0.37)	1.3 (0.26)	1.3 (0.26)	0.3 (0.11)	1.3 (0.31)	1.3 (0.31)	1.3 (0.31)	1.3 (0.31)	1.3 (0.31)	1.3 (0.31)
Oregon	85.3 (1.15)	2.6 (0.35)	4.7 (0.31)	2.6 (0.37)	2.6 (0.37)	1.3 (0.26)	1.3 (0.26)	0.3 (0.11)	1.3 (0.31)	1.3 (0.31)	1.3 (0.31)	1.3 (0.31)	1.3 (0.31)	1.3 (0.31)
South Dakota	79.4 (1.15)	2.6 (0.35)	4.7 (0.31)	2.6 (0.37)	2.6 (0.37)	1.3 (0.26)	1.3 (0.26)	0.3 (0.11)	1.3 (0.31)	1.3 (0.31)	1.3 (0.31)	1.3 (0.31)	1.3 (0.31)	1.3 (0.31)
Texas	77.5 (1.15)	2.6 (0.35)	4.7 (0.31)	2.6 (0.37)	2.6 (0.37)	1.3 (0.26)	1.3 (0.26)	0.3 (0.11)	1.3 (0.31)	1.3 (0.31)	1.3 (0.31)	1.3 (0.31)	1.3 (0.31)	1.3 (0.31)
Washington	80.3 (1.15)	2.6 (0.35)	4.7 (0.31)	2.6 (0.37)	2.6 (0.37)	1.3 (0.26)	1.3 (0.26)	0.3 (0.11)	1.3 (0.31)	1.3 (0.31)	1.3 (0.31)	1.3 (0.31)	1.3 (0.31)	1.3 (0.31)

NOTE: Data are based on a head count of full-time and part-time teachers rather than on the number of full-time equivalent teachers reported in other tables. Detail may not sum to totals because of rounding, missing data, and cell suppression. Race categories include persons of Hispanic ethnicity.

SOURCE: U.S. Department of Education, National Center for Education Statistics, Schools and Staffing Survey (SASS), "Public School Teacher Data File," 2011-12; and Census Bureau, "State Nonfiscal Survey of Public Elementary/Secondary Education," 2011-12.

NOT AVAILABLE.

INCE applicable.

Interpret data with caution. The coefficient of variation (CV) for this estimate is between 30 and 50 percent. Reporting standards not met. Either there are too few cases for a reliable estimate or the coefficient of variation (CV) is 50 percent or greater.

ADistribution of kindergarten through grade 12 public school teachers as reported through the Schools and Staffing Survey.

ADistribution of kindergarten through grade 12 public school students as reported through the Census Bureau Data. Data are based on a count of all students, so there are no standard errors.

NOTE: Data are based on a head count of full-time and part-time teachers rather than on the number of full-time equivalent teachers reported in other tables. Detail may not sum to totals because of rounding, missing data, and cell suppression. Race categories include persons of Hispanic ethnicity.

SOURCE: U.S. Department of Education, National Center for Education Statistics, Schools and Staffing Survey (SASS), "Public School Teacher Data File," 2011-12; and Census Bureau, "State Nonfiscal Survey of Public Elementary/Secondary Education," 2011-12.