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EXAMINING THE CHALLENGES FACING NATIVE AMERICAN SCHOOLS

HEARING

BEFORE THE

SUBCOMMITTEE ON EARLY CHILDHOOD, ELEMENTARY, AND SECONDARY EDUCATION

COMMITTEE ON EDUCATION AND THE WORKFORCE

U.S. HOUSE OF REPRESENTATIVES

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EXAMINING THE CHALLENGES FACING NATIVE AMERICAN SCHOOLS

Wednesday, April 22, 2015
House of Representatives,
Subcommittee on Early Childhood, Elementary, and Secondary Education,
Committee on Education and the Workforce,
Washington, D.C.

The subcommittee met, pursuant to call, at 10:05 a.m., in Room 2175, Rayburn House Office Building, Hon. Todd Rokita [chairman of the subcommittee] presiding.

Present: Representatives Rokita, Thompson, Brat, Carter, Bishop, Grothman, Russell, Fudge, Davis, Sablan, and Takano.

Also present: Representatives Kline, Nolan, and Robert C "Bobby" Scott.

Staff present: Lauren Aronson, Press Secretary; Janelle Belland, Coalitions and Members Services Coordinator; Kathlyn Ehl, Legislative Assistant; Matthew Frame, Staff Assistant; Amy Raaf Jones, Director of Education and Human Resources Policy; Nancy Locke, Chief Clerk; Krisann Pearce, General Counsel; Lauren Reddington, Deputy Press Secretary; Mandy Schaumburg, Education Deputy Director and Senior Counsel; Juliane Sullivan, Staff Director; Leslie Tatum, Professional Staff Member; Brad Thomas, Senior Education Policy Advisor; Tylease Alli, Minority Clerk/Intern and Fellow Coordinator; Barbera Austin, Minority Staff Assistant; Kelly Broughan, Minority Education Policy Advisor; Jacque Chevalier, Minority Senior Education Policy Advisor; Denise Forte, Minority Staff Director; Ashlyn Holeyfield, Minority Education Policy Fellow; Tina Hone, Minority Education Policy Director and Associate General Counsel; Brian Kennedy, Minority General Counsel; and Richard Miller, Minority Senior Labor Policy Advisor.

Chairman ROKITA. Well, good morning, and welcome to today's subcommittee hearing.

I would like to thank our witnesses for joining us to examine the very serious challenges facing Native American schools.

Nearly a century ago the Federal Government made a promise to deliver to Native American children a quality education that just doesn't teach math and science, but preserves their customs and culture. Under the Department of Interior's Bureau of Indian Education, the Federal Government is expected to support the education of more than 40,000 students through approximately 185 el-

ementary and secondary schools located on or near Indian reservations.

Unfortunately, the Federal Government is failing to keep its promise to these vulnerable children.

As reports from congressional committees, government watchdogs, investigative journalists, and academics have detailed, the state of BIE education is abysmal. Too many schools lack adequate infrastructure and educational resources, compromising the health, safety, and future postsecondary and professional opportunities of the children they are supposed to be serving. And it has been this way for far too long.

A 1969 Senate report from the Committee on Labor and Public Welfare describes the Federal Government's failure to provide an effective education as a "national tragedy and a national disgrace," and that has "condemned the American Indian to a life of poverty and despair."

Despite countless calls for change, all we have seen is decades of inaction. As one of today's witnesses chronicles in an acclaimed Minneapolis Star Tribune series on the failing BIE system, "Federal neglect continues to handicap learning at BIE schools nationwide. Kids shivering in thin-walled classrooms or studying under leaky roofs year after year aren't getting the education they need or deserve."

A report by the nonpartisan Government Accountability Office further details these concerns. Entitled the "Bureau of Indian Education Needs to Improve Oversight of School Spending," that report reveals a chronic failure to fix and replace decrepit and antiquated schools. The GAO cites a bungling bureaucracy that includes a lack of information to effectively monitor and fix the problems plaguing school facilities, as well as confusion and poor communication about who is actually responsible for addressing the various needs of these schools.

The details of these reports are sobering. However, words on paper will never fully convey the troubling state of Native American education. That is why members of this committee have visited these schools to learn firsthand about the challenges they face.

This year, for my part, I visited several BIE schools, including the Theodore Roosevelt Indian School and John F. Kennedy Indian School, both in Arizona, and this was with BIE Director Monty Roessel; as well as the Bug-O–Nay-Ge-Shig school in Minnesota with Chairman John Kline.

The conditions at these schools are deplorable. Some classrooms lack desks, books, computers, pencils, paper, and while others lack proper flooring, roofing, and ventilation.

Some schools are missing a working water heater, for example. Others are missing front doors and are rodent-infested. And for many students, attending these unsafe and unhealthy schools is their only option.

Despite the many obstacles that stand in the way of these students and educators, their resiliency and determination to create better lives for themselves is nothing short of inspiring. They understand the importance of an education and the opportunities it will afford them.

I have also met dedicated teachers and school administrators in these places who are working hard to overcome these challenging conditions and help improve the lives of their students with quality educational opportunities. They are to be commended.

It is paramount that we uphold our promise to provide Native American children an excellent education that preserves their tribal heritage. Though the current system poses significant challenges, turning a blind eye is not the answer. The Federal Government must live up to its responsibility.

We look forward to learning from our witnesses about the Bureau of Indian Education and the schools under BIE's jurisdiction. I am confident that today's hearing will help advance real solutions that ensure Native American children have access to safe and healthy schools that support quality teaching and learning.

So with that, I will now recognize the ranking member, Congresswoman Fudge, for her opening remarks.

Good morning.

[The statement of Chairman Rokita follows:]

Prepared Statement of Hon. Todd Rokita, Chairman, Subcommittee on Early Childhood, Elementary, and Secondary Education

Good morning, and welcome to today's subcommittee hearing. I'd like to thank our witnesses for joining us to examine the very serious challenges facing Native American schools.

Nearly a century ago, the federal government made a promise to deliver to Native American children a quality education that preserves their customs and culture. Under the Department of Interior's Bureau of Indian Education, the federal government is expected to support the education of more than 40,000 students through approximately 185 elementary and secondary schools located on or near Indian reservations.

Unfortunately, the federal government is failing to keep its promise to these vulnerable children.

As reports from congressional committees, government watchdogs, investigative journalists, and academics have detailed, the state of BIE education is abysmal. Too many schools lack adequate infrastructure and educational resources, compromising the health, safety, and future postsecondary and professional opportunities of the children they are intended to serve. And it has been this way for far too long.

A 1969 Senate report from the Committee on Labor and Public Welfare describes the federal government's failure to provide an effective education as a "national tragedy and a national disgrace" that has "condemned the [American Indian] to a life of poverty and despair."

Despite countless calls for change, all we have seen is decades of inaction. As one of today's witnesses chronicles in an acclaimed Minneapolis Star Tribune series on the failing BIE system, "federal neglect [continues to handicap] learning at BIE schools nationwide ... Kids shivering in thin-walled classrooms or studying under leaky roofs year after year aren't getting the education they need or deserve."

A report by the nonpartisan Government Accountability Office further details these concerns. Entitled the "Bureau of Indian Education Needs to Improve Oversight of School Spending," the report reveals a chronic failure to fix and replace decrepit and antiquated schools. The GAO cites a bungling bureaucracy that includes a lack of information to effectively monitor and fix the problems plaguing school facilities, as well as confusion and poor communication about who is actually responsible for addressing the various needs of these schools.

The details of these reports are sobering. However, words on paper will never fully convey the troubling state of Native American education. That is why members of the Education and the Workforce Committee have visited these schools to learn firsthand about the challenges they face.

This year, I have visited several BIE schools, including the Theodore Roosevelt Indian School and John F. Kennedy Indian School in Arizona with BIE director Dr. Monty Roessel, as well as the Bug-O–Nay-Ge-Shig (BUG–OH–NAY–GHEE–SHIG) School in Minnesota with Chairman John Kline.

The conditions at these schools are deplorable. Some classrooms lack desks, books, computers, pencils, and paper, while others lack proper flooring, roofing, and ven-

tilation. Some schools are missing a working water heater. Others are missing front doors and are rodent-infested. And for many students, attending these unsafe and unhealthy schools is their only option.

Despite the many obstacles that stand in the way of these students and educators, their resiliency and determination to create better lives for themselves is nothing short of inspiring. They understand the importance of an education and the opportunities it will afford them. I've also met dedicated teachers and school administrators who are working hard to overcome these challenging conditions and help improve the lives of their students with quality educational opportunities.

It is paramount that we uphold our promise to provide Native American children an excellent education that preserves their tribal heritage. Though the current system poses significant challenges, turning a blind eye is not the answer. The federal government must live up to its responsibility.

We look forward to learning from our witnesses about the Bureau of Indian Education and the schools under BIE's jurisdiction. I am confident today's hearing will help advance real solutions that ensure Native American children have access to safe and healthy schools that support quality teaching and learning.

With that, I will now recognize the ranking member, Congresswoman Fudge, for her opening remarks.

Ms. FUDGE. Good morning. Thank you very much, Mr. Chairman. And thank you all for being here today.

School facilities are a problem in poor communities across this country, but especially so in Native American schools.

It has been more than 7 years since this committee held a hearing on American Indian education. That is far too long. American Indian students need and deserve better.

American Indian students face daunting educational challenges, more than any population in this country. The condition of their facilities is only one of the many challenges they face.

We also need to turn our attention to academic issues, including but not limited to graduation rates. In 2014 students attending Bureau of Indian Education schools graduated at a rate of just 53 percent, while American Indian and Alaska Native students enrolled in non-BIE schools had a graduation rate of 68 percent, still well below the national average of 81 percent.

It is clear the Federal Government has failed to meet its obligation to deliver quality education services that meet all students' needs in safe and healthy facilities.

In BIE, tribally controlled, and public schools much needs to be done. But today we will examine the condition of Bureau of Indian Education facilities.

The poor condition of school buildings affects the health and safety of students and fails to provide an environment conducive to learning. In a February 2015 report, the GAO outlined some of the challenges facing the Department of Interior and the Bureau of Indian Education that affect the repair and maintenance of BIE schools.

GAO is here today and I look forward to hearing more about your findings, especially what steps must be taken to address and prevent these issues going forward.

There must be collaboration among all entities with responsibility for the education of American Indian students in order for them to achieve academic success. While congressional oversight is required to ensure the Department of Interior and the Department of Education fulfill their obligations to American Indian students, we know the long history of broken federal promises to our tribes and their children, which requires extra vigilance.

It is important for those responsible to know this is a priority and we are watching. The need is too urgent for us to do nothing.

To the witnesses, I thank you for being here today and I look forward to hearing your testimony.

Mr. Chairman, I yield back.

[The statement of Ms. Fudge follows:]

Representative Marcia L. Fudge
Early Childhood, Elemntary and Secondary Education Subcommittee: *Examining the Challenges Facing American Indian Schools*
April 22, 2015 at 10 a.m.

Good morning, and thank you Chairman Rokita for scheduling this hearing.

It has been more than seven years since this committee held a hearing on American Indian education. That is far too long. American Indian and Alaska Native students need and deserve better.

American Indian and Alaska Native students face daunting educational challenges- more than any population in this country. The condition of their facilities being only one of the many challenges they face. We also need to turn our attention to graduation rates.

In 2014 students attending Bureau of Indian Education (BIE) schools graduated at a rate of just 53 percent, while American Indian and Alaska Native students enrolled in non-BIE schools had a graduation rate of 68 percent, still well below the national average of 81 percent.

It is clear the federal government has failed to meet its obligation to deliver quality education services that meet all student needs in safe and healthy facilities. In BIE, tribally controlled and public schools much needs to be done! But today we will examine the condition of Bureau of Indian Education school buildings.

The poor condition of school buildings affects the health and safety of students, and fails to provide an environment conducive to learning.

In a February 2015 report, the Government Accountability Office outlines some of the challenges facing both the Department of Interior and the Bureau of Indian Education (BIE) that affect the repair and maintenance of BIE schools.

GAO is here today. I look forward to hearing more about their findings, specifically what steps must be taken to address and prevent these issues going forward.

There must be collaboration among all entities with responsibility for the education of American Indian and Alaska Native students in order for them to achieve academic success.

While congressional oversight is required to ensure the Department of the Interior, Bureau of Indian Education, and the Department of Education fulfill their obligations to American Indian and Alaska Native students, we know the long history of broken federal promises to our tribes and their children requires extra vigilance.

It is important for those responsible to know this is a priority and we are watching. The need is too urgent for us to do nothing.

To the witnesses, thank you for being here today. I look forward to hearing your testimony. I yield back.

Chairman ROKITA. Thank the ranking member.

Pursuant to committee rule 7(c), all members will be permitted to submit written statements to be included in the permanent hearing record. And without objection, the hearing record will remain open for 14 days to allow such statements and other extraneous material referenced during the hearing to be submitted for the official hearing record.

I will now turn to the introduction of our distinguished witnesses.

And first, I recognize the chairman of the full committee, Mr. Kline, to introduce our first witness.

Mr. KLINE. Thank you, Mr. Chairman.

I am extremely pleased to have the honor today to introduce our first witness, who is Ms. Jill Burcum. I was asked, when we were talking about setting up this hearing and when Mr. Rokita and I made the trip up to northern Minnesota to look at the deplorable conditions in one of our schools, well, why was I doing that; and I said, "Well, because of the work that Ms. Burcum had done in the Star Tribune of bringing this issue to our attention."

She is an editorial writer with the Star Tribune in Minneapolis. She joined the editorial board in March of 2008 after working in the Tribune's newsroom as an editor and reporter for 10 years.

She authored the Star Tribune's four-part series on BIE schools entitled "Separate and Unequal." And just this week Ms. Burcum was named a 2015 Pulitzer Prize finalist for editorial writing for this series. And so we are very, very proud of her.

We are happy that you are here. We thank you for being here.

And I yield back.

Chairman ROKITA. I thank the gentleman.

And let me add my welcome, as well.

I will resume introducing our witnesses.

President Brian Cladoosby is the president of the National Congress of American Indians here in Washington, D.C. and is the chairman of the Swinomish Indian Senate. President Cladoosby also serves as the president of the Association of Washington Tribes and is a member of the executive board of the Washington Gaming Association. Previously he served as president of the Affiliated Tribes of Northwest Indians.

Welcome, sir.

Mr. Quinton Roman Nose, who I have met before, is the executive director of the Tribal Education Departments National Assembly in Boulder, Colorado. Mr. Roman Nose has dedicated most of his career in the Indian education field to promote and develop educational initiatives and opportunities to improve the education levels of Native American students and tribal members.

Welcome, sir.

Ms. Melissa Emrey-Arras is the director of education, workforce, and income security issues with the U.S. Government Accountability Office in Boston, Massachusetts. Ms. Emrey-Arras oversees the agency's K–12 and higher education work, including leading national studies on BIE schools.

Particularly welcome today. Thank you for your hard work.

I will now ask our witnesses to stand, if you would, and raise your right hand.

[Witnesses sworn.]

Let the record reflect that the witnesses answered in the affirmative.

And you may be seated. Thank you.

And before I recognize you to provide your testimony, let me briefly explain the lighting system. You will have 5 minutes to present your testimony. When you begin, the light in front of you, of course, will be green; with 1 minute left it will turn yellow; and when it becomes red that means stop.

As simple as that sounds and is, sometimes it is hard for us up here to abide by it, so I say it as much for us as I say for you. But with that, I don't expect there will be any issues.

And now I would like to recognize the witnesses for 5 minutes of questioning starting with Ms. Burcum.

Go ahead, please.

STATEMENT OF MS. JILL BURCUM, EDITORIAL WRITER, MINNEAPOLIS STAR TRIBUNE, MINNEAPOLIS, MINNESOTA

Ms. BURCUM. Chairman Rokita, Chairman Kline, Ranking Member Fudge, and members of the subcommittee, thank you for your sincere interest in American Indian education—

Chairman ROKITA. Ms. Burcum, put the microphone right to your mouth. Thank you.

Ms. BURCUM. This better?

Chairman ROKITA. Just turn it. There you go. There.

Ms. BURCUM. All right.

So thank you for your sincere interest in what is a national crisis: the shameful conditions of school buildings in the federal Bureau of Indian Education system.

My name is Jill Burcum. I am an editorial writer with the Star Tribune newspaper based in Minneapolis, Minnesota. Our Upper Midwest coverage region is home to many large tribal nations.

I went on the road in 2014 with photographer David Joles to document safety and structural failures of the facilities in which some of our nation's most disadvantaged learners attend class. The results were published in a series of editorials at the end of the year called "Separate and Unequal." The editorials drew an outraged response from across the nation as we revealed the shameful conditions of these facilities.

Many readers felt the same way I did. As a mom, I thought many times I would not be comfortable sending my children to school in these buildings. And I believe that committee members would feel similarly about sending their children, grandchildren, nieces, or nephews to schools with roofs that leak, have rotten subflooring, dangerously inadequate electrical systems, sewers that back up, and have classrooms so cold that kids have to wear mittens, coats, and hats in class.

Unfortunately, parents in the BIE system don't have a choice on where their kids go to school, and this is why action is required.

When we first began digging into the issue we focused on the plight of the Bug-O–Nay-Ge-Shig High School on the Leech Lake Indian Reservation in northern Minnesota. Conditions were far worse that we had feared.

This is a school housed in something Midwesterners call a pole barn. These are metal sheds widely used on farms and by businesses, but not for schools.

The Bug school, named after Chief Hole in the Day, is not even in a nice pole barn. It is more than 30 years old. The metal walls don't keep out the extreme winters. The foundation and roof leak.

Electrical cables and pipes line the walls, and teachers can't even turn on all the electrical equipment at the same time. The science classroom lacks safety equipment needed for hands-on learning and experiments.

The heating system has been repaired more times than anyone can remember, and one of the days that I visited it failed again. The repairmen just shook their heads when I asked them how long they could keep resuscitating it.

It quickly became clear that the Bug school was a symptom of a broken BIE system. There are 183 schools with about 49,000 students. Sixty-four of these schools are in poor condition, and many of them have been in this condition for a decade or more.

Here is what that inaction means in the real world: On the Pine Ridge Reservation in South Dakota, I stood on a rotten wooden floor in one of the main hallways at Crazy Horse High School and I felt like the floor was going to give way beneath me. The Wounded Knee Elementary School at the western edge of the Pine Ridge Reservation should be a safe, secure place that offers hope to the students that it serves. Instead, this badly aged and underequipped building mirrors the conditions in a nearby drug- and crime-ridden neighborhood that local residents refer to as a prairie ghetto.

In Arizona, a school administrator became emotional when I called. One of the two remote schools she oversees had been slated for replacement for over a decade. She had been told by BIE officials that nothing could be done.

Her reaction when a newspaper from Minnesota called was, "Thank God." She was simply glad that someone cared and someone was trying to help.

You would think conditions like this inspire urgency at the federal agencies that oversee these schools. They haven't. Replacement school construction has shrunk dramatically over the past decade. Incredibly, it was zeroed out in the Obama administration's 2013 and 2014 budget requests.

My interviews and exchanges with Interior Secretary Sally Jewell and BIE Director Charles Roessel did not inspire confidence. I believe they both personally care deeply about American Indian students, but there is a longstanding defeatism within Interior about improving conditions, and there is an entrenched, spread-out bureaucracy too often focused on red tape for red tape's sake and not on progress.

One story I was told by the American Horse School in South Dakota is that they spent days working on a grant application only to be told multiple times they had submitted it on the wrong-colored paper. What a waste of time.

In the meantime, no one is doing anything at this agency about a school replacement list that was over a decade old and still not

complete. Where are these agencies—where is this agency's priorities and where in the urgency—where is the urgency?

The burden for Secretary Jewell and Director Roessel is changing that culture, and I have yet to hear a game plan for how they intend to do that. And I hope that we pursue this.

Thank you for your consideration and your time.

[The statement of Ms. Burcum follows:]

Testimony before the U.S. House Committee on Education and the Workforce
Subcommittee on Early Childhood, Elementary, and Secondary Education

"Examining the Challenges Facing Native American Schools"

Jill Burcum, Editorial Writer, Star Tribune Media Company, 650 South Third Street,
Minneapolis, MN

Wednesday, April 22, 10:00 a.m.
2175 Rayburn House Office Building

Chairman Rokita, Ranking Member Fudge, and members of the Subcommittee, thank you for your sincere interest in American Indian education and for the chance to testify today on a national crisis: the shameful condition of school buildings in the federal Bureau of Indian Education (BIE) system.

My name is Jill Burcum. I am an editorial writer with the Star Tribune newspaper based in Minneapolis, Minn. Our Upper Midwest coverage region is home to many large tribal nations. I went on the road in 2014 on the road with photographer David Joles to document safety and structural failures of the facilities in which some of our nation's most disadvantaged learners attend class. The results were published in a series of editorials at the end of the year called "Separate and Unequal." The editorials drew an outraged response from across the nation.

Many readers felt the same way I did. As a mom, I thought many times that I would not be comfortable sending my children to school in these buildings. I believe that committee members would feel similarly about sending their children, grandchildren, nieces or nephews to schools with roofs that leak, have rotten subflooring, dangerously inadequate electrical systems, sewers that back up and have classrooms that are so cold that mittens, coats and hats must be worn in class. Unfortunately, mothers of BIE students don't have a choice, which is why action is required.

When we first began digging into this issue, we focused on the plight of the Bug-O-Nay-Ge-Shig High School on the Leech Lake Indian Reservation in northern Minnesota. Conditions were far worse than we had feared. This is a school housed in something Midwesterners call a "pole barn." These are metal sheds widely used on farms and by businesses. The Bug school, named after Chief Hole in the Day, is not even in a nice pole barn. It's more than 30 years old. The metal walls don't keep out the extreme winters. The foundation and roof leak. Electrical cables and pipes line the walls and teachers can't even turn on all the electrical equipment at the same time. The science classroom lacks safety equipment needed for hands-on learning and

experiments. The heating system that has been repaired more times than anyone can remember failed again one day when I was there. The repairmen just shook their heads when I asked them how long they could keep resuscitating it.

It quickly became clear that the Bug school was a symptom of a broken BIE system, something we realized during additional reporting and by combing through BIE documents, federal reports and budget requests. There are 183 BIE schools with about 49,000 students. Sixty-four of them are in poor condition, many for a decade or more. Here's what that inaction means in the real world:

On the Pine Ridge reservation in South Dakota, I stood on the rotted wooden floor in one of the main hallways at Crazy Horse High School and felt the floor frighteningly bend underneath me. The Wounded Knee elementary school at the western end of the Pine Ridge reservation should be a safe, secure place that offers hope to the students it serves. Instead, this badly-aged and underequipped building mirrors the conditions in a nearby drug- and crime-ridden neighborhood called a "prairie ghetto."

In Arizona, a school administrator became emotional when I called. One of the two remote schools she oversees had been slated for replacement for over a decade. She had been told by BIE officials that nothing could be done despite a failing structure and failing electrical system. Her reaction when a newspaper from Minnesota called: "Thank God!" She was simply glad someone cared and was trying to help.

You'd think that conditions like this would inspire urgency at the federal agencies that oversee these schools. They haven't. Replacement school construction has shrunk dramatically over the past decade. Incredibly, it was zeroed out in the Obama administration's 2013 and 2014 budget requests.

My interviews and exchanges with Interior Secretary Sally Jewell and BIE director Charles Roessel did not inspire confidence. I believe they both personally care deeply about American Indian students But there's a longstanding defeatism within Interior about improving conditions at BIE schools and an entrenched, spread-out bureaucracy too often focused on red tape for red tape's sake and not on progress.

One story I was told by American Horse school staff in South Dakota is that they spent days working on a grant application only to be told multiple times they had submitted it on the wrong colored paper. Yet no one at the BIA/BIE western administrative headquarters in Albuquerque could tell them what color was the right one. The reason for the grant – improving education – was not the focus. A ridiculous bureaucratic detail became the all-consuming issue, wasting hours of the American Horse staff's time. In the meantime, no one was doing anything about a school replacement list that was over a decade old and still not complete. Where are these agency's priorities? Where is the urgency?

The burden for Secretary Jewell and Director Roessel is changing that culture and, more specifically, figuring out ways to get funding for new schools in a political environment in which that is difficult. It can be done. The Department of Defense sought a billion-dollar overhaul of its aging schools at the end of the last decade. Yes, DOD is a bigger and more politically influential agency. But DOD officials realized that in order to maintain a world-class educational system, they had to have facilities that matched expectations. The foundation to the DOD's success was a detailed plan that inspired confidence that these funds would be well spent.

I have yet to hear when the Department of Interior will have that same type of plan to overhaul its schools. I've asked repeatedly. What I'm told is that they recently released a blueprint report to reorganize administrative layers overseeing BIE schools. My interpretation is that this will move bureaucratic chairs around while school buildings potentially wait years for leadership's attention and, more importantly, action.

My sympathies go to the hardworking BIE school officials that must deal with the bureaucracy in Washington, D.C. and Albuquerque, New Mexico. There are also regional offices. As a journalist, figuring out where the Bureau of Indian Affairs' authority ends and where the Bureau of Indian Education's authority begins was a major challenge. Is the person I need to talk to in New Mexico? Washington, D.C? Minneapolis? Which office has the documents I'm looking for? Imagine how hard it is for someone at a school like American Horse, on the Pine Ridge reservation. It's not just a matter of which colored paper on which to send in a grant application. Who, for example, do you call or email when the one-size-fits-all operations funding formula does not accommodate extra heating costs when a harsh winter sets in on the Upper Great Plains? That happened in the winter of 2013-14. While bureaucrats were cozy and warm in their offices, school officials in Pine Ridge were shuffling funds and scrambling to pay the soaring heating costs. The rigid bureaucracy above them did little to help them.

That's a point anyone reading this "blueprint" should keep in mind. It's not a blueprint. It's about 25 pages of very broadly written language about organizational reform. I can't tell after reading it if the changes will provide the flexibility that is clearly needed to build new schools quickly and to accommodate the varying needs of a system that serves American Indian communities across a wide number of states and climate conditions. Congress needs to closely monitor this reform as details become clear to make sure real-world improvement is made. Congress also needs to push for reforms that give these communities and states much more flexibility to grapple with their many challenges. For example, the Minnesota legislature is pioneering an approach that would allow for public-private partnerships to rapidly rebuild the Bug-O-Nay-Ge-Shig High School. The BIE/BIA/Interior bureaucracy needs to encourage solutions like this going forward and make sure that efforts like this are rewarded. Right now, this state effort is in limbo because there's no bureaucratic framework or culture that allows such innovation, much less encourages it. That has to change.

There are many challenges facing American Indian education. Discussions about educational disparities often leave out this important group of students, who have the lowest high school graduation rate of any minority group. Improving BIE schools buildings is not a cure-all, but it is

a start. Safe, modern buildings would help attract and keep talented teachers. They would help address absenteeism. They would allow students to learn in classrooms with the science equipment needed to prepare them for the 21st century. Failing to honor the federal government's commitment to American Indian education is not an option. Congress should demand action from the Department of Interior. The agency needs to overhaul its confusing, rigid bureaucracy. Congress also needs to give this agency a deadline to come up with a plan to modernize these school facilities.

Thank you for your time and consideration.

Chairman ROKITA. I thank the witness.

President Cladoosby, you are recognized for 5 minutes.

STATEMENT OF MR. BRIAN CLADOOSBY, PRESIDENT, NATIONAL CONGRESS OF AMERICAN INDIANS, EMBASSY OF TRIBAL NATIONS, WASHINGTON, D.C.

Mr. CLADOOSBY. Good afternoon, Chairman Rokita, Ranking Member Fudge, and members of the committee. My name is Brian Cladoosby. I am the chairman of the Swinomish Tribe located in Washington State, and I am appearing today as president of the National Congress of American Indians.

Thank you for inviting me to testify today on this very important topic.

One of the first things I ask members of Congress and the administration when I meet them is, "Are you my trustee?" In my State of Indian Nations address over the past 2 years I have focused on ensuring that the trust relationship between the Federal Government and tribes is upheld and brought into the 21st century.

Nowhere is that more important than with our youth, because when we talk about our youth not only is the Federal Government a trustee, but so am I. As president of NCAI, chairman of the Swinomish Tribe, a father, and a grandfather, there is no more solemn obligation as a leader than to safeguard our children.

The future and very existence of our tribes depends on the education, health, and well-being of the next generations. So today, when we talk about Indian education and the Bureau of Indian Education specifically, we need to think about how we can modernize and elevate and antiquated system to meet the needs of 21st century Indian students.

Historically, inconsistent federal policies have undermined the success of Native students. You only need to look at the current graduation rate at BIE schools of 53 percent to know that change is needed.

In fact, when we look at all the challenges our Native students face, all the baggage they bring, the historic trauma, it is commendable that five out of 10 of our students succeed in conditions that would seem insurmountable to many others.

The challenges at BIE schools are well documented by congressional hearings, by GAO, OIG reports, and by the administration itself. In Senate testimony, Interior Secretary Jewell, who is ultimately responsible for BIE schools, stated, "Indian education is an embarrassment."

Many students attend schools that were built in the 1930s and 1940s, with 34 percent of the schools in poor condition and 20 percent over 40 years old. It is difficult to attract teachers to the rural areas where many BIE schools are located, and if you do, there is often inadequate housing.

Management at headquarters has been inconsistent, with 33 BIE directors in the past 36 years. Tribes have repeatedly pointed to overly burdensome administrative requirements, lack of funding, and lack of flexibility to include language and culture in the curriculum as persistent obstacles.

To move forward we need sustained, consistent growth, along with an acknowledgement that tribes are best suited to determine and meet the needs of their students.

Since its beginning in the late 1800s, the BIE system never allowed tribes to truly control the education of their students. It wasn't until the Indian Self-Determination and Education Assistance Act of 1975 that tribes had the ability to take over the operation of their schools. The last 40 years have shown that tribes have the capacity to run their own schools, but more must be done.

With 184 BIE schools located on 63 reservations in 23 states, this reform effort will not succeed if it is not modified to the individual needs of the schools. Each school is subject to the federal requirements of the BIE as well as the state they reside in, which leaves little flexibility, even for those schools that are tribally controlled.

So a one-size-fits-all approach will not work. Tribes want the ability to have more control over their curriculum so that language and culture can again be the cornerstone of education for Indian students.

It will be important for the BIE to meet the tribes where they are and take into account their capacity and their cultural needs, and to provide the tools tribes need to support their students, their teachers, and their communities. In other words, true local control will take a true partnership.

But it can be done. At the White House Tribes Nation Conference last December, a tribal leader asked BIE Director Monty Roessel for advice on transforming to a tribally controlled school. Monty's response surprised many in the room when he said, "My advice is to start fresh."

Too many tribal schools end up looking just like the BIE model. Monty advised that tribal leader to build his ideal curriculum based on the traditions, culture, and unique needs of the students, and if he did that, his school would be a success. If that is truly the approach that the BIE and the committee takes in seeking solutions to the issues facing our students, then we can't help but be successful.

At Swinomish we have a Tribal Education Department with a mission of supporting a lifelong student education. We have made it a point to work respectfully and collaboratively with the local schools, parents and guardians, students, and other tribal departments.

The tribe has been fortunate enough to hire 12 paraprofessionals to support and advocate for our Native students with the school district, and they are able to track each student's grades, attendance, and are available for specialized tutoring should the need arise. We have an attendance officer who supports students and families to ensure student attendance and will offer rides should students miss a bus or school bus.

These investments in our Swinomish students have led to a graduation rate of Swinomish students of 100 percent last year, up from 50 percent in 2010.

And finally, I would like to invite you to come out and visit our youth.

Chairman Rokita, I know that you have recently visited BIE and tribal schools in Arizona and I commend you for that. And clearly that has informed your agenda here today to make sure all of our Native students are provided with the best educational opportunities possible.

And to all other committee members, I invite you to meet our students, see our schools, and help us build a brighter future for our students and our tribes.

Thank you very much.

[The statement of Mr. Cladoosby follows:]

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EXECUTIVE DIRECTOR
Jacqueline Johnson Pata
Tlingit

NCAI HEADQUARTERS
1516 P Street, N.W.
Washington, DC 20005
202.466.7767
202.466.7797 fax
www.ncai.org

TESTIMONY BEFORE THE HOUSE OF REPRESENTATIVES SUBCOMMITTEE ON EARLY CHILDHOOD, ELEMENTARY, AND SECONDARY EDUCATION
"EXAMINING THE CHALLENGES FACING NATIVE AMERICAN SCHOOLS"

PRESIDENT BRIAN CLADOOSBY
APRIL 22, 2015

On behalf of the National Congress of American Indians (NCAI), thank you for the opportunity to testify at this important hearing as the Committee begins to examine the challenges and issues facing Native students in Bureau of Indian Education (BIE) schools. NCAI is the oldest and largest American Indian organization in the United States. Tribal leaders created NCAI in 1944 as a response to termination and assimilation policies that threatened the existence of American Indian and Alaska Native tribes. Since then, NCAI has fought to preserve the treaty rights and sovereign status of tribal governments, while also ensuring that Native people may fully participate in the political system. As the most representative organization of American Indian and Alaska Native tribes, NCAI serves the broad interests of tribal governments across the nation. NCAI looks forward to working with this Committee as you examine the needs of Native students in the federal education system.

INTRODUCTION

No resource is more important to the continued success and growth of our nation and Indian Country than our children. It is vital that we all work together to strengthen our human capital in all tribal communities across America. The most effective way to do that is to provide a high-quality, culturally-appropriate education that effectively and equally benefits all of our nation's children—including our Native children. Ensuring equal educational opportunities is not simply a matter of fairness, but is even more importantly in today's challenging economic climate—it is an essential component to securing the nation's future prosperity especially in tribal communities. Education also drives personal advancement and wellness, which in turn improves social welfare and empowers tribal communities—elements that are essential to protecting and advancing tribal sovereignty and maintaining tribes' cultural vitality. Furthermore, the education of Native youth takes on increased importance because the Native population is young. According to the 2010 U.S. Census, 32% of the Native population is under the age of 18 when compared with only 24% of the total population.

The federal government provides education to Indian students in two ways, through federally funded Bureau of Indian Education (BIE) schools or through education assistance to public schools attended by Indian students. The mission of the BIE is "to provide students quality education opportunities starting in early childhood in accordance with a tribe's needs for cultural and economic well-being." The BIE educational system is derived from the federal government's trust relationship with

Indian tribes, a responsibility established in the U.S. Constitution, federal statutes, treaties, court decisions, and executive actions.

The BIE school system is one of only two federally-run school systems, the other being Department of Defense Schools. The Department of Defense schools serve approximately 78,000 students in 181 schools located in in 12 foreign counties, seven states, Guam and Puerto Rico. Funding for BIE schools is derived primarily from federal sources (about 75% from the Department of the Interior; 24% from the Department of Education and 1% from the Department of Agriculture and other federal agencies). In comparison, public schools nationwide receive about 9 percent of their funding from federal sources and relay mostly on state and local funding.

Currently, 620,000 or 92% of Indian students attend public schools and approximately 48,000 or 7% attend BIE schools. There are 184 BIE-funded schools (including 14 peripheral dormitories) located on 63 reservations in 23 states. Three quarters of those schools and students are located in four states: New Mexico, Arizona, North Dakota and South Dakota.

BACKGROUND ON INDIAN EDUCATION

The federal government's responsibility to educate Indian students and the methods of education delivery has varied with federal policies toward Indian tribes. Federal treatment of tribes throughout various periods of federal-tribal policy has been a strong determinant of the type and quality of education Native students received. These time periods are important not just in historic terms but because each era has a significant, and lasting, impact on the continued education issues affecting Native students. A brief summary of Indian education and its correlation to federal Indian policy is below:

Colonial Period (1492-1828): Early on, the colonial governments treated tribes as sovereign governments which set up the future treaty-based relationships. It was during this time that the Civilization Act of 1819 was passed which was the first piece of federal legislation that provided education funding for all Indian students.

Removal, Reservation, and Treaty Period (1828-1887): This period was marked by the forced migration of tribes onto reservations and the creation of "treaty" reservations—over 370 treaties were ratified with tribes ceding their lands for the right to self-govern. The federal government first acknowledged its responsibility of providing education to Indian students, and in 1870, Congress passed the first general appropriation of $100,000 for Indian schools not provided under treaties. In 1883, the first Superintend of Indian Education as appointed to oversee the construction, funding, and operation of the federal school system. This federal system would later become what is now known as the Bureau of Indian Education located within the Department of the Interior.

Allotment and Assimilation Period (1887-1934): Allotment and Assimilation policies marked a shift from tribal self-governance toward blending individual Indians and families into the general society. The Dawes Act of 1887 divided tribally-held lands into parcels of 40 to 160 acres and allotted them to individual Indians and families for agricultural purposes. Tribal lands were diminished by over 90 million acres, all without compensation to the tribes.

To achieve the overarching policy of blending of Indians into the general society, Native youth were removed from reservations and placed in boarding schools where the goal was to "Kill the

Indian to Save the Man." This caused a significant disruption in the cultural and language practices of tribes which weaken of Native tribes, families, and practices. Not surprisingly, it was during this period that the federal government began closing schools on reservations and moved toward educating Indian students at public schools. As early as 1890, the Commissioner of Indian Affairs used his general authority to contract with local public schools to take over the Bureau's responsibility for educating Indian students. By 1920, more Indian students were in public schools than BIA schools.

Indian Reorganization Period (1934-1945): With the passing of the Indian Reorganization Act of 1934, federal policy shifted back towards an acknowledgement of tribal governments and their inherent right to self-govern. This period was intended to reverse the failed policies of allotment and assimilation by allowing tribes to regain and restore their lost tribal homelands, to reorganize and support tribal governments, and to pursue economic development as tribal entities.

Congress also passed the Johnson O'Malley Act which further recognized the federal responsibility to ensure that the unique needs of Indian students were met. The Johnson O'Malley (JOM) program is designed to meet the specialized educational needs of Indian students. JOM funds are used to supplement other educational programs, and can be used for tutoring, books, supplies, Native language classes, cultural activities, after-school activities, and any other education-related activities for Indian students.

Termination Period (1945-1965). Unfortunately, the Reorganization Period was only a short decade-long and federal policy once again shifting back to attacking tribal governance and attempting to absolve the federal government of its trust responsibilities to tribes. In just two decades, over 100 tribes were terminated, individual Indians were urged to relocate to urban centers, and there were again significant losses of tribal lands.

The termination period leaded to increased migration of Indian students to public schools. In 1953, Congress enacted the Impact Aid Act which was the first education funding provided by the Department of Education for Indian students. This Act provided funding to school districts to help fund the education of children from federally-impacted areas (schools located on, or near, Indian reservations that have at least 3% or 400 federally-connected students). Federally-impacted areas also include places where the federal government owns property, such as trust lands and military bases. Because most school districts are funded through the federal government and local property taxes, and taxes cannot be collected on federal land and an Indian land, the Impact Aid Act compensates local school districts for the education of children who reside on federal lands. Impact Aid funding is now part of title VIII of the Elementary and Secondary Act which provides a set-aside for BIE schools.

Self-Determination Period (1965 to current). With the recognition that the prior policies of terminations, assimilation, and removal had failed, federal policy once again acknowledged that tribes are best suited to self-govern and to make the decisions impacting the needs of their members. The Elementary and Secondary Education Act was initially passed in 1965 and is now the primary source of federal aid for K-12 education.

It was also during this period that the Kennedy Report on Indian Education was presented in 1969. That report was significant: it acknowledged that education (or lack of education) had been used as an assimilation tool and that stripping language and culture from Native children was damaging not

only to the individual Indian, but to the successful functioning of the tribe as a whole. The Kennedy Report illustrated many of the needs that tribes still have today including a need to increase graduation rates, receive adequate funding, incorporate language and culture into the curriculum, and investigate discrimination of Native students attending public schools. The report did lead to two significant pieces of education that are still impactful today.

First, The Indian Education Act of 1972, established the Office of Indian Education within the Department of Education. This was the first office outside the Department of Interior established to oversee a federal Indian education program. Second, the Indian Self-Determination and Education Assistance Act of 1975 enabled tribes to take over the operation of their BIE schools and perform the functions that the BIA had performed. Today, 124, or two-thirds of the 184 BIE schools are grant schools.

For purposes of this hearing, it is important to note the policies, many of them failed policies, of the past in order to understand the current state of Indian education. The removal of Native youth from their homes, the prohibition of language and culture, and the view that Native students should assimilate into public schools are policies not far removed from Native students today. Those affected were the grandparents and great-grandparents of today's students and the inconsistent and harmful policies intended to erase culture and identity are still at the core of the challenges still faced today by Native students in the BIE schools system, as well as the public school system.

CHALLENGES FOR NATIVE STUDENTS

Many challenges exist in reforming the educational system for Native students. The severity of the current state of Indian education is perhaps most apparent in the Native high school graduation rate. The graduation rate for American Indian and Alaska Native high school students is 69.7 percent—the lowest of any racial/ethnic demographic group across all schools. Even worse, the graduation rate for Native students in the Bureau of Indian Education school system is a staggering 61 percent compared to the national average of 80 percent.

The reason for lagging academic performance at BIE schools is multi-faceted but there is clear agreement at the federal, tribal, and school level that significant changes are necessary in order to provide better education for Native students. At her first hearing following confirmation, Secretary Jewell stated, "Indian education is an embarrassment to you and to us. We know that self-determination and self-governance is going to play an important role in bringing the kind of academically rigorous and culturally appropriate education that children need."

Administrative Functions. Two recent reports by the General Accounting Office highlight some of the Administrative issues facing BIE schools. The first report, entitled "Better Management and Accountability Needed to Improve Indian Education" (GAO-13-774) points to the need for improved communications, management controls, and strategic goals and measures in order to improve administrative functions.

Another recent report issued in November of 2014, entitled "Bureau of Indian Education Needs to improve Oversight of School Spending" (GAO-15-121) recommends the development of a workforce plan to ensure processes and oversight of spending is done in a way to improve school processes.

It must be noted however, that these GAO reports follow other reports that examined the administrative functions at BIE. GAO testimony over the years and prior reports illustrate a need for sustained review and concrete improvements to the BIE educational system. To address these issues, Secretary Jewell and Secretary of Education Duncan created the American Indian Education Study Group to examine the challenges and issues faced by Native students with the BIE school system.

For the most part, the issues raised by tribal participants, school personnel, parents, and students in response to the study group were issues that NCAI has heard throughout the years—that it is difficult to attract and retain teachers at BIE schools, in part because of their remote locations, and in part due to other factors impacting tribes such as housing shortages. Commenters also cited: the overly burdensome administrative requirements that hampered the ability of BIE schools, and even tribally-run BIE schools, to have a real impact on tailoring the education of students to the specific tribal needs, especially in the areas of language and culture curriculum; the under-funding of tribally controlled schools who routinely receive only 67% of the cost required to operate the tribal school: the requirement that across the BIE system, tribes are required to comply with state standard, meaning 23 sets of standards exist for BIE schools: and lack of consistency in leadership at the BIE (33 directors have been named in the past 36 years).

The Study Group resulted in a plan intended to improve educational experiences and outcomes of BIE students based on four pillars of reform: 1) to recruit, retain, and empower highly-effective teachers and principals; 2) to develop BIE into a responsive organization that provides the resources, direction, and services to tribes so they can help their students attain higher levels of student achievement; 3) to develop a budget that supports tribal capacity building and best practices; and 4) comprehensive support through partnerships. The core of the BIE plan is to support current tribally controlled schools with capacity building, while identifying other schools that may elect to take over control of their programs, with the BIE transitioning into more of a support function than an administrative function.

The recommendations have been met with mixed reactions from tribes. Some tribes are concerned that the BIE is trying to "get out of the education business" and that this reform effort is a step towards removing accountability from the BIE and other tribes are encouraged to exert more control over the academic success of their students. What we have found is that there is no "one size fits all" in Indian Country and NCAI is constantly looking for best practices to share with other tribes. Tribal self-governance, at its core, is about each tribe making the educational decisions and putting in place the processes that work for their students, their communities, and their tribe.

School Infrastructure. Another issue for BIE schools is the condition of those schools. According to prior testimony by the BIE, of the 184 BIE schools, 34 percent (63 schools) are in poor condition, and 27% are now over 40 years old. These substandard conditions are not conducive to educational success and impact the quality of education that the students receive. It is worth noting that a significant disparity exists in the treatment of BIE schools when compared to Department of Defense school funding. Despite demonstrated need, the, Department of the Interior has consistently proposed low levels of funding for replacement school funding when compared with Department of Defense schools. At a 2014 Senate hearing where the Department of Defense testified, it was noted that the fiscal year budget request for replacement of Department of Defense schools was $315 million compared to a budget request of $2 million for BIE schools. This is despite a demonstrated need of $1.3 billion to clear the construction backlog at BIE schools.

CONCLUSION

There is much room for improvement in the BIE school system. NCAI appreciates the efforts of this Committee to take a look at the challenges within the system and commitment to make improvements to the system. At the very basic level, tribes are seeking the fulfillment of the same promise of fulfillment of the true trust relationship with the federal government -- tribal control over the education of our students in a way that incorporates language and culture and ensures academic success – not only for their well-being, but for the continued prosperity of our tribes.

Chairman ROKITA. I thank the gentleman.

Mr. Roman Nose, you are recognized for 5 minutes.

STATEMENT OF MR. QUINTON ROMAN NOSE, EXECUTIVE DIRECTOR, TRIBAL EDUCATION DEPARTMENTS NATIONAL ASSEMBLY, BOULDER, COLORADO [DEMOCRAT WITNESS]

Mr. Roman Nose. [Speaking native language.]

Good morning.

Chairman Rokita and Ranking Member Fudge, I am Quinton Roman Nose. I am Cheyenne from Oklahoma. I am also the executive director of the Tribal Education Departments National Assembly, a nonprofit organization for the education departments of American Indian and Alaskan Natives.

I come here in a spirit of my great grandfather. He came in the late 1800s with Captain Pratt seeking funding for the very first boarding school, Carlisle Indian School. Came here seeking a better life for our Indian students through education.

I appreciate the opportunity to speak to you today, and I thank Representative Rokita for setting this important hearing. Over 90 percent of our American Indian students are education in SEAs and public schools. The Bureau of Indian Education still oversees 185 schools, serving about 41,000 students.

Overall, the federal education policy is failing Native American students. Native American students drop out of high school at a higher rate, score lower on achievement tests than any other group. The national dropout rate for Native American students is double than that of their peers.

Likewise, the Office of Civil Rights report Data Collection Snapshot recognized that Native American elementary and secondary students in public schools are disproportionately suspended and expelled. OCR also found that Native American kindergarten students are held back at twice the rate of their Anglo counterpart, and 9 percent of our Native American ninth-graders repeat the ninth grade.

We have many sources of data reflecting underachievement in Native American students. I would like to point out that even though a report released by the Department of Education on March 16th of this year indicates that graduation rates for American Indian students have increased in recent years, however, Native American students continue to have the lowest graduation rates of all ethnic and racial groups.

At the same time, tribal governments involved in the education of Native American students have been severely restricted until recently. Since 1988, Congress has authorized funding specifically to build tribal capacity to directly serve Native American students. Funds were recently appropriated for the first time, but these tribal education agencies, TEAs, need continued funding in order to fulfill critical needs of Native American students.

TEAs are in a unique position to halt and reverse the negative outcomes for Native American students. TEAs have already proven they are capable of improving Native American student outcomes.

As an example, Chickasaw Nation, one of the STEP grantees, has a science, technology, and math program, among other education programs, that serves approximately 250 Chickasaw stu-

dents. Ninety percent of senior students participating in that program enrolled in college. The work of the Nez Perce Tribe in Idaho—their TEA is another good example.

The most recent research shows that the achievement in Native American students have found a connection between low achievement and low cultural relevance. The Nez Perce Tribe, another STEP grantee, has made a large inroad to providing teacher training on the integration of cultural pedagogy, tribal education standards, and Common Core standards.

While TEAs can assist in curbing the challenges, the challenges are widespread. For instance, the FCC estimates that the percentage of Americans in rural tribal communities without access to fixed broadband—it is eight times higher than the national average.

There was a rulemaking committee estimated that 61 of the 183 BIE schools were in poor condition and that bringing them to fair condition would cost $1.3 billion. TEDNA supports efforts to build or repair school buildings for tribal schools and would encourage more funding and a smoother, streamlined process so that more buildings can be completed under the original plans.

As the GAO reported in the series report, BIE needs better management and accountability, improved oversight of spending, and to greatly upgrade many facilities. TEDNA generally supports the current BIE reorganization plan, but wants to ensure that there is local and regional input from tribal leadership.

The BIE reorganization plan will move toward allowing more tribes to have more control of their education system even though we recognize it will be a difficult process. We are aware of arguments from both sides, the pro and cons, of the reorganization plan. We support the efforts of those tribes and their TEAs who are willing to participate in this process.

We appreciate the BIE Sovereignty in Education grant. We also applaud the House's initiative for appropriating TEA fundings on 25 U.S. Code Section 2020, a historic appropriation. The recent initiatives recognize the importance of TEAs.

In closing, while there are serious challenges facing Native American students, there are promising TEAs and programs that are currently making advances. With the assistance of the House appropriating funds for TEAs, we are hoping to continue to make gains and provide TEAs with a greater role in the education of their students.

Again, I thank you, Chairman Rokita, for recognizing the importance of Native education and the challenges we are facing in educating our students.

Should you have any questions, I am happy to answer them. Also, we will be submitting written testimony within the 2-week period.

Thank you.

[The statement of Mr. Roman Nose follows:]

Tribal Education Departments National Assembly

P.O. Box 18000
Boulder, CO 80308
Info@tedna.org

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TESTIMONY OF QUINTON ROMAN NOSE, EXECUTIVE DIRECTOR OF TEDNA, ON CHALLENGES FACING NATIVE AMERICAN SCHOOLS BEFORE THE HOUSE EDUCATION & AND THE WORKFORCE COMMITTEE, SUBCOMMITTEE ON EARLY CHILDHOOD, ELEMENTARY, AND SECONDARY EDUCATION

APRIL 22, 2015

Chairman Rokita and Ranking Member Fudge, I am Quinton Roman Nose, Executive Director of the Tribal Education Departments National Assembly ("TEDNA"), a national non-profit membership organization for the Education Departments of American Indian and Alaska Native tribes. I appreciate the opportunity to speak to you today, and I thank Representative Rokita for setting this important hearing. While over 92% of American Indian students in K-12 are educated through State Education Agencies and public schools,[1] the Bureau of Indian Education still oversees 185 schools, serving about 41,000 students on or near Indian reservations.[2]

Overall, federal education policy is failing Native American students. Native American students drop out of high school at a higher rate and score lower on achievement tests than any other student group. The national dropout rate of Native American students is double that of their non-Indian peers. Likewise, the U.S. Department of Education's Office of Civil Rights ("OCR") Data Collection: Data Snapshot (March 21, 2014) recently recognized that Native American elementary and secondary students in public schools are disproportionately suspended and expelled. OCR also found that Native American kindergarten students are

[1] *The State of Education for Native Students*, The Education Trust (2013), 4, http://www.edtrust.org/sites/edtrust.org/files/NativeStudentBrief_0.pdf.

among those held back a year at nearly twice the rate of Anglo kindergarten students, and that 9% of Native American ninth grade students repeat ninth grade.

In achievement, Native American 8th grade students are 18% more likely to read or perform in mathematics at a "below basic" level. Only a quarter of Native American high school graduates taking the ACT score at the "college-ready" level in math and only about one-third score at the "college-ready" level in reading. Although new data released on March 16 by the U.S. Department of Education indicates that graduation rates for Native American students have increased in recent years, Native Americans continue to have the lowest graduation rates of all ethnic and racial groups.[3]

At the same time, Tribal government involvement in the education of Native American students has been severely restricted until recently. Since 1988, Congress has authorized funding specifically to build Tribal capacity to directly serve Native students. Funds were recently appropriated for the first time, but these Tribal Education Agencies ("TEAs") need continued funding in order to fulfill critical needs of Native American students. TEAs are in a unique position to halt and reverse the negative outcomes for Native students. TEAs have already proven that they are capable of improving Native American student outcomes. For example, the Chickasaw Nation of Oklahoma, one of the STEP grantees, has a science, technology, and math program, among many other education programs, that serves approximately 250 Chickasaw students. Ninety percent of senior students participating in the program enroll in college. The Chickasaw Nation has also stepped in to move expelled students into other alternative high school programs and provide counseling and other services in real time in public schools. Through this process, Local Education Agencies ("LEAs") now understand that this is exactly the type of situation that the Chickasaw Nation TEA can address before the expulsion stage so intervention services can be provided, such as counseling, to students that are at risk.

The work of the Nez Perce Tribe's TEA is another good example. The most current research indicates that Native American academic achievement must include effective teaching strategies. Also,

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[2] U.S. Gen. Accounting Office, Bureau of Indian Education Needs to Improve Oversight of School Spending 1 (2014).

[3] U.S. Department of Education, Achievement Gap Narrows as High School Graduation Rates for Minority Students Improve Faster than Rest of Nation (March 16, 2015), available at: http://www.ed.gov/news/press-releases/achievement-gap-narrows-high-school-graduation-rates-minority-students-improve-faster-rest-nation.

researchers studying the achievement of Native American students have found a connection between low achievement and low cultural relevance. The Nez Perce Tribe, another STEP grantee, has made a large in-road to providing teacher training on the integration of cultural pedagogy, tribal education standards, and common core standards. In addition, technical assistance is provided by the Nez Perce TEA to their partner LEA's on use of the Native Star Culture and Language Indicators. These indicators address culturally-responsive school leadership, community engagement, and infusion of culture and language into the school's curriculum and instruction.

While TEAs can assist in curbing the challenges, the challenges are widespread. For instance, the FCC estimates that the percentage of Americans in rural Tribal communities without access to fixed broadband is 8 times higher than the national average. Additionally, the *No Child Left Behind* School Facilities and Construction Negotiated Rulemaking Committee estimated that 63 of 183 BIE schools were in poor condition, and that bringing them to fair condition would cost $1.3 billion. This widespread neglect of BIE school infrastructure is a source of great concern among tribal leaders, and there is ample evidence about cracked and condemned buildings, exposed wiring, leaking roofs, and other serious safety hazards within BIE schools.[4] These unique physical challenges lower moral and student success. TEDNA supports efforts to build or repair school buildings for tribal schools and would encourage more funding and a smoother streamlined process so that more buildings can be completed under the original plans.

As the GAO has noted in a series of reports, the BIE needs better management and accountability, improved oversight of spending, and to greatly upgrade many facilities. TEDNA generally supports the current BIE reorganization plan, but wants to ensure there is local and regional input from tribal leadership. The BIE reorganization plan will move toward allowing more tribes to have more control of their education system even though we recognize it will be a difficult process. We are aware of the arguments from both the pro and con sides of the reorganization plan but we support the efforts of those tribes and their TEAs who are willing to start participating in the process. We appreciate the BIE's SIE (Sovereignty In Education)

[4] *See generally* U.S. Gen. Accounting Office, Preliminary Results Show Continued Challenges to the Oversight and Support of Education Facilities (2015).

grant. We also applaud the House's initiative in appropriating TEAs funding based on 25 U.S.C. § 2020, a historical appropriation. These recent initiatives recognize the importance of TEAs in improving success.

TEAs also face challenges in accessing student data. The Family Educational Rights and Privacy Act ("FERPA") of 1974 (20 U.S.C. § 1232g; 34 CFR Part 99) generally protects the privacy of student education records. FERPA, however, has been read to preclude tribes and TEAs from obtaining student records without parental consent, unlike SEAs or LEAs. Because of FERPA's lack of clarity, many public school districts and states will not allow TEAs access to the records and information of their tribal students unless the requisite parental or student consent is obtained in advance. The difficulty of accessing -- or the inability to access -- these records on tribal students has hampered the efforts of TEAs to plan and coordinate education programs; to provide support services and technical assistance to schools; and to work with LEAs and SEAs. FERPA should be clarified by a technical amendment that includes TEAs.

The Johnson-O'Malley is another area of concern. The BIA and BIE have failed to comply with Congressional mandates from fiscal years 2012 and 2014 to conduct a comprehensive student count of Johnson-O'Malley students and make public these results. Serious underfunding of the Johnson-O'Malley Program has resulted due to the absence of updated and accurate student counts. While it appears the BIE has not been able to produce an accurate count, several proposals have been offered by the National Johnson-O'Malley Association (NJOMA) including the use of U.S. Census Bureau data regarding American Indian populations.

While there are serious challenges facing Native American schools and students, there are promising TEAs and programs that are currently making advances. With the assistance of the House in appropriating funds for TEAs, we hope to continue to make gains and provide TEAs with a greater role in the education of their students. Again, I thank Chairman Rokita for recognizing the importance of Native Education and the challenges that we face in educating our students. Should you have any questions, I am happy to answer them.

Chairman ROKITA. I thank the gentleman.

Ms. Emrey-Arras, you are recognized for 5 minutes.

STATEMENT OF MS. MELISSA EMREY–ARRAS, DIRECTOR, EDUCATION, WORKFORCE AND INCOME SECURITY ISSUES, U.S. GOVERNMENT ACCOUNTABILITY OFFICE, BOSTON, MASSACHUSETTS

Ms. EMREY-ARRAS. Thank you.

Chairman Rokita, Ranking Member Fudge, and members of the subcommittee, thank you for inviting me here today to discuss GAO's work regarding Indian Affairs' oversight of and support for Indian education.

Over the past 10 years, Indian Affairs within the Department of Interior has undergone several reorganizations, resulting in multiple offices across different units being responsible for Indian education.

Within Indian Affairs, the Bureau of Indian Education oversees 185 elementary and secondary schools that serve approximately 41,000 students on or near Indian reservations in 23 states. These schools receive almost all of their funding from the Department of Interior and the Department of Education.

Student performance at these schools has been consistently below that of Indian students at public schools, raising questions about whether students at these schools are, in fact, receiving a quality education.

My remarks will cover findings from our prior work. Specifically, I will focus on three key management challenges at Indian Affairs: one, its administration of schools; two, the capacity of its staff to address school needs; and three, accountability for managing school construction and monitoring school spending.

In terms of administration, we have found that organizational fragmentation and poor communication undermine administration of these schools. In addition to the Bureau of Indian Education, multiple offices have responsibility for educational and administrative functions at these schools.

For example, Indian Affairs provided us with a chart on these offices, and I think you can see it on the side. And this is just a chart for just school facilities. And as you can see, it shows numerous offices across three organizational divisions.

Fragmentation and poor communication among Indian Affairs offices has led to confusion among schools about whom to contact when they have problems, and it has also resulted in delays of key educational services and supplies like textbooks to students.

In 2013, we recommended that Indian Affairs develop a strategic plan for the Bureau of Indian Education and a strategy for communicating with schools. Although Indian Affairs agreed with the recommendations, it has not yet fully implemented them.

Limited staff capacity within Indian Affairs poses another challenge to addressing school needs. Indian Affairs data indicate that about 40 percent of its regional facility positions, such as architects and engineers, are vacant.

We also found that staff do not always have the skills and training that they need to oversee school spending. We recommended that Indian Affairs revise its workforce plan so that employees are

placed in the right offices and have the right skills to support schools. Although Indian Affairs again agreed with this recommendation, it has not implemented it.

Inconsistent accountability also hampers management of school construction and monitoring of school spending. We have found that Indian Affairs did not consistently oversee some school construction projects.

For example, at one school we visited Indian Affairs spent $3.5 million to replace multiple roofs in 2010. The new roofs have leaked since they were installed, causing mold and ceiling damage. And again, there is another picture. Indian Affairs has not addressed the problems, resulting in continued leaks and damage to the structure.

At another school we visited, a high voltage electrical panel was installed next to the dishwasher, which posed a potential electrocution hazard. School facility staff told us that although the building inspector had approved this configuration before it opened, safety inspectors later noted that it was, in fact, a safety hazard.

In 2014 we found that the Bureau of Indian Education does not adequately monitory school expenditures using RBM procedures or risk-based monitoring approach. As a result, the bureau failed to provide effective oversight of schools when they misspent millions of dollars in federal funds.

We recommended that the agency develop RBM procedures and a risk-based approach to improve its monitoring. Indian Affairs again agreed, but it has not yet implemented these recommendations.

In conclusion, our work shows that Indian Affairs continues to face challenges overseeing and supporting Indian education. Unless these issues are addressed, it will be difficult for Indian Affairs to ensure the long-term success of a generation of students.

Thank you.

[The statement of Ms. Emrey-Arras follows:]

United States Government Accountability Office

Testimony
Before the Subcommittee on Early Childhood, Elementary, and Secondary Education, Committee on Education and the Workforce, House of Representatives

For Release on Delivery
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INDIAN AFFAIRS

Further Actions on GAO Recommendations Needed to Address Systemic Management Challenges with Indian Education

Statement of Melissa Emrey-Arras, Director
Education, Workforce, and Income Security

GAO-15-539T

GAO Highlights

Highlights of GAO-15-539T, a testimony before the Subcommittee on Early Childhood, Elementary, and Secondary Education, Committee on Education and the Workforce, House of Representatives

April 2015

INDIAN AFFAIRS

Further Actions on GAO Recommendations Needed to Address Systemic Management Challenges with Indian Education

Why GAO Did This Study

BIE is responsible for providing quality education opportunities to Indian students. It currently oversees 185 schools, serving about 41,000 students on or near Indian reservations. Poor student outcomes raise questions about how well BIE is achieving its mission. In September 2013, GAO reported that BIE student performance has been consistently below that of Indian students in public schools.

This testimony discusses Indian Affairs' management challenges in improving Indian education, including (1) its administration of schools, (2) staff capacity to address schools' needs, and 3) accountability for managing school construction and monitoring school spending.

This testimony is based on GAO reports issued in September 2013 and November 2014, as well as GAO's February 2015 testimony, which presents preliminary results from its ongoing review of BIE school facilities. A full report on school facilities will be issued later this year. GAO reviewed relevant laws and regulations; analyzed agency data; and conducted site visits to schools, which were selected based on their geographic diversity and other factors.

GAO has made several recommendations in its earlier reports; it is not making any new recommendations in this statement.

View GAO-15-539T. For more information, contact Melissa Emrey-Arras at (617) 788-0534 or emreyarrasm@gao.gov.

What GAO Found

GAO has reported for several years on how systemic management challenges within the Department of the Interior's Office of the Assistant Secretary–Indian Affairs (Indian Affairs) continue to hamper efforts to improve Bureau of Indian Education (BIE) schools. Over the past 10 years, Indian Affairs has undergone several organizational realignments, resulting in multiple offices across different units being responsible for BIE schools' education and administrative functions. Indian Affairs' fragmented organization has been compounded by frequent turnover in its leadership over a 13-year period and its lack of a strategic plan for BIE. Further, fragmentation and poor communication among Indian Affairs offices has led to confusion among schools about whom to contact about problems, as well as delays in the delivery of key educational services and supplies, such as textbooks. Key practices for organizational change suggest that agencies develop a results-oriented framework, such as a strategic plan, to clearly establish and communicate performance goals and measure their progress toward them. In 2013, GAO recommended that Interior develop a strategic plan for BIE and a strategy for communicating with schools, among other recommendations. Indian Affairs agreed with and reported taking some steps to address the two recommendations. However, it has not fully implemented them.

Limited staff capacity poses another challenge to addressing BIE school needs. According to key principles for effective workforce planning, the appropriate deployment of employees enables organizations to have the right people, with the right skills, in the right place. However, Indian Affairs data indicate that about 40 percent of its regional facility positions, such as architects and engineers, are vacant. Similarly, in 2014, GAO reported that BIE had many vacancies in positions to oversee school spending. Further, remaining staff had limited financial expertise and training. Without adequate staff and training, Indian Affairs will continue to struggle in monitoring and supporting schools. GAO recommended that Interior revise its workforce plan so that employees are placed in the appropriate offices and have the requisite knowledge and skills to better support schools. Although Indian Affairs agreed with this recommendation, it has not yet implemented it.

Inconsistent accountability hampers management of BIE school construction and monitoring of school spending. Specifically, GAO has found that Indian Affairs did not consistently oversee some construction projects. For example, at one school GAO visited, Indian Affairs spent $3.5 million to replace multiple roofs in 2010. The new roofs already leak, causing mold and ceiling damage, and Indian Affairs has not yet adequately addressed the problems, resulting in continued leaks and damage to the structure. Inconsistent accountability also impairs BIE's monitoring of school spending. In 2014, GAO found that BIE does not adequately monitor school expenditures using written procedures or a risk-based monitoring approach, contrary to federal internal control standards. As a result, BIE failed to provide effective oversight of schools when they misspent millions of dollars in federal funds. GAO recommended that the agency develop written procedures and a risk-based approach to improve its monitoring. Indian Affairs agreed but has yet to implement these recommendations.

Chairman Rokita, Ranking Member Fudge, and Members of the Subcommittee:

I appreciate the opportunity to testify today to discuss systemic management challenges facing the Department of Interior's (Interior) Bureau of Indian Education (BIE) schools. For the past several years, we have reported on a broad range of issues related to BIE's education programs and operations. Currently, BIE oversees 185 elementary and secondary schools that serve approximately 41,000 students on or near Indian reservations in 23 states, often in rural areas and small towns.[1] About two-thirds of these schools are operated by tribes (tribally-operated), primarily through federal grants, and about one-third are operated directly by BIE (BIE-operated). BIE's mission is to provide Indian students with quality education opportunities. Poor student outcomes, however, raise questions about how well BIE is achieving its mission. For example, in September 2013, we reported that student performance at BIE schools had been consistently below Indian students in public schools.[2] High school graduation rates for BIE schools were also lower than the national average. In addition, recent reports have raised concerns about the physical condition of school facilities and the effect these conditions may have on the educational outcomes of Indian students who attend them.[3]

My remarks today will focus on management challenges to improving Indian education, which is overseen by Interior's Office of the Assistant Secretary – Indian Affairs (Indian Affairs). Specifically, I will discuss Indian Affairs' (1) administration of schools, (2) staff capacity to address schools' needs, and (3) accountability for managing school construction and

[1]For our analysis of BIE schools, we counted each school individually, including those schools that were co-located in the same building. Thus, the total number of BIE schools we present may appear differently in Interior documents.

[2]GAO, *Indian Affairs: Better Management and Accountability Needed to Improve Indian Education*, GAO-13-774 (Washington, D.C.: September 24, 2013).

[3]U.S. Department of the Interior, Office of Inspector General, *Inspector General's Statement Summarizing the Major Management and Performance Challenges Facing the U.S. Department of the Interior*, ER-SP-MOI-0008-2014 (Washington, D.C.: October 20, 2014); Congressional Research Service, *Federal Indian Elementary-Secondary Education Programs: Background and Issues*, RL34205 (Washington, D.C.: February 11, 2013); and No Child Left Behind School Facilities and Construction Negotiated Rulemaking Committee, *Broken Promises, Broken Schools* (Washington, D.C. December 2011).

monitoring school spending. My statement is based on our prior reports issued in September 2013 and November 2014 on BIE's management of schools and its oversight of school spending,[4] and on my February 2015 testimony on our ongoing work on the condition of BIE school facilities for the House Appropriations Subcommittee on Interior, Environment, and Related Agencies.[5]

To perform this work, we used multiple data collection methodologies. Specifically, we reviewed relevant federal laws and regulations; analyzed agency data; and conducted site visits to schools, which were selected to reflect a mix of tribally-operated and BIE-operated schools, geographic diversity, and other factors. We also reviewed Indian Affairs' budget documents and the Department of Education's (Education) student performance data, and conducted interviews with agency officials. We determined that these data were sufficiently reliable for the purposes of our work. Further details on the scope and methodology are available within each of the previously published products. We expect to issue a final report later this year that will provide our complete results on the condition of BIE school facilities, as well as Indian Affairs' accountability for school construction and repair.

We conducted the work on which this statement is based in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions.

Background

BIE's Indian education programs derive from the federal government's trust responsibility to Indian tribes, a responsibility established in federal

[4]GAO-13-774, and GAO, *Indian Affairs: Bureau of Indian Education Needs to Improve Oversight of School Spending*, GAO-15-121 (Washington, D.C.: November 13, 2014).

[5]GAO, *Indian Affairs: Preliminary Results Show Continued Challenges to the Oversight and Support of Education Facilities*, GAO-15-389T (Washington, D.C.: February 27, 2015).

statutes, treaties, court decisions, and executive actions.[6] It is the policy of the United States to fulfill this trust responsibility for educating Indian children by working with tribes to ensure that education programs are of the highest quality, among other things.[7] In accordance with this trust responsibility, Interior is responsible for providing a safe and healthy environment for students to learn. BIE's mission is to provide Indian students with quality education opportunities. Students attending BIE schools generally must be members of federally recognized Indian tribes, or descendants of members of such tribes, and reside on or near federal Indian reservations.[8]

All BIE schools—both tribally-operated and BIE-operated—receive almost all of their funding to operate from federal sources, namely, Interior and Education.[9] Specifically, these elementary and secondary schools received approximately $830 million in fiscal year 2014—including about 75 percent, or about $622 million from Interior and about 24 percent, or approximately $197 million, from Education. BIE schools also received small amounts of funding from other federal agencies (about 1 percent), mainly the Department of Agriculture, which provides reduced-price or free school meals for eligible low-income children. (See fig. 1).

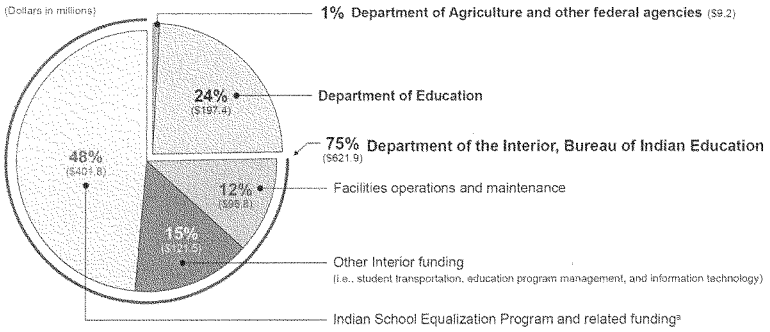
[6]The federal government recognizes Indian tribes as distinct, independent political communities that possess certain powers of self-government. Federal recognition confers specific legal status on a particular Native American group, establishes a government-to-government relationship between the United States and the tribe, imposes on the federal government a fiduciary trust relationship with the tribe and its members, and imposes specific obligations on the federal government to provide benefits and services to the tribe and its members.

[7]25 U.S.C. § 2000.

[8]Certain students who are not Indian may attend BIE schools, for example, children of school staff may generally attend BIE schools.

[9]According to BIE officials, very little funding for BIE schools comes from tribes and other sources.

Figure 1: Federal Funds to Operate Programs at Bureau of Indian Education (BIE) Schools for Grades K-12, Fiscal Year 2014



Source: GAO analysis of Interior budget documents and Education data. | GAO-15-539T

Note: The funding amount for the Department of Agriculture is an estimate based on the amount from the prior year. Funding for capital, debt service, and related programs are not shown, because they are not considered as funding for ongoing operations.

[a]Interior's Indian School Equalization Program provides funding for basic and supplementary instruction and staffing to oversee student dormitories, among other services.

While BIE schools are primarily funded through Interior, they receive annual formula grants from Education, similar to public schools. Specifically, schools receive Education funds under Title I, Part A of the Elementary and Secondary Education Act (ESEA) of 1965, as amended, and the Individuals with Disabilities Education Act. Title I—the largest funding source for kindergarten through grade 12 under ESEA—provides funding to expand and improve educational programs in schools with students from low-income families and may be used for supplemental services to improve student achievement, such as instruction in reading and mathematics. An Education study published in 2012 found that all BIE schools were eligible for Title I funding on a school-wide basis because they all had at least 40 percent of children from low-income households in school year 2009-10.[10] Further, BIE schools receive

[10]U.S. Department of Education, National Center on Education Statistics, *Documentation to the NCES Common Core of Data Public Elementary/ Secondary School Universe Survey: School Year 2009–10*. (Washington, D.C.: August 2012).

Individuals with Disabilities Education Act funding for special education and related services, such as physical therapy or speech therapy. BIE schools tend to have a higher percent of students with special needs than students in public schools nationally.[11]

BIE schools' educational functions are primarily the responsibility of BIE, while their administrative functions are divided mainly between two other Interior offices.

- **The Bureau of Indian Education** develops educational policies and procedures, supervises program activities, and approves schools' expenditures. Three Associate Deputy Directors are responsible for overseeing multiple BIE local education offices that work directly with schools to provide technical assistance. Some BIE local offices also have their own facility managers.
- **The Office of the Deputy Assistant Secretary of Management** oversees many of BIE's administrative functions, including acquisitions and contract services, financial management, budget formulation, and property management. This office is also responsible for developing policies and procedures and providing technical assistance and funding to Bureau of Indian Affairs (BIA) regions and BIE schools to address their facility needs. Professional staff in this division—including engineers, architects, facility managers, and support personnel—are tasked with providing expertise in all facets of the facility management process.
- **The Bureau of Indian Affairs** administers a broad array of social services and other supports to tribes at the regional level. Regarding school facility management, BIA oversees the day-to-day implementation and administration of school facility construction and repair projects through its regional field offices. Currently there are 12 regional offices, and 9 of them have facility management responsibilities.[12] These responsibilities include performing school health and safety inspections to ensure compliance with relevant

[11]For example, in school year 2009-10, about 18 percent of students in BIE schools were in special education, as compared to 13 percent in public schools. GAO-15-121.

[12]The remaining three regions do not have facility management responsibilities. Two regions receive facility support from another region or a tribally-operated nonprofit, and one region does not have BIE facilities.

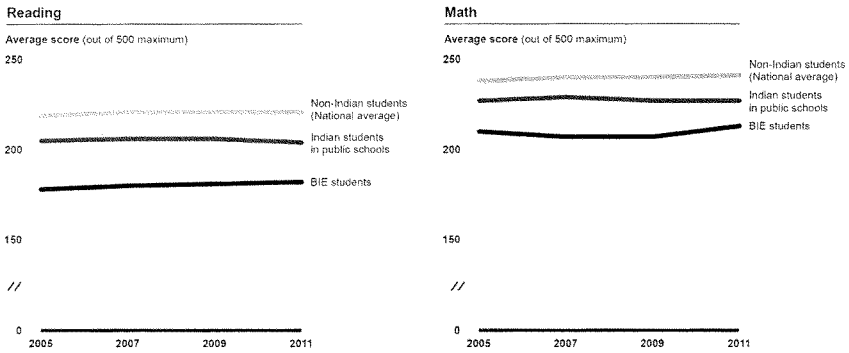
requirements and providing technical assistance to BIE schools on facility issues.

In September 2013, we reported that BIE student performance on national and state assessments[13] and graduation rates were below those of Indian students in public schools.[14] For example, in 2011, 4th grade estimated average reading scores were 22 points lower for BIE students than for Indian students in public schools. In 4th grade mathematics, BIE students scored 14 points lower, on average, than Indian students in public schools in 2011. (See fig. 2.) We also reported that 8th grade students in 2011 had consistently lower scores on average than Indian students in public schools.

[13]To determine how student performance at BIE schools compares to that of public school students, we reviewed data on student performance for 4th and 8th grades at BIE and public schools for 2005 to 2011 using data from the National Assessment of Educational Progress, a project of Education. Since 1969, these assessments have been conducted periodically in various subjects such as reading and mathematics. Further, these assessments are administered uniformly across the nation, and the results serve as a common metric for all states and selected urban districts.

[14]Additionally, Indian students attending BIE and public schools have consistently scored lower on average than the national average for non-Indian students. Some of the difference in performance levels between Indian students and non-Indian students may be explained by factors such as poverty and parents' educational backgrounds.

Figure 2: Fourth Grade Estimated Average Scores on the National Assessment of Educational Progress (NAEP) for Students in BIE Schools Compared to Indian Students in Public Schools and Non-Indian National Average, 2005 to 2011



Source: National Assessment of Educational Progress. | GAO-15-539T

Notes: The category "Non-Indian students (National average)" includes students in public, private, and Department of Defense schools. All score estimates from NAEP assessments have margins of error at the 95 percent confidence level of plus or minus 9 points or less.

Furthermore, students in BIE schools had relatively low rates of graduation from high school compared to Indian students in public schools in the 2010-2011 school year. Specifically, the graduation rate for BIE students for that year was 61 percent—placing BIE students in the bottom half among graduation rates for Indian students in states where BIE schools are located. In these states, the Indian student graduation rates ranged from 42 to 82 percent.

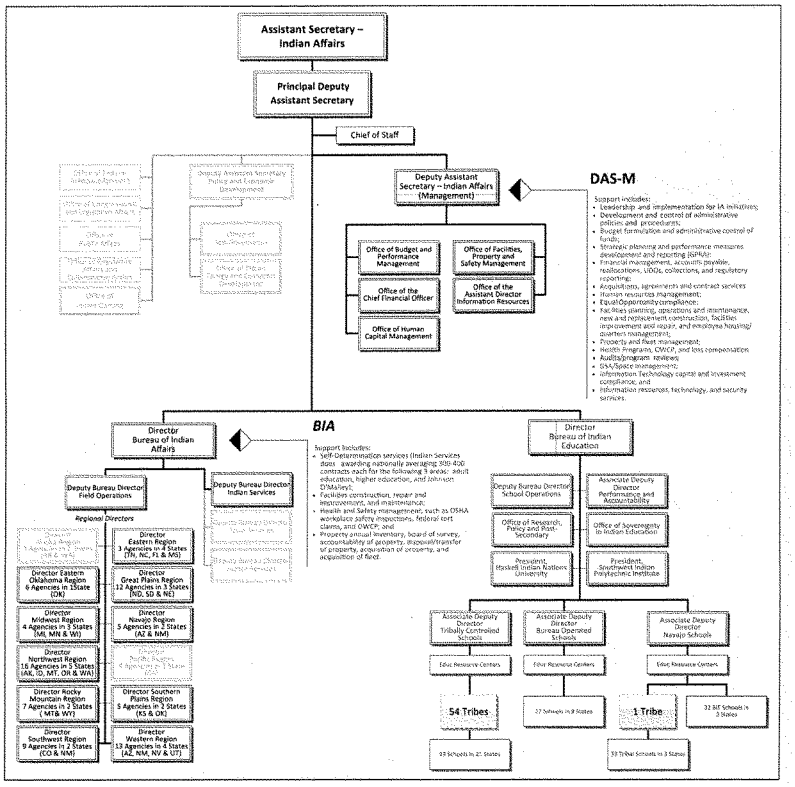
Organizational Fragmentation and Poor Communication Undermine Indian Affairs' Administration of BIE Schools

Indian Affairs' administration of BIE schools—which has undergone multiple realignments over the past 10 years—is fragmented.[15] In addition to BIE, multiple offices within BIA and the Office of the Deputy Assistant Secretary of Management have responsibilities for educational and administrative functions for BIE schools. Notably, when the Assistant Secretary for Indian Affairs was asked at a February 2015 hearing to clarify the responsibilities that various offices have over BIE schools, he responded that the current structure is "a big part of the problem" and that the agency is currently in the process of realigning the responsibilities various entities have with regard to Indian education, adding that it is a challenging and evolving process.[16] Indian Affairs provided us with a chart on offices with a role in supporting and overseeing just BIE school facilities, which shows numerous offices across three organizational divisions. (See fig. 3.)

[15]GAO-13-774.

[16]Bureau of Indian Affairs and Bureau of Indian Education Budget Requests for FY 2016: Hearing Before the Subcommittee on Interior, Environment, and Related Agencies of the H. Comm. on Appropriations, February 27, 2015.

Figure 3: Indian Affairs Chart on Offices with a Role in Supporting and Overseeing BIE Schools Facilities



Source: Department of the Interior. | GAO-15-539T

Notes: DAS-M stands for the Office of the Deputy Assistant Secretary of Management.
Shaded boxes indicate offices without a role in supporting or overseeing BIE school facilities.

The administration of BIE schools has undergone several reorganizations over the years to address persistent concerns with operational effectiveness and efficiency. In our 2013 report, we noted that for a brief period from 2002 to 2003, BIE was responsible for its own administrative functions, according to BIE officials.[17] However, in 2004 its administrative functions were centralized under the Office of the Deputy Assistant Secretary for Management. More recently, in 2013 Indian Affairs implemented a plan to decentralize some administrative responsibilities for schools, delegating certain functions to BIA regions. Further, in June 2014, the Secretary of the Interior issued an order to restructure BIE by the start of school year 2014-2015 to centralize the administration of schools, decentralize services to schools, and increase the capacity of tribes to directly operate them, among other goals. Currently, Indian Affairs' restructuring of BIE is ongoing.

In our 2013 report, we found that the challenges associated with the fragmented administration of BIE schools were compounded by recurrent turnover in leadership over the years, including frequent changes in the tenure of acting and permanent assistant secretaries of Indian Affairs from 2000 through 2013. We also noted that frequent leadership changes may complicate efforts to improve student achievement and negatively affect an agency's ability to sustain focus on key initiatives.

Indian Affairs' administration of BIE schools has also been undermined by the lack of a strategic plan for guiding its restructuring of BIE's administrative functions and carrying out BIE's mission to improve education for Indian students. We have previously found that key practices for organizational change suggest that effective implementation of a results-oriented framework, such as a strategic plan, requires agencies to clearly establish and communicate performance goals, measure progress toward those goals, determine strategies and resources to effectively accomplish the goals, and use performance information to make the decisions necessary to improve performance.[18] We noted in our 2013 report that BIE officials said that developing a strategic plan would help its leadership and staff pursue goals and collaborate effectively to achieve them. Indian Affairs agreed with our

[17]GAO-13-774.

[18]GAO, *Results-Oriented Cultures: Implementation Steps to Assist Merger and Organizational Transformations,* GAO-03-669 (Washington, D.C.: July 2, 2003).

recommendation to develop such a plan and recently reported it had taken steps to do so. However, the plan has yet to be finalized.

Fragmented administration of schools may also contribute to delays in providing materials and services to schools. For example, our previous work found that the Office of the Deputy Assistant Secretary for Management's lack of knowledge about the schools' needs and expertise in relevant education laws and regulations resulted in critical delays in procuring and delivering school materials and supplies, such as textbooks. In another instance, we found that the Office of the Deputy Assistant Secretary for Management's processes led to an experienced speech therapist's contract being terminated at a BIE school in favor of a less expensive contract with another therapist. However, because the new therapist was located in a different state and could not travel to the school, the school was unable to fully implement students' individualized education programs in the timeframe required by the Individuals with Disabilities Education Act. In addition, although BIE accounted for approximately 34 percent of Indian Affairs' budget, several BIE officials reported that improving student performance was often overshadowed by other agency priorities, which hindered Indian Affairs' staff from seeking and acquiring expertise in education issues.

In our 2013 report, we also found that poor communication among Indian Affairs offices and with schools about educational services and facilities undermines administration of BIE schools. According to school officials we interviewed, communication between Indian Affairs' leadership and BIE is weak, resulting in confusion about policies and procedures. We have reported that working relations between BIE and the Office of the Deputy Assistant Secretary for Management's leadership are informal and sporadic, and BIE officials noted having difficulty obtaining timely updates from the Office of the Deputy Assistant Secretary for Management on its responses to requests for services from schools. In addition, there is a lack of communication between Indian Affairs' leadership and schools. BIE and school officials in all four states we visited reported that they were unable to obtain definitive answers to policy or administrative questions from BIE's leadership in Washington, D.C. and Albuquerque, NM.[19] For example, school officials in one state we visited reported that they requested information from BIE's

[19]Indian Affairs, including BIE, has a major field service center in Albuquerque, N.M.

Albuquerque office in the 2012-2013 school year about the amount of Individuals with Disabilities Education Act funds they were to receive. The Albuquerque office subsequently provided them three different dollar amounts. The school officials were eventually able to obtain the correct amount of funding from their local BIE office. Similarly, BIE and school officials in three states reported that they often do not receive responses from BIE's Washington, D.C. and Albuquerque offices to questions they pose via email or phone. Further, one BIE official stated that meetings with BIE leadership are venues for conveying information from management to the field, rather than opportunities for a two-way dialogue.

We testified recently that poor communication has also led to confusion among some BIE schools about the roles and responsibilities of the various Indian Affairs' offices responsible for facility issues.[20] For example, the offices involved in facility matters continue to change, due partly to two re-organizations of BIE, BIA, and the Office of the Deputy Assistant Secretary for Management over the past 2 years. BIE and tribal officials at some schools we visited said they were unclear about what office they should contact about facility problems or to elevate problems that are not addressed. At one school we visited, a BIE school facility manager submitted a request in February 2014 to replace a water heater so that students and staff would have hot water in the elementary school. However, the school did not designate this repair as an emergency. Therefore, BIA facility officials told us that they were not aware of this request until we brought it to their attention during our site visit in December 2014. Even after we did so, it took BIE and BIA officials over a month to approve the purchase of a new water heater, which cost about $7,500. As a result, students and staff at the elementary school went without hot water for about a year.

We have observed difficulties in providing support for the most basic communications, such as the availability of up-to-date contact information for BIE and its schools. For example, BIE schools and BIA regions use an outdated national directory with contact information for BIE and school officials, which was last updated in 2011.[21] This may impair

[20]GAO-15-389T.

[21]Indian Affairs recently reported that it drafted an updated BIE national directory. However, the directory available on BIE's website as of April 19, 2015 was dated 2011, and Indian Affairs officials did not provide us with a timeframe for publishing BIE's updated directory.

communications, especially given significant turnover of BIE and school staff. It may also hamper the ability of schools and BIA officials to share timely information with one another about funding and repair priorities. In one BIA region we visited, officials have experienced difficulty reaching certain schools by email and sometimes rely on sending messages by fax to obtain schools' priorities for repairs. This situation is inconsistent with federal internal control standards that call for effective internal communication throughout an agency.[22] In 2013, we recommended that Interior develop a communication strategy for BIE to update its schools and key stakeholders of critical developments. We also recommended that Interior include a communication strategy—as part of an overall strategic plan for BIE—to improve communication within Indian Affairs and between Indian Affairs and BIE staff. Indian Affairs agreed to these two recommendations and recently reported taking some steps to address them. However, it did not provide us with documentation that shows it has fully implemented the recommendations.

Staff Capacity to Support Schools Is Limited

Limited staff capacity poses another challenge to addressing BIE school needs. According to key principles of strategic workforce planning, the appropriate geographic and organizational deployment of employees can further support organizational goals and strategies and enable an organization to have the right people with the right skills in the right place.[23] In 2013 we reported that staffing levels at BIA regional offices were not adjusted to meet the needs of BIE schools in regions with varying numbers of schools, ranging from 2 to 65. Therefore, we noted that it is important to ensure that each BIA regional office has an appropriate number of staff who are familiar with education laws and regulations and school-related needs to support the BIE schools in its region.[24] Consequently, in 2013 we recommended that Indian Affairs

[22]GAO, Standards for Internal Control in the Federal Government, GAO/AIMD-00-21.3.1 (Washington, D.C.: November 1999).

[23]GAO, *A Model of Strategic Human Capital Management*, GAO-02-373SP (Washington, D.C.: March 15, 2002). This report describes a human capital model we developed that identifies eight critical success factors for managing human capital strategically. In developing this model, we built upon GAO's *Human Capital: A Self-Assessment Checklist for Agency Leaders*, GAO/OCG-00-14G (Washington, D.C.: September 2000). Among other steps, we also considered lessons learned from GAO reports on public and private organizations that are viewed as leaders in strategic human capital management and managing for results.

[24]GAO-13-774.

revise its strategic workforce plan to ensure that its employees providing administrative support to BIE have the requisite knowledge and skills to help BIE achieve its mission and are placed in the appropriate offices to ensure that regions with a large number of schools have sufficient support. Indian Affairs agreed to implement the recommendation but has not yet done so.

BIA regional offices also have limited staff capacity for addressing BIE school facility needs due to steady declines in staffing levels for over a decade, gaps in technical expertise, and limited institutional knowledge. For example, our preliminary analysis of Indian Affairs data shows that about 40 percent of BIA regional facility positions are currently vacant, including regional facility managers, architects, and engineers who typically serve as project managers for school construction and provide technical expertise. Our work and other studies have cited the lack of capacity of Indian Affairs' facility staff as a longstanding agency challenge.[25] Further, officials at several schools we visited said they face similar staff capacity challenges. For example, at one elementary school we visited, the number of maintenance employees has decreased over the past decade from six employees to one full-time employee and a part-time assistant, according to school officials. As a result of the staffing declines, school officials said that facility maintenance staff may sometimes defer needed maintenance.[26]

Within BIE, we also found limited staff capacity in another area of school operations—oversight of school expenditures.[27] As we reported in November 2014, the number of key local BIE officials monitoring these expenditures had decreased from 22 in 2011 to 13, due partly to budget cuts. These officials had many additional responsibilities for BIE schools similar to school district superintendents of public schools, such as providing academic guidance. As a result, the remaining 13 officials had an increased workload, making it challenging for them to effectively oversee schools. For example, we found that one BIE official in North

[25]GAO, *Bureau of Indian Affairs Schools: New Facilities Management Information System Promising, but Improved Data Accuracy Needed*, GAO-03-692 (Washington, D.C.: July 31, 2003) and National Academy of Public Administration, *A Study of Management and Administration: The Bureau of Indian Affairs* (Washington, D.C.: August 1999).

[26]GAO-15-389T.

[27]GAO-15-121.

Dakota was also serving in an acting capacity for an office in Tennessee and was responsible for overseeing and providing technical assistance to schools in five other states—Florida, Louisiana, Maine, Mississippi, and North Carolina.

Further, we reported that the challenges that BIE officials confront in overseeing school expenditures are exacerbated by a lack of financial expertise and training. For example, although key local BIE officials are responsible for making important decisions about annual audit findings, such as whether school funds are being spent appropriately, they are not auditors or accountants. Additionally, as we reported in November 2014, some of these BIE officials had not received recent training on financial oversight. Without adequate staff and training, we reported that BIE will continue struggling to adequately monitor school expenses. Consequently, we recommended in 2014 that Indian Affairs develop a comprehensive workforce plan to ensure that BIE has an adequate number of staff with the requisite knowledge and skills to effectively oversee BIE school expenditures. Indian Affairs agreed with our recommendation but has not yet taken any action.

Inconsistent Accountability Hampers Management of School Construction and Monitoring of School Spending

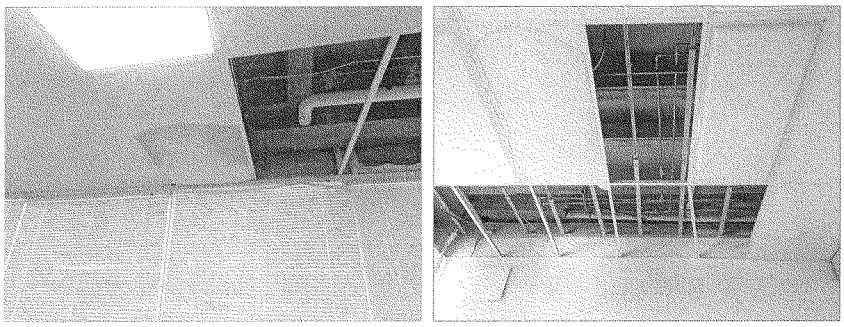
Our work has shown that another management challenge, inconsistent accountability, hinders Indian Affairs in the areas of (1) managing school construction and (2) monitoring overall school expenditures. Specifically, this challenge hinders its ability to ensure that Indian students receive a quality education in a safe environment that is conducive to learning.

Inconsistent Accountability for School Construction

In our February 2015 testimony on BIE school facilities, we reported that Indian Affairs had not provided consistent accountability on some recent school construction projects.[28] According to agency and school officials we interviewed, some recent construction projects, including new roofs and buildings, went relatively well, while others faced numerous problems. The problems we found with construction projects at some schools suggest that Indian Affairs is not fully or consistently using management practices to ensure contractors perform as intended. For example, officials at three schools said they encountered leaks with roofs installed within the past 11 years. At one BIE-operated school we visited, Indian Affairs managed a project in which a contractor completed a $3.5 million project to replace roofs in 2010, but the roofs have leaked since their installation, according to agency documents. These leaks have led to mold in some classrooms and numerous ceiling tiles having to be removed throughout the school. (See fig. 4.) In 2011, this project was elevated to a senior official within Indian Affairs, who was responsible for facilities and construction. He stated that the situation was unacceptable and called for more forceful action by the agency. Despite numerous subsequent repairs of these roofs, school officials and regional Indian Affairs officials told us in late 2014 that the leaks and damage to the structure continue. They also said that they were not sure what further steps, if any, Indian Affairs would take to resolve the leaks or hold the contractors or suppliers accountable, such as filing legal claims against the contractor or supplier if appropriate.

[28]Once funding for school construction and repair is approved, Indian Affairs offers three main project management options. Tribes and/or schools may choose to (1) have Indian Affairs manage the project, (2) manage the project based on a contract received from Indian Affairs, or (3) in the case of tribally-operated schools, manage the project based on a grant received from Indian Affairs.

Figure 4: Damaged or Removed Classroom Ceiling Tiles Due to Leaks in Recently-Installed Roofs



Source: GAO. | GAO-15-539T

At another school we visited, construction problems included systems inside buildings as well as building materials. For example, in the cafeteria's kitchen at one BIE-operated school, a high voltage electrical panel was installed next to the dishwashing machine, which posed a potential electrocution hazard. School facility staff told us that although the building inspector and project manager for construction approved this configuration before the building opened, safety inspectors later noted that it was a safety hazard.[29] (See fig 5.)

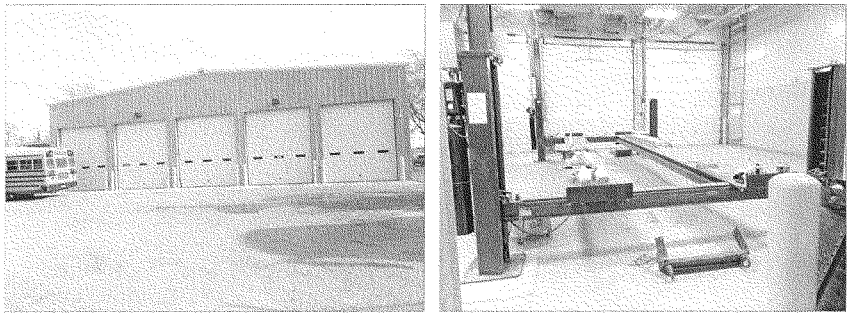
[29]Since our visit in October 2014, school officials have reported that they have addressed this issue by relocating the panel.

Figure 5: High Voltage Electrical Panel Installed Next to Cafeteria Dishwasher at a BIE-Operated School, October 2014

Source: GAO | GAO-15-539T

In South Dakota, a school we visited recently encountered problems constructing a $1.5 million building for bus maintenance and storage using federal funds. According to Indian Affairs and school officials, although the project was nearly finished at the time of our visit in December 2014, Indian Affairs, the school, and the contractor still had not resolved various issues, including drainage and heating problems. Further, part of the new building for bus maintenance has one hydraulic lift, but the size of the building does not allow a large school bus to fit on the lift when the exterior door is closed because the building is not long enough. Thus, staff using the lift would need to maintain or repair a large bus with the door open, which is not practical in the cold South Dakota winters. (See fig. 6.)

Figure 6: Exterior and Interior of Recently-Constructed Bus Maintenance Building Where Door Does Not Close When a Large School Bus Is on Hydraulic Lift



Source: GAO | GAO-15-539T

According to Indian Affairs officials, part of the difficulty with this federally-funded project resulted from the school's use of a contractor responsible for both the design and construction of the project, which limited Indian Affairs' ability to oversee it. Indian Affairs officials said that this arrangement, known as "design-build," may sometimes have advantages, such as faster project completion times, but may also give greater discretion to the contractor responsible for both the design and construction of the building.[30] For example, Indian Affairs initially raised questions about the size of the building to store and maintain buses. However, agency officials noted that the contractor was not required to incorporate Indian Affairs' comments on the building's design or obtain its approval for the project's design, partly because Indian Affairs' policy does not appear to address approval of the design in a "design-build" project. Further, neither the school nor Indian Affairs used particular financial incentives to ensure satisfactory performance by the contractor. Specifically, the school already paid the firm nearly the full amount of the project before final completion according to school officials, leaving it little

[30]In a "design-build" arrangement, one team consisting of an architectural and engineering firm and a construction contractor may work together to complete the project.

financial leverage over the contractor. We will continue to monitor such issues as we complete our ongoing work on BIE school facilities and consider any recommendations that may be needed to address these issues.

Uneven Accountability for School Spending

In our 2014 report on BIE school spending, we found that BIE's oversight did not ensure that school funds were spent appropriately on educational services, although external auditors had determined that there were serious financial management issues at some schools.[31] Specifically, auditors identified $13.8 million in unallowable spending by 24 BIE schools as of July 2014. Additionally, in one case, an annual audit found that a school lost about $1.2 million in federal funds that were illegally transferred to an offshore bank account.[32] The same school had accumulated at least another $6 million in federal funds in a U.S. bank account. As of June 2014, BIE had not determined how the school accrued that much in unspent federal funds. Further, instead of using a risk-based approach to its monitoring efforts, BIE indicated that it relies primarily on ad hoc suggestions by staff regarding which schools to target for greater oversight. For example, BIE failed to increase its oversight of expenditures at one school where auditors found that the school's financial statements had to be adjusted by about $1.9 million and found unreliable accounting of federal funds during a 3-year period we reviewed. We recommended that Indian Affairs develop a risk-based approach to oversee school expenditures to focus BIE's monitoring activities on schools that auditors have found to be at the greatest risk of misusing federal funds. However, Indian Affairs agreed but has not yet implemented this recommendation.

In addition, we found that BIE did not use certain tools to monitor school expenditures. For example, BIE did not have written procedures to oversee schools' use of Indian School Equalization Program funds, which accounted for almost half of their total operating funding in fiscal year

[31]GAO-15-121.

[32]Interior reported in October 2014 that the incident was "a result of cybercrimes committed by computer hackers and/or other causes" and was under investigation. Nevertheless, the school's annual audit stated that the school's inadequate cash management and risk assessment procedures contributed to the incident and stated that the school must strengthen these procedures.

2014.[33] In 2014, we recommended that Indian Affairs develop written procedures, including for Interior's Indian School Equalization Program, to consistently document their monitoring activities and actions they have taken to resolve financial weaknesses identified at schools. While Indian Affairs generally agreed, it has not yet taken this action. Without a risk-based approach and written procedures to overseeing school spending—both integral to federal internal control standards—there is little assurance that federal funds are being used for their intended purpose to provide BIE students with needed instructional and other educational services.[34]

In conclusion, Indian Affairs has been hampered by systemic management challenges related to BIE's programs and operations that undermine its mission to provide Indian students with quality education opportunities and safe environments that are conducive to learning. In light of these management challenges, we have recommended several improvements to Indian Affairs on its management of BIE schools. While Indian Affairs has generally agreed with these recommendations and reported taking some steps to address them, it has not yet fully implemented them. Unless steps are promptly taken to address these challenges to Indian education, it will be difficult for Indian Affairs to ensure the long-term success of a generation of students. We will continue to monitor these issues as we complete our ongoing work and consider any additional recommendations that may be needed to address these issues.

Chairman Rokita, Ranking Member Fudge, and Members of the Subcommittee, this concludes my prepared statement. I will be pleased to answer any questions that you may have.

[33]Interior's Indian School Equalization Program provides funding for basic and supplemental instruction, among other things.

[34]GAO, *Standards for Internal Control in the Federal Government*, GAO/AIMD-00-21.3.1 (Washington, D.C.: November 1999).

GAO Contact and Staff Acknowledgments

For future contact regarding this testimony, please contact Melissa Emrey-Arras at (617) 788-0534 or emreyarrasm@gao.gov. Key contributors to this testimony were Elizabeth Sirois (Assistant Director), Edward Bodine, Matthew Saradjian, and Ashanta Williams. Also, providing legal or technical assistance were James Bennett, David Chrisinger, Jean McSween, Jon Melhus, Sheila McCoy, and James Rebbe.

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Chairman ROKITA. I thank the gentlelady.

I would like to recognize the chairman of the full committee, Mr. John Kline, for his questioning.

Mr. KLINE. Thank you, Mr. Chairman.

And thanks, to the witnesses. A great panel.

Sometimes I don't know whether to laugh or cry when I am hearing these stories. It is just absolutely incredible.

Mr. Burcum, when we were up at the Bug-O–Nay-Ge-Shig school the other—oh, a couple of weeks ago now, I mean, it is clearly appalling. It is the northern part of Minnesota, spring time, and yet there is still snow on the ground and ice on the lakes, and it is cold and there are drafty openings, and it is just appalling.

I know that—it is my understanding, at least, that you have talked to Secretary Jewell about the Bug school particularly. What do they say?

Ms. BURCUM. That is a very good question. Secretary Jewell has also visited the Bug-O–Nay-Ge-Shig school and I think, you know, her visit inspired hope that there is going to be a new school sometime soon.

But when I had exchanges with Secretary Jewell and Dr. Roessel, there is no plan, as far as I can tell, to rebuild the school. And what they tell me is that, number one, they have many other schools in tough shape, as hard as that is to believe, and that, you know, their hands are just tied. There is no funding available, they are busy doing this bureaucratic reorganization.

It just doesn't seem like there is, you know—there is a lot of defeatism, I think, within that agency. It is like it has been a problem for so long that maybe collectively, you know, even new leadership throws up its hands even after they have seen the conditions at these schools.

Mr. KLINE. Again, laugh or cry.

Ms. Emrey-Arras, the GAO has done an enormous amount of work, and you personally have done an enormous amount of work. And I am looking—we have a paper copy of what you showed on the screen up there, and in discussing the situation over the last few weeks I have made the point that you have a bureaucratic mess. Just a bureaucratic mess.

Who is in charge? We talked about the Secretary of Interior, but you have got the BIA, you have got the BIE, you have got the Department of Education, you have vacancies. You just have a mess.

Why do you think, since we have known about this for a long time, to—and many of us more now aware of it, thanks to Ms. Burcum's work—why do you think it is so slow to be recognized and improved, and where is the particular—or most particular—obstacle that keeps us from addressing this problem?

Ms. EMREY-ARRAS. That is really tough to answer. We have had multiple recommendations that would really get at the heart of a lot of these issues: Have a plan. Know what you are doing. Have the right people with the right skills with the right training to do their jobs.

And those recommendations have remained unaddressed. Or perhaps they will do something but it remains in draft form and it is never realized.

So it continues to create issues—

Mr. KLINE. Is that because of the change in leadership, or what prevents this from coming to fruition here? Because clearly nobody—nobody can go visit one of these schools and not say, "We need to fix this."

Ms. EMREY-ARRAS. Right.

Mr. KLINE. But it doesn't happen.

Ms. EMREY-ARRAS. We have noted that the turnover in leadership has been an issue. I think also there is lack of communication with schools.

When you showed that chart, I don't think most people could understand what was going on there. We had experiences with schools where they had real issues. They were out of hot water in elementary schools. They needed to get hot water for their kids and they didn't know who to contact, and it took sometimes a year to get those hot water heaters replaced.

Mr. KLINE. Well, looking at this chart and listening to your testimony, knowing the work you have done and the work all of you have done in this, it seems to me that we just can't let up.

I mentioned to a number of people that Congress itself is not well organized to address this. We are having this hearing in Chairman Rokita's subcommittee where we have jurisdiction, if you will, over the U.S. Department of Education, who has about this much to do with this issue, and virtually zero to do with the building construction issue.

So we are not well organized here either, but we can't let—we in Congress can't let that be an excuse, and I think we all owe it to these kids to get past the confusing charts and the way we are organized in Congress and say it is somebody else's. It is time now for it to be all of our responsibility, and we should never visit a high school built on a pole barn that was designed for—to work on cars and trucks, and you have got kids in there in the winter, in the cold, wearing their coats and mittens because it may be easily 30 below zero outside a little metal wall with gaps this big letting that cold air in where you have a blanket to stop it.

My time is expired. I yield back.

Chairman ROKITA. Thank the gentleman.

Ranking Member Scott is recognized for 5 minutes.

Mr. SCOTT. Thank you. Thank you, Mr. Chairman.

Mr. Roman Nose, can you—you mentioned some very successful programs. Could you describe those again and what the results of those programs were?

Mr. Roman Nose. There are several successful TEAs. The one that I will be referring to is a result of four grants given to tribes, their TEAs, in which to work with states in a partnership to look at one of the federal title programs that are given to the local school district. So the TEA and the LEA and the SEA come together to look at how that program is implemented. So it is up to the tribe to pick what title program they are going to work with.

Also, within the bureau they are just starting that process with Section 2020. And so I think things are looking up, but when you look at the minimal number of tribes who receive these grants—four for STEP, six for SIEA, and I am not sure how many are going to receive the new Section 2020 grant—but you look at 565 tribes,

you know, the TEA, you know, needs are very, very much undermet.

Mr. SCOTT. Well, when you implemented those programs where you implemented them, did they make a difference?

Mr. Roman Nose. Yes, they did. I think the overall success in every one of them, regardless of what title program they looked at, is that there was more communication, more collaboration, more learning of what the other party does between the TEA, the SEA, and the LEA.

Mr. SCOTT. Did you show academic improvement?

Mr. Roman Nose. I think in some instances there were. There were more about the structure of how a program is developed, not test scores.

Mr. SCOTT. Okay. Well, do you have evaluations of those programs that we could see?

Mr. Roman Nose. I will contact them and make whatever evaluations are available to you.

Mr. SCOTT. Thank you.

Ms. Emrey-Arras, how long—do you know how long these programs—these problems have been known?

Ms. EMREY-ARRAS. We have been reporting at GAO for decades on issues specifically regarding facilities.

Mr. SCOTT. There are a number of specific issues that came up. One is the quality of the teachers. Did you find anything being done to recruit highly qualified teachers?

Ms. EMREY-ARRAS. We have done some work in the past on teacher recruitment and teacher turnover issues. Back in 2001 we reported that turnover rates at BIE schools were much higher for teachers than at public schools and that one of the struggles that schools faced in recruitment was just really the remote locations of the schools. One of the schools was telling us that it was over 90 miles to major shopping, which was a difficult thing to sell people on when you are trying to hire a teacher for a job.

Mr. SCOTT. Was anything being done about that? I mean, you say the problem. Was there a solution?

Ms. EMREY-ARRAS. Our work has not focused on best practices for that issue; we focused on documenting the concerns that the individuals had at that point.

Mr. SCOTT. So you didn't find anybody working on the—you stated the—you identified the problem, but you don't see anybody working on it?

Ms. EMREY-ARRAS. That was just one small piece of a larger study that we did back in 2001, sir.

Mr. SCOTT. Well, okay. You also found excessive suspensions. We know that suspensions are highly correlated with future dropping out, crime, unemployment. What is being done to deal with excessive suspensions?

Ms. EMREY-ARRAS. We have not done any recent work regarding that issue, but we would be happy to do so if you are interested in that.

Mr. SCOTT. Okay. Did you try to ascertain, following up on the chairman's comment, did you ascertain whether the Bureau of Indian Education has the expertise to do education or whether or not

some of this ought to be more appropriately placed in the Department of Education?

Ms. EMREY-ARRAS. We have not looked at that straight on. We have looked at the issue of whether the individuals that are doing monitoring of school spending have the expertise, and the answer was "not all the time."

We had people tell us that they were looking at single audits for tribes, and they were not accountants, they didn't know financial issues, and they didn't know what they were looking at, and they had no training. So we had concerns.

Mr. SCOTT. Would that expertise be found in the Department of Education?

Ms. EMREY-ARRAS. That is something that we have not explored, sir.

Mr. SCOTT. I think you mentioned vacancies. Are vacancies not being filled because they are not being filled or because there is no funding to fill the vacancies?

Ms. EMREY-ARRAS. We will be looking at that as we continue our ongoing work. Our facilities study is still in the works and we plan on issuing later this year, sir.

Mr. SCOTT. Thank you, Mr. Chairman.

Chairman ROKITA. Thank the gentleman.

In order to accommodate members' schedules, I am going to reserve my questioning for later and now recognize Mr. Bishop, from Michigan, for 5 minutes.

Mr. BISHOP. Thank you, Mr. Chairman.

Thank you, to all of you, for being here today. Appreciate your testimony.

I thought I might ask—there has been some discussion today and, Ms. Emrey-Arras, I wondered if I might direct this question at you: In a world of diminishing resources and funding, if there is anything that you could share with us, any ideas that you might have with regard to more efficient distribution of resources out of the Department of the Interior and the other funding sources.

Ms. EMREY-ARRAS. Although our facilities work is still ongoing, we did report in our February testimony on one of the practices that we have observed so far that is very interesting in terms of resources, and that is in eastern Oklahoma there is a group of four tribal schools that have gone together to pool resources for facilities, and in doing so, they have been able to hire two architects and individuals to help them with their data entry for the facilities database. And we have heard that is a promising practice and we will continue to look at that as we go forward.

Mr. BISHOP. Thank you.

President Cladoosby, I am fortunate, being from Michigan, I—we have a number of tribal reservations there and have had the opportunity to visit most of them, and have also had the opportunity to review and to see up close and personal their education environments. And it is extremely impressive.

I don't think that the vast majority of folks who don't—haven't seen that understand the role the tribe plays in the education of these youngsters and these young individuals, and I wondered if you might be able to more clearly give us some kind of description

as to the role that the tribe plays in the education of young people, and also how that may have evolved over the years.

Mr. CLADOOSBY. Sure. Thank you very much for that question.

And once again, it always boils down to the bureaucracy that is placed on these schools and local control. You know, if tribes have the opportunity to develop the curriculum and implement it—and places that have been successful in Indian Country have done just that.

There is a lot of historical knowledge that cannot be taught in public schools. A lot of things. I can give you a lot of examples of historical knowledge that will never be taught in a state-run school that can only be taught in a tribal school, just because of our history.

And so I would say it boils down to just local control. You know, we have federal rules; we have state rules that these schools have to abide by. But if you just let the locals implement what they think is best for their schools, you will have success.

Mr. BISHOP. There is always some discussion, if I might follow up with that question, as to why these environments don't rely on the local public schools around. And you have just mentioned that you do some tribal education, including language, customs, history.

Is there anything that you do that you can do as a tribe in that environment that the public schools around can't do?

Mr. CLADOOSBY. Yes. Once again, it gets back to being able to teach the kids—you know, we suffer from a lot of historical trauma in Indian Country, and as many of you know, the boarding school experiences—that historical trauma was not a pretty picture and, you know, overcoming that historical trauma is so very important. And reacquiring that culture and reacquiring that language, reacquiring those teachings, those customs, those stories is very important.

And we have been working—in Washington State right now they just passed a bill that makes it mandatory that every school has to teach tribal culture, and so, you know, those are steps in the right direction for states, looking at the importance of that. And so those are some of the things that, you know, the tribes are working with our local school districts to start implementing.

Mr. BISHOP. Thank you very much.

Mr. Chairman, I yield back.

Chairman ROKITA. I thank the gentleman.

I would like to notify committee members that we have had a—we have been joined by Congressman Rick Nolan, from northern Minnesota. He is off committee, but he is—has a district that includes the Bug-O–Nay-Ge-Shig school that Ms. Burcum originally reported on.

Sir, welcome. You will be recognized in due time. Thank you for being with us today. Thanks for the hospitality you gave committee members in northern Minnesota.

Ms. Fudge, you are recognized for 5 minutes.

Ms. FUDGE. Thank you very much, Mr. Chairman.

Ms. Emrey-Arras, you, in your testimony, outlined schools that have been forced to divert their building maintenance funds so that they can use them for facility operations, and you indicate that there was at least one school that you found that had—was only

being funded at 50 percent of what it needed. Can you please tell me what the primary cause of underfunding in BIE schools is?

Ms. EMREY-ARRAS. We have not looked at those underlying issues but do report, as you mentioned, that some are using money that is intended for keeping the lights on and keeping the buildings warm for maintenance, and then what happens is there is this domino effect where they pull the money to keep the lights on so they don't fix the rainspouts, maybe, and then the foundation has issues subsequently because there hasn't been regular maintenance. So there is a problem there.

Ms. FUDGE. Okay. So you are saying that you determined that there is a problem but you don't know why there is one.

Ms. EMREY-ARRAS. This is an ongoing study that we are currently working on. The information that we testified on in late February is from this ongoing work, so we do not have recommendations yet from that study.

Ms. FUDGE. Thank you. But I would argue that some of it is just that the Congress doesn't give the funding to the Department of Interior it should.

Number two, also to you: Do you believe that moving the responsibility of facilities and repair under BIE as opposed to BIA would help the process?

Ms. EMREY-ARRAS. There have been different processes over time where they have done centralization and then decentralization, and gone back and forth. I think our primary interest is in making sure that whatever structure is present is one that is attuned to the customers, the schools, and as part of that they need to make sure that there is communication with schools, the schools—

Ms. FUDGE. Is that a yes or a no?

Ms. EMREY-ARRAS. I am sorry?

Ms. FUDGE. Is that a yes or a no?

Ms. EMREY-ARRAS. We do not have an official position on the structure.

Ms. FUDGE. Thank you.

Mr. Roman Nose, according to a recent report from the Alliance for Excellent Education, there are over 1,200 high schools across the country that fail to graduate one-third or more of their students. These schools disproportionately serve low-income students and students of color. In four states—Alaska, Montana, North Dakota, and South Dakota—more than 90 percent of the kids in these schools are American Indian and Alaska Native students.

How can federal policy help to turn these schools around so that these young people have an opportunity to succeed?

Mr. Roman Nose. Thank you for asking that question. I think there are many ways of looking at this.

One is the sole purpose of the STEP program was to get the three entities to work together, the federal title programs, the tribal education agency, and the state education agency. In those—some of those states that you mentioned, they have not progressed to the point that they recognize the value of tribal education agencies in their state. Therefore, some of the states did not choose to participate in the STEP program, which is optional.

Also, the overlying factor of that is TEAs need to know where they are at. They need to have good data. And the FERPA issue

has been there for many years, and it requires a technical amendment that we just insert tribe so that they can have access to that.

And also, there is a lack of understanding that because we have bureau schools with school boards, many people think that, well, the SEA controls the local school boards to some extent. Well, that relationship between SEAs and the LEAs is not there for TEA; it is in their local school system.

Sometimes there is a lack of communication, lack of capacity, and so forth.

Ms. FUDGE. Thank you very much.

President Cladoosby—

Mr. CLADOOSBY. It is a tough one. Cladoosby.

Ms. FUDGE. I got you. How does the Department of Interior generally, and BIE specifically, work with tribes to strengthen leadership and administrative capacity in order to support tribal control of schools?

Mr. CLADOOSBY. You know, in my testimony I said that, you know, we have had a high turnover at leadership at BIE—33 directors in 36 years. I mean, that is sad. That is a very sad statistic. And once again, you know, it boils down to funding and local control.

And when you look at the two federal school systems that the Federal Government operates, they operate the DOD school systems and they operate the BIE school systems. And in 2014 there was a $315 million request for school construction for DOD schools; there was only a $2 million request for BIE schools.

And, you know, when—if we could show you a slideshow of what a DOD school looks like—a federally run DOD school and a federally run BIE school, and it would be a sad, sad, sad picture. And so once again, it gets down to, you know, Congress, as the trustees of these young Native American kids, needs to bring an awareness to this funding disparity.

Ms. FUDGE. Thank you.

Chairman ROKITA. Thank the gentlelady.

Now I recognize Mr. Grothman for 5 minutes.

Mr. GROTHMAN. Thanks. I have a few questions. First one is for Ms. Emrey.

Looking at the memorandum we have prepared here, there is a line that says in the November 2014 report, GAO found BIE-operated schools spend 56 percent more per pupil than public schools nationally, and that is kind of a shocking number. I mean, I guess maybe it proves one more time that the amount of funding is overrated. But is that an accurate statement?

Ms. EMREY-ARRAS. That is accurate. And it actually may be a lower bound estimate because the BIE schools also have administrative costs that aren't being included in that, in terms of the structure. So they are, in fact, funded at a higher level per pupil than the public schools on average.

Mr. GROTHMAN. Wow. Okay.

If that is so, I will ask Mr.—get your name right—

Mr. CLADOOSBY. Cladoosby. It is a tough one.

Mr. GROTHMAN. And that is a shocking number, so obviously we are putting enough money in this situation. Do you see or do you

see a difference on, like, test scores and that sort of thing between BIA schools and locally administered schools?

Mr. CLADOOSBY. I think the statistic of 53 percent graduation rate compared to 80 percent graduation rate tells a big story right there.

Mr. GROTHMAN. Okay. I will give you another question, because for whatever reason, we always get these breakdowns by ethnic group, which I always think is a—do you folks keep track of breakdown by—or of test scores by family structure? I mean, a lot of times—I don't have any Indian schools in my district, but a lot of time the teachers in my district feel one of the things that affects educational achievement is the family structure.

And do you, when you keep track of your statistics either by a school or by individual, have statistics showing the degree to which maybe some of these problems may be affected by family structure?

Mr. CLADOOSBY. Definitely. The parents are the key to the education of our students.

And I mentioned historical trauma. That has occurred in our communities at very, very high levels, and with that historical trauma came a lot of poverty, drug and alcohol abuse, run-ins with the law, jails, prisons.

And I can guarantee you 100 percent that if we invest in our kids that we will destroy this historical trauma, destroy poverty. We will create productive members of society who will pay taxes and be removed from the welfare rolls.

I am a 100 percent believer in that and I am seeing that as I travel across the nation to Indian countries North, South, East, and West, where these tribes are investing a lot in destroying historical trauma.

Mr. GROTHMAN. Okay. I don't know the answer to this. I know in the United States as a whole we are kind of still going the wrong direction on family breakdown. Different people can argue why that is.

But I wonder within the Indian community, are there changes in statistics on that—you know, kids raised in a, you know, an intact family are not safe today compared to 40 years ago or 80 years ago? Do we know?

Mr. CLADOOSBY. Yes. Yes. Once again, when I travel across Indian Country I am seeing those tribes that are in locations where economic development is making a—great strides, but I am still also seeing, like in the Pine Ridge Indian Reservation, where we have 80 percent unemployment, you know, 80 percent alcoholism rate, 80 percent dropout rate.

So, you know, the location of the tribes plays a big part in it, also. But we do also have success stories at Pine Ridge.

Mr. GROTHMAN. Okay.

Now we will give another question for Ms. Emrey-Arras.

Can you outline some of the misuses of funding by BIE?

Ms. EMREY-ARRAS. Sure. So external auditors identified millions of dollars that were inappropriately spent. In fact, they identified $13.8 million in unallowable spending at the time of our study.

And one of the examples we found was that a school had lost $1.2 million in federal funds that were improperly transferred to an offshore account. Interior later said that they were the victims

of a hacking incident, yet there were such weak controls that it remained questionable what, in fact, had happened.

Mr. GROTHMAN. Okay. I will give you a follow-up question, because you just heard what the past person said. Do you, and from what you see, a situation which the funds are more wisely used by locally administered schools rather than these schools administered out of Washington?

Ms. EMREY-ARRAS. We have not done that analysis, sir.

Mr. GROTHMAN. Okay.

Chairman ROKITA. Gentleman's time is expired.

Mr. GROTHMAN. Okay. I am sorry. Thanks.

Chairman ROKITA. I thank the gentleman.

Mr. Sablan, you are recognized for 5 minutes.

Mr. SABLAN. Thank you very much, Mr. Chairman.

And good morning, everyone.

In preparing for today's hearing, I read the editorial series in the Star Tribune that Ms. Burcum—that highlighted the very poor condition of BIE schools in Minnesota. The titles of the series just struck me, "Separate and Unequal." It is, of course, a reference to the milestone Supreme Court decision, Brown v. Board of Education, which found that separate by definition cannot be equal when it comes to how we educate our children.

So separating one group of children from another leads to inequality, perpetuates inequality. The situation is of—the situation of neglected and inadequate BIE school facilities, which GAO reported was in Minnesota and elsewhere—Montana, North Dakota, New Mexico—proves that.

We have school facilities in my district in Northern Mariana Islands and other U.S. ancillary areas—1,866—that are also substandard. The Office of Insular Affairs at Interior commissioned the Army Corps of Engineers a few years ago to rank these facilities by hazards posed to students, and since, federal funding for school repairs in the areas have been allocated based on Army Corps rankings. Of course, we could use more money to get the job done more quickly.

I understand Chairman Kline and other members who represent Minnesota have requested more funding this year for BIE schools, and I hope they are successful. And I hope these funds are used in a systematic, prioritized way.

I would like to point out another connection between BIE's schools and schools in my district, and that is the way that Title 1–A grants in Elementary and Secondary Education Acts are allocated. Funding for BIE students and students for what are called the outlying areas—the Northern Marianas, American Samoa, Guam, and the U.S. Virgin Islands—is separated out from all other Title A funding.

BIE and the outlying schools receive 1 percent of the total Title I funds and then the secretary of education decides how to divide that money between BIE and the island schools. And that system has resulted in BIE students getting about twice as much as students in my district.

We are having a hearing today about how bad all the BIE schools are, and they are when it comes to school buildings. But when it comes to federal funds to help run these schools, well, I

have to speak up for students in my district who are getting the short end of the stick.

The problem goes back to the headline in the Star Tribune: "Separate and Unequal." When we separate one group of students from another, inequality arises, and that is the case of Title I funding.

Instead of treating BIE students and students in the outlying areas the same way we treat students in the states, instead of basing funding on the number of students served and on whether those students come from low-income households, the Elementary and Secondary Education Act has a set-aside, they call it, for my students. And set-aside is just another way of sending—saying "separate." And separate, as the Supreme Court ruled, is not equal.

The House has yet to act on reauthorization of the Elementary and Secondary Education Act, and I am well aware that there is nothing in the bill that Chairman Kline has reported that will end this separate but unequal Title I–A funding for Native American children in the BIE schools and for the indigenous and diverse student body in schools in my district. But until the House acts on the ESEA, we still have an opportunity to change this unequal practice, and I plead on Chairman Kline to please consider my proposal.

And today's hearing is just one more opportunity to remind us all that until we do change Title I of ESEA, we will continue to have students who are separate, not equal.

And at this time, Mr. Chairman, I would like to yield time to my colleague from northern Minnesota, Mr. Nolan, who is a strong champion for this issue in Congress.

[The statement of Mr. Sablan follows:]

Thank you, Mr. Chairman –

In preparing for today's hearing I read the editorial series in the Minneapolis/St. Paul Star Tribune that highlighted the very poor condition of BIE schools in Minnesota.

The title of that series struck me: "Separate and unequal."

It is, of course, a reference to the milestone Supreme Court decision, Brown v. Board of Education, which found that "separate" by definition cannot be "equal," when it comes to how we educate our children.

Separating one group of children from another leads to inequality, perpetuates inequality. The situation of neglected and inadequate BIE school facilities, which GAO reported to us, in Minnesota and elsewhere — Montana, New Mexico, North Dakota, proves that.

We have schools facilities in my district, the Northern Mariana Islands, and in other U.S. insular areas that are also substandard. The Office of Insular Affairs at the Interior Department commissioned the Army Corps of Engineers a few years ago to rank those facilities by the hazard posed to students.

And since then federal funding for school repairs in our areas has been allocated based on the Army Corps

rankings. Of course, we could use more money to get the job done more quickly. But identifying priorities and putting your money where it is most needed is a sensible policy.

I understand that Chairman Kline and other Members who represent Minnesota have requested more funding this year for the BIE schools. I hope they are successful and I hope that those funds are used in a systematic, prioritized way. Because we all know the tendency of government agencies to spend without getting results.

I do not have a specific question for our witnesses, but I would like to point out another connection between BIE schools and schools in my district. That is the way that Title I-A grants in the Elementary and Secondary Education Act are allocated.

Funding for BIE students and for students in what are called the "outlying areas" – the Northern Marianas, American Samoa, Guam, and the Virgin Islands – is separated out from all other Title I-A funding.

BIE and the outlying schools receive one percent of the total Title I funds and then the Secretary of Education decides how to divide that money between BIE and the island schools.

Unfortunately, that system has resulted in BIE students getting about twice as much as students in my district.

BIE gets about $1,987 per student each year. My students just $1,073.

Ironically, we are having a hearing today about how bad off the BIE schools are. And they are when it comes to school buildings.

But when it comes to federal funds to help run those schools… well, I have to speak up for students in my district, who are getting the short end of the stick.

The problem goes back to that headline in the Star Tribune: "Separate and unequal."

When we separate one group of students from another, inequality arises.

And that is the case with Title I funding.

Instead of treating BIE students and students in the outlying areas the same way we treat students in states, instead of basing funding on the number of students served and on whether those students come from low income households, the Elementary and Secondary Education Act has a "set-aside," they call it, for my students.

And "set-aside" is just another way of saying "separate."

And "separate" as the Supreme Court ruled is not "equal."

The House has yet to act on reauthorization of the Elementary and Secondary Education Act. And I am well aware that there is nothing in the bill that Chairman Kline has reported that would end this separate but unequal Title I-A funding for Native American children in the BIE schools and for the indigenous and diverse student body in schools in my district.

But until the House acts on ESEA, we still have an opportunity to change this unequal practice.

And today's hearing is just one more opportunity to remind us all that until we do change Title I of the ESEA we will continue to have students who are separate, not equal.

[681 words – have to keep up the pace to stay within 5 minutes.]

Chairman ROKITA. Nolan is recognized.

Mr. NOLAN. I want to thank Congressman Sablan.

And I particularly want to thank Chairman Rokita and full committee Chairman Kline for their bipartisan, collaborative determination to get to the bottom of this situation and centuries of neglect of the children in Indian Country here.

Congressman Fudge, I want to commend you and the other members of the committee.

I want to also have the opportunity to welcome Jill Burcum for her brilliant reporting on this whole issue, and the Bug-O–Nay-Ge-Shig school in particular.

The conditions are truly appalling. As Chairman Kline said, they are horrific.

It sends a message that we do not honor our obligations. It sends a message that children in Indian Country's education is not important. And in my judgment, it is a level of neglect that rises to the level of child abuse.

And I want to thank everybody here for their efforts and their determination to get to the bottom of it and fix it once and for all.

Last but not least, I come out of the sawmill and the pallet factory business, and we have quite a number of buildings—pole buildings, I might add—all of which are in better shape than the dilapidated, falling-down, dangerous, half-century-old building that the children are trying to be educated in the Bug-O–Nay-Ge-Shig school.

Thank you, everyone.

Chairman ROKITA. I thank the gentleman.

I will now recognize Mr. Russell, for 5 minutes.

Mr. RUSSELL. Thank you, Mr. Chairman.

And thank you for the panel and the excellent detail that you have provided us today.

Mr. Roman Nose, it is nice to see you. And I would ask, as we examine the BIE school system today, my question for you, sir, would be, can you give us one or two recommendations that would help improve where the school system is today and how we could improve it?

Mr. Roman Nose. That is a loaded question, but I certainly will try and answer that.

For BIE schools, certainly the local tribes need to be given more resources to make them sufficient enough to all the things that an SEA has to do with their school district. And also, they need technical assistance to develop infrastructure like curriculum standards, and so forth.

So the small amount of money we have been given is really not sufficient. It is just to build their—start to build their capacity. And, you know, once again, if you look to that very small percentage of how much money has been given, there is still great need.

In that respect, some of the tribes who do have their own resources are going ahead and trying to resolve that issue.

I think that the BIE, you know, needs to look at maybe different models, maybe even a pilot program or turn over those schools who what to go to Department of Defense and see how they operated within that infrastructure, maybe even turn a few over to Depart-

ment of Education. But, you know, the question that tribes would have is the question of sovereignty, and so it is a big question, so—

Mr. RUSSELL. Well, thank you for that, sir.

And, Ms. Burcum, as you have traveled the country touring schools and meeting students, what surprised you the most?

Ms. BURCUM. I think as we got to know the students my observation is that there is a lot of untapped potential here. You know, the statistics are very grim when you look at graduation rates, for example, or reading and math scores.

But the thing to remember about these students is that they are not—they go through so much before they even walk in the door of that school. I got to know Seneca Keezer while I was up at the Bug-O–Nay-Ge-Shig school, and she lost her mother at age 12; she has two younger sisters; she has a dad who not only has diabetes but is in a wheelchair.

She gets up, you know, her students—or her sisters, she cooks them breakfast, she makes sure that they have all their homework and gets on the bus before she goes to school. And she also takes care of her dad.

When she comes home she cooks dinner for everybody, supervises homework, and then takes care of her dad, helps him with everything, and then she gets to do her own homework, and then she gets to go to bed. She does this day after day.

I felt, as a, you know, a 46-year-old mother, that I was talking to a peer, not, you know, a young girl who was a senior in high school.

And a lot of students have similar stories. I mean, we have mentioned the family issues that are, you know, I think, you know, a true concern and, you know, potentially, you know, a hurdle to learning.

But there is a lot of that on these reservations. These kids go through so much before they go to the classroom.

And what the cultural education does at these schools is it provides that sense of family that isn't—that maybe not—that isn't there at home. You have dedicated teachers; you have elders who are coming into these schools. At the Bug-O–Nay-Ge-Shig school, for example, there are parking spots reserved for elders.

They are getting something at these schools that they are not going to get at public schools, and sometimes they are not getting at home. These kids are to be admired, and it is something to take into perspective when you look at some of the educational statistics.

Mr. RUSSELL. Well, thank you for that.

Mr. Cladoosby, in your opinion, what steps are needed to ensure the BIE system effectively serves students?

Mr. CLADOOSBY. Well, I think we definitely need to look at the long term and look at the plans going forward that we have to understand that there is no quick fix, there is no one-size-fits-all; acknowledge tribal sovereignty in a real way and acknowledge that the communities have the opportunity to teach things that the other schools can't; acknowledge historical trauma, that, you know, a lot of people probably up there don't really understand historical trauma from a tribal perspective, and it is real, and we are still

living it. And I am a firm believer that education will destroy historical trauma.

And continue to work on building capacity within these schools. And, you know, Congress can start right away by, you know, allocating $1.3 billion to create brand new schools in this program. $1.3 billion. Let's just do it.

Chairman ROKITA. Gentleman's time is expired.

Mr. RUSSELL. Thank you, Mr. Chairman.

Chairman ROKITA. Thank the gentleman.

Mr. Thompson, you are recognized for 5 minutes.

Mr. THOMPSON. I want to thank the chairman and ranking member for putting this hearing together.

Thanks for all of you folks for coming here, sharing your expertise, your commitment to this really important issue.

I want to start out and follow up, Ms. Burcum, thank you for, you know, providing some transparency on this issue. You know, obviously, reading your testimony, your articles that you wrote wasn't—you know, part reporter, part mom. You know, you brought that passion to it, and that is appreciated when we are talking about education.

In your testimony you describe the concerning physical conditions of the Bureau of Indian Education high schools. Given your interactions with school administrators, parents, students of these schools—excuse me—can you elaborate on how these underequipped facilities contribute to the many challenges facing American Indian education?

Ms. BURCUM. I am glad to do that. That is an excellent question.

I think the most shocking classroom that I went into was at the Bug-O–Nay-Ge-Shig High School, and we are all acquainted with the need for kids to have science and math fundamental skills to compete in the workforce. And at the Bug-O–Nay-Ge-Shig school the science classroom used to be part of an automotive shop. There are no microscopes. They don't have the safety equipment to do chemistry experiments or many biology experiments. The periodic table is out of date.

And I think, "How are these kids—how are we equipping these kids to compete, to pull their communities up and be good citizens and parents for the next decades when we don't have the facilities and the classrooms to give them the education that they need?"

You know, science and math are challenging. You need to have a hands-on learning experience.

And I think it is especially helpful for American Indian students. You have to have that, and we don't have that. So that is a way that it is holding back students at that school.

When I was out in the Pine Ridge—on the Pine Ridge Reservation, I talked to the elementary school principal, and she came up to me later after we had talked and she said, "If I could make one point to you it is this: If you want to raise reading scores, you need to have a library for these children."

They are so far out. They are 90 miles away from Rapid City. I don't believe that there is a library on the reservation, or at least in the communities that I visited.

So if you want them to read, which is how you get ahead, that is how you become a better reader—you want them to raise their

reading scores, they need to have books. They don't even have a library at their elementary school.

So those are some key ways that learning is being held back by the decrepit facilities that we have.

Mr. THOMPSON. Thank you.

Ms. Emrey-Arras, given your expertise, how do you think the past two restructuring efforts and the Bureau of Indian Affairs further complicated communications from a school's perspective, and how can this be improved?

Ms. EMREY-ARRAS. I think, quite simply, people do not know who to contact when they have problems, and that continues. When we talk to schools, they are asking us who they should contact at Interior because it is not clear to them.

I mean, some really basic things are missing, like an up-to-date phone directory. The directory that they have is from 2011.

And we have pointed this out to them, and on Friday they said, "Oh, we have updated our directory. It is all in draft," you know. But then we looked on the Web site and it is still the old one from 2011 up there. So if you are trying to contact someone, you don't know how to reach them.

Mr. THOMPSON. Thank you.

This question I will throw out in general: Can any of you discuss the academic preparation and academic needs of students being served by the BIE school system, and what do you think are the benefits of the schools that you have observed?

Ms. BURCUM. I will respond to that question first.

First of all, you have a very dedicated staff of teachers who are at these schools. The pay is lower than they could have gotten elsewhere; they are often on very remote reservations. They are there because they have a real passion and a connection with these kids.

And I think also—they made a point over and over again that I didn't quite understand, which is that the culture—learning the culture enriches the educational experience for these kids and makes them better citizens. And I didn't quite understand until the end of my long reporting quest.

And imbued in their language and culture are values. And I said, "Okay, I still don't understand."

And finally I was given this example: The Ojibwe word for older woman is "she who holds it all together." The Ojibwe word for older man is "keeper of the earth." There are values that are just implicit in this culture that are transmitted and reiterated and reinforced when we add that to the curriculum.

And when you have cultural aspects of the day woven into it, you also keep kids coming back. These are kids that have not succeeded at public schools, often. They bounce around a lot. It is surprising once you actually start looking at the system.

And they come to this school because they feel comfortable, because they have dedicated staff who are family to them, and they feel at one with their culture. And this gets at the historical trauma that my colleague has been talking about.

They have activities that connect them to their family and their communities, such as wild rice harvesting, such as learning how to make maple syrup. All of these things keep them coming back.

Chairman ROKITA. Gentleman's time is expired. I thank the gentleman.

Recognize myself for 5 minutes. And one of the problems with going last is that all the questions have been asked and—of course, not all, but a lot of ones that I had in mind.

But it also allows me to take it all in and listen more, and one of the things I want to explore is why—and I will ask Ms. Emrey-Arras first—is it possible, or why can't the BIA or the BIE be operated more like a school district? I mean, it is—it has geographical challenges, obviously, but what if it was just organized and run like a decent or well-run school district in the United States? Would we get better results?

Ms. EMREY-ARRAS. We think it should be run in a responsible and efficient way, where you have people who are trained for the positions that they are tasked with that know what to do and have, you know, communications with their colleagues. I mean, just some of the basics seem to be missing here.

Chairman ROKITA. Is there any evidence that they have actually looked at—whether it is the DOD, as Mr. Cladoosby indicated—looked at the DOD to model, or just any other school district? Is there any evidence that they are trying to do anything like that in their restructuring plans or anything?

Ms. EMREY-ARRAS. I am not aware of that. Others may be more familiar with that.

Chairman ROKITA. Mr. Cladoosby?

Mr. CLADOOSBY. Yes. I think that would be something that we could work together at looking at, you know, what is working at the DOD schools versus the BIE schools and what is not working, and why.

Chairman ROKITA. But what if it was run like a school district?

Mr. CLADOOSBY. Once again—like a state-run school district where—

Chairman ROKITA. In a rural district or—

Mr. CLADOOSBY. —where the tribe collects taxes and it is paid for that way, or—

Chairman ROKITA. No, just in terms of its organization, where if the water heater was broken you can call somebody and it gets done, you know, closer than a year—gets fixed.

Mr. CLADOOSBY. Yes. That is a great question. I mean—go ahead, Mr. Roman Nose. I will let you jump in.

Chairman ROKITA. Mr. Roman Nose?

Mr. Roman Nose. Certainly the changing of the directors, you know, 32 or whatever it was—

Mr. CLADOOSBY. Thirty-three in 36 years.

Mr. Roman Nose. Thirty-three in 36 years—you know, leadership, if you look at all the SEAs, their superintendent or director of education department is there for many years. Some of them are there to provide some leadership, plus they have adequate staff—trained staff—to do that. And then when you come down to the tribal education department, many, many of them lack the resources to actually become a TEA that would be fully functioning.

And then you look at the curriculum. You have got to understand that TEAs—we don't just look at the education of the Native stu-

dent just inside the four rooms of the classroom. We don't just look at the four test scores.

Someone was asking a question about, you know, comparing the family structure to the success of the students. I think the recent initiative of Obama where they are putting the generation indigenous together, where they are going to get silos of programs to work together to, you know, try to be more productive in providing these services and letting them work together, you know, how the success of that student.

You know, education of our students just doesn't happen inside the classroom. It happens outside the classroom just as well. So I think—

Chairman ROKITA. Thank you. And I am one that doesn't believe that the school building makes the school; it is what happens inside it.

And we have Taj Mahals, in terms of school buildings around the United States that I have seen, and they are poor schools. On the other hand, as Ms. Burcum and we all identified here, when the school building becomes a distraction to learning, as clearly Bug-O–Nay-Ge-Shig and others are, you know, that is the problem.

Ms. Burcum, did you—you mentioned briefly a contrast between DOD and how this is run. Would you like to elaborate? Or have you studied in your reporting—to my earlier question—school districts in a regular suburban or rural setting, and are there any lessons to be learned or any applications that can be made?

Ms. BURCUM. Well, to your school district question, I—it is an interesting proposition. I would like to think about that a little bit more.

But I would say that I think there are some opportunities for more local innovation. For example, I will tell you, Minnesota is very interested in the well-being of the students in BIE schools. We provide additional funding, and there is an effort being led in the state right now to look at public-private partnerships to accelerate the building process for BIE schools like the Bug-O–Nay-Ge-Shig school.

So I think that there are lots of opportunities for local innovation; I just don't think that you have a BIE system that—it doesn't encourage it, and I think that there are a lot of people who feel like they are going to be punished, you know, they are going to be put down lower on the priority construction list if they try something new. And that is wrong.

Chairman ROKITA. All right.

Ms. Emrey, can you react to that last point? Do you have any evidence to show that—

Ms. EMREY-ARRAS. I think people are concerned about the list. And in terms of the work that we have done regarding that, we have serious concerns about the quality of the data on that, so it just—there is a real struggle to know how the agency is going to use that list going forward in terms of prioritizing funding when there are serious data quality issues with that list to begin with. So I think that is something to pay attention to going forwards.

Chairman ROKITA. Thank you.

I violated my own red light policy, which is why I needed to say that earlier.

Mr. Takano, you are recognized for 5 minutes. I am not last, as a matter of fact.

Mr. TAKANO. Thank you, Mr. Chairman. I appreciate the opportunity.

In my district I have the Sherman Indian Institute, which is a residential school, and I wonder if anyone on the panel could speak to the governance of these residential schools. And I find them—I find out that the regular meeting—the way the governance works is the tribes that send—it is on a pro rata basis. The tribes that send students to the schools are involved in governance, but I am finding that the boards don't always have full participation as far as the meetings.

Can you tell me about just the meeting requirements? And do people have to come physically to these meetings? Can they do them, you know, by teleconferencing?

Because I think part of the accountability problem is this governance structure, and I have many students that come from a different state that are, in my district in Riverside, many from Arizona and neighboring states. And I find the way the—for parents to kind of hold that school accountable is difficult.

So can you explain a bit about the governance structure and how we might improve that, and is that a—do you see that as a problem, in terms of the effectiveness of these schools?

Ms. EMREY-ARRAS. I would defer to my colleagues on this one.

Mr. Roman Nose. When you said Riverside is that—

Mr. TAKANO. Sherman Indian Institute.

Mr. Roman Nose. Sherman. They are in a category called off-reservation boarding schools, and I am also chairman at the Riverside Indian School, which is in Anadarko, Oklahoma.

Mr. TAKANO. Okay.

Mr. Roman Nose. So what you are speaking of, if any tribe—federally recognized tribe of the United States—can send their students to those particular schools. And they are kind of unique because most of the other boarding schools are more the local, regional, tribal level, whereas the ORB schools can get students from all over the United States.

Mr. TAKANO. How many of these residential schools currently exist in our nation? Do you know that?

Mr. Roman Nose. ORB schools I know there are four. I am not sure how many there are in the BIE system that are residential that are controlled by either the BIA or grant or contract school. I don't have that—

Mr. TAKANO. Okay. But—

Mr. CLADOOSBY. There are 184 BIE schools, and 14 are peripheral dormitories located on 63 reservations—

Mr. TAKANO. So there are about 14 of them across the—

Mr. CLADOOSBY. Fourteen, yes.

Mr. TAKANO. And the governance structure for these 14 schools, you know, is based on which tribes send their students to these schools, is that correct?

Do you know just how these meetings are conducted, the rules for them? How are parents able—how are parents and the tribes able to hold these schools accountable for how effective they are?

Mr. CLADOOSBY. Are you referring to the 14 dormitory—

Mr. TAKANO. Yes, the 14 dormitory schools, which I assume Sherman Indian Institute is one of them.

Mr. CLADOOSBY. Right, right. Once again, it depends on the location of the parent in regards—relationship to the school. And, you know, we have had students go from Washington to Oklahoma, and the parents probably did not have a very big say on, you know, the local control, local issues. It just depends on location.

Mr. TAKANO. Well, this is kind of more complicated because it is not about local control, it is about a school that, say, many of the Navajo nations send their young people to. It is many miles away, and a school board that doesn't—I mean, it is a strange governance system.

I am perplexed as to how to turn these schools into centers of excellence. And part of the problem is I am trying to understand the governance structure, how regular are the meetings, how involved are the tribes in these meetings.

Mr. CLADOOSBY. Yes. That would have to be a follow up to get back to you on that to give you a better understanding.

Mr. TAKANO. Yes. It would be helpful if we could get—I would encourage the staff of this committee or some—somehow to get a report on all this, because I see a lot of federal resources being put into the facilities that are residential, and I am not completely satisfied with the effectiveness.

Mr. CLADOOSBY. Right. With all due respect, I don't see a lot of money going into facilities in the BIE schools, as we have acknowledged here today.

Mr. Roman Nose. The students at those residential schools, certainly for the ORB schools, they mainly come there primarily because the economic condition of their family. Their families can't support them, and so that is why they choose to go to one of these ORB schools.

Mr. TAKANO. Well, I think it is incumbent upon us to make sure that they are truly gateways to opportunity.

Mr. Chairman, I don't—my time is—I can't see a clock, but I think I have asked my questions.

Chairman ROKITA. Yes. There is a red light there.

Mr. TAKANO. Oh, there. I am—

Chairman ROKITA. No, I missed it too, Mr. Takano. I thank the gentleman. Gentleman's time is expired.

I will now recognize Ms. Fudge for her closing remarks.

Ms. FUDGE. Thank you very much, Mr. Chairman.

And thank you all for your testimony today.

Certainly I hope that the Committee on Natural Resources, which has jurisdiction over the Department of Interior, will take up this issue. All we can do at this point is just make recommendations to the bureau, and I certainly do hope that we will be doing that, Mr. Chairman.

As well, I just want to hopefully impress upon them, as we have talked about today, the importance of a culturally relevant curriculum as well as safe schools, and treating all Americans the way that our children should be treated.

And I thank you very much.

Chairman ROKITA. Thank the gentlelady.

On behalf of the members who participated today, and also the members who couldn't make it, thank you, each one of you, for your testimony today, but more importantly, your leadership. You are truly needed to help us solve this issue, and I hope you stick with us.

Small jurisdiction as it is over this issue or not, we intend to be involved. We commit ourselves to trying to solve this problem with fellow members of Congress.

And I think all this comes down to leadership—leadership on your behalf, those that you represent; leadership on our behalf; leadership from the President and the administration of the executive branch. You know, that is also going to be key here.

And so with that, seeing no more business before this committee, let me once again thank the witnesses for coming today.

This committee meeting is adjourned.

[Additional submission by Ms. Emrey-Arras follows:]

GAO

Statement visuals

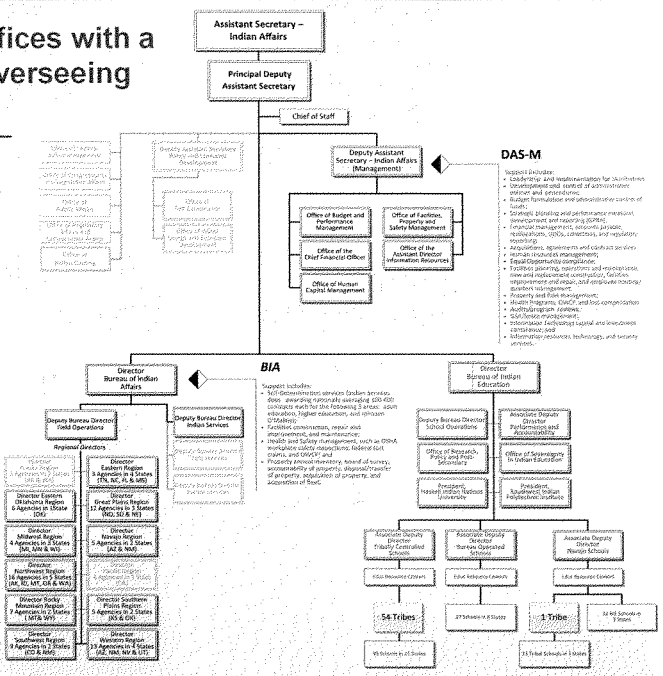
Systemic Challenges to Indian Affairs' Oversight of and Support for Indian Education

Melissa Emrey-Arras, Director
Education, Workforce, and Income Security

For more information, contact Melissa Emrey-Arras at (617) 788-0534 or emreyarrasm@gao.gov.

GAO

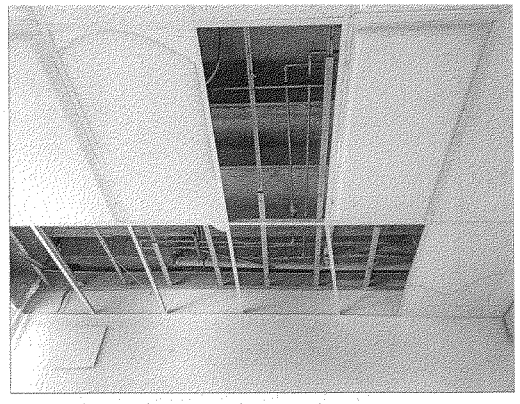
Indian Affairs Chart on Offices with a Role in Supporting and Overseeing BIE Schools Facilities



Source: Department of the Interior. | GAO-15-539T

GAO

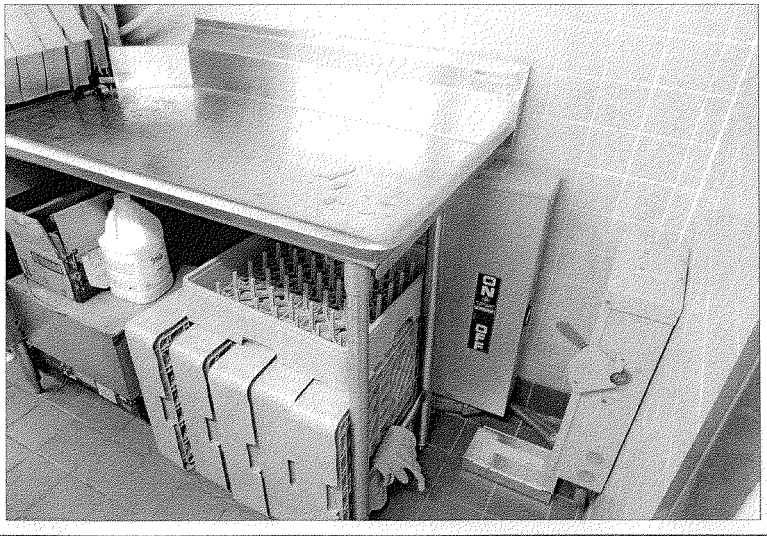
Damaged or Removed Classroom Ceiling Tiles Due to Leaks in Recently-Installed Roofs



Source: GAO. | GAO-15-539T

GAO

High Voltage Electrical Panel Installed Next to Cafeteria Dishwasher



Source: GAO. | GAO-15-539T

[Additional submission by Ms. Fudge follows:]

Hon. Rick Nolan
House Early Childhood, Elementary & Secondary Education Subcommittee
Hearing "Examining the Challenges Facing Native American Schools"
April 22, 2015

Let me begin by thanking the distinguished Chairman of this subcommittee, Congressman Rokita, and the Ranking Member, Congresswoman Fudge, for holding this very important hearing today on the status and future of Native American schools and Indian education across our nation.

I also want to thank the Chairman of the full Committee, my Minnesota colleague Congressman John Kline, for his role in initiating today's proceedings.

Also, let me take moment to welcome Jill Burcum from the Minneapolis Star Tribune – whose investigative series on Indian schools was nominated for a Pulitzer Prize. A well deserved honor for brilliant reporting on the terrible situation facing thousands of students struggling to get an education throughout Indian Country.

The fact is – the condition of our schools sends a message to our children about the importance we place on their education and their future success. And the message our federal government is sending to children who attend any of the 63 substandard Bureau of Indian Education schools in Indian Country is simply this: Your education is not important. Your safety is not important. Your future success is not important. In short – you are not important.

Just a couple of weeks ago, I was honored to welcome both Congressman Kline and Congressman Rokita to the Leech Lake Band of Ojibwe reservation in my Eighth District of Minnesota. Together we toured the Bug-O-Nay-Ge-Shig school – it's really just a revamped old pole barn and machine shed – and afterward Chairman Kline spoke for both Congressman Rokita and me when he called the conditions we witnessed "truly horrific" and even worse than what he had been led to believe.

Since the purpose of this hearing is to examine the challenges facing Native American schools, let me just enumerate a few of the challenges students and teachers at the Bug-O-Nay-Ge-Shig school face every single day:

In winter, the school is so cold the students bring blankets and warm up with the hand dryers in the bathroom.

Every morning they're greeted by the smell of sewage even before they walk through the doors.

The hallways are called "Killer Hallways" because they're so narrow a quick and lifesaving evacuation would be next to impossible in the case of an emergency.

And by the way, students and teachers get plenty of practice because they evacuate every time the winds blow above 35 miles an hour – in case the walls collapse.

There's a science lab where experiments can't be conducted for safety reasons.

The computer lab can't be properly used either because the circuit breakers pop when more than a few students use the machines at once.

This list of outrageous conditions goes on and on – and here's the question we all asked at the end of the day:

Why is it that money can be found to put patches on all these problems again and again – but we can't simply replace the school?

The present system is putting students and teachers in danger. It's wasteful for the taxpayers. It doesn't solve anything.

Lastly I would point out that with bipartisan support from Chairman Kline and Democrats and Republicans alike on the Floor of the House – we passed my amendment to H.R. 5, the Student Success Act, putting the Congress on record that no Indian child be put in the position of having to attend a dilapidated, substandard school.

As far as the Congress is concerned, that is now the policy of the United States of America.

Now it's up to us to find the money and resources – and to marshal the political will – to carry that policy through and make it a reality across this country.

Let's get to work, Mr. Chairman. Those kids have waited long enough.

[Additional submission by Mr. Roman Nose follows:]

Tribal Education Departments National Assembly

P.O. Box 18000
Boulder, CO 80308
Info@tedna.org

Officers and Directors FY 2015
Quinton Roman Nose, Executive Director
Dr. Wayne Johnson, *Muscogee Creek Nation*, President
Dr. Gloria Sly, *Cherokee Nation*, Vice-President
Sally Brownfield, *Squaxin Island Tribe*, Secretary
Joyce McFarland, *Nez Perce Tribe*, Treasurer
Norma Bixby, *Northern Cheyenne Tribe*
Angeline Boulley, *Sault Ste. Marie Tribe of Chippewa Indians*
Leslie Harper, *Leech Lake Band of Ojibwe*
Trudy Jackson, *Seneca Nation*
Mario Molina, *Gila River Indian Community*
Sam Morseau, *Pokagon Band of Potawatomi Indians*
Vivian Saunders, *Ak-Chin Indian Community*
Adrienne Thunder, *Ho-Chunk Nation*
Kerry Venegas, *Hoopa Valley Tribe*

TESTIMONY OF QUINTON ROMAN NOSE, EXECUTIVE DIRECTOR OF TEDNA, ON CHALLENGES FACING NATIVE AMERICAN SCHOOLS BEFORE THE HOUSE EDUCATION & AND THE WORKFORCE COMMITTEE, SUBCOMMITTEE ON EARLY CHILDHOOD, ELEMENTARY, AND SECONDARY EDUCATION

APRIL 22, 2015

Chairman Rokita and Ranking Member Fudge, I am Quinton Roman Nose, Executive Director of the Tribal Education Departments National Assembly ("TEDNA"), a national non-profit membership organization for the Education Departments of American Indian and Alaska Native tribes. I appreciate the opportunity to speak to you today, and I thank Representative Rokita for setting this important hearing. While over 92% of American Indian students in K-12 are educated through State Education Agencies and public schools,[1] the Bureau of Indian Education still oversees 185 schools, serving about 41,000 students on or near Indian reservations.[2]

Overall, federal education policy is failing Native American students. Native American students drop out of high school at a higher rate and score lower on achievement tests than any other student group. The national dropout rate of Native American students is double that of their non-Indian peers. Likewise, the U.S. Department of Education's Office of Civil Rights ("OCR") Data Collection: Data Snapshot (March 21, 2014) recently recognized that Native American elementary and secondary students in public schools are disproportionately suspended and expelled. OCR also found that Native American kindergarten students are

[1] *The State of Education for Native Students*, The Education Trust (2013), 4, http://www.edtrust.org/sites/edtrust.org/files/NativeStudentBrief_0.pdf.

among those held back a year at nearly twice the rate of Anglo kindergarten students, and that 9% of Native American ninth grade students repeat ninth grade.

In achievement, Native American 8th grade students are 18% more likely to read or perform in mathematics at a "below basic" level. Only a quarter of Native American high school graduates taking the ACT score at the "college-ready" level in math and only about one-third score at the "college-ready" level in reading. Although new data released on March 16 by the U.S. Department of Education indicates that graduation rates for Native American students have increased in recent years, Native Americans continue to have the lowest graduation rates of all ethnic and racial groups.[3]

At the same time, Tribal government involvement in the education of Native American students has been severely restricted until recently. Since 1988, Congress has authorized funding specifically to build Tribal capacity to directly serve Native students. Funds were recently appropriated for the first time, but these Tribal Education Agencies ("TEAs") need continued funding in order to fulfill critical needs of Native American students. TEAs are in a unique position to halt and reverse the negative outcomes for Native students. TEAs have already proven that they are capable of improving Native American student outcomes. For example, the Chickasaw Nation of Oklahoma, one of the STEP grantees, has a science, technology, and math program, among many other education programs, that serves approximately 250 Chickasaw students. Ninety percent of senior students participating in the program enroll in college. The Chickasaw Nation has also stepped in to move expelled students into other alternative high school programs and provide counseling and other services in real time in public schools. Through this process, Local Education Agencies ("LEAs") now understand that this is exactly the type of situation that the Chickasaw Nation TEA can address before the expulsion stage so intervention services can be provided, such as counseling, to students that are at risk.

The work of the Nez Perce Tribe's TEA is another good example. The most current research indicates that Native American academic achievement must include effective teaching strategies. Also,

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[2] U.S. Gen. Accounting Office, Bureau of Indian Education Needs to Improve Oversight of School Spending 1 (2014).

[3] U.S. Department of Education, Achievement Gap Narrows as High School Graduation Rates for Minority Students Improve Faster than Rest of Nation (March 16, 2015), available at: http://www.ed.gov/news/press-releases/achievement-gap-narrows-high-school-graduation-rates-minority-students-improve-faster-rest-nation.

researchers studying the achievement of Native American students have found a connection between low achievement and low cultural relevance. The Nez Perce Tribe, another STEP grantee, has made a large in-road to providing teacher training on the integration of cultural pedagogy, tribal education standards, and common core standards. In addition, technical assistance is provided by the Nez Perce TEA to their partner LEA's on use of the Native Star Culture and Language Indicators. These indicators address culturally-responsive school leadership, community engagement, and infusion of culture and language into the school's curriculum and instruction.

While TEAs can assist in curbing the challenges, the challenges are widespread. For instance, the FCC estimates that the percentage of Americans in rural Tribal communities without access to fixed broadband is 8 times higher than the national average. Additionally, the *No Child Left Behind* School Facilities and Construction Negotiated Rulemaking Committee estimated that 63 of 183 BIE schools were in poor condition, and that bringing them to fair condition would cost $1.3 billion. This widespread neglect of BIE school infrastructure is a source of great concern among tribal leaders, and there is ample evidence about cracked and condemned buildings, exposed wiring, leaking roofs, and other serious safety hazards within BIE schools.[4] These unique physical challenges lower moral and student success. TEDNA supports efforts to build or repair school buildings for tribal schools and would encourage more funding and a smoother streamlined process so that more buildings can be completed under the original plans.

As the GAO has noted in a series of reports, the BIE needs better management and accountability, improved oversight of spending, and to greatly upgrade many facilities. TEDNA generally supports the current BIE reorganization plan, but wants to ensure there is local and regional input from tribal leadership. The BIE reorganization plan will move toward allowing more tribes to have more control of their education system even though we recognize it will be a difficult process. We are aware of the arguments from both the pro and con sides of the reorganization plan but we support the efforts of those tribes and their TEAs who are willing to start participating in the process. We appreciate the BIE's SIE (Sovereignty In Education)

[4] *See generally* U.S. Gen. Accounting Office, Preliminary Results Show Continued Challenges to the Oversight and Support of Education Facilities (2015).

grant. We also applaud the House's initiative in appropriating TEAs funding based on 25 U.S.C. § 2020, a historical appropriation. These recent initiatives recognize the importance of TEAs in improving success.

TEDNA also strongly supports the President's FY16 budget request for the Bureau of Indian Education. Frankly, it's long overdue, but it is a step in the right direction. Not only will the FY16 request finally replace two schools that have languished been on a school construction priority list since 2004, but it also provides funding to replace individual buildings and plan and design additional schools in FY17 (+58M over FY15 enacted). The FY16 request also ensures that tribes, principals and teachers have high-speed Internet, sufficient funding to pay for instructional programs, operational costs, and day-to-day maintenance and repairs:

- Facilities Improvement and Repair (for major repairs such as replacing a roof): $68M (increased by $18M over FY15 enacted)
- Tribal Grant School Support Costs: $75M (increased by $13M over FY15 enacted)
- Facilities Operations and Maintenance (for minor repairs and day to day maintenance): $125M (increased by $20M over FY15 enacted)
- Education Information Technology: $41M (increased by 34M over FY15 enacted)
- Indian Student Equalization Program Formula Funds: $392M ($5M increase over FY15 enacted)

This funding ensures that principals and teachers at all BIE-funded schools have the resources and support they need to provide 21st education. We are grateful that the Obama Administration is finally paying addressing the many long-standing needs at the BIE and implore Congress to support the Administration's request. We must invest in education -- it is the only way we will break the cycle of poverty on the many reservations that have BIE-funded schools.

TEAs also face challenges in accessing student data. The Family Educational Rights and Privacy Act ("FERPA") of 1974 (20 U.S.C. § 1232g; 34 CFR Part 99) generally protects the privacy of student education records. FERPA, however, has been read to preclude tribes and TEAs from obtaining student records without parental consent, unlike SEAs or LEAs. Because of FERPA's lack of clarity, many public school districts and states will not allow TEAs access to the records and information of their tribal students unless

the requisite parental or student consent is obtained in advance. The difficulty of accessing -- or the inability to access -- these records on tribal students has hampered the efforts of TEAs to plan and coordinate education programs; to provide support services and technical assistance to schools; and to work with LEAs and SEAs. FERPA should be clarified by a technical amendment that includes TEAs.

The Johnson-O'Malley Program is another area of concern. The mission of the Bureau of Indian Affairs is to serve Indian communities across the country. In support of this mission, a primary objective is to improve the quality of life for American Indians living on reservations as well as in non-Indian communities. A goal in achieving this quality of life is to promote, improve, and strengthen Indian education and educational opportunities for American Indians. The Johnson-O'Malley Act was enacted to promote, improve, and strengthen Indian education. However, the Bureau of Indian Affairs has failed to comply with Congressional mandates from fiscal years 2012 and 2014 to conduct a comprehensive student count of Johnson-O'Malley students and make public these results. Serious underfunding of the Johnson-O'Malley Program has resulted due to the absence of updated and accurate student counts. While it appears the Bureau of Indian Education has not been able to produce an accurate count, several proposals have been offered by the National Johnson-O'Malley Association (NJOMA) including the use of U.S. Census Bureau data regarding American Indian populations. Further suggested by NJOMA is to reconcile Census data with tribal enrollment data to ensure accurate accounting of JOM eligible students. The National Johnson-O'Malley Association represents more than 321,000 eligible Indian students.

The law surrounding Native languages likewise could use improvement. While we are heartened by the Senate's inclusion during the markup process of Franken's amendment to Title VII to create a language immersion funding provision, this does not go far enough to protect our rights to create and operate education systems that prioritize our languages. House and Senate versions of the new ESEA have failed to include civil rights protections for children attending school by including Native American languages. In many areas children are attending schools utilizing Native American languages that are official languages in different areas of the country - and used as a regular medium of education - on Indian reservations, in the state of Alaska, and in the state of Hawaii.

However, the proposed ESEA may deny the right of these children to be treated the same as children being educated through the other official language in their states and territories - English. Those basic rights include the right to be assessed through the language of instruction. The proposed ESEA requires that even where a language is official in a state, territory or a tribe, that language is not to be used as the basis of the core standards for schools, for the regular federal required assessments of students, or for the core federally required qualifications for teachers.

Under the No Child Left Behind Act, all schools in a state have had to assess through English, using a single set of standards based in English, with teachers determined to be "Highly Qualified" based on training through English for English-medium education. The House and Senate versions of the proposed ESEA continue these English-only policies with an exemption for Spanish in Puerto Rico. Tribes and Native students deserve an ESEA that will protect the use of Native American languages in education parallel to provisions already in the ESEA protecting the use of Spanish in schools in Puerto Rico.

While there are serious challenges facing Native American schools and students, there are promising TEAs and programs that are currently making advances. With the assistance of the House in appropriating funds for TEAs, we hope to continue to make gains and provide TEAs with a greater role in the education of their students. Again, I thank Chairman Rokita for recognizing the importance of Native Education and the challenges that we face in educating our students. Should you have any questions, I am happy to answer them.

[Whereupon, at 11:32 a.m., the subcommittee was adjourned.]

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